

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
SUBCOMMITTEE
AUGUST 31, 2016 MEETING**

**AMENDMENTS TO THE AGENDA
(Updated 8/30/16)**

#1	Exhibit A – Reason for Amendment for Residential Uses, new Part 10 to be pages 85 to 88
	Reason for amendments: [Zoning] Limited Pet Boarding was inadvertently left out of the Commercial Uses packet.

Part 10. New Table 4.B.1.D, Corresponding Accessory Use to a Principal (page 28 of 43), is hereby revised as follows:

Reason for amendments: [Zoning]	
1.	For an in depth explanation of the proposed amendment, please see Part 11 below.
2.	Establish the approval process for Limited Pet Boarding as Class A Conditional Use in the Agricultural Reserve Area (AGR), Agricultural Residential/ Rural Service Area (AR/RSA) and Agricultural Residential/ Urban Service Area (AR/USA) accessory to Single Family. The use and approval process will be added to the Residential Use Classification, Table 4.B.1.D, Corresponding Accessory Use to a Principal Use. The Class A Conditional Use approval process will allow for public input to discuss any potential impacts from Limited Pet Boarding at BCC Public Hearing.
3.	Establish Note 4 in Table 4.B.1.D to clarify that a Limited Pet Boarding use will be allowed in the AGR and AR/RSA and AR/USA Zoning Districts only subject to Class A Conditional Use approval.

Table 4.B.1.D – Corresponding Accessory Use to a Principal Use

	<u>Principal Use</u>												
	<u>Mobile Home Dwelling</u>	<u>Multifamily</u>	<u>Single Family</u>	<u>Townhouse</u>	<u>Zero Lot Line</u>	<u>Bona Fide Agriculture</u>	<u>Stable Commercial / Stable Private</u>	<u>Agricultural Uses</u>	<u>Commercial Uses</u>	<u>Industrial Uses</u>	<u>Institutional and Public Uses</u>	<u>Recreation Uses</u>	<u>Utilities and Excavation Uses</u>
<u>Accessory Use</u>													
....													
Kennel, Type 1	-	-	P	-	-	-	-	-	-	-	-	-	-
Limited Pet Boarding	-	-	A(4)	-	-	-	-	-	-	-	-	-	-
Notes													
-	<u>Accessory use not permitted</u>												
P	<u>Permitted by Right</u>												
A	<u>Accessory use subject to Class A Conditional Use unless stated otherwise – See principal use and accessory use supplementary standards.</u>												
....													
(4)	<u>Limited Pet Boarding shall be allowed in the AGR and AR/RSA and AR/USA Zoning Districts only.</u>												

Part 11. New ULDC Art. 4.B.1.C, Residential Uses, is hereby established as follows:

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

E. Accessory Residential Use Standards

11. Limited Pet Boarding

BACKGROUND

[Establish a new use to allow limited boarding accessory to Single Family use in the Agricultural Reserve \(AGR\) and Agricultural Residential \(AR\) Zoning Districts. Limited Pet Boarding use within a Single Family dwelling would allow limited boarding of cats and dogs not owned by the owners or occupants of the premise. The new use is being introduced to acknowledge the potential for these types of businesses in certain rural residential districts, as explained further below. The AGR and AR Zoning Districts may be suitable for this type of use as the occupants of the Single Family dwelling will operate the use.](#)

[Commercial kennels are currently prohibited within residential zoning districts. While Private Kennels are permitted in residential zoning districts, the use is limited to the boarding of dogs “owned by the occupants of the premises...” In 2012, it was learned by the Zoning Division that several residential dog](#)

Notes:

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boarding operations had been established in residential zoning districts pursuant to an Animal Care and Control (ACC) permit, but contrary to the Zoning prohibitions.

A Privately Initiated Amendment (PIA) was submitted to the Zoning Division in 2012 by Jeff and Monika Stefaniak to allow for limited boarding of cats and dogs in certain residential zoning districts. The initiation of this amendment was presented for recommendation at the February 27, 2013 Land Development Regulations Advisory Board (LDRAB) meeting. LDRAB expressed concerns with the initiation of this amendment based on impacts of nuisances (such as noise and traffic) and incompatibility of commercial uses in residential zoning districts. However, LDRAB voted to move the application forward to the BCC with direction for staff to express their concerns to the BCC. At the March 28, 2013 BCC Zoning Hearing, the BCC directed staff to draft a code amendment for limited boarding of cats and dogs in certain residential districts as part of the ULDC Use Regulations Project.

RESEARCH/FINDINGS:

Staff reviewed several ordinances from other jurisdictions in Palm Beach County, Florida, and other States, including but not limited to, California, North Carolina and Minnesota that allow boarding facilities in residential zoning districts. Staff also conducted two meetings, on May 13, 2014 and September 15, 2014, with Boarding Operators, interested parties and County staff to solicit input and feedback on the proposed new use. Meeting feedback yielded specific recommendations including: number of animals per boarding operation, outdoor runs, signage, and duration of stay, hours of operation, noise and traffic. Preliminary research indicates that other uses with similar nuisances (noise, odor) and adverse impacts (non-residential traffic) are permitted within certain residential zoning districts, such as the boarding of up to four horses in a Private Stable when located on a two or more acre lot; and, a family day care home, which allows for daycare of up to six children, excluding the operator's children who reside in the home.

Staff research found that when uses are allowed in residential districts, regulations typically require a Conditional Use approval or Special Exception. The research also found that where the use is allowed, supplementary standards were established to address adverse impacts such as separation requirements, minimum lot size and nuisance mitigation (soundproofing and odor abatement).

CONCLUSION:

Staff concurs with the potential viability of the proposed limited boarding, accessory to Single Family use, in certain residential zoning districts. In an effort to address LDRAB and Zoning staff concerns, staff is proposing to add the Limited Boarding use by allowing them, as a Class A Conditional Use, in the AGR and AR Zoning Districts accessory to Single Family dwelling. Supplementary standards will be added to mitigate potential adverse impacts in rural residential zoning districts. The use will also be added to Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, in the Residential Use Classification. Limited Pet Boarding will be grouped with uses that are accessory in nature to Residential uses.

Reason for amendments: [Zoning]

1. Establish definition to clarify that boarding is accessory to a Single Family use.
2. Establish limitations of use standards to address potential nuisances and adverse impacts adjacent to residential uses:
 - Establish Approval Process standard to clarify that the use is subject to Class A Conditional Use in the AGR and AR Zoning Districts; and, clarify coordination of ACC and Zoning at time of Class A Conditional Use application. Concurrent with the Class A Conditional Use review, the applicant for the Limited Pet Boarding use must provide official ACC correspondence to the Zoning Division identifying intent to develop the use operation and location.
 - Establish ACC Permit standard to clarify that Zoning Approval is required prior to owner applying for ACC permit.
 - Establish a minimum lot size requirement of one acre. Review of municipal and industry research indicates that a proposed minimum lot size would assist in the mitigation of adverse impacts.
 - Establish separation distance from one operation to another in order to mitigate possible impacts over adjacent properties.
 - Limit boarding to only cats and dogs shall be exclusively within the Single Family dwelling structure. Zoning staff recognizes the need for the dogs and cats to be outdoors, therefore the standard clarifies that the boarding limitation excludes time for outdoor activities.
 - Establish a maximum threshold for number of cats and dogs boarded. The Animal Care and Control (ACC) Ordinance 98-22 restricts the number of cats or dogs based on acreage (for example, 1-10 cats/ dogs allowed on parcels less than 1.5 acres). In an effort to mitigate traffic trips within a neighborhood and other potential impacts, staff's recommendation is to establish the maximum total number of cats and dogs at seven.

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exclusive of the owner's dogs and cats.

- Clarify hours for operation and include reference to setback requirements for outdoor runs in Article 5, Supplementary Standards.
- Clarify Outdoor Area standard to allow for occasional limited outdoor activity. Although runs and play areas are prohibited, staff recognizes occasional walking and relief of animals is common.
- Clarify that signage shall be prohibited for consistency with regulations applicable to similar uses located in the Residential zoning districts.

a. Definition

A Single Family dwelling with accessory boarding of domestic cats or dogs not owned by the occupants of the premises.

b. Approval Process

The use shall be subject to Class A Conditional Use approval process in the AGR and AR/RSA and AR/USA Zoning Districts pursuant to Article 2, Development Review Procedures. In addition, the applicant shall submit simultaneously with the Class A Conditional Use application a letter from ACC confirming the applicant's intent to develop the proposed use in the specific location.

c. Lot Size

A minimum of one acre.

d. Separation Distance

Shall not be located within a radius of 1,000 feet of another Limited Pet Boarding use. The separation distance shall be measured from property line to property line.

e. Maximum Number

No more than a total of seven cats or dogs shall be permitted at any given time, excluding cats and dogs owned by the resident of the Single Family dwelling.

f. Boarding

Cats or dogs shall be boarded within the Single Family structure except when outdoor activities take place. Boarding operations not conducted within the Single Family dwelling, but in an accessory structure, at the date of adoption of this Ordinance shall be legal conforming.

g. Hours

a) Outdoor activities shall be limited to 7:00 a.m. and 9:00 p.m. unless under the restraint or control of a person by means of a leash.

b) Business hours including drop-off and pickup shall be between 6:00 a.m. to 7 p.m.

h. Outdoor Areas

Cats and dogs shall be monitored during the outdoor activity hours and shall comply with the setback requirements for Kennels and Runs in Article 5.

i. Signage

No signage shall be allowed to advertise the Limited Pet Boarding use.

j. ACC Permit

The operator of the use shall obtain Zoning Approval prior to application for an Operational Permit by the ACC.

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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
USE REGULATIONS PROJECT SUB-COMMITTEE

TUESDAY, AUGUST 23, 2016 AGENDA
2300 NORTH JOG ROAD
1ST FLOOR HEARING ROOM (VC-1W-47)
2:00 P.M. – 5:00 P.M.

A. CALL TO ORDER

1. Introductions
2. Additions, Substitutions, and Deletions
3. Motion to Adopt Agenda

B. SUBCOMMITTEE RULES AND PROCEDURES

C. COMMERCIAL USES

1. Introduction - Scope of Work
2. Article 4, Use Regulations - Summary of Amendments (Exhibit A)
3. Discussion

D. STAFF COMMENTS

1. Temporary Uses Status
2. Agricultural Uses Status
3. Other

E. ADJOURN

EXHIBIT A

ARTICLE 4, USE REGULATIONS
SUMMARY OF AMENDMENTS

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Part 1. ULDC Art. 2.A.1.S.2, Non-Judicial Relief (page 24 of 87), is hereby amended as follows:

<p>Reason for amendments: [Zoning]</p> <p>1. This amendment is in response to the change in the Adult Entertainment (AE) use approval process from Special Permit to Development Review Officer (DRO). The use continues to be allowed in the same zoning districts where it is currently allowed. The DRO approval process provides opportunities for multiple government agencies to review AE applications to ensure land development requirements are addressed before building permit process. Generally, appeals from DRO decisions are directed to a Hearing Officer. This amendment is required by law in order to provide the opportunity to seek relief in circuit court from the denial of an application for an AE use.</p>
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5 CHAPTER A GENERAL

6 Section 1 Applicability

7 S. Appeal

8 1. General

9 Appeals from Decision Making Bodies and Officials shall be conducted as set forth in this
10 Appeal section unless specifically provided for elsewhere in this Code. [Ord. 2011-016]

11 2. Non-Judicial Relief

12
13 b. Processes

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15 2) DRO Review

16 Any Person seeking Development Order approval from the DRO, except for Type I
17 Waivers and applications for Adult Entertainment, may appeal that decision to the
18 DRAB according to the following: [Ord. 2005-002] [Ord. 2011-016] [Ord. 2012-027]

19
20 3) Special Permit

21 ~~Except for appeals regarding Adult Entertainment Special Permit applications, set~~
22 ~~forth in Art. 4.B.1.A.2.d, License, a~~Any Person aggrieved by a decision of the Zoning
23 Director regarding a Special Permit may appeal that decision to the Hearing Officer
24 according to the following: [Ord. 2006-036] [Ord. 2011-016]

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27 Part 2. ULDC Art. 2.D.1.C, Review Procedures (page 38 of 87), is hereby amended as follows:

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<p>1. Clarify that Adult Entertainment use is not subject to the specific dates established in Art. 2.D.1.C that apply to DRO review procedures. Adult Entertainment uses approved under the Special Permit process were subject to a timeframe of 21 days, and this amendment to change to the DRO process will enable the DRO review for AE to be completed in 21 days, once the application is determined to be sufficient. Specific standards that pertain to the review have been included in Art. 4 under the AE use provisions.</p>
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29 CHAPTER D ADMINISTRATIVE PROCESS

30 Section 1 Development Review Officer (DRO)

31 C. Review Procedures

32
33 5. Adult Entertainment Establishments

34 DRO review timeframes outlined in the official Zoning Calendar are not applicable to Adult
35 Entertainment establishments. The review of an Adult Entertainment establishment shall be
36 subject to the standards contained in Art. 4.B.2.C.2.f, Review and Art. 4.B.2.C.2.g,
37 Conditions.

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EXHIBIT A

ARTICLE 4, USE REGULATIONS SUMMARY OF AMENDMENTS

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2 Part 3. ULDC Art. 5.B.1.A, Accessory Uses and Structures (page 32 of 100), is hereby
3 amended as follows:
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Reason for amendments: [Zoning] Address bay door orientation by proving standards in Article 5.A, Accessory Uses and Structures, in order to protect residential developments adjacent and minimize visual impact from streets. Currently some of the provisions exist in uses such as Repair and Maintenance or Vehicle Sales and Rental. This standard will make the application consistent and applicable to all uses that have intense operations or activities in bays that keep the door open.

5 **CHAPTER B ACCESSORY AND TEMPORARY USES**

6 **Section 1 Supplementary Regulations**

7 **A. Accessory Uses and Structures**

8 **22. Bay Doors**

9 Unless stated otherwise in Art. 4, Use Regulations, bay doors shall not face any residential
10 use, or vacant parcel with a residential FLU designation, except as follows: [Ord. 2005 –
11 002]

12 a. When separated from residential by an Arterial or Collector street a minimum of 80 feet in
13 width, provided the R-O-W buffer is upgraded to include a minimum six foot high wall or
14 fence and hedge.

15 b. When separated by a Local Commercial Street, provided the R-O-W buffer is upgraded
16 to include a minimum six foot high wall and landscape barrier.

17 c. When separated by a parcel with a nonresidential use such as utilities, canal R-O-W,
18 easements, FDOT or County drainage, a minimum of 80 feet in width, subject to
19 provision of a Type 3 Incompatibility Buffer.

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24 Part 4. New ULDC Art. 4.B.2, Commercial Uses, is hereby established as follows:

25 **CHAPTER B USE CLASSIFICATION**

26 **Section 2 Commercial Uses**

27 **A. Commercial Use Matrix**
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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 8/19/16)

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TABLE 4.B.2.A COMMERCIAL USE MATRIX

Table with columns for STANDARD DISTRICTS (AG/CON, RESIDENTIAL, COMMERCIAL, IND, INST), PLANNED DEVELOPMENT DISTRICTS (PDDs) (PUD, MUPD, MXP, PIPD, etc.), and TRADITIONAL DEV. DISTRICTS (TDDs) (TND, TMD). Includes a 'Commercial Uses' section with specific use types and their corresponding approvals across various districts.

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EXHIBIT A
ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
 (Updated 8/19/16)

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TABLE 4.B.2.A COMMERCIAL USE MATRIX

STANDARD DISTRICTS															Supplementary Standards #	PLANNED DEVELOPMENT DISTRICTS (PDDs)													TRADITIONAL DEV. DISTRICTS (TDDs)								
AG/CON	RESIDENTIAL					COMMERCIAL					IND	INST	PUD			MUPD				MXPD	PIPD	M	R	LCC	TND			TMD									
P	A	A				C	C	C	C	C		I	I																								
C	G	P	AR	R	R	R	R	R	R	R	URAO	URAO	URAO	URAO		URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO	URAO		
R	E	T	S	M	N	L	C	H	G	C	U	U	U	U		U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U			

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

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

C. Definitions and Supplementary Use Standards for Specific Uses

21. Adult Entertainment

Reason for amendments: Zoning

1. Amend Adult Entertainment (AE) supplementary use standards to reflect changes in the approval process identified in the Use Matrix.

a. Establishment

Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. §480, tanning salon, modeling studio, or lingerie studio. The following definitions and Supplementary Use Standards shall apply to all Adult Entertainment establishments: [Ord. 2004-051] [Ord. 2009-040] [Partially relocated from Art. 4.B.2.C.2.d, License, below]

b. Definitions, ~~Adult Entertainment Establishment~~

The following definitions apply for the purposes of the Adult Entertainment Establishment provisions of this Code. [Ord. 2004-051] [Ord. 2009-040]

1) Adult Arcade

Any place or establishment operated for commercial gain, which invites or permits the public to view adult material. For purposes of this Code, "adult arcade" is included within the definition of "adult theater." [Ord. 2004-051] [Ord. 2009-040]

2) Adult Bookstore/Adult Video Store

An establishment which sells, offers for sale, or rents adult material for commercial gain and which meets either of the following two criteria:

(a) More than 30 percent of the gross public floor area is devoted to adult material; or,

(b) More than 30 percent of the stock in trade consists of adult material. [Ord. 2004-051] [Ord. 2009-040]

3) Adult Booth

A small enclosed or partitioned area inside an ~~a~~Adult ~~e~~Entertainment establishment which is: (1) designed or used for the viewing of adult material by one or more persons and (2) is accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view adult material. The term "adult booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom. [Ord. 2004-051] [Ord. 2009-040]

4) Adult Dancing Establishment

An establishment selling, serving or allowing consumption of alcoholic beverages, where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing. [Ord. 2004-051] [Ord. 2009-040]

5) Adult Entertainment

a) Any adult arcade, adult theater, adult bookstore/adult video store, adult motel, or adult dancing establishment; or any establishment or business operated for commercial gain where any employee, operator or owner exposes his/her specified anatomical area for viewing by patrons, including but not limited to: massage establishments whether or not licensed pursuant to F.S. Chapter 480, tanning salon, modeling studio, or lingerie studio. [Ord. 2004-051] [Ord. 2009-040]

b) Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program. [Ord. 2004-051] [Ord. 2009-040]

c) An establishment that possesses an adult entertainment license is presumed to be an adult entertainment establishment. [Ord. 2004-051] [Ord. 2009-040]

6) Adult Material

Any one or more of the following, regardless of whether it is new or used: [Ord. 2004-051]

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

- 1 a) Books, magazines, periodicals or other printed matter; photographs, films, motion
2 pictures, video cassettes, slides, or other visual representations; recordings,
3 other audio matter; and novelties or devices; which have as their primary or
4 dominant theme subject matter depicting, exhibiting, illustrating, describing or
5 relating to specified sexual activities or specified anatomical areas; or, [Ord.
6 2004-051] [Ord. 2009-040]
7 b) Instruments, novelties, devices, or paraphernalia which are designed for use in
8 connection with specified sexual activities. [Ord. 2004-051] [Ord. 2009-040]
9
10 7) **Adult Motel**
11 A hotel, motel or similar commercial establishment which offers accommodations to
12 the public for any form of consideration; provides patrons with closed-circuit television
13 transmissions, films, motion pictures, video cassettes, slides, or other photographic
14 reproductions which are characterized by the depiction or description of "specified
15 sexual activities" or "specified anatomical areas;" and has a sign visible from the
16 public streets which advertises the availability of this adult type of photographic
17 reproductions. [Ord. 2004-051] [Ord. 2009-040]
18 8) **Adult Theater**
19 An establishment operated for commercial gain which consists of an enclosed
20 building, or a portion or part thereof or an open-air area used for viewing of adult
21 material. "Adult motels," "adult arcade," "adult booth" and "adult motion picture
22 theater" are included within the definition of "adult theater". An establishment which
23 has "adult booths" is considered to be an "adult theater". [Ord. 2004-051] [Ord.
24 2009-040]
25 9) **Adult Video Store**
26 See Adult Bookstore. [Ord. 2004-051] [Ord. 2009-040]
27 10) **Commercial Gain**
28 Operated for pecuniary gain, which shall be presumed for any establishment which
29 has received a business tax receipt. For the purpose of this Code, commercial or
30 pecuniary gain shall not depend on actual profit or loss. [Ord. 2004-051] [Ord. 2007-
31 013] [Ord. 2009-040]
32 11) **Educational Institution**
33 Premises or site within a municipality or within the unincorporated area of PBC upon
34 which there is a governmentally licensed child care facility for six or more children or
35 elementary or secondary (K-12) school, attended in whole or in part by persons
36 under 18 years of age. [Ord. 2004-051] [Ord. 2009-040]
37 12) **Employee**
38 Any person who works, performs, or exposes his/her specified anatomical areas in
39 an establishment, irrespective of whether said person is paid a salary or wages by
40 the owner or manager of the business, establishment, or premises. "Employee" shall
41 include any person who pays any form of consideration to an owner or manager of an
42 establishment, for the privilege to work performing or exposing his/her specified
43 anatomical areas within the establishment. [Ord. 2004-051] [Ord. 2009-040]
44 13) **Person**
45 Includes an individual(s), firm(s), association(s), joint ventures(s), partnership(s),
46 estate(s), trust(s), business trust(s), syndicate(s), fiduciary(ies), corporation(s), and
47 all other or any other similar entity. [Ord. 2004-051] [Ord. 2009-040]
48 14) **Religious Activities**
49 Any daily, weekly, or periodic activity associated with or that occurs at a religious
50 institution. [Ord. 2004-051] [Ord. 2009-040]
51 15) **Religious Institution**
52 A premises or site which is used primarily or exclusively for religious worship and
53 related religious ecclesiastical or denominational organization or established place of
54 worship, retreat, site, camp or similar facilities owned or operated by a bona fide
55 religious group for religious activities shall be considered a religious institution. [Ord.
56 2004-051] [Ord. 2009-040]

2.	Delete definition of Residential Zoning District as it is already defined in the section dedicated to definitions in Article 1 of the Code.
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- 57
58 ~~16) Residential Zoning District~~
59 ~~Includes the following zoning districts which have not been designated in the~~
60 ~~comprehensive plan as commercial or industrial: [Ord. 2004-051] [Ord. 2009-040]~~
61 ~~a) AR-Agricultural Residential. [Ord. 2004-051] [Ord. 2009-040]~~
62 ~~b) RE-Residential Estate. [Ord. 2004-051] [Ord. 2009-040]~~
63 ~~c) RT-Residential Transitional. [Ord. 2004-051] [Ord. 2009-040]~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

- d) ~~RS- Single Family Residential. [Ord. 2004-051] [Ord. 2009-040]~~
- e) ~~RM- Multiple-Family Residential (Medium Density). [Ord. 2004-051] [Ord. 2009-040]~~
- f) ~~TND- Traditional Neighborhood Development. [Ord. 2004-051] [Ord. 2009-040]~~
- g) ~~PUD- Planned Unit Development. [Ord. 2004-051] [Ord. 2009-040]~~

17) Specified Anatomical Areas

- Less than completely and opaquely covered: [Ord. 2009-040]
- a) Human genitals and pubic region or; [Ord. 2004-051] [Ord. 2009-040]
 - b) the opening between the human buttocks, i.e., the anal cleft or; [Ord. 2004-051] [Ord. 2009-040]
 - c) that portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple); this definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed or; [Ord. 2004-051] [Ord. 2009-040]
 - d) human male genitals in a discernibly turgid state, even if completely and opaquely covered. [Ord. 2004-051] [Ord. 2009-040]

18) Specified Sexual Activities

- a) Human genitals in a state of sexual stimulations, arousal, or tumescence; [Ord. 2004-051] [Ord. 2009-040]
- b) acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or [Ord. 2004-051] [Ord. 2009-040]
- c) fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; [Ord. 2004-051] [Ord. 2009-040] or
- d) excretory functions as part of or in connection with any of the activities set forth in subsections of Art. 4.B.1.A.2.b.17)-18), Specified Anatomical Areas and Specified Sexual Activities. [Ord. 2004-051] [Ord. 2009-040]

c. Exclusions

Excluded from this definition are any educational institutions where the exposure of the specified anatomical area is associated with a curriculum or program. [Ord. 2004-051] [Ord. 2009-040]

3.	Language related to approval process, review and "Decision Relief" from licensing to be relocated to their own Supplementary Use Standards.
4.	Delete reference to Art. 2.D.2.E.1 and Art. 2.D.2.E.4 that relates to regulations on standards for Special Permit. Adult Entertainment use is no longer subject to Special Permit, therefore any reference to that approval needs to be removed from the Supplementary Standards applicable to this use.
5.	Clarify that all AE establishments, existing and new, are required to be licensed by the County for compliance with the PBC Adult Entertainment Ordinance and demonstrate licensing prior to the issuance of any Business Tax Receipt (BTR).
6.	Relocate standards related to existing nonconforming AE establishments to consolidate under a new subsection that clarifies the approval process for existing and new approvals.

d. License per Palm Beach County Adult Entertainment Code

1) An establishment that possesses an aAdult eEntertainment license as indicated in Art. 4.B.2.C.1.n.1).c). is presumed to be an aAdult eEntertainment establishment.

~~An adult entertainment use shall comply with the following supplementary use standards: [Partially relocated to Art. 4.B.2.C.2.a Establishment, above] A Special Permit for an adult entertainment establishment shall be issued or denied within 21 days of a determination of application sufficiency pursuant to the standards and procedures in Art. 2.D.2, Special Permit, and the requirements of the Code. [Partially relocated to new Art. 4.B.2.C.2.e, Review and Approval Process, below] The standards set forth in Art. 2.D.2.E.1 and Art. 2.D.2.E.4 shall not be applied to special permits for adult entertainment uses. A Person seeking a Special Permit or a Person holding a previously approved Special Permit has the right to immediately appeal a denial of application sufficiency for a Special Permit, denial of a Special Permit, or revocation or suspension of a permit, as applicable, to the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida in accordance with the procedure and within the time provided by the Florida~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

~~Rules of Appellate Procedure. [Ord. 2004 - 051] [Ord. 2009-040] [Ord. 2011-016]~~
[Partially relocated to new Art. 4.B.2.C.2.g, Decision Relief, below]

2) An Adult Entertainment use approved by the DRO, after this Ordinance is effective, shall hold a valid Adult Entertainment License pursuant to the "Adult Entertainment Code", Chapter 17, Article V of the Palm Beach County Code, as may be amended, prior to issuance of a Business Tax Receipt.

7.	This amendment clarifies when the DRO approval process will be applicable to all AE establishments: those that were vested, those approved through Special Permit, and new facilities. The AE use includes two types of non-conformities: those now being made non-conforming due to change in the approval process from Special Permit to DRO; and, those originally envisioned in the settlement agreement. This amendment clarifies that those sites will be able to continue business operation unless the use exceeds any of the thresholds under Nonconformities as contained in Art. 1.F of the ULDC, in which case the use will be subject to DRO approval.
8.	Allow multiple government agencies to review AE applications as part of the DRO review process while still keeping to the same timeframe of 21 days of review as was applicable to the AE during the Special Permit approval. Specific provisions in Art. 2.D.1.C related to DRO review procedures clarify the review time for AE is not the same as any other DRO approval. In order to keep to the timeframe, this amendment provides authority to the Zoning Director to determine the specific agencies that are required to review an AE application as part of the DRO approval and allows the Zoning Division to determine if there is merit in imposing conditions of approval by an agency.
9.	Include reference to the sufficiency review in Article 2 to clarify the timeframe for such determination is ten days which is applicable to the review of an AE establishment.

e. Review and Approval Process

1) Applications for new Adult Entertainment establishment or legal nonconforming establishments exceeding the thresholds in Art. 1.F, Nonconformities, shall be subject to DRO approval.

2) An Adult Entertainment establishment shall be exempt from the requirements under Development Thresholds in Art. 4, Use Regulations.

3) The Zoning Director shall determine what DRO agencies shall review the application, including but not limited to the Building Division, Fire Department and Zoning Division. DRO shall approve, approve with conditions, or deny the application within 21 days of a determination of application sufficiency as contained in Art. 2.A.1.G.4, Sufficiency Review. [Partially relocated from Art. 4.B.2.C.2.d, License, above]

f. Conditions

The Zoning Director shall take into consideration DRO Agency recommended conditions that clearly implement their specific Agency Code provisions.

10.	Clarify that any decisions on Development Order applications for AE, including amendments to prior approvals subject to Special Permits or DRO, shall appeal to the Fifteenth Judicial Circuit of the State of Florida.
11.	Clarify that decisions made to any legally created Adult Entertainment establishment have the right to appeal such decision.
12.	Delete the term "section" to clarify the part of the Code that is specifically referred to when this term is used. The term Section is used in the construction of the Code to refer to large portions of regulations under every article. When the term is used indistinctly without this consideration it may be understood that the regulation that contains the term "section" relates to a vast area of standards when in reality it may just pertain to a very specific standard.

g. Decision Relief

A Person seeking a DRO approval or a Person holding a previously approved Special Permit or an Adult Entertainment Establishment License, has the right to immediately seek relief from a denial of application sufficiency for a DRO, denial of a DRO application, or revocation or suspension of a Special Permit or DRO approval, as applicable, to the Circuit Court in the Fifteenth Judicial Circuit of the State of Florida. [Ord. 2004 - 051] [Ord. 2009-040] [Ord. 2011-016] [Partially relocated from Art. 4.B.2.C.2.d, License, above]

eh. Purpose and Intent

This Section is The following standards are intended to provide for the proper location of aAdult eEntertainment uses in order to protect the integrity of adjacent neighborhoods, educational uses, religious uses, parks, and other commercial uses. Proper separation of aAdult eEntertainment uses prevents the creation of "skid-row" areas in unincorporated PBC that results from the concentration of these uses and their patrons. It is also the

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

1 intent of ~~this Section these standards~~ to limit the secondary effects of ~~a~~Adult
2 ~~e~~Entertainment uses. ~~The standards in this Section are intended and~~ to ensure that
3 residential districts, religious uses, educational uses, parks and other commercial uses
4 are located in areas free from the secondary effects of ~~a~~Adult ~~e~~Entertainment uses. The
5 location of residential districts, religious uses, educational uses, parks and other
6 commercial uses within viable, unlighted and desirable areas supports the preservation of
7 property values and promotes the health, safety and welfare of the public. [Ord. 2004-
8 051] [Ord. 2009-040]

9 fi. Findings of Fact

10 Based on the evidence and testimony presented at the October 5, 2004 preliminary
11 reading and the October 19, 2004 and November 16, 2004 Public Hearings before the
12 BCC, and the August 27, 2009 preliminary reading and the September 24, 2009 and
13 October 22, 2009 Public Hearings before the BCC, and on the findings incorporated in:
14 the "Final Report to the City of Garden Grove: The Relationship Between Crime and
15 Adult Business Operations on Garden Grove Boulevard", October 1991; "Adult
16 Entertainment Businesses in Indianapolis: An Analysis" conducted by the Department of
17 Metropolitan Development, Division of Planning, February, 1984; the "Study of the Effects
18 of Concentration of Adult Entertainment Establishments in the City of Los Angeles"
19 conducted by the Los Angeles City Planning Department for the Los Angeles City
20 Council, June 1977; the study conducted by the City of Austin Texas; the "Presentation to
21 the Orange County Commission" by the Metropolitan Bureau of Investigation (MBI) for
22 the Ninth Judicial Circuit (Orlando area); the expert affidavit prepared for Palm Beach
23 County by Eric Damian Kelly, Ph.D, FAICP, dated September 24, 2004; letter from Dale
24 N. Tarvis, M.D.; "Analysis of Availability of Sites for Adult Entertainment in Palm Beach
25 County" prepared for Palm Beach County by Duncan Associates, November 2003; the
26 "Crime-Related Secondary Effects of Sexually-Oriented Businesses – Report to the
27 County Attorney, Palm Beach County, Florida" prepared by Valerie Jenness, Ph.D.,
28 Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D, August 15, 2007; the "Survey of
29 Florida Appraisers – Effects of Land Uses on Surrounding Property Values" prepared for
30 Palm Beach County by Duncan Associates, December 2007 (Report 2008); and
31 information from Tampa, Florida detailing the effects of ~~a~~Adult ~~e~~Entertainment
32 establishments in the Tampa area; the BCC hereby finds the following: [Ord. 2004-051]
33 [Ord. 2009-040]

- 34 1) Commercial uses exist or may exist within unincorporated PBC where books,
35 magazines, motion pictures, prints, photographs, periodicals, records, novelties
36 and/or other devices that depict, illustrate, describe or relate to specified sexual
37 activities are possessed, displayed, exhibited, distributed and/or sold. [Ord. 2004-
38 051] [Ord. 2009-040]
- 39 2) Commercial uses exist or may exist within unincorporated PBC: [Ord. 2009-040]
- 40 a) Where the superficial tissues of one person are manipulated, rubbed, stroked,
41 kneaded, and/or tapped by a second person, accompanied by the display or
42 exposure of specified anatomical areas; [Ord. 2004-041] [Ord. 2009-040]
- 43 b) Where dancers, entertainers, performers, or other individuals, who, for any form
44 of commercial gain, perform or are presented while displaying or exposing any
45 specified anatomical area; or [Ord. 2004-051] [2009-040]
- 46 c) Where lap dancing occurs. [Ord. 2004-051] [Ord. 2009-040]
- 47 3) This competitive commercial exploitation of such nudity and semi-nudity is adverse to
48 the public's interest and the quality of life, tone of commerce, and the community
49 environment in PBC. [Ord. 2004-051] [Ord. 2009-040]
- 50 a) When the activities described in Art. 4.B.1-A.2.C.2.b.17)-18), Specified
51 Anatomical Areas and Specified Sexual Activities, are presented in commercial
52 uses, other activities that are illegal, immoral, or unhealthful tend to accompany
53 them, concentrate around them, and be aggravated by them. Such other
54 activities include, but are not limited to, prostitution, solicitation for prostitution,
55 lewd and lascivious behavior, possession, distribution, and transportation of
56 obscene materials, sale or possession of controlled substances, and violent
57 crimes against persons and land. [Ord. 2004-051] [Ord. 2009-040]
- 58 b) When the activities described in Art. 4.B.1-A.2.C.2.b.17)-18), Specified
59 Anatomical Areas and Specified Sexual Activities, are present in commercial
60 uses within PBC, they tend to blight neighborhoods, adversely affect neighboring
61 businesses, lower property values, promote crime, and ultimately lead residents
62 and businesses to move to other locations. [Ord. 2004-051] [Ord. 2009-040]
- 63 c) There is a direct relationship between the display and depiction of specified
64 anatomical areas as described in Art. 4.B.1-A.2.C.2.b.17)-18), Specified
65 Anatomical Areas and Specified Sexual Activities, and an increase in criminal

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

- 1 activities, moral degradation and disturbances of the peace and good order of the
 2 community, and the occurrence of these activities are hazardous to the health
 3 and safety of those persons in attendance and tend to depreciate the value of
 4 adjoining land and harm the economic welfare of the community as a whole.
 5 These secondary effects are adverse to the public's interest and quality of life,
 6 the tone of commerce and the community environment in PBC. [Ord. 2004-051]
 7 [Ord. 2009-040]
 8 4) Based upon these findings, the BCC finds that there are a sufficient number of
 9 available locations for new ~~a~~Adult ~~e~~Entertainment uses within unincorporated Palm
 10 Beach County. [Ord. 2004-051] [Ord. 2009-040]
 11 5) Based upon these findings, it is in the interest of the health, safety, morals, and
 12 general welfare of the citizens of PBC that ~~a~~Adult ~~e~~Entertainment uses are regulated
 13 pursuant to the following standards. [Ord. 2009-040]
 14

13.	It is important to clarify that there is no variance relief from the location standards or any of the provisions applicable to AE in this article unless specifically indicated, as authority granted to the Zoning Commission in Art. 2, variances are not allowed for standards contained in Art. 4, Use Regulations.
14.	Clarify Adult Entertainment separation distance from specific uses is applicable to any parcel of land regardless if they are located within the unincorporated Palm Beach County jurisdiction or not. This provision looks to protect such uses from the impacts that AE establishments may cause.

- 15
 16 **gj. Location Separation**
 17 *There shall be no variance to the location standards contained herein.* [Relocated from
 18 **General standard, below]**
 19 **1) General**
 20 An ~~a~~Adult ~~e~~Entertainment use shall be located ~~in outside of~~ the ~~following~~ minimum
 21 distances ~~indicated below including properties within a municipality or within the~~
 22 ~~unincorporated are of PBC: from the following uses. There shall be no variance to the~~
 23 ~~locational standards in this Section.~~ [Ord. 2004-051] [Ord. 2009-040] [Partially
 24 **relocated to Location, above]**
 25 **a) Other Adult Entertainment Use**
 26 2,000 feet. [Ord. 2004-051] [Ord. 2009-040]
 27 **b) A Church or Place of Worship**
 28 1,000 feet. [Ord. 2004-051] [Ord. 2009-040]
 29 **c) An Educational Institution**
 30 1,000 feet. [Ord. 2004-051] [Ord. 2009-040]
 31 **d) A Public Park**
 32 500 feet. [Ord. 2004-051] [Ord. 2009-040]
 33 **e) A Residential Zoning District**
 34 (Which is ~~D~~esignated as Residential by any Local Comprehensive Plan),
 35 500 feet. [Ord. 2004-051] [Ord. 2009-040]
 36 **f) A Cocktail Lounge**
 37 750 feet. [Ord. 2004-051] [Ord. 2009-040]
 38 **2) Measurement of Distance**
 39 The distance set forth ~~above in this Section~~ shall be measured by drawing a straight
 40 line between the nearest point on the perimeter of the exterior wall or bay housing
 41 the proposed ~~a~~Adult ~~e~~Entertainment use to the nearest point on the property line of
 42 the relevant ~~church or p~~Place of ~~w~~Worship, ~~E~~educational ~~i~~institution, ~~p~~Public ~~p~~Park,
 43 ~~or~~ residential zoning district. For the purpose of measuring the distance, also see
 44 Article 1.C, Rules of Construction and Measurement, between ~~a~~Adult ~~e~~Entertainment
 45 uses, the distance shall be measured by drawing a straight line between the nearest
 46 point on the perimeter of the exterior wall or bay of the proposed or existing ~~a~~Adult
 47 ~~e~~Entertainment establishment and the nearest point on the exterior wall or bay of
 48 another ~~a~~Adult ~~e~~Entertainment establishment. Measurement shall be made in a
 49 straight line, without regard to intervening structures or objects. [Ord. 2004-051]
 50 [Ord. 2009-040]
 51 **3) WCRA Overlay**
 52 Adult ~~e~~Entertainment is prohibited within the boundaries of the WCRAO, as per
 53 Article 3.B.14.E. WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Ord. 2009-
 54 **040]**
 55

15.	Use Educational Institution reference instead of Elementary or Secondary School to match the provisions noted in the general location standard above and provide flexibility to include educational
-----	---

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

uses not anticipated or contained in the Code.

1
2
3 **hk. Subsequent Development within Locational Standards**

4 The subsequent approval of a development order for a ~~church or~~ place of ~~worship,~~
5 ~~elementary or secondary school~~ Educational Institution, ~~public park,~~ or residential
6 district within the distances outlined in this Section above shall not change the status of
7 the adult entertainment use to that of a nonconforming use. [Ord. 2004-051] [Ord.
8 2009-040]

9 **il. Landscaping**

10 A Type 2 incompatibility buffer, pursuant to Article 7.F, Perimeter Buffer Landscape
11 Requirements with canopy trees spaced a minimum of 20 feet on center and a wall a
12 minimum of six feet in height shall be installed along any property line that abuts a
13 residential district. [Ord. 2004-051] [Ord. 2009-040]

14 **im. Lighting**

15 Outdoor low-intensity lighting shall be provided that illuminates the entire parking and
16 vehicular use area. The lighting shall be installed on structures that do not exceed 16
17 feet in height from finished grade. [Ord. 2004-051] [Ord. 2009-040]

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16. On November 28, 1988 the Palm Beach County Adult Entertainment Code, Ordinance 1988-31,
became effective. This ordinance includes specific provisions to declare multiple Adult
Entertainment businesses that at the time were in operation, as valid nonconforming uses. This
amendment simply rectifies reference to the 1988 date by placing the date under the standards that
pertains to business operation.

35
36 **kn. Nonconformity**

37 **1) Establishment of Nonconformity**

38 ~~Any An~~ adult entertainment use shall be deemed a nonconforming use, provided
39 the establishment and the standards of this Section shall not apply if the adult
40 entertainment use on November 28, 1988. [Ord. 2004-051] [Ord. 2009-040]

41 **a) Location**

42 Was in operation as an adult entertainment use, generally known and held out
43 in the neighborhood and community as an adult entertainment establishment,
44 and was open to the public as an adult entertainment establishment use on
45 November 28, 1988; and, [Ord. 2004-051] [Ord. 2009-040]

46 **b) Business Tax Receipt**

47 Possessed a valid and current business tax receipt authorizing the general type
48 of use, which would correspond to the adult entertainment use being claimed
49 as nonconforming on November 28, 1988; and, [Ord. 2004-051] [Ord. 2007-
013] [Ord. 2009-040]

17. Delete reference that requires nonconforming AE establishments to have been subject in the past to
an application for the use and be in compliance with the Code. Existing nonconforming sites were
vested and identified as such by the PBC license which was issued by the County for compliance
with the AE Ordinance.

18. Clarify that Adult Entertainment establishments with Special Permits issued after August 15, 1992
and up to the effective date of this ordinance are considered nonconforming uses. This change is
made to cover all possible scenarios where Adult Entertainment sites have obtained approval prior
to the proposed change in this amendment from Special Permit to DRO.

35
36 **c) Adult Entertainment License**

37 ~~Applied for an adult entertainment use under the terms of this Code, shall submit~~
38 Submitted an application for an adult entertainment license pursuant to the
39 PBC Adult Entertainment Code, Chapter 17, Article V of the PBC Code, as may
40 be amended, with appropriate filing fees by August 15, 1992. [Ord. 2004-051]
41 [Ord. 2009-040]

42 **d) Any Special Permit submitted between August 16, 1992 and the effective date of**
43 **this Ordinance.**

44 **2) Standards for Nonconformance**

45 A nonconforming adult entertainment use as determined in Article 4.B.1.A.2.k
46 4.B.2.C.2.n, Nonconformity, above shall be subject to the following supplementary
47 Use Standards, in addition to Article 1.F, Nonconformities. [Ord. 2004-051] [Ord.
48 2009-040]

49 **a) Landscape Buffer**

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

1 The ~~a~~Adult ~~e~~Entertainment use shall construct and install a Type 2 incompatibility
2 buffer, as defined in Article 7.F, Perimeter Buffer Landscape Requirements, with
3 canopy trees spaced a maximum of 20 feet on center along any property line that
4 abuts a residential district, within 90 days of the date of issuance of the ~~a~~Adult
5 ~~e~~Entertainment license by the occupational licensing department. [Ord. 2004-
6 051] [Ord. 2009-040]

7 **b) Building Permit**

8 If a building permit for exterior structural renovation or remodeling or a paving or
9 parking permit is issued for the ~~a~~Adult ~~e~~Entertainment use, the requirements of
10 Article 7, Landscaping, shall apply to the entire site of the ~~a~~Adult ~~e~~Entertainment
11 use. [Ord. 2004-051] [Ord. 2009-040]

12 **3) Modification or Improvement to Site Elements**

13 When an ~~a~~Adult ~~e~~Entertainment establishment has been determined to be a non-
14 conforming use, or is located within a non-conforming structure, modifications or
15 improvements to conforming or non-conforming site elements or exterior architecture
16 shall be permitted. The total cost associated with these improvements will not be
17 used in determining the allowable improvements to the interior of the structure,
18 pursuant to Art. 1.F.1. [Ord. 2015-006]

19 **lo. Accessory Food Service in Industrial Districts**

20 In the IL and IG Zoning districts, food service may be permitted as an accessory use to
21 Adult Entertainment, only in conjunction with and during the hours of operation for an
22 adult theater or an adult dancing establishment. [Ord. 2015-006]

23 **mp. Collocated Cocktail Lounge**

24 A cocktail lounge may be allowed as a collocated use permitted by right only when in
25 conjunction with and during the hours of operation for an adult dancing establishment.
26 [Ord. 2015-006]
27

Reason for amendments in the Matrix: [Zoning] Change the use approval from Special Permit to DRO
in the same zoning districts where the use is currently allowed. The approval shown in this Use Matrix
will be applicable to any new Adult Entertainment (AE) site or nonconforming sites triggering thresholds
contained in Art. 2.F, Nonconformities. This change will allow multiple government agencies to review AE
applications and site plans to be provided through the DRO process.



28
29
30
31 **162. Auction**
32

HISTORY: The Auction use was first referenced in the 1973 Code (Ord. 1973-2) as Enclosed and Open
& Vehicular Auction, specifically addressing parking. The use definition and supplemental standards
were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental
standards were amended by Ord. 1998-011, 2001-001 (Outdoor) 2003-067, 2009-040 (Outdoor and
Enclosed supplementary standards are consolidated), 2010-005, 2010-022, 2011-016 and 2012-003.

Reason for amendments: [Zoning]

- 1. Revise the definition to clarify auction activities to include display of merchandise and bidding.
- 2. Delete the Temporary standard addressing auctions. The Temporary Auction will be addressed as a Typical Use for Temporary Uses.
- 3. Partially relocate Enclosed and Outdoor supplemental standards to a new Use Type standard. Add additional standards for an Indoor Auction to address instances where an outdoor display area may be allowed. Staff recognizes that occasional outdoor display of merchandise (artwork, cars, etc.) is customary to an indoor auction.
- 4. Establish AGR standard to limit auctions to activities related to the display, bidding and selling of farm equipment and supplies.
- 5. Delete reference to TMD and LCC limiting enclosed auctions to the U/S Tier. The Use Matrix will identify the location of an auction in those districts.

33
34 **a. Definition**

35 An establishment engaged in the display and sale of merchandise to the highest bidder in
36 an enclosed building or outdoor site. [Ord. 2009-040]

37 **a. Temporary**

38 ~~A temporary auction shall comply with the Special Event supplementary use standards,~~
39 ~~Article 2.D.2, Special Permit.~~

40 **b. Use Types**

41 **1) Indoor**

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

1 All activities, display and sale of merchandise shall occur within an enclosed building,
2 unless stated otherwise. An Indoor Auction may include an outdoor display area
3 subject to the following: [Ord. 2009-040] [Partially relocated to from Standard b.
4 **Enclosed below]**

- 5 a) The merchandise shall be relocated to the interior of the enclosed building prior
6 to the end of each business day;
7 b) Shall not exceed ten percent of the GFA of the enclosed building;
8 c) Shall comply with the minimum setbacks requirements of the applicable Zoning
9 District; and,
10 d) Shall not be located in any required parking spaces, loading or vehicular use
11 areas, fire lanes, or landscape buffers. The outdoor display area shall not
12 infringe upon pedestrian pathways, sidewalks or ADA accessible routes.

13 **2) Outdoor**

14 An auction with all or a portion of the activity, display and sale of merchandise
15 occurring outdoor on site. [Ord. 2007-001] [Ord. 2009-040] [Partially relocated to
16 from Standard c. Outdoors below]

17 **c. Zoning District - AGR**

18 An Auction shall be limited to only farm equipment and supplies.

19 **b. Enclosed**

20 ~~All activities, display and sale of merchandise shall occur within an enclosed building.~~
21 ~~[Ord. 2009-040] [Partially relocated to Standard b.1), Indoor above]~~

22 **c. Outdoors**

23 ~~An auction with all or a portion of the activity, display and sale of merchandise occurring~~
24 ~~outdoor on site shall require approval of a Class A Conditional Use. [Ord. 2007-001]~~
25 ~~[Ord. 2009-040] [Partially relocated to Standard b.2), Outdoor above]~~

26 **d. TMD and LCC Districts**

27 ~~Auctions are permitted only within enclosed buildings in the U/S tier. [Ord. 2005-002]~~
28 ~~[Ord. 2009-040] [Ord. 2010-005]~~

29 **Reason for amendments to Indoor Auction in the Use Matrix:** [Zoning]

- Change the approval process in the Community Commercial (CC) standard Zoning District from a Class B Conditional Use to DRO;
- Change the approval process in the General Commercial (CG), Commercial Recreation (CRE), and IRO with a CH FLU designation from DRO approval to Permitted by Right;
- Change the approval process in the Light Industrial (IL) Zoning District from Class A Conditional Use to Permitted by Right (P) and in the General Industrial (IG) Zoning District from Class B Conditional Use to P;
- Change the approval process from Requested Use (R) to P in the COM Pod of a PUD;
- Change the approval process from DRO to P in a MUPD with an IND FLU designation; and,
- Add the use to the IND/L and IND/G Pods of a PIPD as a P.

The activities of the use are primarily located within an enclosed building contributing to the mitigation of any adverse impacts.

30 **Reason for amendments to Outdoor Auction in the Use Matrix:** [Zoning]

- Add the use to the CG and CRE as a Class A Conditional Use for consistency with PDD's with Commercial FLU, Pod or Use Areas;
- Change the approval process in IL from Class A Conditional Use to P and in IG from Class B Conditional Use to P. The revision was made for consistency with other industrial zoning districts.
- Change the approval process from P to Class A Conditional Use in the COM Pod of a PIPD for consistency with other commercial zoning districts.

31 **17. Auto Paint and Body Shop**

32 **HISTORY:** The Auto Paint and Body Shop use definition and supplemental standards were first
33 referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were
34 amended by Ord. 2001-028, 2003-067, 2010-005, 2010-022, 2011-016, and 2013-018.

Reason for amendments: [Zoning] Use to be relocated to General Repair and Maintenance.

35 ~~An establishment engaged in the painting of motor vehicles or performance of major~~
36 ~~external repairs of a non-mechanical nature.~~

37 **a. Enclosed Structure**

38 **Notes:**

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

~~All activity, except detailing and car washing, shall be conducted within an enclosed structure. Use of outdoor lifts, jacks, stands, paint booths and similar equipment shall be prohibited.~~

b. Architecture

~~Freestanding auto paint and body shops contiguous to a public street or residential zoning district shall comply with Article 5.C, DESIGN STANDARDS.~~

Reason for amendments to Auto Paint and Body Shop in the Use Matrix: [Zoning] Approval process to be consolidated with to General Repair and Maintenance approval.



203. Bed and Breakfast

HISTORY: The Bed and Breakfast use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1995-024, 1997-064, 2001-029, 2003-067, 2007-001, and 2007-013.

Reason for amendments: [Zoning]

1. Update the use definition by clarifying the use is intended to be for transient lodging for consistency with F.S. 509.242(f), definition of Bed and Breakfast Inn contained in the Public Lodging Establishments classification as noted below. Bed and breakfast inn.—A bed and breakfast inn is a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry. The change also includes expansion of food service not only to breakfast but other meals. The Statute definition does not limit the food service to breakfast and provides more meal options through the Department of Business and Professional Regulations that allows the use to provide preparation of food through Public Food Service establishment license.
2. Delete standard that requires the use to have no impact on adjacent properties in terms of noise, traffic or light. Similar provisions are currently addressed in the Code under Art. 5.E.4, Nuisances.
3. Avoid proliferation of the use in residential neighborhoods by creating a location standard that limits the use to sites that have frontage and access from Arterial, Collector or Commercial Streets. The addition of the language will assist in mitigating the impact of the use in residential districts and to exclude location of the use on a local residential street.
4. Limit the occupancy of the use to five rooms for consistency with requirements contained in the Building Code for Residential structures. The regulation allows owner-occupied lodging with five or fewer sleeping rooms to be constructed in accordance with the Residential Code when equipped with a fire sprinkler system consistent with section P2904. Structures with more sleeping rooms are considered commercial and are subject to commercial structure regulations pursuant to the Building Code. The room limitation also maintains the use within the character of the neighborhood, minimizing possible inconsistencies with the residential environment in which it is located.
5. Since the use is located in residential zoning districts where permanent signs are not allowed and in order to reduce impacts in the residential areas, this provision expands upon the limited dimension of the sign to clarify the maximum height of allowable signage is three feet and to include the business name.
6. Modify standard that allows to a Single Family structure to ensure building safety or to provide compatibility with surrounding structures. The proposed language allows such modifications to be interior, exterior or both to comply with Building Code and Fire Rescue regulations.

a. Definition

An owner-occupied ~~s~~Single ~~f~~Family dwelling that offers transient lodging and ~~breakfast meal services~~ only to paying guests.

a. Adverse Effect

~~A bed and breakfast shall not adversely affect the immediate neighborhood nor create noise, light or traffic conditions detrimental to neighboring residents.~~

b. Location

The use shall have frontage on and access from an arterial, collector or commercial street.

c. Occupancy

The use shall be limited to five sleeping rooms.

d. Signage

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
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(Updated 8/19/16)

One sign, a maximum of eight square feet in sign face area, and three feet in height, indicating the business name and contact information only may be allowed. [Relocated from Signage, below]

be. Existing Structures Dwelling Modifications

~~Only exterior alterations necessary to assure safety of the structure or enhance the compatibility with the surrounding neighborhood shall be made for the purpose of providing a bed and breakfast. A Single Family dwelling may require structural or other modifications to ensure compliance with the applicable Building Code and Fire Rescue regulations.~~

7.	Delete the Guest Register supplemental standard as duties of operators for a Bed and Breakfast since this is a requirement contained in F.S. 509.101 (2), Maintenance of guest register, enforced by the Division of Hotels and Restaurants of the Department of Business and Professional Regulations.
8.	Delete supplemental standard that requires the Health Department and the Building Code to be applied to this use prior to business tax receipt. Bed and Breakfast requires Health Department and Building Division sign off of Business Tax Receipts.
9.	Prohibit social activities such as receptions or weddings at Bed and Breakfast sites. Social services provided by this use will create a negative impact on adjacent residential sites in terms of traffic or nuisances.

c. Guest Register

~~The resident owner shall keep a current guest register including names, addresses and dates of occupancy of all guests.~~

d. Health Department and Building Code

~~Prior to the issuance of a business tax receipt, the dwelling shall be modified to comply with all applicable Health Department and Building Code requirements. [Ord. 2007-013]~~

e. Signage

~~One sign, a maximum of eight square feet, a listing name and contact information only. [Relocated to Signage, above]~~

g. Events

~~Activities such as weddings, receptions, or social events shall be prohibited.~~

Reason for amendments to Bed and Breakfast in the Use Matrix: [Zoning]

- Clarify the existing approval process from Special Permit (S) to DRO (D) Approval where the use is currently permitted. Special Permits are typically issued for a specified period of time and are not permanent in nature. The DRO approval process will allow Zoning staff and applicable County agencies to review applications, and provide feedback on the proposed application and site plan.
- Delete the use from PDDs and TDDs where Single Family Residential is not allowed. For those developments where Single Family is permitted, the use is not going to be able to comply with frontage and access location criteria.

724. Boarding House

HISTORY: The Hotel, Motel, SRO, and Rooming and Boarding House use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1993-004, Ord. 1999-037, Ord. 2003-067, Ord. 2006-004, Ord. 2006-036, Ord. 2007-013, 2010-005, 2010-022, Ord. 2011-016, 2014-031 and 2015-006.

Reason for amendments: [Zoning]

1. The use is being split from Hotel, Motel, SRO and Rooming and Boarding House as it is intended to provide lodging to residents for periods of time exceeding one month. This use is mainly intended to address sleeping facilities associated with educational institutions or similar uses. Conversely, Hotels and Motels are typically rented for less than one month. The definition is to clarify the differences.
2. Clarify that Rooming and Boarding House primarily include dormitories associated with educational institutions.
3. Relocate from Hotel, Motel existing standard that allows Boarding and Rooming Houses in Multifamily Residential (RM) Zoning District when located in High Residential (HR) FLU designation. The use continues to be permitted in that Zoning District as it is intended to hold high population of temporary residents. The use is not considered subject to density, reason why the provisions that pertain to the Floor Area Ratio (FAR) to determine intensity, is proposed to be based on the current RM Zoning District building coverage of 40 percent. In the event of the use is not longer utilized as dormitory to become Multifamily, then the applicable density, approval and standards for Multifamily should apply.

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(Updated 8/19/16)

4. Clarify that a Rooming and Boarding House operating on the same parcel of an educational institution such a School, College or University may be permitted by right provided the use is owned and operated by that principal use and the dormitories are utilized by enrolled students. This amendment recognizes that dormitories are ancillary to educational facilities.

a. **Definition**

An establishment engaged in providing temporary or longer-term accommodations, which for the period of occupancy, may serve as a principal residence.

b. **Typical Uses**

Typical uses include but are not limited to: fraternity or sorority houses and off-campus dormitories owned or maintained by a school, college or university.

c. **Accessory Use**

A Rooming and Boarding House that is accessory to a School, College or University may be Permitted by Right if the use is owned or operated by the educational institution, utilized by enrolled students, and located within the same parcel of a School, College or University.

d. **Accessory Services**

The use may include services, such as housekeeping, meals and laundry.

Reason for amendments to Boarding House in the Use Matrix: [Zoning]

- Allow the use in CG, UC1, U11, IPF Zoning Districts; IRO, MUPD, MXPD, LCC with CH FLU designation, and MUPD with INST FLU designation subject to DRO approval. The zoning districts where the use is permitted are consistent with the zoning district in which College or University and Schools are allowed. The selected zoning districts are mainly commercial high where high intense uses are expected.

21. Broadcast Studio

HISTORY: The Broadcast Studio use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 2001-001, 2003-067, 2009-040, 2010- 005 and 2011-016.

Reason for amendments: [Zoning]

1. Delete and consolidate the use with Multimedia Production which is an industrial use. These two uses have similar characteristics negating the need for both.
2. Delete the SR 7 Economic Development Overlay (EDO) standard as the Overlay is being deleted from the Code. The SR 7 EDO has been annexed by the Village of Royal Palm Beach.

~~An establishment primarily engaged in broadcasting visual or aural programs by radio or television to the public including cable and other television services. May also produce taped television or radio program materials. Included are commercial, religious, educational, and entertainment based television and radio stations.~~

a. **SR-7 EDO**

~~Accessory broadcast towers or antennae are prohibited. [Ord. 2010-022]~~

Reason for amendments to Broadcast Studio in the Use Matrix: [Zoning] Delete the approval process from the use matrix as the use has been consolidated with Multimedia Production use.

22. Building Supplies

HISTORY: The Building Supplies use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and supplemental standards were amended by Ord. 2003-067, Ord. 2010-005 and Ord. 2013-008.

Reason for amendments: [Zoning]

1. Delete Building Supplies use as the concept of sales is already addressed in the Code by Retail Sales use and Wholesales, the first one considered commercial use while the second one is classified as industrial use. Regulations are already in place to address retail sales as accessory to industrial uses limited to 30 percent of the building floor area as contained in Art. 5, Supplementary Standards. If the use includes maintenance and display of inventories of goods, storage, for distribution and sale of goods to other firms for resale; or, the supplying of goods to various trades such as landscapers, construction contractors, institutions, industries, or professional businesses

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EXHIBIT A

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the activity is already addressed under Wholesales. Pending the level of intensity of the sale, the Code already has an existing use where this activity can be regulated.
2. Delete duplicated provision related to outdoor storage for industrial uses as they are addressed as part of the Use Regulations Project under Art. 5, Supplementary Standards.

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a. Retail

~~An establishment engaged in the retail sale of building supplies and home improvement products.~~

~~1) Only permitted as an accessory use in an Industrial Zoning District.~~

b. Wholesale

~~An establishment engaged in the sale or fabrication and allied products to contractors for the construction, maintenance, repair and improvement of real property.~~

~~1) Retail sales of lumber and allied products to the consumer may be conducted, but must be clearly accessory to the primary use.~~

c. LCC District

~~Building supplies in an LCC shall be enclosed with no outdoor storage area. [Ord. 2010-005]~~

Reason for amendments to Building Supplies in the Use Matrix: [Zoning] The Use Matrix does not clarify in terms of approval what would be the difference if the use is retail or wholesale while the first one pertains mainly to retail, the second one allows some manufacturing through fabrication of products. The existing approval process for Wholesaling and Retail Sales as separate uses will address any confusion. Delete all approval processes from the use matrix as the use is deleted from Art. 4, Use Regulations.

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915. Office, Business or Professional Office

HISTORY: The Business of Professional Office use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1993-004, Ord. 1997-014, Ord. 1998-011, Ord. 2001-062 and Ord. 2003-067.

Reason for amendments: [Zoning]

1. Simplify the use definition by addressing typical uses as a separate standard.
2. Expand the list of typical uses by including other common businesses or facilities covered by this use definition. Day Labor Employment Services is deleted as it would be considered a Business or Professional Office.
3. Delete reference to Class A conditional use approval for office in CL, CLO and CC Zoning Districts as the Use Matrix is reflecting the most restrictive approval process.

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a. Definition

An establishment providing executive, management, administrative, or professional services, ~~but not involving medical or dental services or the sale of merchandise, except as an incidental use. Typical uses include property and financial management firms, employment agencies (other than day labor), travel agencies, advertising agencies, secretarial and telephone services, contract post offices, professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions, and business offices of private companies, utility companies, public agencies, and trade associations.~~ **[Partially relocated to Typical Uses standard below]**

b. Typical Uses

A Business or Professional Office use may include but not be limited to: property and financial management firms; employment, travel, advertising, or real estate agencies; pay day lending offices, check cashing services and currency exchange agencies; contract post offices; professional or consulting services; and business offices of private companies, utility companies, public agencies, and trade associations. **[Partially relocated from Definition standard above]**

ac. Maximum Floor Area Approval Process

The use may be subject to DRO approval if limited to the following square footage:

1) CN District

1) A maximum of 10,000 square feet of GFA per parcel in the CN Zoning District, unless approved as a Class A conditional use.

2) CLO District

2) A maximum of 15,000 square feet of GFA per parcel in the CLO Zoning District, unless approved as a Class A conditional use.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

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3) CC-District

~~3) A maximum of 20,000 square feet of GFA per parcel in the CC Zoning District, unless approved as a Class A conditional use.~~

4.	As a result of the deletion of Day Labor Employment Service use, some standards related to that use are consolidated under office. Clarify that employment agencies for temporary manual labor are subject to regulations to mitigate impacts on the surrounding areas. In addition, the prohibition of the use in the Westgate Community Redevelopment Area Overlay (WCRAO) is retained.
5.	Current provisions associated with temporary employment services look to prevent nuisances that may be caused by the use. Such standard do not allow outdoor loitering, waiting or seating areas. This amendment looks to provide an option to provide such areas subject to architectural elements that help beautify the site and reducing the impact that these activities may cause.
6.	Delete standard that clarifies office is accessory to industrial zoning districts. A specific provision in the Supplementary Use Standards under this use clarifies when an office is not considered this use.
7.	Relocate standard that limits office to 1,500 square feet in the Lake Okeechobee Scenic Trail Overlay to the provisions in Art. 3 that pertain to that overlay.

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d. Employment Agencies

Business of Professional Office that include employment agencies for temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades, shall be subject to the additional standards: [Partially relocated from Art. 4.B.1.A.41, Day Labor Employment Service]

1) Westgate Overlay

Shall be prohibited within the boundaries of the WCRAO, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Partially relocated from Art. 4.B.1.A.41, Day Labor Employment Service]

2) Outdoor Activities

No outdoor loitering, waiting, or seating shall be permitted on the site. Outdoor seating areas may be allowed provided the site includes one or more of the architectural focal points such as fountains, architectural shaded structures or gazebos. [Partially relocated from Art. 4.B.1.A.41, Day Labor Employment Service]

~~**b. IL an IG Districts**~~

~~Limited to an accessory use only.~~

~~**c. LOSTO**~~

~~*Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for the sole purpose of arranging nature or heritage based activities, such as bicycle tours and bus tours to natural, agricultural, or historic points of interest of the area, shall be allowed subject to approval of a Special Permit.*~~ [Relocated to Art. 3.B.6, Losto, Lake Okeechobee Scenic Trail Overlay]

8.	Relocate reference to accessory retail and personal services to office to be located under the provisions that pertain to those uses for consistency with construction of the Code.
9.	Delete standard that addresses large scale office associated to corporate headquarters which have been addressed under Data and Information Processing part of the industrial use classification.
10.	Include a standard that clarifies when an office of a temporary nature or the space used for the administration or operation of a business shall not be confused with Business and Professional Office use. Specific standards in Art. 5. Supplementary Standards are provided to distinguish from this use.

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~~**d. Use Limitations**~~

~~**1) Accessory Uses**~~

~~*A general retail and personal service uses not exceeding ten percent of the GFA of the building may be allowed as an accessory use. All such uses shall be completely internal to the building and shall not have a separate external entrance or any exterior signage.*~~ [Relocated to Art. 4.B.2.C.#, General Retail and Art. 4.B.2.C.#, Personal Services]

~~**e. Office of an Industrial Nature**~~

~~*An establishment providing executive, management, or administrative support, but not involving medical or dental services, the sale of merchandise, or professional services (business or professional offices). Typical uses involve corporate headquarters or other similar offices whose function does not include frequent visits by the public or the provision of services.*~~

~~**e. Accessory Office**~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

Business or Professional Office standards shall not apply to:

- 1) A temporary office in temporary structures associated with the construction of a building or real estate sales;
- 2) Areas of a building dedicated to the administrative operation of a use listed in the Use Matrix.

Reason for amendments to Business of Professional Office in the Use Matrix: [Zoning]

- Change the approval process from Permitted by Right to Class A Conditional use in CN, CLO and CC Zoning Districts, to indicate the most restrictive approval process currently contained in the supplementary use standards. The specific standard contains square footage thresholds in those zoning districts to allow the use subject to DRO approval. The threshold looks to promote the size of the use more consistent with neighborhood scale.
- Change the approval process from DRO to Permitted by Right in the CH and CHO FLU designation of IRO as these zoning districts are intended to include mix use development for which Business or Professional Office is essential.

~~23. Butcher Shop, Wholesale~~

HISTORY: The Wholesale Butcher Shop use definition and supplemental standards were first added to the Code through Ord. 2001-100. The definition and supplemental standards were amended by Ord. 2003-063 and 2010-00

Reason for amendments: [Zoning]

1. Delete the use from the Use Matrix and relocate the cutting and packing of meat under Manufacturing and processing. Manufacturing and Processing use proposed to recognize existing uses to be legal nonconforming use.

~~a. Definition~~

~~An establishment engaged in the cutting, packaging and shipping of meat, such as beef, pork, poultry and fish, for general wholesale.~~

~~a. Frontage~~

~~A wholesale butcher shop shall front on and access from an arterial street.~~

~~b. Deliveries~~

~~If adjacent to a residential use, deliveries shall be limited to 6:00 a.m. to 5:00 p.m., Monday through Saturday. Truck engines, including refrigeration units, shall not be operated between 5:00 p.m. and 6:00 a.m.~~

~~c. Storage and Disposal~~

~~No outdoor storage, disposal of waste, or by product shall be permitted.~~

~~d. Slaughtering~~

~~Slaughtering, rendering and dressing shall be prohibited.~~

~~e. Flex Space~~

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

Reason for amendments to Wholesale Butcher Shop in the Use Matrix: [Zoning] Delete the use approval process from the Use Matrix as the use is removed from the Code. Activities associated with cutting and packing of meat should be under Manufacturing and Processing while slaughtering, rendering and dressing are addressed through Heavy Industry.

~~256. Car Wash~~

HISTORY: The Car Wash use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1998-011, 2001-001, 2001-029, 2003-067, 2006-004, 2006-036, 2008-036, 2010-005, 2010-022, 2011-016, and 2012-027.

Reason for amendments: [Zoning]

1. Delete Location Criteria. The Use will be exempt from location criteria as Car Washes typically do not have intense impacts.
2. Delete the Auto Detailing standard as the use approval has been changed from Class A Conditional

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

	Use to DRO Approval.
3.	Add Collocated standard to allow for a Car Wash to be located in the same zoning district a Retail Gas and Fuel use to be Permitted by Right. In these instances, a Car Wash use is already a Class A but if collocated would be Permitted.
4.	Revise Accessory Use standard to clarify instances when an accessory Automatic Car Wash may be approved by the DRO. The standard also clarifies auto detailing or any extended services would be prohibited.
5.	Delete Loudspeakers standard as nuisances related to noise will be addressed in Article 5.E.4.B, Noise Limitations and Prohibitions.
6.	Delete the IRO standard as the use approval will be addressed by Article 4, Use Matrix.

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a. Definition

A permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, stripping, and interior cleaning.

b. Typical Uses

A Car Wash may include but not be limited to: an automatic, full-service, hand wash, or self-service car wash.

a. Location Criteria

1) Intersection Criteria

~~A maximum of two car washes shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004]~~

2) Separation Criteria

~~A car wash shall be separated from any other car wash pursuant to Art. 5.E.2.C.1. [Ord. 2006-004]~~

b. Auto Detailing

~~Auto detailing limited to hand washing/waxing shall be subject to approval by the DRO in the CG district or a PDD with a CH FLU designation. [Ord. 2006-004]~~

c. Collocated – CG, PDD with CH FLU Designation

A Carwash collocated with a Retail Gas and Fuel may be Permitted by Right.

ed. Accessory Use – CL FLU Designation

An ~~a~~Automatic ~~e~~Car ~~w~~Wash shall be allowed as an accessory use to ~~an auto-service Station or convenience store with gas sales~~ a Retail Gas and Fuel subject to DRO Approval when it is located on the same lot. Auto detailing or other extended services shall be prohibited. [Ord. 2006-004]

d. Loudspeakers

~~No outdoor speaker or public address systems audible off-site shall be permitted. [Ord. 2006-004]~~

ee. LCC District

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

f. Infill Redevelopment Overlay (IRO)

~~A car wash located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]~~

Reason for amendments to Car Wash in the Use Matrix: [Zoning]

- Add the use to the Neighborhood Commercial (CN) as a Class A Conditional Use and in the MUPD with a CL FLU designation. The addition of the use is consistent with other low-intense Commercial Zoning Districts and PDD's with Commercial FLU, Pod or Use Areas.
- Change the approval process:
 - From Class B Conditional Use to DRO Approval in the CG Zoning District;
 - From Class A Conditional Use to DRO Approval in the IRO with a CH FLU designation;
 - From a Requested Use to DRO in the COM Pod of a PUD, MXPDP with a CH FLU designation, and LCC with a CH FLU designation, Neighborhood Center of a TND, and TMD except the AGR Preserve area; and,
 - From a Requested Use to a DRO in the MUPD with a CH FLU designation.

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267. Catering Service

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

HISTORY: The Catering Service use definition and supplemental standards were first established as a principal use in 1997 through Ord. 1997-064. The use was referenced in Or. 1992-020 under Specialty Restaurant use contained specific provisions for Catering Service related to the parking and approval process. The supplementary standards were amended by Ord. 1992-020, 1997-064, 2001-028, 2001-029, 2001-062, 2001-100, 2003-067, 2006-004, 2006-036, 2007-001, 2009-040, 2010-005, 2011-016, and 2012-027.

Reason for amendments: [Zoning]

1. Expand the list of typical uses by including other common businesses covered by this use definition.
2. Clarify the use may be accessory to a Restaurant when limited to preparation of food consistent with the limitation of square footage for accessory uses in non-residential zoning districts. This standard also limits three delivery vehicles if the Catering Service is accessory to a Restaurant. If additional vehicles are required, the operation will not be considered as accessory and should be treated as a principal use, and subject to the design elements such as parking that apply to that use.
3. Establish new provisions associated to the location of delivery vehicles to be screened from view when located within 100 feet from residential FLU or use.
4. Relocate and consolidate Flex Space to Article 5.B, Accessory and Temporary Uses.

a. Definition

An establishment primarily engaged in providing event-based food services where food and beverages are prepared and delivered for consumption off the premises. ~~A catering service may also provide personnel, serving equipment, and decorations.~~ [Relocated to Accessory Services, below]

ab. Restaurant Accessory Use

Catering ~~Service shall~~ may be allowed as an accessory use to a ~~R~~Restaurant limited to food preparation. The accessory use of more than shall be limited to three delivery vehicles ~~shall be subject to approval by the DRO~~

c. Accessory Services

~~A Catering Service may also provide personnel, serving equipment, and decorations.~~ [Relocated from Definition, above]

d. Delivery Vehicles

Delivery vehicles shall be located at the rear of the property and screened from view when located within 100 feet of a parcel of land with residential FLU designation or use.

b. Flex Space

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

Reason for amendments to Catering Service in the Use Matrix: [Zoning]

Allow the in commercial and industrial FLU and pods of Planned Development Districts (PDDs) or Traditional Development Districts (TDD) as follows: Commercial pod of PUD; MUPD with CL, CH, CR, and IND FLU designation; MXPD with CH FLU designation; Commercial, Industrial Light and Industrial General pods of PIPD; LCC with CH FLU designation; neighborhood Center of TND in the Urban/Suburban, Exurban and Rural Tiers; and, TMDs in the Urban/Suburban Tier and development area of the AGR Tier, to be permitted by right. Catering Service looking to incorporate events or commercial activities shall be located in commercial zoning districts.

798. Cocktail Lounge, Cocktail

HISTORY: The Cocktail Lounge use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1994-023, 1995-008, 1998-011, 1999-037, 2000-015, 2001-001, 2003-067, 2006-004, 2006-036, 2007-013, 2009-040, 2010-005, 2010-022, and 2011-016.

Reason for amendments: [Zoning] No additional substantive revisions have been made to the Cocktail Lounge use.

1. Revise the definition to relocated references to bars, taverns, etc. to the newly established Typical Uses standard.
2. Revise the CN standard to increase the square footage limitation.
3. Delete the CHO standard. Accessory uses will be addressed by the Accessory Uses supplementary standard.
4. Delete the Outdoor standard as the separation distance is already addressed by the Separation Requirements standard.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

5. Relocate language from the Definition to clarify the distinction between a Restaurant and Cocktail Lounge.

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a. Definition

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, ~~including taverns, bars, nightclubs, and similar uses other than restaurants or alcohol sales for off-premises consumption.~~ [Relocated to Standard b., Typical Uses below] ~~A cocktail lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law.~~ [Relocated to Standard f., Restaurant below]

b. Typical Uses

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

a. Separation

~~A cocktail lounge shall not be located within 250 feet of a residential district and shall be separated a minimum of 750 feet from another cocktail lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet off the subject lounge, a residential district is more than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a school as required by the State of Florida.~~ [Relocated to Standard d., Accessory Use below]

c. Zoning Districts

~~b.1) CN District~~

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

~~c. CHO District~~

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

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

Shall meet the ~~s~~Separation ~~criteria above~~ Requirements below, unless approved as a requested or Class A ~~e~~C uUse.

d. Accessory Use

~~An accessory Cocktail Lounge to a Hotel, Motel shall not exceed ten percent of the GFA.~~ [Ord. 2006-004] [Partially relocated from Art. 4.B.1.A.72, Hotel, Motel, SRO, and Rooming and Boarding House]

e. Outdoor Areas

~~Outdoor seating and open lounge areas shall be setback a minimum of 100 feet from adjacent residential districts or uses.~~

e. Separation Requirements

A Cocktail Lounge, which includes outdoor areas, shall not be located within 250 feet of a residential district and shall be separated a minimum of 750 feet from another cocktail lounge. The Zoning Director may ask for a signed/sealed survey certifying that another lounge does not exist within 750 feet off the subject lounge, a residential district is more than 250 feet from the subject lounge, or the subject lounge is more than 500 feet from a school as required by the State of Florida, F.S. 562.45, as amended. [Relocated from Standard a. Separation above]

f. Restaurant

A Cocktail Lounge is distinct from a restaurant that sells alcohol when the establishment cannot qualify for a "Consumption on Premises, Special Restaurant Exemption" pursuant to the State Beverage Law. [Relocated from Definition above]

Reason for amendments to Cocktail Lounge in the Use Matrix: [Zoning] No changes to the approval process are being proposed.

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Notes:

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

9. Conference Center or Performance Venues

HISTORY: This is a new use that includes Indoor Theater. Theater use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and supplemental standards were amended by Ord. 1993-004, 1998-011, 1999-037, 2000-015, 2001-001, 2001-028, 2001-062, 2003-067, 2010-005, and 2011-016.

Reason for amendments: [Zoning]

1. Create Conference Center or Performance Venues as a new use to address location of facilities that allow for activities not included in Arena or Stadium or Amphitheater use. The current provisions are for Theaters only, this use expand by including similar facilities.
2. Provide a list of typical uses by including common facilities covered by this use definition.
3. Make the use Permitted by Right in any zoning district where the Use Matrix allows it limited to 15,000 square feet when indoor. Impacts on adjacent sites would be reduced as the use is limited to operate indoor. Site design elements such as parking, landscaping or signage would be addressed as part of the Building Permit application.
4. Allow the use to be Permitted by Right in the CN Zoning District when limited to 3,000 square feet for gross floor area. There are multiple facilities under this threshold that are of a neighborhood scale such a movie theaters or symphony halls.

a. Definition

An establishment that hosts live performances, viewings, seminars or exhibitions.

b. Typical Uses

May include but not limited to theaters, or conference and exhibition halls.

c. Approval Process

1) May be Permitted by Right if it is indoor and less than 15,000 square feet of GFA, and located in the zoning districts where the use is allowed, unless stated otherwise.

2) In the CRE Zoning District, the use shall not be allowed in RR FLU designation.

[Relocated from Art. 4.B.1.A. 128/129, Drive-in and Indoor Theater]

d. Building Area - CN Zoning District

Shall be limited to 3,000 square feet of GFA.

Reason for amendments to Conference Center or Performance Venues in the Use Matrix: [Zoning]

- Utilize the approval process of Indoor Theater as a reference to develop the approval process for this more comprehensive use.
- Make the use Permitted by Right in the CN Zoning Districts as a limitation of the facility is 3,000 SF which is the typical size of an expected structure serving residential neighborhoods.
- The Use is Class A Conditional Use approval in similar zoning districts where Indoor Theater was allowed but a threshold standard of 15,000 square feet would make the use permitted by right
- Make the use Permitted by Right in the PO Zoning District as this type of use is very likely to be publicly owned or operated.

~~36. Convenience Store~~

HISTORY: The Convenience Store use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1998-011, 1999-037, 2001-001, 2003-067, 2008-015, 2009-040, 2010-005, 2010-018, 2010-022 and 2011-016.

Reason for amendments: [Zoning] Use is being relocated to General Retail Sales.

~~An establishment serving a limited market area and engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption.~~

a. Floor Area

~~A maximum of 5,000 square feet.~~

b. CN and CC District

~~Shall comply with Article 5.E.1, Major Intersection Criteria.~~

Reason for amendments to Convenience Store in the Use Matrix: [Zoning] Delete Convenience Store use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a "typical use" to Retail Sales.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

37. Convenience Store with Gas Sales

HISTORY: The Convenience Store with Gas Sales use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning]

1. This use is redundant to other uses including but not limited to Retail Gas and Fuel and Convenience Store, among others. Similar provisions for Auto Service Station were sunset in 2001 (Ord. 2011-016) and replaced with a simpler Retail Gas and Fuels use, due to a decline of traditional gas stations that sold fuel and provided limited towing and repair services, which was partially caused by the transition to Convenience Stores with Gas Sales. Increased expansion of collocated uses with the sale of motor vehicle fuels, including Restaurants and expanded square footage for convenience items or other General Retail Sales uses, have further eroded the need to retain the C-store with Gas Sales use, allowing for the deletion of redundant standards addressed under other uses.

~~A convenience store which includes accessory gasoline retail sales to the general public.~~

~~a. **Floor Area**~~

~~A maximum of 5,000 square feet.~~

~~b. **Approval Criteria**~~

~~A convenience store with gas sales shall be subject to the approval criteria of Art. 4.B.1.A.18.a, Approval Criteria. [Ord. 2006-004]~~

~~c. **Location Criteria [Ord. 2006-004]**~~

~~1) **Intersection Criteria**~~

~~A maximum of two auto service stations and convenience stores with gas sales, or any combination thereof, shall be permitted at an intersection pursuant to Article 5.E.2.B, Intersection Criteria. [Ord. 2006-004]~~

~~2) **Separation Criteria**~~

~~A convenience store with gas sales shall be separated from any other auto service station or convenience store with gas sales pursuant to Art. 5.E.2.C.1. [Ord. 2006-004]~~

~~3) **Major Intersection Criteria for CL FLU**~~

~~A convenience store with gas sales with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria. [Ord. 2006-004] [Ord. 2013-001]~~

~~4) **Rural, Exurban, Glades and Agricultural Reserve Tiers (AGR)**~~

~~A convenience store with gas sales shall be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the FDOT PBC Federal Functional Classification Table. [Ord. 2006-004]~~

~~5) **I-95 Interchange Exemption**~~

~~A parcel with a Commercial High (CH) future land use designation within 0.50 miles of an I-95 Interchange shall be exempt from the Location Criteria for 1) Intersection Criteria, and 2) Separation Criteria, listed above. [Ord. 2012-027]~~

~~d. **Water**~~

~~Evidence of the protection of drinking water sources shall be provided to the Health Department prior to certification by the DRO. [Ord. 2006-004]~~

~~e. **Parking**~~

~~1) **Location**~~

~~A convenience store with gas sales greater than 3,000 square feet in GFA shall provide one half of the required parking spaces directly adjacent to the store. [Ord. 2006-004]~~

~~2) **Parking for Accessory Automatic Car Wash**~~

~~Parking for an accessory automatic car wash may be exempt from the parking requirements of Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements, subject to DRO approval. [Ord. 2006-004]~~

~~f. **Collocated Restaurant**~~

~~A Type I or II restaurant may be collocated with a convenience store with gas sales subject to the use regulations applicable to the restaurant use. [Ord. 2006-004]~~

~~g. **TMD and LCC Districts, and IRO Projects**~~

~~Islands for gasoline pumps shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2006-004] [Ord. 2010-005]~~

~~h. **WCRA Overlay**~~

~~Convenience stores with gas sales are prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.14.E—WCRAO Sub-area Use Regulations. [Ord. 2006-004]~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

i. ~~Infill Redevelopment Overlay (IRO)~~

~~A convenience store with gas sales located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]~~

j. ~~Nonconformities~~

~~For a Convenience Store with Gas Sales, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the percentage limitation of Art. 1.F, Nonconformities, and approval of a Traffic Study by the Engineering Department. [Ord. 2010-005] [Ord. 2011-016]~~

Reason for amendments to Convenience Store with Gas Sales in the Use Matrix: [Zoning] This use classification is being sunset due to industry changes in the types of uses that are typically collocated with establishments which sell motor vehicle fuel.

41. Day Labor Employment Service

HISTORY: The Day Labor Employment Service use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. xx and xx.

Reason for amendments: [Zoning]

- 1. Delete Day Labor Employment Service use as the concept fits the definition of Office use. Some of the standards that relate an office for temporary labor service such as nuisances and prohibition of in the WCRAO are relocated to the use Office.

~~An establishment engaged in providing temporary day or manual labor service for the construction, maintenance, agricultural or industrial trades. [Ord. 2006-004]~~

~~a. Location~~

~~Day labor employment services are prohibited within the boundaries of the WCRAO, as per Table 3.B.14.E WCRAO Sub-area Use Regulations. [Relocated to Office use, above] Day labor employment services shall be located within and totally surrounded by property with an industrial zoning designation. The minimum distance of all principal structures, accessory structures and outdoor activity areas shall be as follows: [Ord. 2006-004]~~

- 1) 1,000 feet from any non-industrial use; and
- 2) 1,000 feet from any other day labor service.

~~b. Hours of Operation~~

~~No service shall commence business prior to 7:00 a.m. nor continue business later than 6:00 p.m.~~

~~c. Minimum Building Size~~

~~No service shall operate in any building that has less than 10,000 gross square feet.~~

~~d. Loitering~~

~~No outdoor loitering, waiting, or seating shall be permitted on the site. [Relocated to Office use, above]~~

~~e. Loudspeakers~~

~~No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted. [Relocated to Office Use, above]~~

~~f. Records~~

~~The service shall maintain all business records on the premises for inspection by PBC.~~

~~g. Advertising~~

~~Advertising shall be limited to one sign with a maximum face area of 12 square feet and six feet in height.~~

~~h. Development Standards~~

~~All services shall adhere to the non-residential development standards of Article 3.C, STANDARD DISTRICTS.~~

Reason for amendments to Day Labor Employment Service in the Use Matrix: [Zoning] Delete the approval from the Use Matrix as the use is has been consolidated with Business or Professional Office. Outdoor standards associated to this particular use have been relocated and consolidated with Business or Professional Office use which help address any issues that could be subject of concern by adjacent residents or discussed at public hearings.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

4210. Dispatching ~~Office Service~~

HISTORY: The Dispatching Office use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and supplemental standards were amended by Ord. 2001-001, Ord. 2003-067, Ord. 2010-005 and Ord. 2010-022.

Reason for amendments: [Zoning]

1. Review the use definition of Dispatching Service by clarifying its main purpose is to provide communication services that assist in the coordination and operation of businesses that are mobile. Expand the list of typical uses by including other common businesses covered by this use definition
2. Provide thresholds that allow the use to be subject to DRO approval instead of Class A Conditional use when impacts to the outdoor areas and adjacent residential properties are reduced. Such thresholds include a maximum of three vehicles associated to the business to be allowed; indoor storage of vehicles or outdoor storage of vehicles separated 250 feet from residential.
3. Allow the use to be Permitted by Right when limited to an office for the dispatching operation.
4. Introduce provisions that prevent the orientation of bay doors to face residential and right of ways while reducing visibility of indoor storage areas to minimize the impact of the use in the surrounding areas.

a. Definition

An establishment ~~providing services off-site to households and businesses using land-based communication for receiving and transmitting messages associated with the tracking of vehicles and equipment, or coordinating mobile or transportation operations, which may include storage of dispatched vehicles or equipment. Typical uses include janitorial services, pest control services, and taxi, limousine, and ambulance services.~~

[Relocated to Typical Uses standard below]

b. Typical Uses

A Dispatching Service use ~~include but is not limited to janitorial, pest control or emergency services; and, taxi, limousine or courier operations.~~ **[Relocated from Definition above]**

ac. ~~CG, CH/MUPD Districts~~ Approval Process

1) CH FLU Designation and Commercial Pod of PIPD

A Dispatching Service ~~may be allowed subject to DRO approval in the following situations:~~

- ~~A dispatching office shall be limited to no more than three service or delivery vehicles unless approved as a Class A conditional use or requested.~~
 - ~~All dispatched vehicles are stored indoor.~~
 - ~~Outdoor storage of vehicles is separated a minimum of 250 feet from a parcel of land with a residential FLU designation or use.~~
- 2) A dispatching service without vehicles on site and limited to office only may be Permitted by Right in the zoning districts where the use is allowed.

d. Bay Door Orientation

~~Storage doors shall not face and be visible from public streets or a parcel of land with residential FLU designation or use.~~

Reason for amendments to Dispatching Service in the Use Matrix: [Zoning]

- Change the approval process of the use in CG Zoning District from Class B Conditional Use to Class A Conditional Use approval. The change is made to provide consistency with the approval of the use in MUPD and MXPD with CH FLU designation where the use is allowed.
- Allow the use to be Permitted by Right in MUPD with IND FLU designation for consistency with the approval of the use in other industrial zoning districts.
- Change the use approval from Permitted by Right to Class A Conditional in the Commercial pod of PIPD for consistency with the use approval in commercial zoning districts.

4311. Dog Daycare

HISTORY: The Dog Daycare use definition and supplemental standards were first referenced as part of the 2001 ULDC (Ord. 2001-015). The definition and supplemental standards were amended by Ord. 2003-067, 2005-002, 2006-036, 2010-005, 2010-022, and 2011-016.

Reason for amendments: [Zoning]

1. Revise the definition to clarify that overnight care of domestic dogs would be considered a commercial kennel.
2. Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

ACC Operational Permit.
3. Delete standard for number of animals permitted. The number of animals is determined by the ACC Ord. 98-22.
4. Revise Runs and Drop -Off standard to prohibit outdoor runs only. Staff recognizes occasional walking and relief of animals is common.

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- a. Definition**
An establishment which provides daytime care and training for domestic dogs. Overnight care of domestic dogs is prohibited.
- a. Use Approval**
~~Prior to review by DRO, approval shall be obtained from PBCACC. [Ord. 2006-036]~~
- b. ACC Permit**
The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit. All Dog Daycare uses shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended.
- bc. Waste Disposal**
A dog day care shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA.
- c. Number of Dogs**
~~The number of dogs permitted shall be based on the square footage of the facility pursuant PBCACC limitations and requirements. [Ord. 2006-036]~~
- d. Runs and Drop-Off**
Facilities shall be subject to the following standards:
 - 1) outdoor runs, ~~play areas, yards, etc.,~~ shall be prohibited;
 - 2) adequate drop-off areas shall be provided; and
 - 3) three drop off spaces measuring 12 feet in width by 20 feet in length shall be provided for every 50 dogs.

Reason for amendments to Dog Daycare in the Use Matrix: [Zoning]

- Add the use to the CC Zoning District, COM Pod of a PUD as a DRO Approval and in the MUPD with an IND FLU as a P;
- Change the approval process in the CG standard Zoning District from Class A Conditional Use to DRO Approval;
- Change the approval process where the use is allowed in PDDs and TDDs as Requested Use to a DRO approval; and,
- Change the approval process in the IRO with a CLO and CHO FLU designation from a General Land Use change (L) to DRO approval.

The changes are consistent with other commercial and industrial zoning districts and with PDD's with Commercial, Industrial FLU, Pod, Tiers or Use Areas. Additionally, the activities of the use are primarily located within an enclosed building contributing to the mitigation of any adverse impacts.

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5512. Financial Institution

HISTORY: The Financial Institution use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning] Split existing Financial Institution use into three distinct variations to improve ease of use. This allows for the elimination of Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes, which was established under Supplementary Standards to address the myriad of different but de minimis differences in Financial Institution configurations.

- Financial Institution: Brick and mortar establishment are generally allowed in most all Commercial or Mixed Use districts. Separating from the other variations will allow for the use to be shown as Permitted by Right or subject to Development Review Officer (DRO) approval in most scenarios.
- Financial Institution with Drive Thru's: Allows for use to be shown as prohibited in district where drive thru's were previously prohibited.
- Financial Institution – Freestanding ATM. This use is also permitted in most all Commercial or Mixed Use districts, subject to DRO approval. Again, separating from the other characteristics simply enables the approval process for the use to be more accurately reflected in the Use Matrix.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

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a. Definition

An establishment engaged in deposit banking. ~~Typical uses include commercial banks, savings institutions, and credit unions, including outdoor ATMs and drive thru only facilities. Freestanding ATMs shall be considered a Financial Institution. [Ord. 2013-021]~~ **[Partially relocated to Typical Uses standard below, new Financial Institution with Drive Thru Facilities, and new Financial Institution Freestanding ATM]**

b. Typical Uses

A Financial Institution use may include but not be limited to: commercial banks, savings institutions, and credit unions. [Ord. 2013-021] **[Relocated from Definition above]**

c. Approval Process - CC District, CLO PDD, and Commercial Pod of PUD

A Financial Institution 5,000 square feet or less in the CC Zoning district, CLO PDD, or Commercial Pod of a PUD, may be Permitted by Right. **[Partially relocated from Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes]**

d. Zoning Districts – CN and CLO Districts, and Neighborhood Center of TND

A Financial Institution in the CN and CLO Zoning districts, and Neighborhood Center of a TND, shall be limited to a maximum of 5,000 square feet. **[Partially relocated from Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes]**

~~**a. Development Thresholds and Approval Process**~~

~~A Financial Institution financial institution, including freestanding ATMs, shall comply with the Development Thresholds and required approval processes of Table 4.B.1.A, Financial Institution Development Thresholds and Approval Processes. [Ord. 2007-013] [Ord. 2009-040] [Ord. 2013-021]~~

Table 4.B.1.A – Financial Institution Development Thresholds and Approval Processes

Zoning District	Development Thresholds			Approval Process	
	GFA		Drive-thru (1)	Freestanding ATM	
CN and CLO	5,000 s.f. max	and	Prohibited	Prohibited	DRO
CC and CHO; CL and CLO PDDs; COM Pod of PUD;	5,000 s.f. max	and	Prohibited	Permitted	Permitted by Right Freestanding ATM, DRO
CC; and, CL and CLO PDDs, and COM Pod of PUD	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted	DRO
CG; CH and CHO PDDs; PIPD COM Use Zone; and, TDDs	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted	Permitted by Right Freestanding ATM, DRO
UC or UI (2)	N/A	and	Any number of drive thru lanes (3)	Permitted	DRO (2)
CC, CHO and CG; CL, CH, CLO and CHO PDDs; COM Pod of PUD; PIPD COM Use Zone; and, TDDs	> 5,000 s.f.	or	> 3 drive thru lanes	Permitted	Class A or Requested Use Freestanding ATM, DRO

~~[Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2013-021]~~

Notes:

- ~~1. An ATM lane shall not be considered a drive thru lane for purposes of development thresholds.~~
- ~~2. Does not apply to Prior Approvals. See Art. 3.B.16.E.2.a, Right to Continue or Change Uses (Related to PRA Use matrix). [Ord. 2011-016]~~
- ~~3. Drive thru facilities, including vehicular access and queuing shall not be located within 200 feet of abutting non-PRA residential use or parcel with a residential FLU designation, unless permitted otherwise by Art. 3.B.16, URAO. [Ord. 2011-016]~~

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b. Freestanding ATMs

All freestanding ATMs shall be subject to the following requirements: **[Ord. 2013-021]**

- ~~1) No freestanding ATM shall be approved unless each operator of an ATM in the structure has at least one manned full service financial institution within Palm Beach County. [Ord. 2013-021] [Relocated to new Financial Institution – Freestanding ATM]~~
- ~~2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather. [Ord. 2013-021] [Relocated to new Type 3 Financial Institution – Freestanding ATM]~~
- ~~3) Customer access to the interior of the structure shall be prohibited; and, [Ord. 2013-021] [Relocated to new Financial Institution – Freestanding ATM]~~
- ~~4) Shall not be located within 1,000 feet of another Freestanding ATM. When within a TMD, the 1,000 foot separation distance may be reduced to accommodate a maximum of two freestanding ATMs, provided they are constructed in common public~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

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plazas. ~~[Ord. 2013-021]~~ [Relocated to new Financial Institution – Freestanding ATM]

c. TMD and LCC Districts

~~Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2010-005]~~
[Relocated to new Financial Institution with Drive Thru]

d. Infill Redevelopment Overlay (IRO)

~~A financial institution with no drive-thru lanes; or, a financial institution with drive-thru lanes located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]~~

Reason for amendments to Financial Institution in the Use Matrix: [Zoning] Simplify approval process in accordance with revisions limiting this defined use to brick and mortar establishments distinct from those with drive thru facilities or stand alone ATMs.

13. Financial Institution with Drive Thru Facilities

Reason for amendments: [Zoning]

1. Per Reason listed above under Financial Institution, create new Financial Institution with Drive Thru Facilities, to allow simplification of Supplementary Standards and improve ease of use for the Use Matrix.
2. Review of prior ULDC amendments indicates that the current threshold requiring BCC approval for four or more drive thrus in all Zoning districts should only be applied in limited districts, primarily those that have a Commercial Low FLU designation, for mixed use, or where otherwise intended to service a limited neighborhood or community (e.g. Commercial Pod of a PUD, where uses are intended to serve residents of the PUD, etc.). Subsequently, the relocation of those existing thresholds was not carried forward for most Commercial High FLU designation based districts.

a. Definition

A Financial Institution which includes drive thru teller facilities.

b. Approval Process

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

A Financial Institution 5,000 square feet or less, and with three drive thru lanes or less, may be permitted subject to DRO Approval, in the following Zoning districts:

a) CC;

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

c) TMD in the Rural, Exurban and AGR Tiers.

Partially relocated from Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes]

2) Single Drive Thru ATM Exception

A maximum of one drive thru ATM lane shall not be considered a drive thru lane for purposes of determining the threshold above. [Partially relocated from Table 4.B.1.A - Financial Institution Development Thresholds and Approval Processes]

c. Zoning Districts - TDD and LCC Districts

Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2010-005]
[Relocated from Art. 4.B.2.X.c, TMD and LCC Districts]

Reason for amendments to Financial Institution in the Use Matrix: [Zoning] Simplify approval processes for Financial Institution with Drive Thru where located in districts with a Commercial High (CH) future land use designation. Review of prior ULDC amendments indicates that the current threshold requiring BCC approval for four or more drive thrus in all Zoning districts should only be applied in limited districts, primarily those that have a Commercial Low FLU designation, for mixed use, or where otherwise intended to service a limited neighborhood or community (e.g. Commercial Pod of a PUD, where uses are intended to serve residents of the PUD, etc.).

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
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(Updated 8/19/16)

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5514. Financial Institution – Freestanding ATM

HISTORY: The Financial Institution use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning] Per Reason listed above under Financial Institution, create new Financial Institution with Drive Thru Facilities, to allow simplification of Supplementary Standards and improve ease of use for the Use Matrix.

a. Definition

An entirely automated unstaffed Financial Institution, either located in a stand-alone kiosk or the façade of a building where the owner or tenants have no managerial authority over the operation of the ATM.

b. Zoning Districts - TDD and LCC Districts

Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2010-005] [Relocated from Art. 4.B.2.X.c, TMD and LCC Districts]

c. Thresholds

All Freestanding ATMs shall be subject to the following requirements: [Ord. 2013-021]

- 1) The owner or operator shall maintain at least one manned full service Financial Institution within Palm Beach County; [Ord. 2013-021]*
- 2) The structure shall not exceed 100 square feet, excluding canopies provided for decorative aesthetics or protection from weather; [Ord. 2013-021]*
- 3) Customer access to the interior of the structure shall be prohibited; [Ord. 2013-021]*
- 4) Shall not be located within 1,000 feet of another Freestanding ATM. When within a TMD, the 1,000 foot separation distance may be reduced to accommodate a maximum of two freestanding ATMs, provided they are constructed in common public plazas; and, [Ord. 2013-021]*
- 5) Shall be limited to a maximum of one drive thru ATM lane. [Relocated from Art. 4.B.2.X.b, Freestanding ATMs]*

~~Table 4.B.1.A – Financial Institution Development Thresholds and Approval Processes~~

Reason for amendments to Financial Institution in the Use Matrix: [Zoning] Relocate provisions for approval processes from deleted Table 4.B.1.A, Financial Institution Development Thresholds and Approval Processes, to newly created Financial Institution – Freestanding ATM, to improve ease of use. The Freestanding ATM provision is subject to specific standards and inclusion under other types of Financial Institutions requires cumbersome tables to clarify different approval processes.



5715. Flea Market, Enclosed Indoor

HISTORY: The Enclosed Flea Market use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1999-037, 2003-067, 2010-005, 2010-022, and 2011-016.

Reason for amendments: [Zoning] No changes are being made to the use.

a. Definition

A retail sales within a building permanently enclosed by walls and roof in which floor space is rented to individual merchants to display and sell goods.

Reason for in the Use Matrix: [Zoning] Change the approval process to Permitted by Right where the use is allowed as a Class B or Class A Conditional Use. An Indoor Flea Market is generally considered a retail sales use and indoors.



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1 **5816. Flea Market, Open**

2 **HISTORY:** The Open Flea Market use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1999-037, 2003-067, 2010-022, and 2011-016.

3 **Reason for amendments:** [Zoning] Delete the Sanitary Facilities standard as the Health Department would provide a formal review for this use.

4 **a. Definition**

5 An outdoor retail sales area in which parcels of land are rented to individual merchants to display and sell goods.

6 **a. Sanitary Facilities**

7 ~~Sanitary facilities shall be provided in compliance with Health Department regulations.~~

8 **Reason for amendments to Open Flea Market in the Use Matrix:** [Zoning] Delete the use from the IL Zoning District. The use is not allowed in any other Industrial Zoning District.

10 **4817. Gas and Fuel, Retail**

11 **HISTORY:** The Retail Gas and Fuel use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

12 **Reason for amendments:** [Zoning]

13 1. Reintroduce prior standard recognizing Prior Approvals for Auto Service Station or Convenience Store with Gas Sales which did not meet the separation requirements prior to adoption of such standards, shall not be considered non-conforming for what is shown on the Development Order. Ruther clarifies that these sites may also expand subject to compliance with landscaping and traffic safety standards. This is intended to ensure that any non-conforming buffers or unsafe vehicular access points are not carried forward onto a subsequent Development Order as part of any expansion of the use.

14 2. Delete requirement BCC make finding regarding compatibility, scale and other similar requirements typically addressed through either Standards for Conditional Uses, or where permitted through Administrative Approval such as Development Review Officer (DRO), other established standards such as incompatibility buffers or other landscaping, limits on hours of operation, vehicle stacking, architecture, parking, pedestrian and vehicular circulation, etc.

 3. Establish limits for Commercial Pod of a PUD where located internal to the PUD. Prior to the 90's several PUDs were approved with Commercial Pods that were located along the periphery of the development, or Arterials or Collectors which bisected the development, resulting in Commercial Pods that generally function as stand-alone commercial centers serving more than just the residents of the PUD. The new limitation is intended to correspond to changes made in the 1990's ULDC which limited Commercial Pods to locations internal to the development primarily intended to serve those residents.

 4. Establish standard to allow limited Retail Gas and Fuel as an accessory use to Wholesale or similar uses, which might include traditional motor vehicle fuels or others, such as Compressed Natural Gas, which are not typically sold from Commercial locations.

15 **a. Definition**

16 An establishment engaged in the sale of gasoline or motor fuels to the general public. [Ord. 2011-016]

17 **b. Nonconformities**

18 **1) Automotive Service Station or Convenience Store with Gas Sales**

19 A prior approval for an Automotive Service Station or Convenience Store with Gas Sales shall correspond to Retail Gas and Fuel, and any other collocated use defined by this Article. [Ord. 2011-016]

20 **2) Approvals Prior to Establishment of Location Criteria**

21 A Convenience Store with Gas Sales or Auto Service Station approved prior to the adoption of the Location Criteria below, shall not be considered non-conforming under such Location Criteria, provided that any expansion that increases the number of pumps, fueling positions or land area shall only be permitted, subject to the following:

22 (a) Perimeter Landscape Buffers are upgraded to current standards within the affected area, and,

23 **Notes:**

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

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1 (b) ingress/egress and stacking are upgraded to improve vehicular and pedestrian
2 safety to the maximum extent feasible, which may include the removal or
3 relocation of access points.

4 **c. Approval Process – IRO District with CH FLU Designation**

5 *Retail Gas and Fuel located on a parcel with a CH FLU designation within the Core*
6 *Transect Zone may be approved by the DRO. [Ord. 2010-005] [Ord. 2011-016]*
7 **[Relocated from Art. 4.B.1.A.XX,g, Infill Redevelopment Overlay (IRO) Approval**
8 **Process Exceptions]**

9 ~~**ca. Approval Criteria**~~

10 ~~Prior to approving a Conditional or Requested Use for Retail Gas and Fuel, the BCC shall~~
11 ~~make a finding that the use is appropriately located. In making the determination that the~~
12 ~~use is appropriately located, the BCC shall consider whether or not: [Ord. 2011-016]~~

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

14 ~~2) Adequate buffering and setbacks from residential areas have been provided. [Ord.~~
15 ~~2006-004]~~

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

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

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

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

21 *Retail Gas and Fuel shall only be permitted on sites that are within 500 feet of the*
22 *perimeter of the development. Gasoline pumps shall be located at the side or rear of a*
23 *building with access from an alley, interior parking area, or a street not designated as a*
24 *main street. [Ord. 2010-005] [Ord. 2011-016] [Relocated from Art. 4.B.2.XX.f, TMD*
25 *and LCC Districts]*

26 ~~**eb. Location Criteria**~~

27 **1) Intersection Criteria**

28 A maximum of two Retail Gas and Fuel ~~establishments, Convenience Store with Gas~~
29 ~~Sales, or any combination thereof,~~ may be permitted at an intersection pursuant to
30 Art. 5.E.2.B, Intersection Criteria. **[Ord. 2006-004] [Ord. 2011-016]**

31 **2) Separation Criteria**

32 A Retail Gas and Fuel ~~establishment~~ shall be separated from any other Retail Gas
33 and Fuel ~~establishment, or Convenience Store with Gas Sales~~ pursuant to Art.
34 5.E.2.C.1. **[Related to Separation Criteria]. [Ord. 2006-004] [Ord. 2011-016]**

35 **3) CL FLU in U/S Tier**

36 ~~Where permitted in a Use Matrix,~~ Retail Gas and Fuel with a CL FLU designation
37 shall comply with Article 5.E.1, Major Intersection Criteria. **[Ord. 2006-004] [Ord.**
38 **2011-016]**

39 **4) CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers**

40 ~~Where permitted in a Use Matrix,~~ Retail Gas and Fuel shall be located within 1,000
41 feet of the intersection of one ~~Collector collector~~ and ~~Arterial arterial~~ street, or two
42 ~~Arterial arterial~~ streets, as listed in the Florida Department of Transportation (FDOT)
43 PBC Federal Functional Classification Table. **[Ord. 2006-004] [Ord. 2011-016]**

44 **5) Commercial Pod of PUD**

45 ~~Shall be limited to a maximum of four fueling positions, unless in compliance with~~
46 ~~either of the standards above for CL FLU in U/S Tier, or CL FLU in Rural, Exurban,~~
47 ~~Glades and Agricultural Reserve Tiers, whichever is applicable.~~

48 ~~**6) WCRA Overlay**~~

49 Retail Gas and Fuel is prohibited in the NR, NRM, and NG sub-areas, ~~as~~ per Table
50 3.B.14.E – WCRAO Sub-area Use Regulations. **[Ord. 2006-004] [Ord. 2011-016]**

51 **7) Exceptions**

52 ~~**a6) I-95 Interchanges Exemption**~~

53 A parcel with a Commercial High (CH) future land use designation within 0.50
54 miles of an I-95 ~~or Turnpike~~ Interchange shall be exempt from the Location
55 Criteria of 1) Intersection Criteria, and 2) Separation Criteria, listed above. **[Ord.**
56 **2012-027]**

57 ~~**b) MUPD**~~

58 ~~Retail Gas and Fuel located within an MUPD may be exempt from the~~
59 ~~Intersection Criteria or Separation Criteria, where in compliance with the most~~
60 ~~recently adopted standards for the following:~~

61 ~~(1) Perimeter Landscape Buffers, where located between all Retail Gas and Fuel~~
62 ~~use areas, including ingress/egress, and any R-O-W or parcel with a~~
63 ~~residential FLU or use, unless blocked from view by other existing structures;~~
64 ~~and,~~

65 ~~(2) Ingress/egress, stacking, turn-lanes, and pedestrian connectivity.~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
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- f. Accessory Use**
Retail Gas and Fuel may be allowed as an accessory use to Wholesale Gas and Fuel in industrial districts, subject to Class A Conditional Use approval, and the following:
 - 1) Gas and fuel sold retail shall be limited to motor fuels sold wholesale;
 - 2) Maximum of four fueling positions;
 - 3) Maximum of one wall or freestanding sign, where permitted, not to exceed six feet in height, or 25 square feet of sign face area.
 - 4) Wholesale Gas and Fuel may include regional corporate headquarters or maintenance facility for a State regulated public utility that sells natural gas or other similar fuels.
- ~~g. Collocated Uses~~**
~~Other uses, such as general repair and maintenance, general retail sales, restaurants, and car washes may be collocated with retail gas and fuel subject to the Supplementary Use Standards applicable to the Collocated Use. [Ord. 2006-004] [Ord. 2011-016]~~
- ~~d. Parking for Accessory Automatic Car Wash~~**
~~Parking for an accessory automatic car wash may be exempt from the parking requirements of Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements, subject to DRO approval. [Ord. 2006-004]~~
- ~~e. Additional Accessory or Collocated Use Standards~~**
 - 1) **Enclosed Repair**
~~All repair activities shall be conducted within an enclosed structure. No outdoor storage of disassembled vehicles, or parts thereof, shall be permitted on site. [Ord. 2011-016] [Relocate to Art. 4.B.2.A.X, General Repair and Maintenance]~~
 - 2) **Delivery Vehicle s**
~~Parking of delivery vehicles shall be permitted only within a designated loading space. Overnight parking of delivery vehicles on-site shall be prohibited.~~
 - 3) **Vehicle Testing**
~~Vehicles shall not be tested off-site on residential streets.~~
 - 4) **Loudspeakers**
~~No outdoor speaker or public address systems audible off-site shall be permitted.~~
- ~~f. TMD and LCC Districts~~**
~~Retail Gas and Fuel shall only be permitted on sites that are within 500 feet of the perimeter of the development. Gasoline pumps shall be located in the rear or side of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2010-005] [Ord. 2011-016] [Relocated to new Zoning Districts – TMD and LCC, above]~~
- ~~g. Infill Redevelopment Overlay (IRO) Approval Process Exceptions~~**
~~Retail Gas and Fuel located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005] [Ord. 2011-016] [Relocated to new Approval Process - IRO, above]~~
- ~~h. Previously Approved Auto Service Stations~~**
~~A prior approval for an Automotive Service Station shall correspond to Retail Gas and Fuel. An Auto Service Station that complies with the requirements for Retail Gas and Fuel shall not be considered a Non-conforming Use. Any other approved uses shall be subject to the Additional Accessory or Collocated Use standards above. [Ord. 2011-016] [Partially relocated to new Nonconformities, above]~~
- ~~i. Nonconformities~~**
~~For Retail Gas and Fuel or a Automotive Service Station, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the percentage limitation of Art. 1.F, Nonconformities, and approval of a Traffic Study by the Engineering Department. [Ord. 2010-005] [Ord. 2011-016] [Partially relocated to new Nonconformities, above]~~

Reason for amendments to Retail Gas and Fuel in the Use Matrix: [Zoning] Delete from industrial districts, as: 1) industrial districts aren't intended for general commercial uses such as everyday automobile fuel sales; 2) facilities necessary to provide vehicle fuel for commercial vehicles typically frequenting industrial districts may be permitted through the Truckstop use; and, 3) additional provisions have been added to recognize limited accessory retail in conjunction with Wholesale Fuel or other similar industries.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
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64-18. Green Market, Permanent

HISTORY: The use was introduced to the Code as Green Market through Ordinance 1998-011 in the Agricultural Reserve (AGR) Zoning District. The definition and supplemental standards were amended by Ord. 2003-067, Ord. 2007- 001, Ord. 2010-005, Ord. 2010-022, and Ord. 2012-027 when the use was split to permanent and temporary. The existing provisions were applied to Temporary Green Market while Permanent Green Market was completely new to the Code by the last ordinance.

Reason for amendments: [Zoning]

1. Eliminate the approval process from the definition. The application and approval process for the Permanent Green Market are different from the Temporary Green Market. The Permanent type is limited to 3 days of any week subject to DRO approval, while the Temporary one is subject to a Special Permit.
2. Establish criteria for where Permanent Green Markets can be located. The new standards will address minimizing negative impacts of this use being located near a residential neighborhood.
3. Include a new standard that limits to three days a week for the operation of this use. This standard looks to avoid permanent location of temporary structures in what is now a permanent use. By allowing it to operate longer periods of time may represent a nuisance or safety issue.
4. Delete the 120 square foot stand limitation, as this is a threshold for Building permit per Building Code requirement

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a. Definition

~~An area permanently designated on a Preliminary or Final Site Plan for the gathering of vendors on weekends and holidays,~~ for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food on a retail basis. [Ord. 2012-027]

ab. Lot Size

A minimum of one acre with the exception of lots located in the WCRAO where a minimum of one-half of an acre is required. [Ord. 2012-027] [Ord. 2015-031]

Location

Vehicular access shall be from arterial, collector or local commercial streets.

bc. Duration

~~Weekends and recognized federal holidays only. [Ord. 2012-027]~~ The use shall operate no more than three days a week.

cd. Vendor Stands

~~Each vendor stand shall not exceed 150 square feet.~~ The stand shall remain transportable and shall be removed from the site at the close of the market each ~~weekend, or holiday where applicable~~ week. Motor vehicles such as vans or small trucks may be permitted subject to the preceding removal requirements. [Ord. 2012-027]

Reason for amendments to Permanent Green Market in the Use Matrix: [Zoning]

- Change the approval process in the CN and CC Zoning Districts from Class B Conditional Use approval to DRO approval. The use is limited to one acre which requires a larger parcel for CN when compared with the minimum lot size of 0.5 acre needed for that district. This type of use is desired to be located in close proximity to residential areas, therefore the change in the approval process for these zoning districts looks to encourage the use in those areas.

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7219. Hotel, or Motel, SRO, and Rooming and Boarding House

HISTORY: The Hotel, Motel, SRO, and Rooming and Boarding House use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1993-004, Ord. 1999-037, Ord. 2003-067, Ord. 2006-004, Ord. 2006-036, Ord. 2007-013, 2010-005, 2010-022, Ord. 2011-016, 2014-031 and 2015-006.

Reason for amendments: [Zoning]

1. Remove Boarding House from Hotel or Motel. This change relates to Florida Statutes 509.013 that excludes from the definition of public lodging establishments any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students and faculty; and, any rooming house, boardinghouse, or other living or sleeping facility. This amendment is also deleting Single Room Occupancy (SRO) as SRO is more associated with a form of permanent residence. Similar reason is use for the deletion of the term Rooming from Boarding House and rooming does not typically include additional services.
2. Delete language that references Use Matrices to indicate approval processes as they are consolidated now in one single table.

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EXHIBIT A

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(Updated 8/19/16)

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| 3. | Delete standards related to lot size, lot width and calculation of sleeping units applicable to commercial zoning districts consistent with Commercial Low (CL), Commercial High Office (CHO), and Commercial High (CH) Future Land Use (FLU) designation. <ul style="list-style-type: none">• Commercial zoning districts consistent with CL, CHO and CH FLU designation are required to have one acre minimum lot size as required in the Zoning District Property Development Regulations (PDR) in Art. 3. This standard is deleted to eliminate duplication.• Delete standard that requires a minimum of 100 feet of lot width in commercial zoning districts consistent with CL, CHO and CH FLU designation. As contained in the PDRs for the standard zoning districts where the use is allowed, the minimum lot width required is already 100 feet. In MUPD or MXPD with CH or CHO FLU designation, and LCC the minimum lot width is 200 feet.• Delete requirement that limits the number of rooms to be based on the total site area. Building coverage and FAR should dictate the size of the building for the zoning district in which the use is located and therefore the number of rooms to be provided by this use. |
| 4. | Delete standard that allows Boarding and Rooming Homes in Multifamily Residential (RM) Zoning District when located in High Residential (RH) FLU designation. It eliminates the introduction of uses that are dictated by intensity or non-residential uses in residential areas. |
| 5. | Clarify the use may be Permitted by Right when located in the CH FLU designation of a Traditional Marketplace Development (TMD) in the Urban/Suburban Tier. This change is proposed for consistency with the approval of the use in similar intense commercial zoning districts and to help clarify it is only applicable to CH FLU since TMDs are also allowed in CL FLU. |
| 6. | Delete standard that requires the use to be subject to Class A Conditional use approval in the Commercial Recreation (CRE) Zoning District as the Use Matrix is already showing such approval in that Zoning District. CRE Zoning district is consistent with Commercial Recreation (CR) and Rural Residential ten (RR-10) FLU designations only. This standard is keeping the use limited to the RR FLU designation. |

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a. Definition

An establishment ~~requiring a typically~~ licensed by the State of Florida, used, maintained or advertised as a place where furnished sleeping accommodations are supplied ~~to the guest for a short term rent period of time to guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses.~~ **[Ord. 2006-004]**

a. Commercial Districts and AZO Overlay

If permitted by Table 3.B.2.B, Airport Use Regulations, Table 3.E.1.B, PDD Use Matrix, or Table 4.A.3.A, Use Matrix, or a hotel, motel, SRO, or rooming and boarding house with a CL, CHO and CH FLU designation, or in the AZO Overlay, shall comply with the following: **[Ord. 2006-004] [Ord. 2006-036]**

1) Lot Size

~~A minimum of one acre or the minimum required by the district, whichever is greater.~~

2) Lot Width

~~A minimum of 100 feet or the minimum required by the district, whichever is greater.~~

3) Sleeping Units

~~A maximum of one per 1,000 square feet of lot area.~~

b. RM District

~~A rooming and boarding house is permitted only in the RM district with an HR FLU designation. The number of beds permitted shall be calculated consistent with a Type 3 CLF. Hotels, motels, and SROs are prohibited.~~

cb. Approval Process

1) CRE District

~~A hotel, motel, SRO, boarding or rooming house shall only be located in a RR FLU designation as a Class A conditional use.~~

2) TMD District - U/S Tier

~~The use may be Permitted by Right when located in the CH FLU designation.~~

dc. Zoning District - PO District

1) Existing Hotel

~~1) An existing hotel located in the PO District shall be considered a conforming use. **[Ord. 2009-040]**~~

2) Collocated Hotel

a) Approval Process - PARK FLU

~~A hotel may be permitted as a collocated use to a PBC Regional Park with a PARK FLU, subject to Class A Conditional Use approval. **[Ord. 2015-006]**~~

b) Park Resource Base

~~The Regional Park shall include a resource base which promotes heritage tourism, eco-tourism, or is otherwise planned to attract patrons from a~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

- 1 Countywide or greater population for historical, cultural, scientific, educational or
2 other similar purposes. Such resource base shall be operational prior to
3 approval of a hotel, or approved and permitted concurrently with a hotel. [Ord.
4 2015-006]
- 5 c) **Conceptual Master Plan**
6 A hotel shall be a component of a Conceptual Master Plan or equivalent that is
7 approved by the Board of County Commissioners. [Ord. 2015-006]
- 8 d) **Frontage and Access**
9 The Regional Park in which a hotel is located shall front on and access from an
10 Arterial or Collector street(s). Vehicular access to a hotel shall be prohibited from
11 any local residential street abutting the park. [Ord. 2015-006]
- 12 e) **Site Plan – Affected Area**
13 When a site plan is not required for the overall park site, the required site plan for
14 the hotel shall regulate only the development area for the hotel and access
15 related thereto. [Ord. 2015-006]
16

17 7. Expand the list of typical accessory services that are incidental to a Hotel, Motel or SRO so there is
18 no confusion that they are part of the functionality of the use and not to be considered accessory
19 uses.

20 8. Relocate standard that limits accessory Cocktail Lounge to ten percent of a Hotel, Motel or SRO
21 gross floor area along with the standards that apply to Lounge for consistency with the construction
22 of the Code.

23 **ed. Accessory Uses Services**

24 Hotels and motels may ~~include typical accessory uses, provide services and facilities,~~
25 such as ~~fitness centers, food and beverage, recreational, meeting or conference rooms,~~
26 ~~conference centers, ballrooms and laundry restaurants and lounges that are limited to~~
27 ~~guests.~~

28 **f. Lounge**

29 ~~An accessory lounge shall not exceed ten percent of the GFA of a hotel or motel. [Ord.~~
30 ~~2006-004] [Relocated to Art. Article 4.B.2.C.12, Cocktail Lounge]~~

31 **Reason for amendments to Hotel, Motel and SRO in the Use Matrix:** [Zoning]

- Delete the approval process of the use in RM Zoning District which was intended to be applicable to sites located in High Residential (RH) FLU designation and only for Boarding and Rooming House as indicated in a standard.
- Change the use approval process in the CHO Zoning District from Class B Conditional Use to Class A Conditional Use for consistency with the approval of the use in MUPD with CHO FLU designation.
- Change the approval process in the CG Zoning District, MUPD, MXPD and LCC with CH FLU designation from Class A Conditional Use approval to Permitted by Right. This use is intended to be located in intense commercial areas. Existing provision contained in the Code such as landscape help address any impacts of the use to adjacent residential areas.
- Change the approval process in the CRE Zoning District from DRO to Class A Conditional to reflect approval contained in standard that allows the use only in CRE consistent with RR FLU designation. This approval is also consistent with MUPD with CR FLU designation.
- Allow the use in TMD Urban Suburban and Exurban/Rural Tiers subject to Class A Conditional Use approval as this zoning district looks to promote mixed uses.

74-20. **kennel, Type II (Commercial)**

HISTORY: The Type II Kennel use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1995-008, 1998-011, 1999-037, 2001-001, 2003-067, 2006-036 (separated from Commercial Kennel to Type II and Type III), 2007-001, 2008-037, 2009-040, 2010-005, 2010-022, and 2011-016.

Reason for amendments: [Zoning]

1. Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an ACC Operational Permit.
2. Delete the AZO Overlay standard as Article 3, Table 3.B.2.B, Airport Use Regulations already addresses Airport and Non-Airport related use approval.
3. Revise Accessory Residential Use standard to clarify that a Type II Commercial Kennel may have an accessory SFD in the AGR.
4. Delete standard that allows a Type II Commercial Kennel in a Planned Industrial Park Development

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

(PIPD) Zoning District subject to Development Review Officer (DRO) approval. The Use Matrix will identify the approval process for the use in the Light Industrial and Commercial Pod.

1
2
3 **a. Definition**

4 A commercial establishment, including any building or land, used for the raising,
5 boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not
6 necessarily owned by the occupants of the premises, for profit. [Ord. 2006-036]

7 **b. ACC Permit**

8 The owner or operator shall obtain Zoning Approval prior to application for an ACC
9 Operational Permit. A Type II Commercial Kennel shall be licensed and regulated in
10 accordance with ACC Ord. 98-022, as amended.

11 **a. Limitations of Use**

12 ~~A Type II commercial kennel shall be limited to the raising, breeding, boarding, sale, and~~
13 ~~grooming of domestic animals, (e.g. dogs and cats). [Ord. 2006-036]~~

14 **1)c. Lot Size**

15 A minimum of two acres. [Ord. 2006-036]

16 **2)d. Frontage**

17 A minimum of 100 feet fronting on and access from a collector or arterial street. [Ord.
18 2006-036]

19 **3)e. Outdoor Runs**

20 **a1) Setbacks**

21 Outdoor runs or animal exercise area shall not be located within 50 feet of any
22 property line adjacent to a residential district, use or where mixed use is required, or
23 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036]
24 [Ord. 2008-037]

25 **b2) Fencing and Screening**

26 A minimum six-foot high safety fence shall be required around outdoor runs. If the
27 safety fence is not opaque or screened from view of adjacent properties or R-O-W, a
28 continuous solid opaque hedge a minimum of four feet at installation shall be
29 provided around the outdoor run\area. [Ord. 2006-036] [Ord. 2015-031]

30 **e3) Waste Disposal**

31 A Type II Commercial kKennel shall meet the PBCHD ECR I and ECR II standards
32 and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and
33 SWA. [Ord. 2015-031]

34 **4) AZO Overlay**

35 ~~Shall be a permitted use only if associated with services provided to passengers and~~
36 ~~airport employees. [Ord. 2006-036]~~

37 **bf. Accessory Residential Use**

38 A Type II kennel may be operated A Single Family dwelling unit may be permitted as an
39 accessory use to a Type II Commercial Kennel in the AGR Zoning eDistrict in conjunction
40 with a residence. [Ord. 2006-036] [Ord. 2009-040]

41 **e. PIPD**

42 ~~A Type II commercial kennel may be permitted in a commercial or light industrial pod of a~~
43 ~~PIPD subject to DRO approval, subject to compliance with the limitations of Plan FLUE~~
44 ~~Policy 2.2.4-b. [Ord. 2008-037]~~

Reason for amendments to Type II Kennel in the Use Matrix: [Zoning]

- Add the use in the COM Pod of a PIPD as a DRO Approval;
- Change the approval process from:
 - Class B Conditional Use to DRO Approval in the CC Zoning District;
 - Requested Use to DRO Approval in the COM Pod of a PUD, MUPD with a CH FLU designation, and MXPD with a CH FLU designation and LCC with a CH FLU designation ; and,
- Delete the Use from the IL and IG Zoning Districts.

A Type II Commercial Kennel with outdoor runs would be addressed by the existing supplementary standards to mitigate any potential adverse impacts. Nuisances related to noise are already addressed in Article 5 and nuisances and regulation related to domestic animals would be addressed by Palm Beach County's Animal Care and Control (ACC).



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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

74-21. Kennel, Type III (Commercial)

HISTORY: The Type III Kennel use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1995-008, 1998-011, 1999-037, 2001-001, 2003-067, 2006-036 (separated from Commercial Kennel to Type II and Type III), 2007-001, 2008-037, 2009-040, 2010-005, 2010-022, and 2011-016.

Reason for amendments: [Zoning]

1. Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an ACC Operational Permit.
2. Delete standard for number of animals permitted. The number of animals is determined by the ACC Ord. 98-22.
3. Delete the AZO Overlay standard as Article 3, Table 3.B.2.B, Airport Use Regulations already addresses Airport and Non-Airport related use approval.
4. Delete the Approval Process standard as the Code addresses instances where uses can be collocated and would be subject to the approval process identified in the new Commercial Use Matrix.
5. Delete standard that allows a Type III Commercial Kennel in a Planned Industrial Park Development (PIPD) Zoning District subject to Development Review Officer (DRO) approval. The Use Matrix will identify the approval process for the use in the Light Industrial and Commercial Pod.

a. Definition

A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit. [Ord. 2006-036]

a. Limitations of Use

~~A Type III kennel is intended to be entirely self-contained within an enclosed building, and shall be subject to the following: [Ord. 2006-036]~~

b. ACC Permit

~~The owner or operator shall obtain Zoning Approval prior to application for an ACC Operational Permit. A Type III Commercial Kennel shall be licensed and regulated in accordance with ACC Ord. 98-022, as amended.~~

1)c. Maximum Square Footage

Shall not exceed 3,000 square feet in the CC and TMD districts, or 7,500 square feet in any other ~~permitted district zoning district the use is allowed.~~ [Ord. 2006-036]

2) Number of Animals Permitted

~~Prior to review by DRO, preliminary approval shall be obtained from the PBCACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted. [Ord. 2006-036]~~

3)d. Standards

All use areas shall be within an enclosed building constructed, maintained and operated so that no noise or odor nuisances related to the kennel operations can be detected outside the building. With exception to designated drop off areas, no outdoor runs, playgrounds, walking areas, yards or similar uses shall be permitted. [Ord. 2006-036]

4)e. Waste Disposal

A Type III ~~Commercial k~~Kennel shall meet the PBCHD ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2006-036]

5) AZO Overlay

~~Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]~~

b. Approval Process

~~A Type III kennel that is collocated and operated in conjunction with and accessory to a related general retail sales use for animal care products, shall be permitted subject to DRO approval if less than 30 percent of the overall GFA of the combined uses. [Ord. 2006-036]~~

c. PIPD

~~A Type III Commercial Kennel shall be permitted in a commercial or light industrial use zone of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4.b. [Ord. 2007-001]~~

Reason for amendments to Type III Kennel in the Use Matrix: [Zoning]

- Add the use as a P in the COM Pod of a PIPD;
- Change the approval process from:
 - Class A Conditional Use to DRO Approval in the CC Zoning District;

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

- o Class B Conditional Use to P in the CG Zoning District;
 - o DRO Approval to P in the IRO with a CL and CH FLU designation;
 - o PDDs and TDDs where the use is allowed from Requested Use to P; and,
 - Delete the Use from the IL and IG Zoning Districts.
- A Type III Commercial Kennel is completely enclosed and would mitigate any potential adverse impacts. Nuisances related to noise are already addressed in Article 5 and nuisances and regulation related to domestic animals would be addressed by Palm Beach County's Animal Care and Control (ACC).



~~75. Kiosk~~

HISTORY: The Kiosk use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 2001-001, 2003-067, 2009-040, 2010-005, and 2011-016.

Reason for amendments: [Zoning] Delete the use from the ULDC. A kiosk or similar use will be considered a structure. The structure will need to comply with other provisions of the Code.

- ~~a. Uses~~
~~Shall be limited to the sale of general retail and convenience items only.~~
- ~~b. Setbacks~~
~~Shall comply with the requirements of the district in which it is located.~~
- ~~c. Architecture Compatibility~~
~~Shall be architecturally compatible with the principle structure or the closest structure within the development.~~
- ~~d. Parking~~
~~Shall not occupy required parking spaces.~~
- ~~e. Landscaping and Buffering~~
~~Shall be landscaped consistent with the provisions of Article 7, LANDSCAPING, including foundation planting, terminal islands, interior landscaping, irrigation, and curbing.~~
- ~~f. Maximum Number of Freestanding Structures~~
 - ~~1) Standard Districts~~
~~One kiosk per project.~~
 - ~~2) Planned Development Districts~~
~~Two kiosks per project.~~
- ~~g. Size~~
~~A maximum of 100 square feet per kiosk.~~

Reason for amendments to Kiosk in the Use Matrix: [Zoning] The Approval Process is being deleted from the Use Matrix.



~~772. Landscape Service~~

HISTORY: The Landscape Service use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning]

- Delete provision allowing for use in the Agricultural Residential (AR) Zoning district, which is generally incompatible with surrounding residential uses, and expand to allow as an Accessory Use to a Nursery, similar to existing provisions in the similar AGR district.
- Delete exception for landscape buffer when adjacent to farm worker quarters. A Landscape Service is a Commercial use requiring appropriate buffering where adjacent to residential uses.
- Relocate and consolidate standards for where Landscape Service is permitted as an Accessory Use in conjunction with revisions in the Use Matrix to address inconsistencies.
- Establish minimum acreage requirement for Accessory Landscape Service in the AR district in the Urban Service Area (USA), to coincide with acreage subject to DRO approval, thus ensuring Accessory Use is properly site planned for ease of future Code Enforcement, if necessary.

- a. Definition
An establishment engaged in ~~the provision of landscape maintenance or~~ installation or maintenance of landscaping services.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

- 1 **b. Typical Uses**
2 Lawn Service typically includes services, such as lawn mowing, trimming of trees, shrubs
3 or hedges trimming, fertilizer application, leaf blowing, and landscape design or, and
4 landscape installation.
- 5 **a. AR District in RSA**
6 A landscape service as a principal use shall be located on a collector or arterial street on
7 a minimum of three acres. **[Ord. 2007-013]** **[Partially relocated to new Art.**
8 **4.B.2.C.x.c, Accessory Use – AR and AGR Districts]**
- 9 **b. AGR District**
10 Shall be permitted subject to DRO approval as an accessory use only in conjunction with
11 a retail or wholesale nursery, excluding those that meet the limitations of a home
12 occupation. **[Ord. 2007-013]** **[Partially relocated to new Art. 4.B.2.C.x.c, Accessory**
13 **Use – AR and AGR Districts]**
- 14 **c. Landscape Buffer**
15 An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE
16 REQUIREMENTS, may be waived if the use is adjacent to farm worker quarters or
17 mobile home accessory to a bona fide agriculture use.
- 18 **d. Storage**
19 Outdoor storage of debris shall be prohibited. **[Partially relocated to new Art.**
20 **4.B.2.C.x.d, Storage]**
- 21 **ce. Accessory Use – AR and AGR Districts**
22 May be allowed as an accessory use to a Retail or Wholesale Nursery, subject to the
23 following: retail or wholesale nursery on a minimum of three acres.
- 24 **1) Owner or Operator**
25 Shall be under the same ownership as the owner or operator of the Nursery.
- 26 **2) Frontage and Access**
27 Shall be located on a parcel with frontage on an Arterial or Collector Street. Access
28 from a Local Residential Street shall be prohibited.
- 29 **3) Minimum Acreage**
30 Minimum acreage shall be as follows:
31 a) AR District in the RSA, and AGR District: Three acres; **[Partially relocated from**
32 **Art. 4.B.2.C.x.a, AR District in RSA]**
33 b) AR District in the USA: Five acres.
- 34 **df. Yard Waste Storage – Yard Waste**
35 The storage of vegetative debris shall be prohibited, except as follows: Landscape
36 service with storage of yard waste shall front on a collector or arterial street, and shall
37 comply with the following requirements: **[Ord. 2011-001]**
- 38 **1) Accessory Use**
39 The storage of yard waste shall be limited to vegetative debris generated by
40 landscape maintenance performed by the owner or operator of the Landscape
41 Service. The storage of yard waste from other sources shall be prohibited, unless
42 permitted otherwise by this Code.
- 43 **2) Access**
44 Access from a Local Residential Street shall be prohibited.
- 45 **3) Setbacks**
46 Loading and service areas shall be located a minimum of 50 feet from all property
47 lines and 100 feet from any parcels adjacent property with a residential use or FLU
48 designation. **[Ord. 2011-001]**
- 49 **4) Standards**
50 a) Only one yard waste storage area shall be permitted on site; **[Ord. 2011-001]**
51 b) Shall not exceed 30 by 40 feet; **[Ord. 2011-001]**
52 c) Yard waste shall be screened on three sides by a wall with a maximum height of
53 12 feet. The open end of the wall shall not face any property with a residential
54 use or FLU designation; **[Ord. 2011-001]**
55 d) Yard waste piles shall not exceed the height of the wall; and, **[Ord. 2011-001]**
56 e) Surface of the storage area shall be paved with concrete and have positive
57 drainage; and, **[Ord. 2011-001]**
58 f) Yard waste that is not generated by the landscape service shall be prohibited on
59 site. **[Ord. 2011-001]**
- 60 **eg. Home Occupation**
61 A limited Landscape Service use landscape service, not including yard waste, or
62 landscape installation services, or other similar uses requiring heavy equipment, may be
63 approved as a Home Occupation, home occupation subject to the requirements of Art.
64 4.B.2.xxx Article 4.B.1.A.70, Home Occupation, and this section, subject to the following
65 exemptions or requirements: **[Ord. 2007-013]** **[Ord. 2011-001]**

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

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1) Buffers

The use shall be exempt from incompatibility buffer requirements. [Ord. 2007-013]

2) AR District in RSA

A landscape service may be permitted subject to the limitations of Art. ~~4.B.2.xxx~~ ~~4.B.1.A.70~~, Home Occupation, except that parcels three acres or more in size may also be eligible for the following: [Ord. 2007-013]

a) A maximum of three persons living outside of the home may be employed under the home occupation, provided the employee vehicles are parked on-site on an improved driveway or within a screened storage area. [Ord. 2007-013]

b) The use shall also be exempt from the outside storage limitations of Art. 4.B.2.xxx Article 4.B.1.A.70.i, Outside Storage, provided that outside storage is limited to equipment such as lawnmowers, edgers, weed eaters, and small trailers. Storage shall not include heavy equipment ~~associated with landscape installation services~~, such as bobcats, loaders, dump trucks, or heavy equipment trailers; and [Ord. 2007-013]

c) Storage areas shall be screened from view from any R-O-W or residential parcel through the use of opaque fences, walls or existing or newly planted native vegetation, provided the material provides an opaque screen within one year of the issuance of the Business Tax Receipt ~~business tax receipt. No additional vegetation shall be required where equipment is screened from view behind permitted fences or other structures.~~ [Ord. 2007-013]

Reason for amendments to Landscape Service in the Use Matrix: [Zoning]	
1.	Delete use from the AGR district. Existing Supplementary Standards establish that the use is only permitted where accessory to a Nursery, subject to additional standards.
2.	Delete provision allowing for use in the Agricultural Residential (AR) Zoning district, which is generally incompatible with surrounding residential uses, and expand to allow as an Accessory Use to a Nursery, similar to existing provisions in the similar AGR district.

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7823. Laundry Service

HISTORY: The Laundry Service use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and supplemental standards were amended by Ord. 1993-004, Ord. 1997-014, Ord. 1998-011, Ord. 2001-062 and Ord. 2003-067.

Reason for amendments: [Zoning]	
1.	Expand the list of typical uses by including other common businesses covered by this use definition. Identify the different types of Laundry Services based on the scale of service as the supplementary standards are not inclusive of commercial or industrial-scale laundry service centers.
2.	Allow the use to be permitted by right in all commercial zoning districts and the commercial pod of PIPD with a maximum of 3,000 SF. Above this area, the use is subject to Public Hearing which allows for additional review by other agencies to address potential impacts cause by this use. As a result of this new standard, the existing provisions for CC Zoning District and Commercial pod of PIPD to be limited to 5,000 SF and TMD and LCC to be limited to 3,000 SF have been removed.
3.	Clarify that Laundry Service in industrial zoning districts is expected to be of high intensity mainly to serve the hospitality industry. Therefore, additional provisions include customer pick off or drop off areas are not allowed in order to reduce traffic impact that could be created by providing commercial characteristics to the use. In addition, as the use would require delivery vehicles, this amendment also includes provisions to provide at least one loading space and prohibit the storage of vehicles associated with the business in required parking spaces that are provided for public or employees only.
4.	Include a requirement to provide use approval by the county Environmental Resource Management (ERM) Department for uses that are Permitted by Right prior to building permit approval. This provision will allow review to enforce environmental regulations that the use may be subject to such as well protection. All other approval processes such as Class A Conditional Use or DRO already provides an opportunity for multiple agencies, including ERM, to review the application.

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a. Definition

An establishment that provides washing, drying, dry-cleaning, or ironing services or machines ~~for hire~~ to be used by customers on the premises, or that is engaged in providing laundry and dry cleaning services ~~with customer drop-off and pick-up.~~

b. Typical Uses

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

1 May include but not limited to coin laundry establishments, laundromats, neighborhood
2 cleaners and dry cleaners, laundry serving commercial cleaners or hospitality industry.

3 **ac. ~~CN-District Approval Process~~**

- 4 1) In the CN Zoning District, the use shall not exceed 3,000 square feet of GFA.
5 2) In all other commercial zoning districts where the use is allowed and the commercial
6 pod of PIPD, the use:
7 a) May be Permitted by Right if less than 3,000 square feet of GFA.
8 b) May be allowed subject to DRO Approval if less than 5,000 square feet of GFA.

9 **3) ~~Industrial Districts, Except Commercial Pod of a PIPD~~**

10 May be allowed subject to DRO approval if less than 15,000 square feet of GFA.

11 **b. ~~CC-District and Commercial Pod of a PUD~~**

12 Shall not exceed 5,000 square feet of GFA.

13 **c. ~~TMD and LCC Districts~~**

14 A laundry service shall not exceed 3,000 square feet of a GFA. [Ord. 2010-005]

15 **d. ~~Approval~~**

16 A laundry service over 15,000 square feet shall require approval of a Class A conditional
17 use or requested use, whichever is applicable.

18 **d. ~~Zoning Districts - Industrial Except Commercial Pod of a PIPD~~**

- 19 1) The use shall be limited to facilities serving the hospitality industry and commercial
20 cleaner centers; and,
21 2) Shall not include customer drop-off or pick-up on-site, or utilize customer-operated
22 machinery.

23 **e. ~~Business Vehicles~~**

24 Shall not be parked or stored in required parking spaces.

25 **f. ~~Environmental Approval~~**

26 Prior to building permit, Laundry Services permitted by right shall provide documentation
27 demonstrating that the use is approved by ERM.

28 **Reason for amendments to Laundry Service in the Use Matrix:** [Zoning]

- Change the approval process from Permitted by Right to Class A Conditional use in CLO, CG, IRO with CL and CH FLU designation,
- Clarify the Approval Process for applicants and show most restrictive in the Use Matrix.
- Remove the use from inappropriate districts, RVPD, MHPD, CL and CHO.

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32 **141-2.Live/Work**
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HISTORY: The Live/Work use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning]

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1. This use is redundant to other uses established in the Code, and incorrectly establishes a limitation that is better addressed through Building Code, whereas the latter would limit the collocation of certain uses within the same space (e.g. you would not likely be permitted to have a loft apartment in the same space as a Restaurant).

~~Live/Work — a mixed use consisting of one residential dwelling unit collocated with any permitted non-residential use pursuant to the applicable zoning district, where permitted by the Florida Building Code. [Ord. 2010-005]~~

a. ~~Mixed Use Designation~~

~~The residential unit shall be counted as density with no limit on maximum square footage, and the non-residential use shall be counted as building square footage. Both shall comply with the allowable density and FAR permitted in the Zoning district. [Ord. 2010-005]~~

b. ~~Final Site Plan~~

~~To ensure compliance with parking, concurrency and building code requirements, among others, the square footage for both the residential unit and the non-residential use shall be clearly indicated on the Final Site Plan for each live/work unit. [Ord. 2010-005]~~

c. ~~Residential Limitations~~

~~Non-residential uses or other similar activities other than home office shall be prohibited within the residential unit portion. [Ord. 2010-005]~~

Reason for amendments to Live/Work in the Use Matrix: [Zoning] Use has been deleted, see Reason above.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

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8224. Marine Facility Marina

HISTORY: The Marina use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1999-037, 2003-067, 2009-040, and 2010-005.

Reason for amendments: [Zoning]

1. The use was relocated from Recreation Use Classification to Commercial Use Classification.
2. Revise definition to:
 - Partially relocate typical uses to a new supplemental standard for clarification purposes;
 - Clarify uses are related to the boating public. Boatyards are commonly industrial in nature and may adversely impact surrounding areas; and
 - Relocate *Boat Facility Siting Plan* language. The threshold of slips for Marina is not an element of the definition but a Supplemental Standard.
3. Relocate *Boat Units* Supplemental Standard.

a. Definition

A commercial facility establishment related to boating located on a navigable waterway. ~~Typical uses include boat docks, marinas, boatyards, yacht clubs, charter boat operations, and boatels.~~ **[Partially relocated to Standard b., Typical Uses of Activities below]** ~~Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan. [Ord. 2009-040]~~ **[Relocated to Standard d., Boat Siting Facility below]**

b. Typical Uses or Activities

Typical uses or activities may include, boat docks but not be limited to, servicing, fueling, pumping-out, chartering, launching, dry-storage of boats and boating equipment, dockage, marinas, boatyards, yacht clubs, charter boat operations, and boatels.

a. Boat Units

~~A boat used as a hotel or motel unit. The total number of units shall be prorated on the basis of one for using 1,000 square feet of dry land for each unit.~~ **[Relocated to Standard c. Boat Units below]**

b. Setbacks

~~Dry storage of boats and other marina~~ Marina related uses may be setback zero feet from the water's edge.

c.a. Boat Units

~~A boat used as a hotel or motel unit. The total number of units shall be prorated on the basis of one unit per for using 1,000 square feet of dry land for each unit.~~ **[Relocated from Standard a., Boat Units above]**

d. Boat Facility Siting Plan

~~Any marine facility with five or more slips shall comply with the Boat Facility Siting Plan of the Palm Beach County Manatee Protection Plan. [Ord. 2009-040]~~ **[Relocated from the Definition above]**

Reason for amendments: [Zoning]

- Delete the approval process from Commercial High Office (CHO) Standard Zoning District, MUPD Zoning District with CHO FLU and MXPD Zoning District with CHO FLU. The CHO district is primarily intended for business and professional office parks.
- Delete the approval process from IRO Zoning District with a CL FLU designation. Marinas are considered too intense in the CL FLU and therefore eliminating the use from all CL FLUs in all zoning districts for consistency.
- Change the approval process from a Class B Conditional Use to Class A Conditional Use in the General Commercial (CG) Zoning District for consistency with MUPD Zoning District with a CH FLU.



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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

25. Medical or Dental Office

HISTORY: The Medical or Dental Office use definition and supplemental standards were first referenced as part of the 1992 Unified Land Development Code (ULDC), Ordinance (Ord.) 1992-020. The definition and supplemental standards were amended by Ord. 1995-008, 1998-011, 2003-067, 2005-002, 2007-001, 2010-009, 2011-001, 2011-016, and 2012-027.
Reason for amendments: [Zoning]
1. Revise definition to clarify aspects of Ambulatory Surgical Center and Urgent Care Center are included.
2. Establish Typical Uses standard to incorporate Ambulatory Surgical and Urgent Care Centers.
3. Establish standard to address potential adverse impacts from an Urgent Care Center that may be open for 24 hours.

a. Definition

An establishment where patients, who are not lodged overnight, are admitted for examination, elective surgical care, immediate but not emergent care or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. [Ord. 2005 – 002] [Ord. 2010-009] [Ord. 2011-001] [Ord. 2011-016]

b. Typical Uses

A Medical or Dental Office may include, but not be limited to, an Ambulatory Surgical Center or Urgent Care Center.

c. INST FLU Designation

A Medical or Dental Office may be permitted subject to DRO approval, within the boundaries of the following five site specific FLUA amendments: [Ord. 2011-001] [Ord. 2012-027] [Relocated from Standard c., INST FLU Designation below]

- 1) SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005; [Ord. 2012-027] [Relocated from c.1), below]
- 2) SCA 2008-015, Jog/Joe DeLong Institutional, Ord. 2008-005; [Ord. 2012-027] [Relocated from c.2), below]
- 3) SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008; [Ord. 2012-027] [Relocated from c.3), below]
- 4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord. 2010-031; and, [Ord. 2012-027] [Relocated from c.4), below]
- 5) LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017. [Ord. 2012-027] [Relocated from c.5), below]

ad. CN Zoning Districts - CN and CLO

May exceed 3,000 square feet of GFA if approved as a Class A conditional use.

ae. Ambulatory Surgical Center

Ambulatory surgical centers licensed by the Florida Agency for Health Care Administration (AHCA), under the authority of F.S. Chapter 395, Part 1, and FAC Chapter 59A-5, limited to the provision of elective same day surgical care, where patients are ambulatory. [Ord. 2005-041]

1) Floor Building Area

- a) An ambulatory surgical center up to 10,000 square feet of GFA may be permitted subject to the approval process for a medical or dental office. [Ord. 2005-041]
- b) An ambulatory surgical center greater than 10,000 square feet of GFA is only permitted in developments with a CH FLU designation, subject to BCC approval as a Class A or Requested Use. [Ord. 2005-041]

2) Elective Surgical Care

Ambulatory surgical centers must not be designed to accept patients requiring emergency care, including the provision of ambulance drop off areas; however, ambulatory surgical centers may be permitted to incorporate ambulance loading zones and related emergency facilities necessary to address any complications that may arise during normal procedures, as required by AHCA or Florida Statute. [Ord. 2005-041]

c. INST FLU Designation

~~A medical or dental office may be permitted subject to DRO approval, within the boundaries of the following five site specific FLUA amendments: [Ord. 2011-001] [Ord. 2012-027] [Relocated to Standard c., INST FLU Designation above]~~

- ~~1) SCA 2005-027, Linton/Jog Institutional, Ord. 2006-005; [Ord. 2012-027] [Relocated to c.1), above]~~

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- 1) ~~SCA 2008-015, Jog/Joee Delong Institutional, Ord. 2008-005; [Ord. 2012-027]~~
[Relocated to c.2), above]
- 2) ~~SCA 2009-002, Atlantic/Sims Medical Office, Ord. 2009-008; [Ord. 2012-027]~~
[Relocated to c.3), above]
- 3) ~~LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord.
2010-031; and, [Ord. 2012-027]~~ [Relocated to c.4), above]
- 4) ~~LGA 2012-002, Agriculture Reserve Boynton Beach, Ord. 2012-017. [Ord. 2012-
027]~~ [Relocated to c.5), above]

f. Urgent Care Center

A 24-hour Urgent Care Center shall be located a minimum of 250 feet from a parcel with a residential FLU designation or use. Measurement shall be taken from the edge of the affected area, including the building, parking and loading area, to the property line of the residential FLU designation or use.

Reason for amendments to Medical or Dental Office in the Use Matrix: [Zoning]

- Change the approval process from DRO Approval to Permitted by Right in the CN and CHO Zoning Districts and IRO with a CH and CHO FLU Designation; and,
- Change Class A Conditional Use Approval to Permitted by Right in the CLO Zoning District. Medical or Dental Office related uses are the least intense use of the health related uses and is appropriately located in commercial districts.

26. Microbrewery

BACKGROUND/SUMMARY

Microbrewery is a new use in the Code. Interest has increased in Palm Beach County for the opportunity for the small-scale manufacturing and processing of alcoholic beverages with the ability for limited consumption on site. Small-scale breweries have been considered to assist with the community, economic and social development of municipalities and counties increasing tourism and economies.

The Unified Land Development Code (ULDC) does have similar uses that may be utilized for the Microbrewery use. Under current regulations, in order for the use to be allowed in commercial or industrial districts, the use of Flex Space, Cocktail Lounge or Restaurant is required. However the production of alcohol could also be considered an industrial use, Manufacturing and Processing which would not allow the retail sales of alcohol (unless utilizing Flex Space in certain districts). A microbrewery business model does not fit neatly into either use and Flex Space is limited in where the use may be allowed.

RESEARCH/FINDINGS

Staff reviewed several ordinances from other jurisdictions in Palm Beach County and Florida, and other States, including but not limited to, Colorado, North Carolina and Michigan that have added definitions and regulations for small-scale alcohol production. Research also consisted of inquiries to the Brewer's Association and the American Planning Association (APA). Staff also conducted site visits to several Microbreweries in the area including West Palm Beach (Accomplice Brewery), City of Stuart (Vine and Barley, Longneck Brewery) and Village of Tequesta (Tequesta Brewing Company). Preliminary research indicates definitions and regulations can vary. However, common regulations do focus on storage, size of the facility and proximity to sensitive uses.

In conclusion, staff is proposing the use to be allowed in commercial, mixed use and industrial districts with regulations to ensure compatibility, mitigation to potential adverse impacts and to encourage the new business model.

Reason for amendments: [Zoning]

1. Establish new Microbrewery use to encourage small business related to industry trends in the production and on-site consumption of craft or specialty beer.
2. Establish threshold to allow for smaller microbreweries to be administratively approved, as these facilities are less apt to result in adverse impacts to adjacent uses due to limited ability to produce or store large quantities of supplies or products, and can otherwise easily be accommodated within commercial or industrial districts.
3. Establish standards to allow for limited tasting and accessory food service in industrial districts where the industry is most likely to locate, and further establish that when located in commercial districts the use includes retail sales and taprooms, but may also include Lounges and Restaurants as needed.
4. Establish standards to further define taproom limitations, to ensure the use does not become a Lounge.

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5. Where limited to taprooms, the use would not be subject to normal separation distances typically required for the more intense Lounge use, with exception to neighborhood oriented commercial districts, or as otherwise required by Florida law.

a. Definition

An indoor establishment engaged in the production and packaging of alcohol for distribution, wholesale or retail on or off premise.

b. Approval Process

A Microbrewery limited to 5,000 square feet of GFA, where allowed in Commercial and Mixed Use Zoning Districts, may be Permitted by Right.

c. Zoning Districts – Commercial and Mixed Use Zoning Districts

Where permitted, Microbreweries shall be subject to the following:

1) Commercial Districts

No more than 50 percent of the total GFA shall be used for brewery manufacturing or production, including packaging with the balance consisting of office, retail sales and taprooms, or other permitted collocated uses.

2) Industrial Districts

No more than 30 percent of the total GFA shall be used for accessory office, retail sales, or taprooms.

d. Accessory Uses - Taproom

A Microbrewery where allowed in industrial zoning districts, FLU and Pods, excluding the Commercial Pod of a PIPD, may include a taproom, subject to the following:

1) A taproom shall be limited to the purchasing or consumption of alcoholic beverages produced on site;

2) Guest taps, consisting of alcohol not produced on site, may be allowed in conjunction with a tap room not to exceed 30 percent of the number of taps or on-site production;

3) Food service may be permitted; and,

4) Hours of operation shall be limited from 5 p.m.-10 p.m. weekdays and 11 a.m.-10 p.m., weekends.

e. Separation Distance

1) A Microbrewery with accessory taproom shall not be located within 500 from a School as required by F.S. 562.45, as periodically amended.

2) A Microbrewery in a MUPD with a CL FLU Designation shall be separated a minimum of 750 feet from another Microbrewery.

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

- Add the use to the CG, UC1, UC2 Zoning Districts; UI1, IRO with a CH FLU, COM Pod of a PUD, MUPD with a CL & CH FLU, MXPD with a CH FLU, COM Pod of a PIPD, and LCC with a CH FLU. The most restrictive is being identified in the Use Matrix as the supplementary standards would allow for a less restrictive approval.
- Add the use to the IL, IG Zoning Districts and to MUPD with IND FLU, IND/L & IND/G Pods of a PIPD.

86. Monument Sales, Retail

HISTORY: The Retail Monument Sales use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1999-037, 2003-067, 2009-040, and 2011-016.

Reason for amendments: [Zoning] Delete Retail Monument Sales use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a “typical use” to Retail Sales. A supplementary standard will be established to address outdoor storage.

~~An establishment primarily engaged in the retail sale of monuments, such as headstones, footstones, markers, statues, obelisks, cornerstones, gargoyles and ledges, for placement on graves, including indoor or outdoor storage.~~

Reason for amendments to Retail Monument Sales in the Use Matrix: [Zoning] Delete Retail Monument Sales use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a “typical use” to Retail Sales.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

95. ~~Parking Garage/Structure~~ [REDACTED]

HISTORY: The Parking/Garage Structure use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning]

1. Delete and consolidate with Commercial Parking Lot as "Commercial Parking", emphasis on ensuring consistency of existing and revised Supplementary Standards that previously did not apply to Commercial Parking Garages.

~~A building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use and subject to:~~

- ~~a. Article 6.A.1.D.18, Parking Structure Standards; and~~
- ~~b. Article 7.G.2.F, Parking Structures.~~

Reason for amendments to Parking Garage/Structure in the Use Matrix: [Zoning] Use has been deleted, see Reason above.

9627. ~~Parking Lot~~, Commercial

HISTORY: The Commercial Parking Lot use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. xx and xx.

Reason for amendments: [Zoning]

1. Revise definition to allow consolidation with deleted Commercial Parking Garage use by deleting term "lot" and replacing with "establishment", which encompasses both lots, garages, or other unanticipated structures.
2. Delete redundant prohibition on other uses. Additional uses may be collocated on the same site where permitted in the applicable district, subject to required Approval Process and Supplemental Standards.
3. Amend prohibition against Commercial Parking "adjacent" to residential uses by revising as follows:
 - Delete term adjacent and replace with "within 200 feet" to address scenario's where residential may be separated by a R-O-W, or a narrow non-residential parcel which does not adequately buffer the residential use (e.g. a 25' or 50' wide lot would severe "adjacent").
 - Establish minimum standards for buffering.
 - Prohibit access from a local residential street. While many uses require or have frontage on Arterials or Collectors, this does not preclude secondary access points from Local Residential Streets in all instances (e.g. an existing access point would not be permitted to be carried forward onto a new Development Order approval for Commercial Parking).
4. Delete references to long trailers or vehicles in the Light Industrial (IL) Zoning district. The storage of trailers, commercial vehicles or equipment in Industrial districts would be permitted under the Contractor Storage Yard use classification.

a. Definition

An establishment lot used for temporary parking or storage for motor vehicles as a principal use, for a fee, ~~and subject to:~~

a. Principal Use

~~Parking spaces may be rented for daily parking. No other business of any kind shall be conducted on the lot, including repair, service, display, or storage of other goods, except mobile working and detailing.~~

b. Proximity to Residential

Commercial Parking ~~A commercial parking lot~~ shall not be located within 200 feet of ~~on~~ a parcel ~~adjacent to a with a~~ residential use or FLU designation. ~~district, except as follows:~~

- 1) The Perimeter Landscape Buffer along the applicable lot line complies with the minimum standards for a Type 3 Incompatibility Buffer; and,
- 2) Unglazed architectural or vehicle openings shall not face residential.

c. Storage

~~Long trailers storage of vehicles shall be permitted in the IL district if screened from view in accordance with the outdoor storage standards.~~

c. Access

Access from a Local Residential Street shall be prohibited.

d. Design Standards

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
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(Updated 8/19/16)

Surface parking lots or parking garages that front a street shall be subject to the following:

- 1) Minimum required R-O-W Buffers, except where required otherwise under Proximity to Residential; and
- 2) Art. 5.C, Design Standards.

Reason for amendments to Commercial Parking Lot in the Use Matrix: [Zoning]	
1.	Delete provision allowing for use within the Light Industrial (IL) Zoning district, as Commercial Parking is intended to accommodate automobiles, and the storage of commercial vehicles or equipment would fall under the Contractor Storage Yard use classification.
2.	Delete from districts primarily intended to allow commercial uses that serve surrounding neighborhoods.

9728. Pawnshop

HISTORY: The Pawnshop use definition and supplemental standards were first referenced as part of the 2001 ULDC (Ord.2001-029). The definition and supplemental standards were amended by Ord. 2003-067, 2010-005, 2010-022, and 2011-016.

Reason for amendments: [Zoning] Staff is not proposing any substantive changes to the Pawnshop use.

a. Definition

The location at which a pawnbroker, as defined in F.S. §539.001(2)(i), does business. ~~Consignment activities are excluded from this definition.~~ **[Relocated to new standard Consignment, below]**

ab. Separation Distance

Shall be located a minimum of 2,000 feet from another pawnshop.

bc. Setbacks

Shall be setback a minimum of 150 feet from any property line abutting a residential FLU designation or use ~~or an area designated as residential by a Local Plan.~~

ed. Hours of Operation

Shall not be open to the public prior to 7:00 a.m. or later than 10:00 p.m. daily.

e. Consignment

~~Consignment activities are excluded from this use definition.~~ **[Relocated from the definition, above]**

Reason for amendments to Pawnshop in the Use Matrix: [Zoning] Staff is not proposing any approval process changes to the Pawnshop use.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

9829. Personal Services

HISTORY: The Personal Services use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and supplemental standards were amended by Ord. 2003-067 and Ord. 2011-016.

Reason for amendments: [Zoning]

1. Simplify Personal Services use definition by deleting language that relates to accessory retail sales as provisions in Art. 5, Supplementary Standards already establishes regulations that limit accessory uses to be limited to 30 percent of the principal use Gross Floor Area (GFA).
2. Simplify the use definition by addressing typical uses as separate standard and expand the list by including other common activities or facilities covered by this use definition. This amendment also includes the relocation of Music Schools as a typical use of a Vocational Institution.
3. Clarify provision that makes the use subject to Class A Conditional in the CN and CLO Zoning Districts when the GFA is above 3,000 sf. The Use Matrix is reflecting the most restrictive approval process while the standard is amended to indicate the use Permitted by Right when below the threshold. Neighborhood or community oriented zoning districts are expected to be within that square footage limitation unless issues are discussed at a public hearing.
4. Currently the Code allows Personal Services use to be Permitted by Right in Mobile Homes Park Development (MHPD) Districts without limitation on the square footage. This amendment includes this zoning district in the 3,000 SF limitation of the use, as MHPD are limited to one percent of the GFA dedicated to commercial uses and the minimum lot size of a MHPD is 10 acres, the 3,000 SF is an area that is consistent with that provision while is also of a low intensity for residential development.

a. Definition

An establishment engaged in the provision of ~~frequently or recurrently~~ recurrent services of a personal nature, or, the provision of informational, instructional, personal improvement or similar professional services ~~which may involve limited accessory retail sale of products. Typical uses include art and music schools, beauty and barbershops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons.~~ [Ord. 2011-016] [Relocated to Typical Uses, below]

b. Typical Uses

~~Typical uses include art, music and driving schools, beauty salon, barbershops, licensed therapeutic massage studios, photography studios, spas, saunas, tattoo parlors, diet and weight reducing centers, pet grooming, and tanning salons.~~ [Relocated from Definition, above]

ac. Approval Process - CN, and CLO Districts

~~A maximum-~~ The use may be Permitted by Right in the CN and CLO standard Zoning Districts, when limited to 3,000 square feet of GFA ~~, unless approved as a Class A conditional use.~~

bd. Sale or Dispensing of Controlled Substances

The limited accessory retail sale of products does not include the sale or dispensing of controlled substances, unless in compliance with the requirements for Medical or Dental Office, or General Retail Sales. [Ord. 2011-016]

Reason for amendments to Personal Service in the Use Matrix: [Zoning]

- | | |
|----|--|
| 5. | Indicate the most restrictive approval process by changing from Permitted by Right to Class A conditional use in the CN Zoning District. Existing limitation in the square footage to 3,000 SF allows the use to be Permitted by Right in that Zoning District. The same provision is expanded to CLO Zoning District. |
| 6. | Change the approval process in URAO UC1, UC2 and UI1 from DRO approval to Permitted by Right. These zoning districts are expected to include this type of use. |
| 7. | Allow the use in IRO with CLO and CHO FLU designation to be DRO approval as this is a typical use expected in mixed use areas oriented to have office related uses. |

100. Printing and Copying Services

HISTORY: The Printing and Copying Services use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1998-011, 2009-040, 2010-005 and 2011-016.

Reason for amendments: [Zoning] Delete Printing and Copying Services use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a "typical use" to Retail

Notes:

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Sales.

~~An establishment engaged in retail photocopy, reproduction, or blueprinting services.~~

~~a. Flex Space~~

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

Reason for amendments to Printing and Copying Services in the Use Matrix: [Zoning] Delete Printing and Copying Services use as the concept of sales is already addressed in the Code by Retail Sales use. The use will be identified as a “typical use” to Retail Sales.

~~107.Repair and Maintenance, General~~

HISTORY: The General Repair and Maintenance use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning] Use is being split into new Light Repair and Maintenance and Heavy Repair and Maintenance to improve ease of use.

~~An establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops, quick-lube, and muffler shops.~~

~~a. CC District~~

~~A maximum of 5,000 square feet of GFA. [Ord. 2005—002]~~

~~1) Use Limitations~~

~~Limited to minor repairs and services including alignment and balancing, brake repair, air conditioning recharging and repair, automatic car wash (tunnel), washing, waxing, upholstery shops, and detailing shops may be permitted. General engine type repair including rebuilding or removing engines, transmissions, starters, alternators, radiators, air conditioners, compressors, and steam cleaning, auto paint and body shops, and transmission shops shall not be permitted.~~

~~b. Enclosed Repair Activities~~

~~All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts, and PDDs with an IND-FLU designation. [Ord. 2005—002]~~

~~c. Storage~~

~~There shall be no outdoor storage of disassembled vehicles or parts except in the IL and IG districts, and PDDs with an IND-FLU designation. [Ord. 2005—002]~~

~~d. Industrial~~

~~In the IL and IG districts, and PDDs with an IND-FLU designation, outdoor storage and/or repair activities, shall be screened from view in accordance with the requirements of Art. 5.B.1.A.3.d, Industrial Districts. [Ord. 2005—002]~~

~~e. Setbacks~~

~~No repair or maintenance building, structure or activity shall be conducted within 100 feet of any property line adjacent to a residential district, except in the WCRAO. In the WCRAO, no service bay door shall be located within 100 feet of any residential structure. [Ord. 2005—002]~~

~~f. Bay Door Orientation~~

~~1) Residential~~

~~Service bay doors shall not face any residential district, FLU designation, or use, except as follows: [Ord. 2005—002] [Ord. 2014—0XX]~~

~~a) Bay doors facing to an arterial or collector street a minimum of 80 feet in width shall provide a R-O-W buffer upgraded to include a minimum six foot high landscape barrier. [Ord. 2014—0XX]~~

~~b) Bay doors facing a residential zoning district, FLU, or use may be allowed subject to one of the following standards: [Ord. 2014—0XX]~~

~~(1) If separated by a local commercial street, the R-O-W buffer shall be upgraded to include a minimum six foot high landscape barrier and a wall. [Ord. 2014—0XX]~~

~~(2) If separated by a parcel with a nonresidential use such as utilities, canal R-O-W, easements, FDOT or County drainage a minimum of 80 feet in width shall~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

- 1 provide a Type 3 Incompatibility Buffer with double the number of trees and a
- 2 two and one half foot high berm. ~~[Ord. 2014 – 0XX]~~
- 3 **2) ~~Infill Redevelopment Overlay (IRO) and Priority Redevelopment Areas (PRAs)~~**
- 4 ~~Bay doors shall not be oriented towards perimeter streets. [Ord. 2010-005] [Ord.~~
- 5 ~~2010-022]~~
- 6 **g. ~~No Loudspeakers~~**
- 7 ~~No outdoor speaker or public address system that is audible off-site shall be permitted.~~
- 8 ~~[Ord. 2005 – 002]~~
- 9 **h. ~~Vehicle Testing on Residential Streets~~**
- 10 ~~Vehicles shall not be tested off-site on residential streets. [Ord. 2005 – 002]~~
- 11 **i. ~~WCRA Overlay~~**
- 12 ~~Repair and maintenance, general uses are prohibited in the NR, NRM, and NG sub-~~
- 13 ~~areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-~~
- 14 ~~004]~~
- 15 **j. ~~Infill Redevelopment Overlay (IRO)~~**
- 16 ~~A repair and maintenance general use located on a parcel with a CH FLU designation~~
- 17 ~~within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]~~
- 18

Reason for amendments to General Repair and Maintenance in the Use Matrix: [Zoning] Use is being split into new Light Repair and Maintenance, and Heavy Repair and Maintenance to improve ease of use.



30. Repair and Maintenance, Heavy

Reason for amendments: [Zoning]
1. Establish new Heavy Repair and Maintenance to provide clarify that types of repairs likely to generate adverse impacts to adjacent properties are limited to specific industrial or commercial districts.
2. Relocate deleted Auto Paint and Body use into this new use classification, due to similarities.
3. Provide additional clarification of types of vehicles or equipment repaired, or repair activities to improve ease of use for customers and staff.
4. Clarify standards for prohibitions on outdoor use or storage. Excessive parking of customer vehicles in required parking, drive isles or abutting streets is a common Code Enforcement issue.

- 24
- 25 **a. Definition**
- 26 *An establishment engaged in the repair and maintenance of automobiles, recreational*
- 27 *vehicles, boats, motorcycles, personal watercraft, or the repair and maintenance of heavy*
- 28 *equipment or machinery, commercial vehicles or trailers, marine vessels, or similar; or,*
- 29 *media blasting, paint stripping, and paint or body work. [Partially relocated from Art.*
- 30 *4.B.2.C.xx, General Repair and Maintenance]*
- 31 **b. Typical Uses**
- 32 *Typical uses include:*
- 33 *1) Machine shops, welding services, engine and transmission shops, radiator shops;*
- 34 *2) Paint or body shops, collision damage repairs and frame straightening, fiberglass*
- 35 *repair, media blasting or paint stripping, powder coating, and steam cleaning;*
- 36 *3) Garages for general engine type repair including rebuilding, repairing or removing*
- 37 *engines, transmissions, starters, alternators, radiators, air conditioners, compressors,*
- 38 *brake systems, hydraulics, fuel systems, cooling systems, exhaust, electrical or*
- 39 *electronic systems, propulsion systems, drive train, and steering systems; or,*
- 40 *[Partially relocated from Art. 4.B.2.C.xx.a.1), Use Limitations]*
- 41 *4) Any Light Repair and Maintenance Use, which involves any of the above or requires*
- 42 *outdoor storage or activities.*
- 43 **c. Overlays – Westgate Community Redevelopment Area Overlay (WCRAO)**
- 44 *Heavy Repair and Maintenance uses are prohibited in the NR, NRM, and NG sub-areas,*
- 45 *as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004]*
- 46 *[Partially relocated from Art. 4.B.2.C.xx.i, WCRA Overlay]*
- 47 **d. Setbacks**
- 48 *No repair or maintenance building, structure or activity shall be permitted within 100 feet*
- 49 *of any property line adjacent to a residential district. [Relocated from Art. 4.B.2.C.xx.e,*
- 50 *Setbacks]*
- 51 **e. Nuisances**
- 52 **1) Bay Door Orientation - Residential**

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

Service bay doors shall not face any residential use or vacant parcel with a residential FLU designation, except as follows: [Ord. 2005 – 002] [Ord. 2014 – 0XX]

a) *When separated from residential by an Arterial or Collector street a minimum of 80 feet in width, provided the R-O-W buffer is upgraded to include a minimum six foot high opaque wall, fence or landscape barrier. [Ord. 2014 – 0XX]*

b) *When separated by a Local Commercial Street, provided the R-O-W buffer is upgraded to include a minimum six foot high fence, wall or opaque landscape barrier. [Ord. 2014 – 0XX]*

c) *When separated by a parcel with a nonresidential use such as utilities, canal R-O-W, easements, FDOT or County drainage, a minimum of 80 feet in width, subject to provision of a Type 3 Incompatibility Buffer with double the number of trees and a two-and one-half foot high berm. [Ord. 2014 – 0XX]*

[Partially relocated from Art. 4.B.2.C.xx.f, Bay Door Orientation]

2) Enclosed Repair Activities

All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts, and PDDs with an IND FLU designation, where in compliance with Art. 5, Supplementary Standards for Outdoor Activities. [Ord. 2005 – 002] [Relocated from Art. 4.B.2.C.xx.f, Bay Door Orientation and Art. 4.B.2.C.xx.d, Industrial]

3) Vehicle or Equipment Testing on Residential Streets

Testing of vehicles or equipment shall be prohibited on residential streets. [Partially relocated from Art. 4.B.2.C.xx.h, Vehicle Testing on Residential Streets]

g. Outdoor Parking or Storage

1) *The outdoor storage of disassembled vehicles, equipment or parts shall be prohibited, except in the IL and IG districts, and PDDs with an IND FLU designation. [Ord. 2005 – 002] [Partially relocated from Art. 4.B.2.C.xx.c, Storage]*

2) *All vehicles or equipment shall be parked in designated storage areas, except for the following:*

a) *Automobiles dropped off by customers may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period*

b) *Automobiles placed for customer pickup may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period.*

Reason for amendments to General Repair and Maintenance in the Use Matrix: [Zoning] Use is being split into new Light Repair and Maintenance, and Heavy Repair and Maintenance to improve ease of use.



31. Repair and Maintenance, Light

Reason for amendments: [Zoning]
1. Establish new Light Repair and Maintenance to provide clarify that types of repairs less likely to generate adverse impacts to adjacent properties and allowances in additional commercial districts intended to provide services to surrounding neighborhoods.
2. Provide additional clarification of types of vehicles or equipment repaired, or repair activities to improve ease of use for customers and staff.
3. Clarify standards for prohibitions on outdoor use or storage. Excessive parking of customer vehicles in required parking, drive isles or abutting streets is a common Code Enforcement issue.

a. Definition

An indoor establishment engaged in the minor repair or maintenance of automobiles, light duty commercial vehicles rated one ton capacity or less, boats, motorcycles, personal watercraft, golf carts, mopeds, lawn mowers, major household appliances, or household furniture. [Partially relocated from Art. 4.B.2.C.xx, General Repair and Maintenance, and Art. 4.B.2.C.xx, Limited Repair Services]

b. Typical Uses

Typical uses include tune-up stations, glass shops, quick-lube stations, muffler shops, upholstery shops, tire installation and service, alignment shops, replacement of brake linings, and lawn mower repair and maintenance.

c. Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)

Light Repair Maintenance uses are prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Partially relocated from Art. 4.B.2.C.xx.i, WCRA Overlay]

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

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d. Zoning Districts – CN and CC District and Commercial Pod of PUD
Shall be limited to a maximum of 5,000 square feet of GFA. [Partially relocated from Art. 4.B.2.C.xx.a, CC District]

e. Accessory Use
Light Repair and Maintenance may be Permitted by Right as an accessory use to Heavy Repair and Maintenance.

f. Setbacks
No repair or maintenance building, structure or activity shall be permitted within 100 feet of any property line adjacent to a residential district. [Relocated from Art. 4.B.2.C.xx.e, Setbacks]

g. Nuisances
1) Bay Door Orientation - Residential
Service bay doors shall not face any residential use, or vacant parcel with a residential FLU designation, except as follows: [Ord. 2005 – 002] [Ord. 2014 – 0XX]
a) When separated from residential by an Arterial or Collector street a minimum of 80 feet in width, provided the R-O-W buffer is upgraded to include a minimum six foot high landscape barrier. [Ord. 2014 – 0XX]
b) When separated by a Local Commercial Street, provided the R-O-W buffer is upgraded to include a minimum six foot high opaque wall, fence or landscape barrier. [Ord. 2014 – 0XX]
c) When separated by a parcel with a nonresidential use such as utilities, canal R-O-W, easements, FDOT or County drainage, a minimum of 80 feet in width, subject to provision of a Type 3 Incompatibility Buffer with double the number of trees and a two-and one-half foot high berm. [Ord. 2014 – 0XX]
[Partially relocated from Art. 4.B.2.C.xx.f, Bay Door Orientation]

2) Enclosed Repair Activities
All repair and maintenance activities shall be conducted within an enclosed structure. [Ord. 2005 – 002] [Relocated from Art. 4.B.2.C.xx.f, Bay Door Orientation and Art. 4.B.2.C.xx.d, Industrial]

3) Vehicle or Equipment Testing on Residential Streets
Testing of vehicles, equipment or other similar shall be prohibited on residential streets. [Partially relocated from Art. 4.B.2.C.xx.h, Vehicle Testing on Residential Streets]

h. Outdoor Parking or Storage
1) The outdoor storage of disassembled vehicles, equipment or parts shall be prohibited. [Ord. 2005 – 002] [Partially relocated from Art. 4.B.2.C.xx.c, Storage]
2) All vehicles or equipment shall be stored in designated storage areas, except for the following:
a) Automobiles dropped off by customers may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period
b) Automobiles placed for customer pickup may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period.

Reason for amendments to General Repair and Maintenance in the Use Matrix: [Zoning] Use is being split into new Light Repair and Maintenance, and Heavy Repair and Maintenance to improve ease of use.



40832.Repair Services, Limited

HISTORY: The Limited Repair Services use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. xx and xx.

Reason for amendments: [Zoning]

1. Revise definition and list of typical uses to clarify permitted repair services limited to minor items that occur within indoor spaces with no outdoor storage.
2. Deletion of references to golf carts, mopeds and lawnmowers recognizes that this industry in South Florida primarily serves commercial landscape services, or otherwise involves outdoor storage of inventory, spare parts, or other bulky goods. Also recognizes trends in increased size of golf carts and lawnmowers over those previously manufactured in decades past. The repair of these types of equipment or vehicles will be relocated to the new Light Repair and Maintenance category, to ensure that the approval processes or outdoor storage requirements are commensurate with the nature of the activity.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
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(Updated 8/19/16)

3. Revised definition of use allows for the deletion of the 10,000 gross floor area (GFA) threshold for the Community Commercial (CC) and other districts with a Commercial Low (CL) (e.g. Neighborhood Serving) future land use (FLU) designation.

a. Definition

An establishment engaged in the minor repair of personal apparel or household appliances, ~~furniture, and similar items, excluding repair of motor vehicles. Typical uses include apparel repair and alterations, small appliance repair, small motor repair (including golf carts, mopeds and lawn mowers), bicycle repair, clock and watch repair, and shoe repair shops.~~

b. Typical Uses

Typical uses include apparel repair and alterations, small appliance repair (excluding major appliances such as washers and dryers, refrigerators, stoves and dishwashers), bicycle repair, clock and watch repair, and shoe repair shops.

~~**a. CC District and Districts with a CL FLU Designation**~~

~~A maximum of 10,000 square feet of GFA unless approved as Class A conditional or requested use. [Ord. 2005 – 002]~~

~~**c. Zoning Districts - b.CN District, Commercial Pod of PUD, and TND Neighborhood Center**~~

~~Shall be limited to a A maximum of 3,000 square feet of GFA.~~

~~**de. Enclosed Repair Activities**~~

~~All repair activities shall be conducted within an enclosed structure, except in the IL and IG districts or PDDs with an IND FLU designation. [Ord. 2005 – 002]~~

~~**e. Storage**~~

~~Outdoor storage shall be prohibited.~~

~~**d. Industrial**~~

~~In the IL and IG districts and PDDs with an IND FLU designation, outdoor storage and outdoor repair activities shall be screened from view in accordance with the requirements of Art. 5.B.1.A.3.d, Industrial Districts. [Ord. 2005 – 002]~~

~~**e. LCC District**~~

~~Repairs of motors such as golf carts, mopeds and lawn movers is prohibited. [Ord. 2010-005]~~

Reason for amendments to Limited Repair Services in the Use Matrix: [Zoning]

1. Delete use from the General Industrial (IG) Zoning district to recognize need to preserve those lands for Heavy Industrial or other similar uses, or to mitigate any adverse impacts between heavy truck traffic and potential for increased small vehicle traffic emanating from customers dropping off household goods. Note also, use is not currently permitted in the Heavy Industrial Pod of a Planned Industrial Park Development, which is inconsistent with allowing in the IG district.

40933. Restaurant, Type I

HISTORY: The Type I Restaurant use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1993-004, 1997-004, 2001-001, 2001-029, 2003-067, 2005-002, 2006-004, 2007-013, 2009-040, 2010-005, 2010-022, 2011-016 and 2012-027.

Reason for amendments: [Zoning] Revise the definition to delete the traffic generation information and references to drive through lanes. Engineering Division reviews all traffic related issues (trips).

a. Definition

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for take out who place orders through a window or remote transmission device; or sales to patrons for take out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments.

~~Traffic generation rates are normally in the range of 130 to 500 trips per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and Engineering. Type I restaurants with drive through lanes generate visual impacts on the surrounding area as well as additional traffic in comparison to a Type I restaurant without a drive~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

through. However, if in compliance with the exception criteria listed below the impacts can be mitigated. ~~[Ord. 2006-004] [Ord. 2012-027]~~

b. Approval Process

1) DRO Approval

A Type I restaurant without a drive-through where the use is allowed provided the GFA including outdoor dining areas does not exceed 5,000 square feet. ~~[Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2011-016]~~

2) Permitted by Right

A Type I restaurant without a drive-through or located in an out parcel, may be permitted by right in any PDD or TDD with a commercial or institutional FLU designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD or RVPD; or the IL and all commercial Zoning districts, provided: ~~[Ord. 2006-004]~~

a) GFA including outdoor dining areas does not exceed 1,500 square feet; and ~~[Ord. 2006-004] [Ord. 2011-016] [Ord. 2011-016]~~

b) All district specific requirements are addressed; ~~[Ord. 2006-004]~~

c. Tier Specific - Exurban and Rural

A Type I Restaurant shall comply with the following: ~~[Ord. 2009-040]~~

1) Shall not be the sole use on the property; ~~[Ord. 2009-040]~~

2) Shall be located in a MUPD or TDD; ~~[Ord. 2009-040]~~

3) Shall not have direct ingress/egress to an adjacent arterial or collector R-O-W. Ingress/egress shall be from the interior of the overall vehicular circulation system for the development or interior streets, whichever is applicable; and, ~~[Ord. 2009-040]~~

4) Shall comply with the design requirements outlined under Article 4.B.1.A.109.a.3), Exception. ~~[Ord. 2009-040] [Relocated from Standard below]~~

d. Zoning Districts – TMD and LCC

A Type I Restaurant shall ~~not~~ be limited to: ~~[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord. 2010-005]~~

1) 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA. ~~[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001]~~

2) Located in an outparcel or freestanding building; or ~~[Ord. 2005-002] [Ord. 2007-001]~~

3) A drive-thru, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building. ~~[Ord. 2005-002] [Ord. 2006-004] [Relocated from Standard below]~~

ae. Location Criteria

A Type I restaurant with a drive-through shall be subject to the following: ~~[Ord. 2006-004] [Ord. 2007-001]~~

1) Intersection Criteria

A maximum of two Type I restaurants shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. ~~[Ord. 2006-004]~~

2) Separation Criteria

A Type I restaurant shall be separated from any other Type I restaurant in accordance with Art. 5.E.2.C.2. ~~[Ord. 2006-004] [Ord. 2009-040] [Ord. 2012-027]~~

3) Exceptions

a) Design Criteria

A Type I ~~R~~Restaurant may be exempt from the location criteria if the site is designed to: address the additional trips associated with a drive through restaurant; as well as enhance pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design and architectural treatment that incorporates the following: ~~[Ord. 2006-004] [Ord. 2012-027]~~

~~(1a)~~ Drive through facilities, including queuing and by-pass lanes that run parallel and are visible from adjacent streets, shall provide additional landscaping to mitigate views of the vehicular use areas. ~~[Ord. 2006-004] [Ord. 2012-027]~~

~~(2b)~~ If located in a non-residential Planned Development District or a commercial pod, all the required parking spaces shall be located in close proximity to the restaurant that they serve. Required parking shall not be separated from the restaurant main entrance by a distance of more than 150 feet. The applicant may request an increase to this distance up to a maximum of ten percent of the dimensional requirement through a Type I Waiver; ~~[Ord. 2006-004] [Ord. 2012-027]~~

~~(3e)~~ If located in standard Zoning Districts and required by the Zoning Director, cross-access shall be provided to all abutting parcels that have Commercial FLU designation. If required, the cross-access easement shall be recorded prior to Final Approval by the DRO. The Zoning Director may elect not to require the cross-access easement based on review of the existing or approved use for the abutting property. ~~[Ord. 2012-027]~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

1 ~~(4d)~~ Consideration shall be given to site design that promotes a safe pedestrian
2 environment and addresses vehicular circulation and maneuvering. A
3 restaurant located on a single parcel with a standard Zoning District is
4 allowed continuous vehicular circulation: **[Ord. 2012-027]**

5 ~~(a4)~~ on all four sides of the building if the site is limited to only one access
6 point to the subject property; or, **[Ord. 2012-027]**

7 ~~(b2)~~ on all three sides of the building if site is limited to two access points to
8 the subject property. **[Ord. 2012-027]**

9 ~~(5e)~~ Landscape plans and architectural elevations shall be required as part of any
10 application for a Conditional or Requested Use, or any DOA affecting the
11 items listed herein. **[Ord. 2006-004]**

b) MUPD

12 ~~A Type I Restaurant located within an MUPD may be exempt from the~~
13 ~~Intersection Criteria or Separation Criteria, where in compliance with the most~~
14 ~~recently adopted standards for the following:~~

15 ~~(1) Perimeter Landscape Buffers, where located between all Type I Restaurant~~
16 ~~use areas, including ingress/egress, and any R-O-W or parcel with a~~
17 ~~residential FLU or use, unless blocked from view by other existing structures;~~
18 ~~and,~~

19 ~~(2) Ingress/egress, stacking, turn-lanes, and pedestrian connectivity.~~

~~b. Approval Process Exceptions~~

~~1) DRO Approval~~

20 ~~A Type I restaurant without a drive-through may be approved by the DRO in a district~~
21 ~~where the use is permitted by Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F,~~
22 ~~Traditional Development Permitted Use Schedule, Table 4.A.3.A, Use Matrix, in a~~
23 ~~MUPD with a CL FLU designation, or in the UC or UI District, provided the GFA~~
24 ~~including outdoor dining areas does not exceed 5,000 square feet. **[Ord. 2006-004]**~~
25 ~~**[Ord. 2007-001] [Ord. 2007-013] [Ord. 2011-016]** [Partially relocated to Standard~~
26 ~~b., Approval Process above]~~

~~2) Permitted by Right~~

27 ~~A Type I restaurant without a drive-through or located in an out parcel, may be~~
28 ~~permitted by right in any PDD or TDD with a commercial or institutional FLU~~
29 ~~designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD~~
30 ~~or RVPD; or the IL and all commercial Zoning districts, provided: **[Ord. 2006-004]**~~

31 ~~a) GFA including outdoor dining areas does not exceed 1,500 square feet; and~~
32 ~~**[Ord. 2006-004] [Ord. 2011-016] [Ord. 2011-016]**~~

33 ~~b) All district specific requirements are addressed; **[Ord. 2006-004]** [Partially~~
34 ~~relocated to Standard b., Approval Process above]~~

~~cf. Major Intersection Criteria for CL FLU~~

35 A Type I restaurant with a CL FLU designation shall comply with Article 5.E.1, Major
36 Intersection Criteria, unless the restaurant meets the requirements of one or more of the
37 following: Article ~~4.B.1.A.109.b.1) 4.B.2.C.51.b.1),~~ DRO Approval, Article
38 ~~4.B.1.A.109.b.2) 4.B.2.C.51.b.2),~~ Permitted by Right, is located within a TMD, or complies
39 with the design requirements outlined under Article ~~4.B.1.A.109.a.3) 4.B.2.C.51.e.3),~~
40 Exceptions. **[Ord. 2006-004] [Ord. 2009-040]**

~~d. TMD and LCC Districts~~

41 ~~A Type I Restaurant shall not: **[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040] [Ord.**~~
42 ~~**2010-005]**~~

43 ~~1) Exceed 3,000 square feet of GFA. An additional 1,500 square feet shall be permitted~~
44 ~~for outdoor dining areas, for a maximum of 4,500 square feet of GFA. An exception~~
45 ~~shall be permitted where food is served cafeteria or buffet style, to allow up to 5,000~~
46 ~~square feet of indoor dining area, for a maximum of 6,500 square feet of GFA. **[Ord.**~~
47 ~~**2005-002] [Ord. 2006-004] [Ord. 2007-001]** [Partially relocated to Standard d.,~~
48 ~~Zoning Districts above]~~

49 ~~2) Be located in an outparcel or freestanding building; with exception to restaurants in a~~
50 ~~AGR TMD where food is served cafeteria or buffet style; or **[Ord. 2005-002] [Ord.**~~
51 ~~**2007-001]**~~

52 ~~3) Have a drive-thru, unless it is located in the rear of a building, with access from an~~
53 ~~alley or the interior of a parking area, and is covered by a canopy or the second story~~
54 ~~of a building. **[Ord. 2005-002] [Ord. 2006-004]** [Partially relocated to Standard d.,~~
55 ~~Zoning Districts above]~~

~~eg. Outdoor Dining~~

56 Shall comply with the principal structure setbacks.

~~f. SR-7 EDO~~

57 Drive through uses are prohibited. **[Ord. 2010-022]**

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

g. ~~Exurban and Rural Tiers~~

~~A Type I Restaurant shall comply with the following: [Ord. 2009-040]~~

~~1) Shall not be the sole use on the property; [Ord. 2009-040]~~

~~2) Shall be located in a MUPD or TDD; [Ord. 2009-040]~~

~~3) Shall not have direct ingress/egress to an adjacent arterial or collector R-O-W. Ingress/egress shall be from the interior of the overall vehicular circulation system for the development or interior streets, whichever is applicable; and, [Ord. 2009-040]~~

~~4) Shall comply with the design requirements outlined under Article 4.B.1.A.109.a.3), Exception. [Ord. 2009-040] [Relocated to Standard c., Tier Specific above]~~

h. ~~Infill Redevelopment Overlay (IRO)~~

~~A Type I restaurant located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005]~~

Reason for amendments to Type I Restaurant in the Use Matrix: [Zoning] No changes to the approval process are being proposed.

4434. Restaurant, Type II

HISTORY: The Type II Restaurant use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1993-004, 1997-004, 2001-001, 2001-029, 2003-067, 2005-002, 2006-004, 2007-013, 2009-040, 2010-005, 2010-022, 2011-016 and 2012-027.

Reason for amendments: [Zoning]

1. Revise the definition to delete the traffic generation information. Engineering Division reviews all traffic related issues (trips).
2. Delete Accessory Alcohol Sales. Accessory Alcohol sales will be addressed by Article 5.
3. Establish Outdoor Dining standard to clarify the setback requirements.

a. Definition

An establishment with no drive-through, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption. ~~Traffic generation rates are normally in the range of 90 to 130 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering. [Ord. 2006-004] [Ord. 2007-001]~~

b. Approval Process – DRO Approval

1) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC

A Type II Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type II Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2006-036] [Ord. 2007-013] [Partially relocated from Standard below]

2) CHO District; and PDDs with a CHO FLU

If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013] [Partially relocated from Standard below]

3) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD Commercial Use Zone

A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. [Ord. 2006-036] [Ord. 2007-013] [Partially relocated from Standard below]

c. Zoning Districts - TND, TMD, and LCC

Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building. [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2010-005] [Partially relocated from Standard 4), TND, TMD, and LCC below]

a. Alcohol Sales

~~A Type II Restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use. A Type II Restaurant with less than 150 seats~~

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EXHIBIT A

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that does not qualify for a 4COP/SRX license shall obtain a Special Permit prior to obtaining an alcoholic beverage license. The Special Permit shall be subject to the following restrictions: **[Ord. 2006-004]**

1) Accessory Use

Alcohol sales, service, and consumption shall not exceed 30 percent of receipts. An annual accounting of the restaurant receipts prepared by a Certified Public Accountant (CPA) shall be provided to the Zoning Division.

2) Kitchen

The restaurant shall have a full kitchen which shall remain open and serving full course meals while alcohol is being served.

3) Floor Area

A maximum of 30 percent of the floor area of the restaurant or number of seats, whichever is less, shall be devoted solely to alcohol sales.

4) Special Permit Renewal

The Special Permit shall be renewed annually.

b. Use Limitations and Approval Process

1) DRO Approval

a) CLO and CHO Districts; PDDs with a CLO or CHO FLU; TNDs NC

*A Type II Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type II Restaurants do not exceed 30 percent of the GFA of the development. **[Ord. 2006-036] [Ord. 2007-013]** [Partially relocated to Standard b., Approval Process above]*

b) CHO District; and PDDs with a CHO FLU

*If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. **[Ord. 2006-036] [Ord. 2007-013]** [Partially relocated to Standard b., Approval Process above]*

c) CRE District; PDDs with a CL or CR FLU; PUD Commercial Pods and PIPD Commercial Use Zone

*A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO. **[Ord. 2006-036] [Ord. 2007-013]** [Partially relocated to Standard b., Approval Process above]*

2) Catering Service

*Catering may be permitted as an accessory use to a restaurant. Except in the IL district, the use of three or more delivery or service vehicles shall require DRO approval. **[Ord. 2006-004] [Ord. 2006-036]** [Relocated to Catering Service Use]*

3)d. Accessory Take Out Service

Take out service is permitted as an accessory use provided there are no vehicle take out windows that include exterior menu boards, queuing lanes or order service. **[Ord. 2006-004] [Ord. 2006-036]**

4) TND, TMD, and LCC Districts

*Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building. **[Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2010-005]** [Partially relocated to Standard c., TND, TMD and LCC above]*

e. Outdoor Dining

Shall comply with the principal structure setbacks.

Reason for amendments to Type II Restaurant in the Use Matrix: [Zoning] No changes to the approval process are being proposed.

113. Retail Sales, Auto Accessories and Parts

HISTORY: The Auto Accessories and Parts Retail Sales use definition and supplemental standards were first referenced as part of the 2001 Ordinance (Ord.2001-028). The definition and supplemental standards were amended by Ord. 2003-067, 2009-040, 2010-005, 2010-022, and 2011-016.

Reason for amendments: [Zoning] Delete Auto Accessories and Parts Retail Sales use as the concept of sales is already addressed in the Code by Retail Sales use. Staff is proposing to consolidate this use into General Retail Sales and will be identified as a "typical use" to Retail Sales.

~~An establishment providing retail sales of auto accessories and parts.~~

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EXHIBIT A

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(Updated 8/19/16)

a. **Architecture**

~~Stand alone or freestanding auto accessory and parts stores contiguous to a public street or residential zoning district shall comply with Article 5.C, DESIGN STANDARDS.~~

b. **Disposal of Motor Oil**

~~Auto part stores shall provide an oil recycling drum or other device for the disposal of motor oil, as prescribed by the U.S. Environmental Protection Agency (EPA).~~

c. **LCC District**

~~Sales shall be limited to 3,000 square feet GFA provided that the use is not located in a freestanding building and shall not have outdoor storage or any installation of vehicle parts in the main streets or parking lots. [Ord. 2010-005]~~

Reason for amendments to Retails Sales, Auto Accessories and Parts in the Use Matrix: [Zoning]
Staff is proposing to consolidate this use into General Retail Sales.

14435.Retail Sales, General

HISTORY: The General Retail Sales use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1993-004, 1994-023, 1995-001, 1995-024, 1998-011, 1997-037, 2000-015, 2001-029, 2001-062, 2003-067, 2005-002, 2006-004, 2006-036, 2009-040, 2010-005, and 2010-022.

Reason for amendments: [Zoning]

1. Revise definition to partially relocate typical uses to a new standard. Typical uses reference is not a function of the definition. Consolidate several uses:
 - Relocate motorcycle and golf cart sales to Vehicle Sales and Rental. A separate supplementary standard will be established to clarify any additional regulations and approval process.
 - Create reference to the sale of building supplies and home improvement products under Typical Uses Standard to create some relationship with deleted "Building Supplies" use from this use classification.
 - Consolidate Auto Accessories and Parts, Convenience Store, Printing and Copying Services, and Retail Monument Sales into Retail Sales use as a Typical Use.
2. Delete the SR 7 Economic Development Overlay (EDO) standard as the Overlay is being deleted from the Plan. The SR 7 EDO has been annexed by the Village of Royal Palm Beach.

a. **Definition**

An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. ~~Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores), window tinting, marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services. [Ord. 2011-016] [Partially relocated to Standard b., Typical Uses below]~~

b. **Typical Uses**

~~Retail Sales may include but not be limited to clothing stores, bookstores, business machine sales, food and grocery stores, window tinting, marine supply sales (excluding boat sales), auto accessories and parts, building supplies and home improvement products, monument sales, printing and copying, convenience stores, and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds. [Partially relocated from Definition above]~~

c. **LOSTO**

~~Shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to approval of a Special Permit. [Relocated from Standard d., LOSTO below]~~

d. **Zoning Districts**

~~a.1) TND District~~

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In a Neighborhood Center, general retail sales shall not exceed 5,000 square feet of GFA per establishment.

a) A Maximum of 40,000 square feet for a food store or 20,000 square feet for a food store when the TND is developed as part of a TTD.

b) In a multi-family building with more than 50 units, a "corner store" is allowed, provided it does not exceed 1,000 square feet and is integrated into the building and at a corner location.

b.2) TMD District

a) In a TMD, a single establishment shall not exceed the following GFA per square feet:

(1) 100,000 square feet of GFA per establishment in the U/S tier;

(2) 50,000 square feet of GFA per establishment in the Exurban and Rural tiers; and

(3) 65,000 square feet of GFA in the AGR.

b) A drive-thru facility for a drug store is allowed subject to the following:

(1) if located in the rear of a building;

(2) Access shall be from an alley, an interior parking area, or a street not designated as a Main Street; and,

(3) The drive-thru facility shall be covered by a canopy or the second story of a building. [Ord. 2005 – 002]

c.3) CN District

Shall be limited to a maximum of 3,000 square feet of GFA per use establishment.

d. LOSTO

~~Shall be limited to specialty shops selling merchandise such as hand-crafted items, nature books, prepackaged meals, snacks, and non-alcoholic beverages for consumption off the premises, hiking supplies such as backpacks and walking sticks, and outfitters renting equipment for recreational use including bicycles, skates, canoes, and kayaks and 3,000 square feet of total floor area shall be allowed subject to approval of a Special Permit. [Relocated to Standard c., LOSTO above]~~

e. Fireworks

The retail sale or storage of fireworks as a principal use in any commercial district is prohibited.

1) Exception

Temporary sale of sparklers, subject to a special permit.

f. SR-7 EDO

~~Shall be prohibited as a principal use. [Ord. 2010-022]~~

gf. Sale or Dispensing of Controlled Substances - Pharmacy

A pharmacy shall be subject to the following: [Ord. 2011-016]

1) No more than 15 percent of the total number of prescriptions filled within a thirty (30) day period can be derived from the sale of controlled substances that are identified in Schedule II in accordance with F.S. § 893.03, and as further amended by F.S. § 893.035, 893.0355, or 893.0356, as determined by audits or information provided through the Florida Department of Health or any other government agency having the legal right to view such records. [Ord. 2011-016]

Reason for amendments to General Retail Sales in the Use Matrix: [Zoning] No changes to the approval process are being proposed.



12036. Self-Service Storage

HISTORY: The Self-Service Storage use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020).

Reason for amendments: [Zoning]

1. Expand upon existing provisions recognizing two distinct types of Self Service Storage Facilities, Limited Access, which are typically air conditioned facilities comprised of smaller units located along internal corridors, with defined or secure external building access; and, Multi-access Facilities which have individual external access points. While the uses will be split in the Use Matrix to improve ease of use, the Supplemental Use Standards will be retained under the general hearing Self Service Storage, since most if not all of the standards apply to both.

2. Establish new provisions to coincide with amendment to Use Matrix to allow Limited Access in Commercial Pod of Planned Unit Development (PUD) or Neighborhood Center of Traditional Neighborhood Development (TND). Both districts are intended to allow for limited neighborhood

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EXHIBIT A

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SUMMARY OF AMENDMENTS

(Updated 8/19/16)

serving uses for residents, which would reasonably include Self Service Storage needs for household goods.
3. Establish standards to clarify orientation of storage doors or interior advertising visible through exterior fenestration to continue prior efforts to mitigate adverse architectural appearance or potential for nuisance when storage units are being accessed.
4. Expand option to allow for use of buildings and walls in lieu of Incompatible Landscape Buffer requirements by recognizing need to allow for Fire Rescue emergency access points, which are typically requested thus creating conflicts with existing option.

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a. Definition

A facility consisting of individual, self-contained units that are leased for the storage of business, household or other personal goods.

1)a. Types Permitted

Self Service Storage facilities typically include Limited or Multi Access storage units, with or without Outdoor Storage areas, limited to the storage of personal or household goods, automobiles, recreational vehicles, boats, or personal watercraft, only, subject to the following: [Partially relocated from Art. 4.B.7.C.xx.b.3, Storage Units]

a1) Limited Access

Limited Access, ~~which~~ is a ~~multi-storied self-service storage~~ Self Service Storage facility with limited access points from the exterior of the building to interior halls that serve individual storage units bays.

b2) Multi Access

Multi Access, ~~storage which~~ is a one story Self Service Storage ~~self-service storage~~ facility with multi-access points from the exterior of the building to individual storage units bays.

b. Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)

Self-service storage is prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Relocated from Art. 4.B.7.C.xx.g, WCRA Overlay]

c. Zoning Districts

1) CLO, CHO, and MUPD with CLO or CHO FLU Designation

a) Outdoor Storage Area

A maximum of 30 percent of overall Self Service Storage square footage. [Partially relocated from Art. 4.B.7.C.xx.c.7)a), Outside Storage Area]

b) Multi-Access Storage

Multi-access storage shall be prohibited when adjacent to a residential use or vacant parcel with residential FLU designation. [Partially relocated from Art. 4.B.7.C.xx.e.7)d), Multi-Access Storage]

c) Lot Size

A minimum of three acres and a maximum of ten acres. [Partially relocated from Art. 4.B.7.C.xx.e.1), Lot Size]

d) Height

A maximum of one story or 25 feet. [Partially relocated from Art. 4.B.7.C.xx.c.7)c), Height and Art. 4.B.7.C.xx.e.2), Height]

e) Frontage

The facility shall front on and access from an arterial or collector street. [Partially relocated from Art. 4.B.7.C.xx.e.4), Frontage]

2) Commercial Pod of PUD or Neighborhood Center of TND

Self Service Storage in Commercial Pods of a PUD or Neighborhood Center of a TND, shall be limited as follows:

1) Maximum of 50 percent of the overall GFA;

2) Multi-Access shall be prohibited; and,

3) Outdoor Storage shall be limited to a maximum of 30 percent of overall Self Service Storage building square footage;

e. Accessory Uses

1) Industrial Districts

Where permitted in Industrial districts, a Self Service Storage use may include accessory retail use, limited to the rental and sale of retail items used for moving and storage, such as hand trucks, cartons, tape and packing materials. [Partially relocated from Art. 4.B.7.C.xx.b.2), Limitations]

2) Outdoor Storage

Outdoor Storage may be permitted subject to the following standards:

a) Permitted Vehicles

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EXHIBIT A

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(Updated 8/19/16)

1 Shall be limited to the storage of vehicles of the type customarily maintained by
2 households for personal use such as recreational vehicles or pleasure boats, or a
3 Home Occupation Vehicle, subject to the following: [Partially relocated from
4 Art. 4.B.7.C.xx.b.6), Outside Storage]

5 **b) Location**

6 *The storage shall occur only within a designated area.* [Relocated from Art.
7 4.B.7.C.xx.b.6)a), Location (Related to Outside Storage)]

8 **c) Maximum Storage Area**

9 *The storage area shall not exceed 50 percent of the lot area.* [Relocated from
10 Art. 4.B.7.C.xx.b.6)b), Storage Area (Related to Outside Storage)]

11 **d) Screening**

12 *The storage area shall be completely screened from view from adjacent*
13 *properties and public streets by placement behind buildings, and opaque fences*
14 *or walls a minimum of six feet in height.* [Partially relocated from Art.
15 4.B.7.C.xx.b.6)c), Screening (Related to Outside Storage)]

16 **e) Mobility**

17 *All vehicles and trailers shall be licensed for use on public streets. Recreational*
18 *vehicles, boats and personal watercraft may be permitted but shall be stored on*
19 *wheeled trailers.* [Partially relocated from Art. 4.B.7.C.xx.b.6)a), Location
20 (Related to Outside Storage)]

21 **f) Repair Prohibited**

22 *Vehicle repair shall be prohibited.* [Relocated from Art. 4.B.7.C.xx.b.6)e),
23 Repair (Related to Outside Storage)]

24 **f. Architecture**

25 **1) Storage Unit Door Orientation**

26 **First Floor Door Orientation**

27 *Storage unit doors shall not face a residential use or vacant parcel with a*
28 *residential FLU designation, or public street.* [Partially relocated from Art.
29 4.B.7.C.x.b)9), Door Orientation]

30 **b) Door Orientation on the Second Story or Above**

31 *Limited Access storage unit doors and access points located on the second story*
32 *or above shall be oriented toward the interior of the site where fenestration is*
33 *used to allow visibility into interior corridors.* [Partially relocated from Art.
34 4.B.7.C.x.b)9), Door Orientation (Related to Supplemental Standards for
35 Multi Access Facilities)]

36 **2) Storage Access or Storage Unit Door Screening**

37 *Access points and storage doors shall be screened from all public streets, residential*
38 *uses or vacant parcels with residential FLU designation, through the use of buildings,*
39 *walls, opaque vehicular gates which primarily remain closed, or other similar barriers.*

40 **3) Fenestration**

41 *The use of fenestration purposely designed in conjunction with interior signage,*
42 *logos, or light or paint schemes intended to expand permitted exterior signage shall*
43 *be prohibited.*

44 **g. Landscaping – Incompatibility Buffer Screening Requirements**

45 *Where an incompatibility buffer is required, the minimum six foot screening requirement*
46 *may be waived, subject to the following:*

47 **1) Facades**

48 *The exterior facades of storage structures present an unbroken, wall-like appearance*
49 *when seen from adjacent lots and streets.* [Partially relocated from Art.
50 4.B.7.C.xx.b.7)a)(1), Facades]

51 **2) Wall**

52 *Separate storage structures are connected by a solid opaque wall to give the*
53 *appearance of structural continuity. This option may be permitted where Fire Rescue*
54 *may require access for emergency purposes upon demonstration that any required*
55 *gates are designed and constructed to provide the same visual barrier as the*
56 *required wall.* [Partially relocated from Art. 4.B.7.C.xx.b.7)a)(2), Wall]

57 **3) Access Isles**

58 *No aisle-ways or other vehicle access ways are located in the area between the*
59 *building and the adjacent property line.* [Partially relocated from Art.
60 4.B.7.C.xx.b.7)a)(3), Access Isles]

61 **h. Storage**

62 **1) Hazardous Materials Prohibited**

63 *The storage of flammable, hazardous or explosive materials, goods or products shall*
64 *be prohibited.* [Partially relocated from Art. 4.B.7.C.xx.b.3), Storage Units]

65 **2) Outdoor Storage Standards**

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EXHIBIT A

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(Updated 8/19/16)

Outdoor storage shall be subject to the following:

a) Permitted Vehicles

Shall be limited to the storage of vehicles of the type customarily maintained by households for personal use such as recreational vehicles or pleasure boats, or a Home Occupation Vehicle, subject to the following: [Partially relocated from Art. 4.B.7.C.xx.b.6), Outside Storage]

b) Location

The storage shall occur only within a designated area. [Relocated from Art. 4.B.7.C.xx.b.6)a), Location (Related to Outside Storage)]

c) Storage Area

The storage area shall not exceed 50 percent of the lot area. [Relocated from Art. 4.B.7.C.xx.b.6)b), Storage Area (Related to Outside Storage)]

d) Screening

The storage area shall be completely screened from view from adjacent properties and public streets by landscaping, fences, walls or buildings. [Partially relocated from Art. 4.B.7.C.xx.b.6)c), Screening (Related to Outside Storage)]

e) Mobility

All vehicles and trailers shall be licensed for use on public streets. Other vehicles, including recreational vehicles, boats and personal watercraft, shall be stored on wheeled trailers. [Partially relocated from Art. 4.B.7.C.xx.b.6)a), Location (Related to Outside Storage)]

f) Repair Prohibited

Vehicle repair shall be prohibited. [Relocated from Art. 4.B.7.C.xx.b.6)e), Repair (Related to Outside Storage)]

i. Supplemental Circulation Standards for Multi-Access Facilities

1) Interior

The minimum width of aisle ways between storage structures shall be 20 feet for one-way traffic, and 30 feet if two-way traffic. [Partially relocated from Art. 4.B.7.C.xx.c.5)a), Interior]

2) Flow

Traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist at a minimum of standard directional signage and painted lane markings with arrows. [Partially relocated from Art. 4.B.7.C.xx.c.5)b), Flow]

j) Business Uses Prohibited

Businesses shall be prohibited from operating within any Self Service Storage facility or storage unit or Outdoor Storage area, except as follows: [Partially relocated from Art. 4.B.7.C.xx.b.3), Storage Units]

1) Storage of Business Goods

A storage unit shall not be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation. [Partially relocated from Art. 4.B.7.C.xx.b.3), Storage Units]

2) Home Occupation Vehicles

A maximum of one business related vehicle per storage customer a maximum of 8,000 pounds curb weight may be stored in a Multi Access storage unit or Outdoor Storage area.

~~b. General~~

~~All self-service storage uses shall comply with the following:~~

~~1) Location~~

~~A self-service storage facility located in a CL-FLU designation shall not be located within 1,000 feet of another self-service storage facility. [Ord. 2005-002]~~

~~2) Limitations~~

~~A maximum of 1,000 square feet of the rental office may be devoted to the rental and sale of retail items used for moving and storage, such as hand trucks, cartons, tape, and packing materials. [Ord. 2005-002] [Partially relocated to new Art. 4.B.7.C.xx.x, Accessory Use]~~

~~3) Storage Units~~

~~Use of storage units shall be limited to the storage of goods only. Storage of hazardous goods shall be prohibited. A business may not be conducted from a storage unit. A storage unit shall not be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation. [Partially relocated to Art. 4.B.7.C.xx.b, Typical Uses, and Art. 4.B.7.C.xx.y.1), Hazardous Materials Prohibited]~~

~~4) Vehicle Rental~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

- 1 Vehicle rental may be permitted subject to a Class A conditional use and shall be
2 limited to the rental of trucks and trailers used for moving and accessory uses such
3 as the installation of hitch and towing packages, and wash facility.
- 4 **5) Security Quarters**
5 A security or caretaker quarters use may be allowed on the site of a self-storage
6 facility pursuant to Article 4.B, Supplementary Use Standards.
- 7 **6) Outside Storage**
8 Except as provided in this Section, all goods shall be stored entirely within enclosed
9 buildings. Open storage of recreational vehicles and dry storage of pleasure boats of
10 the type customarily maintained for personal use shall be permitted within a self
11 service storage facility provided the following standards are met: **[Partially**
12 **relocated to Art. 4.B.7.C.xx.x.2), Outdoor Storage]**
- 13 **a) Location**
14 The storage shall occur only within a designated area. **[Partially relocated to**
15 **Art. 4.B.7.C.xx.x.2), Outdoor Storage]**
- 16 **b) Storage Area**
17 The storage area shall not exceed 50 percent of the lot area. **[Partially**
18 **relocated to Art. 4.B.7.C.xx.x.2), Outdoor Storage]**
- 19 **c) Screening**
20 The storage area shall be entirely screened from view from adjacent residential
21 areas and public streets. **[Partially relocated to Art. 4.B.7.C.xx.x.2), Outdoor**
22 **Storage]**
- 23 **d) Boats**
24 Boats stored on the site shall be on wheeled trailers. **[Partially relocated to Art.**
25 **4.B.7.C.xx.x.2), Outdoor Storage]**
- 26 **e) Repair**
27 Vehicle repair shall be prohibited. **[Partially relocated to Art. 4.B.7.C.xx.x.2),**
28 **Outdoor Storage]**
- 29 **7) Landscaping and Buffering**
- 30 **a) Wall Option**
31 A perimeter wall in the landscape buffer may be waived if all of the following
32 standards are met.
- 33 **(1) Facades**
34 The exterior facades of storage structures present an unbroken, wall-like
35 appearance when seen from adjacent lots and streets. **[Partially relocated**
36 **to Art. 4.B.7.C.x.g, Landscaping – Incompatibility Buffer Screening]**
- 37 **(2) Wall**
38 Separate storage structures are connected by a solid opaque wall to give the
39 appearance of structural continuity. **[Partially relocated to Art. 4.B.7.C.x.g,**
40 **Landscaping – Incompatibility Buffer Screening]**
- 41 **(3) Access Isles**
42 No aisle ways or other vehicle access ways are located in the area between
43 the building and the adjacent property line. **[Partially relocated to Art.**
44 **4.B.7.C.x.g, Landscaping – Incompatibility Buffer Screening]**
- 45 **(4) Buffering**
46 The area between the building and the adjacent property line is planted as a
47 landscape buffer with a berm or maintained as a vegetation preserve.
48 **[Partially relocated to Art. 4.B.7.C.x.g, Landscaping – Incompatibility**
49 **Buffer Screening]**
- 50 **8) Loudspeakers**
51 Exterior loudspeakers, public address, or paging equipment shall be prohibited.
- 52 **9) Door Orientation**
53 Bay doors shall not face in a residential district nor shall bay doors be visible from a
54 public street. **[Partially relocated to Art. 4.B.7.C.x.f, Architecture – Storage Bay**
55 **or Unit Orientation]**
- 56 **10) Barbed Wire**
57 Barbed or similar wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous
58 Materials, except when located adjacent to a parcel having a residential FLU
59 designation or use. Barbed wire shall not be visible from any public street. **[Ord.**
60 **2014-001]** **[Partially relocated to 5.B.1.A.2.h.1)a)(8) (Related to Dangerous**
61 **Materials)]**
- 62 **c. Supplemental Standards for Multi-Access Facilities**
- 63 **1) Lot Size**
64 A minimum of two acres.
- 65 **2) Separation**

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

- 1 ~~A minimum of ten feet between buildings.~~
- 2 **3) ~~Bay Size~~**
- 3 ~~A maximum of 500 square feet.~~
- 4 **4) ~~Height~~**
- 5 ~~A maximum of 35 feet.~~
- 6 **5) ~~Circulation~~**
- 7 **a) ~~Interior~~**
- 8 ~~The minimum width of aisle ways between storage structure shall be 20 feet for~~
9 ~~one-way traffic, and 30 feet if two-way traffic between storage structure.~~
10 **[Partially relocated to 5.B.1.A.2.i, Supplemental Circulation Standards for**
11 **Multi-Access Facilities]**
- 12 **b) ~~Flow~~**
- 13 ~~Traffic flow patterns in aisle ways shall be clearly marked. Marking shall consist~~
14 ~~at a minimum of standard directional signage and painted lane markings with~~
15 ~~arrows. [Partially relocated to 5.B.1.A.2.i, Supplemental Circulation~~
16 ~~Standards for Multi-Access Facilities]~~
- 17 **6) ~~Door Orientation and Access~~**
- 18 ~~Bay doors and access points located on the second story or above shall be oriented~~
19 ~~toward the interior of the site. [Partially relocated to 5.B.1.A.2.h.1)a)(8) (Related to~~
20 ~~Dangerous Materials)]~~
- 21 **7) ~~CLO, CHO, CLO/MUPD, and CHO/MUPD~~**
- 22 **a) ~~Outdoor Storage Area~~**
- 23 ~~A maximum of 30 percent of overall square footage. [Partially relocated to Art.~~
24 ~~4.B.7.C.xx.e.1), CLO or CHO Districts and CLO or CHO MUPD]~~
- 25 **b) ~~Door Orientation~~**
- 26 ~~All bay doors shall be oriented toward the interior of the site. [Partially~~
27 ~~relocated to Art. 4.B.7.C.xx.e.1), CLO or CHO Districts and CLO or CHO~~
28 ~~MUPD]~~
- 29 **c) ~~Height~~**
- 30 ~~A maximum of one story. [Partially relocated to Art. 4.B.7.C.xx.e.1), CLO or~~
31 ~~CHO Districts and CLO or CHO MUPD]~~
- 32 **d) ~~Multi-Access Storage~~**
- 33 ~~Multi-access storage shall not be permitted on parcels in the CLO, and CHO~~
34 ~~districts and MUPD districts with a CLO or CHO FLU designation when adjacent~~
35 ~~to a residential district. [Partially relocated to Art. 4.B.7.C.xx.e.1), CLO or~~
36 ~~CHO Districts and CLO or CHO MUPD]~~
- 37 **d. ~~Supplemental Standards for Limited Access Facilities~~**
- 38 **1) ~~Lot Size~~**
- 39 ~~A minimum of one acre.~~
- 40 **2) ~~Loading~~**
- 41 ~~A minimum of two off-street loading spaces shall be provided at each entry into the~~
42 ~~building. [Partially relocated to Table 6.A.1.B, Minimum Off Street Parking and~~
43 ~~Loading Requirements]~~
- 44 **e. ~~CLO, CHO, and MUPD Districts~~**
- 45 ~~Limited access self-service storage facilities in the CLO and CHO districts, and MUPD~~
46 ~~district with a CLO or CHO FLU designation, shall comply with the following regulations:~~
47 ~~[Partially relocated to Art. 4.B.7.C.xx.e.1), CLO or CHO Districts and CLO or CHO~~
48 ~~MUPD]~~
- 49 **1) ~~Lot Size~~**
- 50 ~~A minimum of three acres and a maximum of ten acres. [Partially relocated to Art.~~
51 ~~4.B.7.C.xx.e.1), CLO or CHO Districts and CLO or CHO MUPD]~~
- 52 **2) ~~Height~~**
- 53 ~~A maximum of 25 feet. The portion of a facility including a security or caretaker's~~
54 ~~quarters shall be limited to two stories and shall not exceed 30 feet in height to the~~
55 ~~highest point.~~
- 56 **3) ~~Signage~~**
- 57 ~~One freestanding or one wall sign.~~
- 58 **4) ~~Frontage~~**
- 59 ~~The facility shall front on and access from an arterial or collector street. [Partially~~
60 ~~relocated to Art. 4.B.7.C.xx.e.1), CLO or CHO Districts and CLO or CHO MUPD]~~
- 61 **f. ~~Multi-Access and Limited-Access Combinations~~**
- 62 ~~A combination of multi-access and limited-access storage uses may be permitted within~~
63 ~~the same building or on the same site pursuant to the supplemental standards for both~~
64 ~~uses.~~
- 65 **g. ~~WCRA Overlay~~**

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

~~Self-service storage is prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Relocated to Art. 4.B.7.C.xx.c, Overlay – Westgate Community Redevelopment Area Overlay (WCRAO)]~~

Reason for amendments to Self-Service Storage in the Use Matrix: [Zoning]	
1.	Delete from General Industrial (IG) district and General Industrial pod of a Planned Industrial Park Development (PIPD), as these districts are typically reserved for heavy industrial uses and manufacturing. Self Service Storage is primarily intended to provide for additional household storage, where residential vehicular traffic would potentially be incompatible with heavy truck traffic typically expected in heavy industrialized areas.
2.	Allow for Limited Access in Commercial Pod of Planned Unit Development (PUD) or Neighborhood Center of Traditional Neighborhood Development (TND). Both districts are intended to allow for limited neighborhood serving uses for residents, which would reasonably include Self Service Storage needs for household goods.
3.	Allow for use in Traditional Marketplace Development. This district is primarily intended to allow for mixed use or a traditional main street form of development, but could reasonably accommodate Self Service Storage uses for onsite residents or surrounding neighborhoods, with the added benefit of enhanced architectural or site design standards.

~~128. Theater, Drive-In~~

HISTORY: Theater use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and supplemental standards were amended by Ord. 1993-004, 1998-011, 1999-037, 2000-015, 2001-001, 2001-028, 2001-062, 2003-067, 2010-005, and 2011-016.

Reason for amendments: [Zoning]

1. Consolidate use with new Conference Center or Performance Venues to provide additional options of similar uses

~~An establishment for the outdoor viewing of motion pictures by patrons while in their vehicles.~~

~~a. CRE District~~

~~Shall not be allowed in a RR-FLU designation. [Relocated to Art. 4.B.2.C.9, Conference Center or Performance Venues]~~

Reason for amendments to Theater in the Use Matrix: [Zoning] Delete use approval process from the Use Matrix as the use is consolidated with new Conference Center or Performance Venues.

~~129. Theater, Indoor~~

HISTORY: Theater use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord. 1992-020). The definition and supplemental standards were amended by Ord. 1993-004, 1998-011, 1999-037, 2000-015, 2001-001, 2001-028, 2001-062, 2003-067, 2010-005, and 2011-016.

Reason for amendments: [Zoning]

1. Delete the use from Article 4, Use Regulations, as industry trends are not pointing to this type of uses and in the event of a similar facility or use needed, the new use Conference Center or Performance Venues includes movie theater in the use types.

~~An establishment for showing motion pictures or live performances in an enclosed building.~~

~~a. CRE District~~

~~Shall not be allowed in a CRE district with an RR-FLU designation. [Relocated to Art. 4.B.2.C.9, Conference Center or Performance Venues]~~

~~b. CC, CG, MUPD and LCC Districts~~

~~Indoor theaters not exceeding 15,000 square feet are a permitted use. [Ord. 2010-005]~~

~~c. IL District~~

~~An indoor theater exceeding three acres in the IL district shall rezone to the CRE district.~~

Reason for amendments to Theater in the Use Matrix: [Zoning] Delete use approval process from the Use Matrix as the use is deleted. Options to develop a Theater is now under new use Conference Center or Performance Venues.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

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135. Vehicle Sales and Rental

HISTORY: The Vehicle Sales and Rental use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020).
Reason for amendments: [Zoning]
1. Revise definition for consistency with terms used by the Florida Department of Motor Vehicles and related Florida Statutes.
2. Establish two “types” of Vehicle Sales and Rental to allow for easier clarification of existing standards intended to limit larger motor vehicles or heavy equipment to Industrial Zoning districts, or Commercial districts with a Commercial High (CH) future land use designation, where appropriate.
3. Establish limitation to limit Vehicle Sales and Rental to Neighborhood Rental Facilities in the Commercial Pod of PUD and the Neighborhood Center of a TND, to better reflect intent to serve surrounding neighborhoods and mitigate incompatible uses.
4. The majority of terms used to describe the different types of vehicles or equipment assigned to the Light or Heavy Types of Vehicle Sales and Rental are sourced from Title XXIII, Motor Vehicles, of Florida Statutes, including F.S. 316.003, Definitions and F.S. 320.01, General Definitions. Note that where some definitions may not exist in a manner that would be intuitive for staff or customers, minor revisions are made, such as “light truck”. Whereas F.S. do not explicitly define light duty trucks or SUVs, but rather use the simple definition of “truck” for trucks with a gross vehicle weight of less than 5,000 pounds, and multiple variations for those greater than, including heavy truck, truck tractor, bus, farm tractor, etc.
5. Relocate “motorcycles” and “golf carts” from General Retail Sales to Vehicle Sales and Rental, to include a provision to allow for facilities limited to those vehicles to retain the original Permitted by Right approval process, while addressing the following: <ul style="list-style-type: none">▪ Sale of these vehicles oftentimes includes many of the same characteristics regulated under Vehicle Sales and Rental, with relocation allowing for standards such as outdoor storage or display to be applied.▪ Under General Retail Sales, the location where merchandise may be displayed outdoors is restricted and must be removed and placed indoors or in a designated storage area after hours. Relocating to Vehicle Sales and Rental allows dealers to leave vehicles in designated “display areas” if desired.▪ Industry input received through the Use Regulations Project, included requests to allow the sale of motorcycles to use the lower parking ratios afforded to Vehicle Sales and Rental. Whereas General Retail Sales requires 5 spaces per 1,000 square feet, Vehicle Sales and Rental allows a lower ration of 4 spaces per 1,000 square feet of indoor showroom, and 1 space per 5,000 square feet of outdoor display. Staff concurs that these ratios are more appropriate for the sale of these types of vehicles.
6. Typical Uses include terms referenced by the Florida Department of Highway Safety and Motor Vehicles licensing requirements, including: <ul style="list-style-type: none">▪ Independent Dealers, which allows licensee to sell, retail or wholesale, used motor vehicles only.▪ Franchise Dealers, which allows the licensee to sell new motor vehicles under an agreement with the manufacturer, as well as used motor vehicles.▪ Wholesale Dealer, which limits licensees to buying, selling or dealing at wholesale with licensed dealers.▪ Mobile Home Dealer, which allows the licensee to sell new or used mobile homes.▪ Mobile Home Broker,▪ New Recreational Vehicle Dealer, allows licensee to sell new and used recreational vehicles (subject to agreement with manufacturer).▪ Used Recreational Vehicle Dealer, allows licensee to sell used recreational vehicles. <p>Vehicle sales and rental does not include the following license types:</p> <ul style="list-style-type: none">▪ Auction, allows licensee to sell, on behalf of licensed dealers, through a bid process. This would fall under the Auction use classification. Salvage, allows licensee to deal in salvage or wrecked vehicles, but requires that the title to the vehicle be reassigned to an independent dealer for resale. This would fall under Heavy Repair and Maintenance.
7. Note: ULDC Art. 6.B.1.B.1.G.1 [Related to Prohibitions] states “A <i>street or driveway shall not be used for loading or unloading.</i> ” While such loading activities may occur in streets or driveways, the existing prohibition is sufficient for any Code Enforcement actions, and staff does not recommend adding any redundant standards.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

1
2 ~~An establishment engaged in the sale, rental, or lease of new or used motorized vehicles,~~
3 ~~equipment, or mobile homes as defined by the Department of Motor Vehicles. Typical uses~~
4 ~~include auto and truck rental, lease and sales; boat rental and sales; mobile home and~~
5 ~~recreational vehicle sales; construction equipment rental yards; moving trailer rental, and~~
6 ~~large implement sales or rental. [Partially relocated to both new Light Vehicle Sales and~~
7 ~~Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

8 ~~a. Development Standards~~

9 ~~1) Lot Size~~

10 ~~A minimum of three acres. [Partially relocated to both new Light Vehicle Sales~~
11 ~~and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

12 ~~2) IL District~~

13 ~~A minimum of one acre. [Partially relocated to both new Heavy Vehicle or~~
14 ~~Equipment Sales and Rental]~~

15 ~~3) Accessory Uses~~

16 ~~Repair facilities and sales of parts may be provided as an accessory use. Repair~~
17 ~~facilities and paint and body shops shall be located a minimum of 100 feet from any~~
18 ~~residential district. [Partially relocated to new Heavy Vehicle or Equipment Sales~~
19 ~~and Rental]~~

20 ~~4) Bay Doors~~

21 ~~Service bay doors shall not be oriented toward any adjacent property in a residential~~
22 ~~district or toward any adjacent public street. [Partially relocated to both new Light~~
23 ~~Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

24 ~~5) Outdoor Activities~~

25 ~~There shall be no outdoor repair of vehicles or outdoor storage of disassembled~~
26 ~~vehicles or parts. [Partially relocated to both new Light Vehicle Sales and~~
27 ~~Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

28 ~~6) Sales Office~~

29 ~~No mobile home, recreational vehicle, or other vehicle shall be used as a sales office,~~
30 ~~storage space or as a dwelling unit.~~

31 ~~7) Car Wash~~

32 ~~Car wash facilities shall use a water recycling system.~~

33 ~~8) Loudspeakers~~

34 ~~No outdoor speakers or public address systems that are audible from the exterior of~~
35 ~~the site shall be permitted.~~

36 ~~9) Loading Space~~

37 ~~Loading space shall be setback a minimum of 100 feet from an existing residential~~
38 ~~district, use or FLU designation. [Partially relocated to both new Light Vehicle~~
39 ~~Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

40 ~~10) Parking~~

41 ~~Vehicles otherwise stated in this Section, all vehicular use areas for display, sale,~~
42 ~~rent, or storage shall comply with Article 6, PARKING. [Partially relocated to both~~
43 ~~new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and~~
44 ~~Rental]~~

45 ~~b. Display~~

46 ~~Outdoor area storage and display areas shall be permitted, subject to the following~~
47 ~~requirements: [Partially relocated to both new Light Vehicle Sales and Rental, and~~
48 ~~Heavy Vehicle or Equipment Sales and Rental]~~

49 ~~1) Bull Pen Storage~~

50 ~~Vehicle may be stored outdoors on an improved parking surface without reference to~~
51 ~~parking stalls, backup distances, parking stall striping or wheel stops. Outdoor sales~~
52 ~~and display parking shall conform to Article 6, PARKING, except for space striping.~~
53 ~~Parking for vehicle storage, sales or display may not be counted toward meeting the~~
54 ~~number of off-street parking spaces required for customers and employees. Vehicles~~
55 ~~shall not be stored or temporarily parked in a required parking space, handicap~~
56 ~~parking space, driveway, queuing area, fire lane, or other vehicle circulation area.~~
57 ~~[Partially relocated to both new Light Vehicle Sales and Rental, and Heavy~~
58 ~~Vehicle or Equipment Sales and Rental, Standards for Display Areas]~~

59 ~~2) Parking~~

60 ~~A barrier shall be provided between vehicles or display and customer parking. This~~
61 ~~barrier may be in the form of a landscape strip, curbing, removable bollards, or other~~
62 ~~suitable barrier approved by the DRO. [Partially relocated to both new Light~~
63 ~~Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental,~~
64 ~~Standards for Display Areas]~~

65 ~~3) Display~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

~~No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~4) Operating Conditions~~

~~No vehicles shall be stored or displayed on-site except those which are intended for sale, rental or lease, and are in safe operating and running condition. [Partially relocated to both new Light Vehicle Sales and Rental, and Heavy Vehicle or Equipment Sales and Rental]~~

~~c. District and Overlay Limitations~~

~~1) CC, CG IL, and MUPD Districts~~

~~a) Truck and Trailer Rental~~

~~Truck and trailer rental, limited to a maximum of five vehicles per lot, shall be permitted as an accessory use to an auto service station or convenience store with gas sales subject to DRO approval. Truck and trailer rental exceeding five vehicles shall be permitted subject to requested or Class B conditional use approval. Designated storage spaces for each truck or trailer shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences or landscaping. No truck or trailer shall be stored or temporarily parked in a required parking space, handicapped parking space, driveway, queuing area, fire lane, or other vehicular circulation area. [Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]~~

~~2) Indoor Vehicle Showroom Exception~~

~~An indoor vehicle sales and rental facility located in the CG or MUPD districts shall be exempt from the minimum three-acre lot size requirement, and may be allowed subject to DRO approval and the following criteria. [Ord. 2015-031] [Partially relocated to new Light Vehicle Sales and Rental, Approval Process]~~

~~a) Floor Area~~

~~A maximum of 30,000 square feet and 15 display vehicles. [Partially relocated to new Light Vehicle Sales and Rental, Approval Process]~~

~~b) New Vehicles~~

~~Display shall be limited to new vehicles only. [Partially relocated to new Light Vehicle Sales and Rental, Approval Process]~~

~~c) Test Drives~~

~~Test drives shall not be permitted from the indoor vehicle showroom or on-site. [Partially relocated to new Light Vehicle Sales and Rental, Approval Process]~~

~~d) Parking~~

~~Vehicles for sale or lease shall not be parked or displayed outside of the showroom. Trucks used to transport vehicles to and from the showroom shall not be parked in required loading spaces and shall not be stored on-site. [Partially relocated to new Light Vehicle Sales and Rental, Approval Process]~~

~~e) Vehicle Operations~~

~~Display vehicles shall not operate engines during store hours. Engines shall only be permitted to operate during the transport of vehicle into or out of the showroom. [Partially relocated to new Light Vehicle Sales and Rental, Approval Process]~~

~~f) Maintenance and Repair~~

~~Maintenance, repair, or painting shall not occur on-site. [Ord. 2015-031]~~

~~g) Stand-Alone Exception~~

~~A stand-alone indoor vehicle sales and rental facility with lot frontage on an Arterial Street may be exempt from the limitations of a) through f) above, except for d), Parking, provided that all vehicle display, storage, detailing, or other collocated activities occur indoors. [Ord. 2015-031] [Partially relocated to new Light Vehicle Sales and Rental, Approval Process]~~

~~3) IL District~~

~~In the district vehicle sales and rental uses shall be limited to the following: [Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]~~

~~a) Accessory Use~~

~~In the IL districts limited vehicle sales may be permitted as an accessory use to general repair and maintenance facilities, subject to DRO approval. The vehicle sales use shall be limited to a maximum of five vehicles per lot. Designated storage spaces for each vehicle shall be depicted on the approved site plan. All~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

1 storage spaces shall be setback a minimum of 100 feet from the front and side
2 street property lines, or in a location which is screened from view from any public
3 street by a combination of walls, fences or landscaping. No vehicle shall be
4 stored or temporarily parked in a required parking space, handicapped parking
5 space, driveway, queuing area, fire lane, or other vehicular circulation area.
6 **[Partially relocated to new Heavy Vehicle or Equipment Sales and Rental]**

7 **~~1) Display~~**

8 Vehicles on display shall be located within 100 feet of a repair bay.
9 **[Partially relocated to new Heavy Vehicle or Equipment Sales and
10 Rental]**

11 **~~b) Automobile Rental~~**

12 Automobile rental shall be subject to Class A conditional use approval. **[Partially
13 relocated to new Heavy Vehicle or Equipment Sales and Rental]**

14 **~~c) Mobile Home, RV, and Heavy Equipment Sales or Rental~~**

15 The sale or rental of mobile homes, recreational vehicles or heavy equipment
16 shall be permitted subject to Class B conditional use approval.

17 **~~d) Rental Equipment~~**

18 Construction equipment, moving trailer, farm equipment, and farm implement and
19 machinery sales and rental uses shall require DRO approval. **[Partially
20 relocated to new Heavy Vehicle or Equipment Sales and Rental]**

21 **~~4) WCRA Overlay~~**

22 Vehicle sales and rental is prohibited in the NR, NRM, and NG sub-areas, as per
23 Table 3.B.14.E WCRAO Sub-area Use Regulations. **[Ord. 2006-004]** **[Partially
24 relocated to new Light Vehicle Sales and Rental and Heavy Vehicle or
25 Equipment Sales and Rental]**

26 **~~d. Temporary Sale~~**

27 The temporary sale of vehicles shall be allowed as a Special Permit, and subject to the
28 following additional standards. **[Partially relocated to new Temporary Sales]**

29 **~~1) CG, IL, and MUPD Districts~~**

30 Temporary sale of vehicles shall be permitted. **[Partially relocated to new
31 Temporary Sales]**

32 **~~2) Lot Size~~**

33 A minimum of ten acres. **[Partially relocated to new Temporary Sales]**

34 **~~3) Separation~~**

35 A minimum of 50 feet from all buildings. **[Partially relocated to new Temporary
36 Sales]**

37 **~~4) Duration~~**

38 Temporary sales shall be limited to five consecutive calendar days and shall be
39 prohibited during the months of November and December. **[Partially relocated to
40 new Temporary Sales]**

41 **~~5) Parking~~**

42 A maximum of 50 required off-street parking spaces may be utilized. No activities
43 shall extend beyond the permitted area. **[Partially relocated to new Temporary
44 Sales]**

45 **~~6) Signage~~**

46 Signage shall be permitted only in the designated event area. **[Partially relocated
47 to new Temporary Sales]**

48 **~~7) Hours of Operation~~**

49 Hours of operation shall be from 8:00 a.m. to 9:00 p.m. **[Partially relocated to new
50 Temporary Sales]**

51 **~~8) Location~~**

52 There shall be suitable access to the event area, subject to Zoning Division approval.
53 **[Partially relocated to new Temporary Sales]**

54 **~~e. Neighborhood Vehicle Rental Facility~~**

55 A rental facility that is limited to a maximum of six vehicles stored on site. For the
56 purpose of this section vehicles shall be limited to cars, sports utility vehicles, standard
57 pick up trucks, and minivans. **[Ord. 2009-040]** **[Partially relocated to new Light
58 Vehicle Sales and Rental]**

59 **~~1) Development Standards~~**

60 **~~a) Minimum Lot Size~~**

61 The lot size shall comply with the minimum required for the applicable zoning
62 district. Legal non-conforming lots of record shall be able to develop a
63 neighborhood vehicle rental facility provided all other minimum site development
64 regulations can be met. **[Ord. 2009-040]** **[Partially relocated to new Light
65 Vehicle Sales and Rental]**

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

- 1 ~~b) Zoning Districts~~
2 Facilities shall be permitted in the CN, CC, and CG zoning districts; PDDs with a
3 CH or CL FLU designation; and the Neighborhood Center (NC) of a TDD. ~~[Ord.~~
4 ~~2009-040]~~ **[Partially relocated to new Light Vehicle Sales and Rental]**
- 5 ~~c) Approval Process~~
6 This use shall be subject to DRO approval. ~~[Ord. 2009-040]~~ **[Partially relocated**
7 **to new Light Vehicle Sales and Rental]**
- 8 ~~d) Parking~~
9 The rental vehicles shall be parked in specifically designated spaces or located in
10 ~~bull pen storage. Vehicles shall not be parked in required or handicap spaces,~~
11 ~~driveways, queuing areas, fire lanes, or other vehicular circulation areas. [Ord.~~
12 ~~2009-040]~~ **[Partially relocated to new Light Vehicle Sales and Rental]**
- 13 ~~e) Outdoor Activities~~
14 Maintenance, repair, detailing, washing, cleaning or related activities shall not be
15 ~~conducted on site. [Ord. 2009-040]~~ **[Partially relocated to new Light Vehicle**
16 **Sales and Rental]**
- 17 ~~f. Infill Redevelopment Overlay (IRO)~~
18 A vehicle sales and rental use located on a parcel with a CH FLU designation within the
19 Core Transect Zone may be approved by the DRO. ~~[Ord. 2010-005]~~
- 20 **37. Vehicle Sales and Rental, Light**
- 21 **a. Definition**
- 22 *An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used*
23 *motor vehicles as may be defined by the Florida Department of Motor Vehicles, or boats,*
24 *and recreational vehicles, including but not limited to the following vehicles typically*
25 *acquired for personal non-commercial use: [Partially relocated from Art. 4.B.2.C.x,*
26 **Vehicle Sales and Rental]**
- 27 1) Automobiles, sport utility vehicles (SUVs) and light trucks or vans with a curb weight
28 of 8,000 lbs. or less; or,
- 29 2) Boats, personal watercraft, recreational vehicles (RV), off-highway vehicles (OHV),
30 motorcycles, golf carts, or swamp buggies.
- 31 **b. Typical Uses**
- 32 *Typical uses include independent dealers, franchise dealers, wholesale dealers , or new*
33 *and used recreational vehicle dealers, auto and truck rental, and boat or personal*
34 *watercraft rental and sales. [Partially relocated from Art. 4.B.2.C.x, Vehicle Sales and*
35 **Rental]**
- 36 **c. Approval Process**
- 37 1) **Indoor Vehicle Showroom**
- 38 *An indoor Vehicle Sales and Rental facility located in the CG or MUPD districts shall*
39 *be exempt from the minimum three-acre lot size requirement, and may be permitted*
40 *subject to DRO approval and the following criteria. [Partially Relocated from Art.*
41 **4.B.2.C.x.c.2, Indoor Vehicle Showroom Exception]**
- 42 a) **Floor Area**
- 43 *A maximum of 30,000 square feet and 15 display vehicles. [Partially Relocated*
44 **from Art. 4.B.2.C.x.c.2, Indoor Vehicle Showroom Exception]**
- 45 b) **New Vehicles**
- 46 *Display shall be limited to new vehicles only. [Partially Relocated from Art.*
47 **4.B.2.C.x.c.2, Indoor Vehicle Showroom Exception]**
- 48 c) **Test Drives**
- 49 *Test drives shall not be permitted from the indoor vehicle showroom or on-site.*
50 **[Partially Relocated from Art. 4.B.2.C.x.c.2, Indoor Vehicle Showroom**
51 **Exception]**
- 52 d) **Vehicle Operations**
- 53 *Display vehicles shall not operate engines during store hours. Engines shall only*
54 *be permitted to operate during the transport of vehicle into or out of the*
55 *showroom. [Partially Relocated from Art. 4.B.2.C.x.c.2, Indoor Vehicle*
56 **Showroom Exception]**
- 57 e) **Parking**
- 58 *Vehicles for sale or lease shall not be parked or displayed outside of the*
59 *showroom. [Partially Relocated from Art. 4.B.2.C.x.c.2, Indoor Vehicle*
60 **Showroom Exception]**
- 61 f) **Stand Alone Exception**
- 62 *Stand Alone with lot frontage on an Arterial Street or Planned Collector Street,*
63 *may be exempt from the limitations of a) through d) above, provided that all*
64 *vehicle display, storage, detailing, or other Collocated uses or activities occur*

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

indoors. [Ord. 2015-031] [Partially Relocated from Art. 4.B.2.C.x.c.2, Indoor Vehicle Showroom Exception]

2) Neighborhood Vehicle Rental Facility

A Neighborhood Vehicle Rental Facility may be permitted in the CN, CC, and CG zoning districts; the Commercial Pod of a PUD; PDDs with a CH or CL FLU designation; or the Neighborhood Center (NC) of a TDD, subject to DRO approval and the following: [Partially Relocated from Art. 4.B.2.C.x.e, Neighborhood Vehicle Rental Facility]

a) Vehicle Limitations

A maximum of six vehicles stored on site, limited to cars, SUVs, standard pick-up trucks, and minivans. [Ord. 2009-040] [Partially Relocated from Art. 4.B.2.C.x.e, Neighborhood Vehicle Rental Facility]

b) Minimum Lot Size

The lot size shall comply with the minimum required for the applicable zoning district. Legal non-conforming lots of record shall be able to develop a Neighborhood Vehicle Rental Facility provided all other minimum site development regulations can be met. [Ord. 2009-040] [Partially Relocated from Art. 4.B.2.C.x.e, Neighborhood Vehicle Rental Facility]

c) Parking

The rental vehicles shall be parked in specifically designated spaces or located in bull pen storage. [Ord. 2009-040] [Partially Relocated from Art. 4.B.2.C.x.e, Neighborhood Vehicle Rental Facility]

d) Outdoor Activities

Maintenance, repair, detailing, washing, cleaning or related activities shall not be conducted on site. [Ord. 2009-040] [Partially Relocated from Art. 4.B.2.C.x.e, Neighborhood Vehicle Rental Facility]

d. Overlay – Westgate Community Redevelopment Area (WCRA) Overlay

Vehicle sales and rental is prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.14.E – WCRAO Sub-area Use Regulations. [Ord. 2006-004] [Partially relocated from Art. 4.B.2.C.x.c.4), WCRA Overlay]

e. Zoning Districts

1) Commercial Pod of PUD and Neighborhood Center of TND

Shall be limited to a Neighborhood Vehicle Rental Facility.

2) LCC and TMD

Shall be limited to Indoor Vehicle Showroom.

3) Districts with Commercial Low FLU Designation

The sale or rental of OHVs, RVs, boats, or motorcycles shall be subject to the standards for Accessory Uses.

4) IL District - Automobile Rental

Automobile rental may be permitted in the IL district when located on an Arterial Street, subject Class A Conditional Use approval. [Partially relocated from Art. 4.B.2.C.x.3b), Automobile Rental]

f. Lot Size

A minimum of three acres, excluding the following:

a) Indoor Vehicle Showrooms,

b) Motorcycle or OHV sales and rental,

c. Boat or watercraft sales and rental when collocated with a Marina Facility; or

d) Where otherwise stated within this Sub-section.

g. Accessory Uses – Marinas

Vehicle Sales and Rental limited to boats and personal watercraft may be permitted as an Accessory Use to Marina Facilities in the CRE district or an MUPD with CR FLU designation, and shall be exempt from the minimum three acre lot size requirement.

h. Nuisances – Test Drives

Test drives of motor vehicles shall be prohibited on Local Residential Streets.

i. Storage or Display

Outdoor storage or display of vehicles shall only be permitted in areas designated for storage or display on an approved Development Order, subject to the following requirements: [Partially relocated from Art. 4.B.2.C.x.b, Display]

1) General

a) Vehicle Operating Conditions

(1) The storage or display of inoperable vehicles or equipment shall be prohibited, with exception to designated storage areas permitted under an approved Accessory or Collocated use.

(2) No vehicles or equipment shall be stored or displayed on-site except those intended for sale, rental or lease. An exception shall be permitted for new

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

- 1 motor vehicle or equipment inventory owned by another dealership, provided
2 that such vehicles or equipment is of the same type approved for the subject
3 site. [Partially relocated from Art. 4.B.2.C.x.b.4), Operating Conditions]
- 4 **b) Loading Spaces**
5 *Loadings spaces shall be setback a minimum of 100 feet from an existing*
6 *residential use or vacant parcel with a residential FLU designation.* [Partially
7 relocated from Art. 4.B.2.C.x.j, Parking]
- 8 **c) Required Parking**
9 *Parking for vehicle storage, sales or display may not be counted toward meeting*
10 *the number of off-street parking spaces required for customers and employees.*
11 [Partially relocated from Art. 4.B.2.C.x.b)1), Bull Pen Storage]
- 12 **2) Standards for Bull Pen Storage**
- 13 **a) Location or Design**
14 Bull Pen Storage areas shall be located towards the side or rear of the property
15 and designed in a manner that clearly distinguishes the storage area from vehicle
16 showroom or Outdoor Display areas, by placement behind buildings, or through
17 use of opaque fences, walls or landscape barriers a minimum of six feet high.
- 18 **b) Outdoor Storage**
19 Bull Pen Storage areas shall comply with the Outdoor Storage area requirements
20 of Art. 5, Supplementary Standards. This shall not preclude the ability to seek
21 Variance relief.
- 22 **3) Standards for Display Areas**
- 23 **a) General**
24 *No vehicle shall be parked, stored or displayed with its hood or trunk open.*
25 *Motor vehicles on display shall not be elevated in full or in part.* [Partially
26 relocated from Art. 4.B.2.C.x.b.2), Display]
- 27 **b) Barrier**
28 *A barrier shall be provided between display areas, and customer parking, related*
29 *driveway access or drive isles. This barrier may be in the form of a landscape*
30 *strip, curbing, removable bollards, or other suitable barrier approved by the DRO.*
31 [Partially relocated from Art. 4.B.2.C.x.j.3, Standards for Display Areas),
32 General]
- 33 **c) Design Standards**
34 Display areas shall conform to Article 6, PARKING, except for space striping.
35 [Partially relocated from Art. 4.B.2.C.x.b)1), Bull Pen Storage]
- 36 **38. Vehicle or Equipment Sales and Rental, Heavy**
- 37 **a. Definition**
38 *An establishment engaged in the sale, retail or wholesale, rental, or lease of new or used*
39 *mobile homes or commercial vehicles, as may be defined by the Florida Department of*
40 *Motor Vehicles, or equipment, including but not limited to the following: heavy trucks,*
41 *truck tractors, road tractors, straight trucks, special mobile equipment, buses, school*
42 *buses, farm tractors, farm implements, heavy equipment including construction and earth*
43 *moving equipment, trailers, and semitrailers.* [Partially relocated from Art. 4.B.2.C.x,
44 Vehicle Sales and Rental]
- 45 **b. Typical Uses**
46 *Typical uses include independent dealers, franchise dealers, wholesale dealers, or*
47 *mobile home dealers or brokers, or, moving truck or trailer rental, , construction or farm*
48 *equipment sales or rental yards, and large implement sales or rental.* [Partially
49 relocated from Art. 4.B.2.C.x, Vehicle Sales and Rental]
- 50 **c. Approval Process**
- 51 **1) Moving Truck and Trailer Rental**
52 Moving Truck and Trailer Rental, limited to a maximum of five vehicles per lot, may
53 be permitted as an accessory use to Retail Gas and Fuel Sales, subject to DRO
54 approval.
- 55 **2) IL District, MUPD with IND FLU Designation and Light Industrial Pod of a PIPD**
- 56 **a) Rental Equipment**
57 The rental of construction equipment, moving trucks or trailers, farm equipment,
58 and farm implement and machinery sales and rental uses may be permitted
59 subject to DRO approval. [Partially relocated from Art. 4.B.2.C.x.c.3)d), Rental
60 Equipment]
- 61 **d. Overlay – Westgate Community Redevelopment Area (WCRA) Overlay**
62 *Vehicle sales and rental is prohibited in the NR, NRM, and NG sub-areas, as per Table*
63 *3.B.14.E – WCRAO Sub-area Use Regulations.* [Ord. 2006-004] [Partially relocated
64 from Art. 4.B.2.C.x.c.4), WCRA Overlay]
- 65 **e. Lot Size**

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

1) **Commercial Districts**

A minimum of three acres. [Partially relocated from Art. 4.B.2.C.x.b, Development Standards]

2) **IL District**

A minimum of one acre. [Partially relocated from Art. 4.B.2.C.x.b, Development Standards]

f. **Accessory Uses - Industrial Districts**

Retail sale of parts may be provided as an accessory use. Where permitted in Industrial districts, limited Light Vehicle Sales and Rental and Rental, may be permitted as an accessory use to Heavy Repair and Maintenance facilities, subject to DRO approval, and the following: [Partially relocated from Art. 4.B.2.C.x.a.3), Accessory Uses]

a) *Limited to vehicle sales of a maximum of five vehicles per lot.* [Partially relocated from Art. 4.B.2.C.x.c.3)a), Accessory Uses]

b) *All storage spaces shall be located indoors, or setback a minimum of 100 feet from the front and side street property lines, or in a location which is screened from view from any public street by a combination of buildings or walls, or opaque fences or landscaping.* [Partially relocated from Art. 4.B.2.C.x.c.3)a), Accessory Uses]

c) *Vehicles on display shall be located within 100 feet of a repair bay.* [Partially relocated from Art. 4.B.2.C.x.c.3)a), Accessory Uses]

g. **Nuisances – Test Drives**

Test drives of motor vehicles shall be prohibited on Local Residential Streets.

h. **Storage or Display**

Outdoor storage or display of vehicles or equipment shall only be permitted in areas designated for storage or display on an approved Development Order, subject to the following requirements: [Partially relocated from Art. 4.B.2.C.x.b, Display]

1) **General**

a) **Vehicle Operating Conditions**

(1) *The storage or display of inoperable vehicles or equipment shall be prohibited, with exception to designated storage areas permitted under an approved Accessory or Collocated use.*

(2) *No vehicles or equipment shall be stored or displayed on-site except those intended for sale, rental or lease. An exception shall be permitted for new motor vehicle or equipment inventory owned by another dealership, provided that such vehicles or equipment is of the same type approved for the subject site.* [Partially relocated from Art. 4.B.2.C.x.b.4), Operating Conditions]

b) **Loading Spaces**

Loadings spaces shall be setback a minimum of 100 feet from an existing residential use or vacant parcel with a residential FLU designation. [Partially relocated from Art. 4.B.2.C.x.j, Parking]

c) **Required Parking**

Parking for vehicle storage, sales or display may not be counted toward meeting the number of off-street parking spaces required for customers and employees. [Partially relocated from Art. 4.B.2.C.x.b)1), Bull Pen Storage]

2) **Standards for Bull Pen Storage**

a) **Location or Design**

Bull Pen Storage areas shall be located towards the side or rear of the property and designed in a manner that clearly distinguishes the storage area from vehicle showroom or Outdoor Display areas, by placement behind buildings, or through use of opaque fences, walls or landscape barriers a minimum of six feet high.

b) **Outdoor Storage**

Bull Pen Storage areas shall comply with the Outdoor Storage area requirements of Art. 5, Supplementary Standards. This shall not preclude the ability to seek Variance relief.

3) **Standards for Display Areas**

a) **General**

No vehicle shall be parked, stored or displayed with its hood or trunk open. Motor vehicles on display shall not be elevated in full or in part. [Partially relocated from Art. 4.B.2.C.x.b.2), Display]

b) **Barrier**

A barrier shall be provided between display areas, and customer parking, related driveway access or drive isles. This barrier may be in the form of a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO. [Partially relocated from Art. 4.B.2.C.x.j.3, Standards for Display Areas), General]

c) **Design Standards**

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

Display areas shall conform to Article 6, PARKING, except for space striping. [Partially relocated from Art. 4.B.2.C.x.b)1), Bull Pen Storage]

4) Standards for Moving Truck and Trailer Rental

Designated storage spaces for each truck or trailer shall be depicted on the approved site plan. All storage spaces shall be setback a minimum of 100 feet from the front and side street property lines, or in a location which is fully screened from view from any public street by a combination of walls, fences or landscaping. [Partially relocated from Art. 4.B.2.C.x.c.1)a), Truck and Trailer Rental]

Reason for amendments to Vehicle Sales and Rental in the Use Matrix: [Zoning] Reorganize approval processes based on new Type of Vehicle Sales, with the Light category generally permitted in most Commercial Zoning districts, Specialty is limited to commercial districts with a Commercial High (CH) FLU designation, and Heavy is similarly limited to the CH FLU and Industrial districts.



43639. Veterinary Clinic

HISTORY: The Veterinary Clinic use definition and supplemental standards were first referenced as part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by Ord. 1995-008, 1998-011, 1997-037, 2001-001, 2003-067, 2005-002, 2009-040, 2010-005, 2010-022, 2010-055, and 2011-016.

Reason for amendments: [Zoning]

1. Revise the Approval Process standard to clarify between optional and zoning district specific regulations.
2. Delete Extended Care as the definition addresses temporary boarding.

a. Definition

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

a. District Specific Regulations

1) ~~AR and AGR Districts~~

~~Shall be limited to livestock only and located on a minimum of five acres. [Ord. 2010-055]~~

2) ~~CN District~~

~~Shall not have outdoor runs, nor occupy more than 3,000 square feet of GFA. [Ord. 2010-055]~~

3) ~~LCC and TDD Districts~~

~~Shall not include outdoor runs, nor occupy more than 5,000 square feet of GFA. [Ord. 2010-005] [Ord. 2010-055]~~

4) ~~Infill Redevelopment Overlay~~

~~Shall not include outdoor runs. Boarding facilities shall comply with the standards for a type III commercial kennel. [Ord. 2010-005] [Ord. 2010-055] [Partially relocated Standards c., Lot Size and d., Zoning District below]~~

b. Approval Process – AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU Designation Exceptions for Limited Facilities

~~A ~~v~~Veterinary ~~e~~Clinic may be ~~p~~Permitted by ~~r~~Right in AGR, AR, CLO Zoning Districts and MUPD with CL, CLO FLU designation any district where the use is permitted pursuant to Table 3.E.1.B, PDD Use Matrix or Table 4.A.3.A, Use Matrix, subject to the following limitations: [Ord. 2010-055]~~

- 1) GFA shall not exceed 5,000 square feet; and, [Ord. 2010-055]
- 2) Shall not include outdoor runs. [Ord. 2010-055]

c. Lot Size – AR and AGR Districts

~~Shall be located on a minimum of five acres. [Ord. 2010-055] [Partially relocated from Standard a., District Specific Regulaitons above]~~

d. Zoning District

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

1) ~~CC and CN Zoning Districts~~

~~Shall not occupy more than 3,000 square feet of GFA. [Ord. 2010-055]~~

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

~~Shall not occupy more than 5,000 square feet of GFA. [Ord. 2010-005] [Ord. 2010-055]~~

3) ~~Infill Redevelopment Overlay~~

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

Boarding facilities shall comply with the standards for a Type III Commercial Kennel.
[Ord. 2010-005] [Ord. 2010-055] [Partially relocated from Standard a., District
Specific Regulations above]

~~c. Extended Care~~

~~Shall be limited to animals requiring onsite veterinary care due to illness or during
recovery from surgical procedures. [Ord. 2010-055]~~

~~d. Outdoor Runs~~

A ~~v~~Veterinary ~~e~~Clinic with outdoor runs shall comply with the following standards: [Ord.
2010-055]

1) Lot Size

A minimum of one acre.

2) Setbacks

Outdoor runs shall not be located within 50 feet of any property line adjacent to an
existing residential use, district or FLU; or 25 feet from any property line adjacent to a
non-residential zoning district, use, or FLU. [Ord. 2010-055]

3) WCRAO

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

4) Standards

A six foot high fence shall be required around the runs. If the fence is not opaque or
screened from view of adjacent properties or R-O-W, a continuous opaque hedge, a
minimum of four feet at installation, shall be provided around the run. [Ord. 2010-
055] [Ord. 2015-031]

5) Waste Disposal

A Veterinary Clinic shall meet the ECR I and ECR II standards and shall be subject to
all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2015-031]

~~e. Facility without Outdoor Runs~~

A veterinary clinic without outdoor runs shall be required to make accommodations to
ensure animal waste is properly disposed of within the facility. [Ord. 2010-055]

Reason for amendments to Veterinary Clinic in the Use Matrix: [Zoning]

- Change the approval process from:
 - Class A Conditional Use to P in the CN Zoning District;
 - Class B Conditional Use to P in the CC Zoning District;
 - Requested Use to P in PDDs and TDDs where the use is allowed; and,
 - Class B Conditional Use to DRO Approval in the CHO Zoning District.
- Change the Approval Process from:
 - DRO Approval to Class A Conditional Use in the AGR Zoning District;
 - Class B Conditional Use to Class A Conditional Use in the AR Zoning District.

~~13740. Vocational School Institution~~

HISTORY: The Vocational School use definition and supplemental standards were first referenced as
part of the 1992 ULDC (Ord.1992-020). The definition and supplemental standards were amended by
Ord. 1992-020, 1996-028, 1999-037, 2001-001, 2001-029, 2003-067, 2011-016, and 2012-027 .

Reason for amendments: [Zoning]

1. Change the use name from Vocational School to Vocational Institution in order to avoid any
confusion with the School definition.
2. Expand the use definition by clarifying additional activities included in the use intend. Simplify the use
definition by addressing typical uses as separate standard. Typical uses include relocation of art
schools from Professional Services as establishments oriented to educate in arts are more
consistent with the definition of Vocational Institution. Individual art instructions are addressed
through Home Occupation.
3. Delete standard that prohibits Vocational Schools in AGR-PUD. The Code allows the use in
Commercial pod of PUD and after researching the history of the standard, there is no clear evidence
for the prohibition in AGR PUD.
4. Expand the list of typical uses in order to address institutions that provide instruction of heavy
mechanical equipment.
5. Allow the use as Permitted by Right in the CN Zoning District and change the approval from Class A
Conditional Use to Permitted by Right in the CC Zoning District limited to 3,000 SF. This provision
provides consistency with the scale of the use expected in these zoning districts.
6. Delete standard that makes the use subject to Class A Conditional approval in the AGR, CC, CG and

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

LCC Zoning District. The use is not permitted in AGR Zoning District therefore this provision has not been applicable. To address all other zoning districts contained in the standard, specific provisions have been added to limit the use of heavy equipment utilized for instructional purposes to be only permitted in Industrial Zoning Districts, for compatibility reasons with similar uses and activities.

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a. Definition

An establishment offering regularly scheduled instruction and training in industrial, mechanical, construction, technical, commercial, clerical, managerial or artistic trade skills ~~such as business, real estate, building and construction trades, electronics, computer programming and technology, automotive or aircraft mechanics and technology, or other type of vocational instruction.~~ **[Partially relocated to Typical Uses, below]**

~~**b. AGR-PUD**~~

~~A Vocational School is not permitted.~~

b. Typical Uses

Typical uses may include but are not limited to: business, real estate, building and construction trades; machinery operation and repair; electronics, computer programming and technology; automotive or aircraft mechanics and technology; or beauty or art school. **[Partially relocated from Vocational School definition and Professional Service definition]**

c. Zoning District - CN and CC

Shall be limited to 3,000 square feet of GFA.

~~**a. AGR, CC, CG and LCC Districts**~~

~~A vocational school shall not involve heavy equipment or machinery, motor vehicle engines, or aircraft unless approved as a Class A conditional use. **[Ord. 2010-005]**~~

6. Additional provisions have been included to limit the use to be indoor only when located in commercial zoning districts or when separated from residential 250 feet. This amendment is to prevent possible nuisances that may affect residential uses.

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d. FLU Designation - Industrial

A Vocational School that requires the use of heavy machinery, mechanical, construction or industrial equipment such as auto repair, masonry, automotive operation or repair, metal fabrication, welding, mechanical or electrical repair shall be limited to sites with Industrial FLU designation excluding Commercial pod of a PIPD. **[Ord. 2012-027]** **[Partially relocated from PIPD Industrial Use Zones, below]**

~~**bd. Nuisances**~~

~~The use shall be conducted within an enclosed building in a non-industrial zoning district where the use is allowed unless separated 250 feet from a parcel of land with Residential FLU designation or use.~~

~~**c. PIPD Industrial Use Zones**~~

~~A vocational school within a Light or General Industrial Use Zone shall be limited to educational instruction specifically related to manufacturing, trades that require the use of heavy machinery, such as welding, mechanical or electrical repair, or other similar uses typically associated with industrial land use zones. **[Ord. 2012-027]** **[Partially relocated to FLU Designation - Industrial, above]**~~

Reason for amendments to Vocational School in the Use Matrix: [Zoning]

- Allow the use in CN Zoning District and the development area of an AGR TMD. In the CN Zoning District the use will be limited to 3,000 SF and TMD is intended to be mixed use therefore the use is expected in that district.
- Change the approval process from Class A Conditional use to Permitted by Right in CHO Zoning District as the use will be limited to 3,000 SF for consistency with the use size expected in that area.
- Change from Class A Conditional Use approval to Permitted by right in the IPF Zoning District, Commercial pod of PUD, MUPD and MXPD with CL and EDC FLU designation, and the LCC with CL FLU designation as the use is intended to be in commercial zoning districts and expected to be indoor or away from residential as least 250 feet to prevent any impacts.
- Change the approval process from DRO to Permitted by Right in MUPD with INST FLU designation as it is an institutional use expected in that area.
- Change from Class A Conditional Use approval to Permitted by right in the General Industrial and General Industrial pods of PIPD as the use is limited to institutions oriented to include heavy equipment in the vocational programs.

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 8/19/16)

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144-41. Work/Live Space

Reason for amendments: [Zoning] No significant revisions are proposed. See additional deletions to redundant Work/Live Space standards located under the Multiple Use Planned Development (MUPD) district.

a. Definition

A space within a building that is used jointly for residential and any non-residential use permitted in the Zoning district, where permitted by the FBC, where the residential space is accessory to the primary use as a place of work. [Ord. 2004-040] [Ord. 2006-004] [Ord. 2007-013] [Ord. 2010-005]

ba. Non-residential Designation

Both residential and non-residential square footage shall be counted towards the maximum FAR allowed for the district. [Ord. 2010-005]

cb. Floor Area

Shall not exceed 1,000 square feet of living area. [Ord. 2004-040]

de. Office Space

A minimum of ten percent of the living area shall be designated as office space. [Ord. 2004-040]

ed. WCRAO

Shall be permitted in accordance with Table 3.B.14.E, WCRAO Sub-area Use Regulations. [Ord. 2007-013]

Reason for amendments to Work/Live Space in the Use Matrix: [Zoning]	
1.	Amend to allow Work/Live Spaces in the Commercial Low Office (CLO) and Community Commercial (CC) Zoning districts subject to Class A Conditional Use approval, and in the Commercial High Office (CHO) and General Commercial (CG) Zoning districts, subject to Development Review Officer (DRO) approval, in order to expand opportunities for small businesses such as artist lofts, or business or professional uses, etc. While the uses are Permitted by Right in comparable Planned Development Districts (PDDs), additional scrutiny is required in standard districts to ensure that parking and other site layout is compatible with the residential component of the Work/Live Space.
2.	Amend to allow Work/Live Spaces to be Permitted by Right where currently subject to Class A Conditional Use approval in a Traditional Marketplace Development (TMD). TMDs are subject to Preliminary and Final Site Plan approval, are subject to more holistic parking regulations allowing for changes in use, and include a higher level of pedestrian walkability and amenities which easily accommodate the Work/Live Space use
3.	Amend to allow the Work/Live Space in an Agricultural Reserve TMD as Permitted by Right. As implied above, TMDs are a good fit for the Work/Live Space use and existing regulatory review or design standards address any issues associated with incorporation of this use.



INDUSTRIAL USES

Part 6. New ULDC Art. 4.B.5.C.9 Multi-Media Production [Related to Industrial Uses], is hereby amended as follows:

9 54. Film Multi-Media Production Studio

1.	Rename Film Production Studio to Multi-Media Production to: <ul style="list-style-type: none"> • Reflect changes in the industry engaged in the production and distribution of information and cultural products; and, • Clarify types of uses that may be included such as motion picture film laboratories, Computer Generated Imagery (CGI) and special effects, etc. production and broadcasting of mass communication. <u>This amendment consolidates Broadcast Studios which is proposed to be deleted from the Commercial Use Classification to be listed as a typical use of Multi-Media Production.</u>
2.	Clarify that outdoor Multi-Media Production establishments related to the development and production of CGI and special effects are not permitted in commercial districts and pods.
3.	<u>Simplify the use definition by addressing typical uses as separate standard.</u>
4.	<u>Delete standard that requires the Film Liaison Office to provide permits for this use. This use is to allow a permanent location for the production of movies which differs from the permits issued by the Film and Television Commission. That office provides permits for time-specific productions using</u>

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

public right of ways or County sites or buildings. A specific standard has been added to clarify.

5. Expansion of the use to incorporate Broadcasting requires the site to include towers and antennas. This amendment clarifies that they are subject to separate standards contained in the Commercial Communication Towers classification section of the Code as well as the provision that pertain to antennas.

a. Definition

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

b. Typical Uses

Typical uses include but are not limited to: film laboratories, stock footage film libraries, mass video publication, broadcasting studios, or soundstages.

a. ~~CHO, CG and LCC Districts~~

~~Outdoor activities shall be located a minimum of 300 feet from a residential district. [Ord. 2010-005]~~

~~b. Film Permit~~

~~A film permit shall be issued by the Director of the Film Liaison Office. The duration of the permit shall not exceed 24 months without approval of the Zoning Director. This permit may be issued in all districts. [Ord. 2007-004]~~

c. Zoning Districts Approval Process

Indoor Multi-Media Production establishments shall be Permitted by Right in the zoning districts where the use is allowed in Urban Infill (UI), Urban Center (UC) and commercial zoning districts and pods only.

d. LCC

Film production studios shall not be located on a main street. [Ord. 2010-005]

e. Transmission Facilities

Communication towers, antennas and satellite dishes shall be subject to the applicable approval and Supplementary Standards contained in this Code.

f. Film Permit in Public Properties

Films in public properties such as parks, beaches, right of ways or public buildings are not subject to these standards. Permits are issued by the Film and Television Commission.

Reason for amendments to Film Production Studio in the Use Matrix: [Zoning]

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

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

1 Part 7. ULDC Art. 3.B.6, LOSTO, Lake Okeechobee Scenic Trail Overlay (page 30 of 234), is
2 hereby amended as follows:

Reason for amendments: [Zoning]

1. Relocate standard related to accessory office from Business or Professional Office use to Lake Okeechobee Scenic Trail Overlay (LOSTO) regulations to consolidate with provisions that pertain only to that overlay.

3 CHAPTER B OVERLAYS

4 Section 6 LOSTO, Lake Okeechobee Scenic Trail Overlay

5
6 **D. Accessory Office**

7 *Within the LOSTO, an office limited to a maximum of 1,500 square feet of GFA and for the sole*
8 *purpose of arranging nature or heritage based activities, such as bicycle tours and bus tours to*
9 *natural, agricultural, or historic points of interest of the area, shall be allowed subject to approval*
10 *of a Special Permit. [Relocated from Art.4.B.1.A.91, Business or Professional, Office]*

14 Part 8. ULDC Art. 3.E.3.D.1, Work/Live Space (page 176 of 234), is hereby deleted as follows:

Reason for Amendment: [Zoning] Work/Live combinations are not entirely limited to MUPDs, the definition and other standards are redundant to Art. 4.B.2.C.x, Work/Live Unit (e.g. definition, districts permitted, minimum 10% office designation, maximum 1,000 square feet, etc.), and thresholds for approval processes based on number of "spaces" per acre are either redundant to the Use Matrix, or no longer applicable where the approval process in TMDs has been changed to Permitted by Right.

17 ARTICLE 3, OVERLAYS & ZONING DISTRICTS

18 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

19 Section 3 Multiple Use Planned Development (MUPD)

20 D. Property Development Regulations

21 ~~1. Work/Live Space~~

22 ~~A space within a building that is used jointly for residential, commercial and/or industrial~~
23 ~~purposes, where the residential space is accessory to the primary use as a place of work.~~
24 ~~Work/Live spaces shall comply with the following supplemental use standards: [Ord. 2006-~~
25 ~~004]~~

26 ~~Accessory work/live spaces may be permitted in a MUPD, MXPD, commercial pod of a PUD,~~
27 ~~commercial and industrial pods of a PIPD, or a TMD as follows: [Ord. 2004-040]~~

28 ~~a. Shall not exceed 1000 square feet of living area; [Ord. 2004-040]~~

29 ~~b. A minimum of 10 percent of the living area shall be designated as office space; [Ord.~~
30 ~~2004-040]~~

31 ~~c. Shall be counted as non-residential square footage; [Ord. 2004-040]~~

32 ~~d. The maximum number allowed in a PDD is indicated in Table 3.E.3.D-32, Work/Live~~
33 ~~PDD; [Ord. 2004-040]~~

34 ~~e. The maximum number allowed by the DRO in a PDD is indicated in the Table 3.E.3.D-32,~~
35 ~~Work/Live Space PDD. The maximum number allowed by the DRO in a TMD is indicated~~
36 ~~in the Table 3.E.3.D-33, Work/Live Space TMD; and [Ord. 2004-040]~~

37 ~~f. Work/live spaces in excess of the maximum number allowed by the DRO shall be a~~
38 ~~Requested Use. [Ord. 2004-040]~~

~~Table 3.E.3.D-Work/Live Space PDD~~

FLU Designation	Commercial Pod in a PUD	CH	CLO	CHO	IND (1)	EDC (1)
Number of Spaces	1/acre	5/acre	3/acre	3/acre	3/acre	3/acre
DRO (2)	8	24	24	24	24	24
[Ord. 2004-040] [Ord. 2014-025]						
Notes:						
(1) Limited to commercial pods in a PIPD only. [Ord. 2014-025]						
(2) Maximum number of spaces.						

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EXHIBIT A

ARTICLE 4.B, USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 8/19/16)

Table 3.E.3.D - Work/Live Space TMD

TIER	U/S	AGR/GLADES	RURAL/EXURBAN
DRO	100	100	75
[Ord. 2004-040]			

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Part 9. Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements (page 5-6 of 39), is hereby amended as follows:

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

Use Type: Commercial	Parking	Loading (1)
....		
<u>Boarding House</u>	<u>1 space for each guest room</u>	<u>C</u>
....		
<u>Microbrewery</u>	<u>1 space per 3 seats</u>	<u>C</u>
....		
<u>Broadcast studio</u>	<u>1 space per 1,000 sq. ft.</u>	<u>N/A</u>
<u>Building supplies</u>	<u>1 space per 200 sq. ft.</u>	<u>B</u>
<u>Butcher shop, wholesale</u>	<u>1 space per 1,000 sq. ft.</u>	<u>A</u>
....		
Catering service	1 space per 200 sq. ft.	E
<u>Convenience store, w/ or w/o gas</u>	<u>1 space per 200 sq. ft.</u>	<u>C</u>
<u>Day labor employment service</u>	<u>1 space per 250 sq. ft.</u>	<u>C</u>
Dispatching office	1 space per 250 sq. ft.	N/A
<u>Kiosk</u>	<u>N/A</u>	<u>N/A</u>
Laundry services	1 space per 200 sq. ft.	<u>N/A-C</u>
<u>Printing and copying services</u>	<u>1 space per 250 sq. ft.</u>	<u>B</u>
<u>Theater, drive-in</u>	<u>1 space per 250 sq. ft.</u>	<u>N/A</u>
<u>Theater, indoor</u>	<u>1 space per 3 seats</u>	<u>B</u>
[Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021]		
Loading Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA		
The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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