

Board of County Commissioners

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



County Administrator
Robert Weisman

Department of Planning, Zoning & Building
2300 North Jog Road
West Palm Beach, FL 33411
Phone: 561-233-5200
Fax: 561-233-5165

**TITLE: FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2013-02**

- Ordinance Title
- Exhibit A Privately Initiated Amendment (PIA) – Commercial Communication Towers
- Exhibit B Privately Initiated Amendment (PIA) - RVPD Accessory Structure
- Exhibit C Art. 14, Environmental Standards
- Exhibit D Decision Making Bodies
- Exhibit E Development Review Officer
- Exhibit F Height Exceptions
- Exhibit G Planned Industrial Park Development (PIPD) Building Coverage
- Exhibit H Properties Affected by Eminent Domain Proceedings
- Exhibit I Residential Playground Equipment
- Exhibit J Rooftop Solar (Solar Energy System)
- Exhibit K Use Of the Term Prohibited

LDRAB/LDRC: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on April 24, 2013, July 24, 2013, October 23, 2013, November 13, 2013, and the Land Development Regulation Commission (LDRC) on November 13, 2013. All proposed ULDC amendments were found to be consistent with the Plan.

BCC Public Hearings: December 5, 2013, Request for Permission to Advertise for First Reading on January 9, 2014: Approved as amended, 7 – 0.

MOTION: To approve on First reading and advertise for Adoption Hearing on January 30, 2014: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 03-067 AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS;** CHAPTER C, RULES OF CONSTRUCTION; CHAPTER G, EMINENT DOMAIN; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES;** CHAPTER A, GENERAL; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS;** CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 - USE REGULATIONS;** CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; **ARTICLE 5 - SUPPLEMENTARY STANDARDS;** CHAPTER B, ACCESSORY AND TEMPORARY USES; **ARTICLE 14 - ENVIROMENTAL STANDARDS;** CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS**; CHAPTER C, RULES OF CONSTRUCTION; CHAPTER G, EMINENT DOMAIN; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES**; CHAPTER A, GENERAL; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS**; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 - USE REGULATIONS**; CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER B, ACCESSORY AND TEMPORARY USES; **ARTICLE 14 - ENVIROMENTAL STANDARDS**; CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, the BCC has determined that the proposed amendments further a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. Adoption

The amendments set forth in Exhibits listed below, attached hereto and made a part hereof, are hereby adopted.

- 1 1. Exhibit A Privately Initiated Amendment (PIA) – Commercial Communication Towers
- 2 2. Exhibit B Privately Initiated Amendment (PIA) - RVPD Accessory Structure
- 3 3. Exhibit C Art. 14, Environmental Standards
- 4 4. Exhibit D Decision Making Bodies
- 5 5. Exhibit E Development Review Officer
- 6 6. Exhibit F Height Exceptions
- 7 7. Exhibit G Planned Industrial Park Development (PIPD) Building Coverage
- 8 8. Exhibit H Properties Affected by Eminent Domain Proceedings
- 9 9. Exhibit I Residential Playground Equipment
- 10 10. Exhibit J Rooftop Solar (Solar Energy System)
- 11 11. Exhibit K Use Of the Term Prohibited
- 12

13 **Section 2. Interpretation of Captions**

14 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
15 Ordinance are intended for the convenience of usage only and have no effect on interpretation.

16

17 **Section 3. Repeal of Laws in Conflict**

18 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
19 repealed to the extent of such conflict.

20

21 **Section 4. Severability**

22 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
23 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
24 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
25 Ordinance.

26

27 **Section 5. Savings Clause**

28 All development orders, permits, enforcement orders, ongoing enforcement actions, and
29 all other actions of the Board of County Commissioners, the Zoning Commission, the
30 Development Review Officer, Enforcement Boards, all other County decision-making and
31 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued
32 pursuant to the regulations and procedures established prior to the effective date of this
33 Ordinance shall remain in full force and effect.

34

35 **Section 6. Inclusion in the Unified Land Development Code**

36 The provisions of this Ordinance shall be codified in the Unified Land Development Code
37 and may be reorganized, renumbered or re-lettered to effectuate the codification of this
38 Ordinance.

1 **Section 7. Providing for an Effective Date**

2 The provisions of this Ordinance shall become effective upon filing with the Department
3 of State.

4
5 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
6 County, Florida, on this the _____ day of _____, 20____.

7
SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Priscilla Taylor, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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10 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of
11 _____, 20____.

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EXHIBIT A

PHASE II PRIVATELY INITIATED AMENDMENT (PIA)
TO ALLOW COMMERCIAL COMMUNICATION TOWERS
IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS
(Updated 11/13/13)

1
2 Part 1. ULDC Art. 4.C, Commercial Communication Tower (page 113 of 171), is hereby
3 amended as follows:

4 CHAPTER C COMMUNICATION TOWER, COMMERCIAL

5

6 Section 3 Siting Requirements

7 A. Stealth Towers

8

9 4. Stealth Towers in Certain Residential Zoning Districts

10 Subject to the limitations provided in this subsection, stealth towers may be permitted in the
11 following residential zoning districts: RT (Residential Transitional), RS (Single-family
12 Residential), RM (Multi-family Residential), and PUD (Planned Unit Development)
13 commercial, recreation, public or private civic pods only.

14

15 e. Associated Uses

16 The stealth towers shall be permitted only in association with the following uses:
17 assembly, nonprofit institutional; church or place of worship; college or university; electric
18 power facility, excluding electrical transmission line streets as provided herein;
19 government services; park, passive; park, public; golf course and associated facilities;
20 school, elementary or secondary; solid waste transfer station; utility minor; or water or
21 wastewater treatment plant; commercial, office or industrial development. Stealth towers
22 in the form of flagpoles shall be exempt from Article 8.G.3.C, Flags and Freestanding
23 Flagpoles.

24

25 B. Camouflage Towers

26

27 4. Camouflage Towers in Certain Residential Zoning Districts

28 Subject to the limitations provided in this subsection, camouflage towers may be permitted in
29 the following residential zoning districts: RT (Residential Transitional), RS (Single-family
30 Residential), RM (Multi-family Residential), and PUD (Planned Unit Development)
31 commercial, recreation, public or private civic pods only.

32

33 e. Associated Uses

34 The camouflage towers shall be permitted only in association with the following uses:
35 assembly, nonprofit institutional; church or place of worship; college or university; electric
36 power facility, excluding electrical transmission line streets as provided herein;
37 government services; park, passive; park, public; golf course and associated facilities;
38 school, elementary or secondary; solid waste transfer station; utility, minor; or water or
39 wastewater treatment plant; commercial, office or industrial development.

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EXHIBIT A

PHASE II PRIVATELY INITIATED AMENDMENT (PIA)
TO ALLOW COMMERCIAL COMMUNICATION TOWERS
IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS
(Updated 11/13/13)

1

Table 4.C.3.I - Residential District Tower Location and Type of Review

TOWER TYPE	AGR	AR/ RSA	AR/ USA	RE	RT	RS	RM	PUD Pods (1)		RVPD	MHPD	TND
								CIV or COM	REC			
Stealth Towers ≤ 100'	DE	DE	DE	DE	D	D	D	D	<u>A</u>	*	*	D
Stealth Towers >100' ≤125'	D	D	D	D	B	B	B	D	<u>A</u>	*	*	D
Stealth Towers > 125'	B	B	B	B	A	A	A	B	<u>A</u>	*	*	B
Camouflage Towers	BP	BP	BP	BP	D	D	D	D	<u>A</u>	*	*	D
Monopole Towers ≤ 60'	BP	D	D	D	*	*	*	D	-	*	*	D
Monopole Towers > 60' and ≤ 100'	D	B	B	B	*	*	*	B	-	*	*	B
Monopole Towers > 100' and ≤ 150'	B	B	B	B	*	*	*	B	-	*	*	B
Monopole Towers > 150' and ≤ 200'	B	B	B	B	*	*	*	*	-	*	*	*
Monopole Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	-	*	*	*
Monopole Towers > 250'	A	A	A	*	*	*	*	*	-	*	*	*
Self Support Towers ≤ 60'	BP	D	D	B	*	*	*	D	-	*	*	D
Self Support Towers > 60' and ≤ 100'	D	B	B	A	*	*	*	B	-	*	*	B
Self Support Towers > 100' and ≤ 150'	B	A	A	A	*	*	*	A	-	*	*	A
Self Support Towers > 150' and ≤ 200'	A	A	A	*	*	*	*	*	-	*	*	*
Self Support Towers >200' and ≤ 250'	A	A	A	*	*	*	*	*	-	*	*	*
Self Support Towers > 250'	A	A	A	*	*	*	*	*	-	*	*	*
Guyed Towers ≤ 60'	BP	D	D	B	*	*	*	D	-	*	*	D
Guyed Towers > 60' and ≤ 100'	D	B	B	A	*	*	*	B	-	*	*	B
Guyed Towers > 100' and ≤ 150'	B	A	A	*	*	*	*	*	-	*	*	*
Guyed Towers > 150' and ≤ 200'	A	A	A	*	*	*	*	*	-	*	*	*
Guyed Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	-	*	*	*
Guyed Towers > 250'	A	A	A	*	*	*	*	*	-	*	*	*
FDOT	D(2)	D(2)	D(2)	D(2)	D (2)	D (2)	D (2)	D (2)	*	D(2)	D(2)	D(2)
FPL (3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	<u>D(3)</u>	D(3)	D(3)	D(3)

Notes:

- D = Development Review Officer (No Public Hearing)
- DE = Expedited Review
- BP = Building Permit Review (No Public Hearing)
- B = Conditional use Review by ZC (1 Public Hearing)
- A = Conditional use Review by BCC (2 Public Hearings)
- (1) = Public or Private, Civic, and Commercial pods only, or, a Recreational Pod only when located on a Golf Course.
- (2) = I-95 and Florida Turnpike streets at least 250 feet in width.
- (3) = Electrical transmission streets at least 250 feet in width.
- * = Not permitted in zoning district, unless otherwise allowed in association with non-residential uses as provided in this Section.

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EXHIBIT A

PHASE II PRIVATELY INITIATED AMENDMENT (PIA)
TO ALLOW COMMERCIAL COMMUNICATION TOWERS
IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS
(Updated 11/13/13)

1

Table 4.C.3.I - Distances for Towers Located in and Adjacent to Residential Districts
Separation and Setback

TOWER TYPE	AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
....											
[Ord. 2005-002]											
Notes:											
(1) = Permitted in public or private civic, and commercial pods <u>only, or, a Recreational Pod only when located on a Golf Course.</u>											
(2) = Percent measured as a separation between lower and adjacent residential structures											
(3) = Measured as a setback from property lines of lower location											
(4) = Height tower type and setbacks limited as provided in this section											

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EXHIBIT B

PHASE II PRIVATELY INITIATED AMENDMENT (PIA)
PERMANENT ACCESSORY STRUCTURES IN RVPD
SUMMARY OF AMENDMENTS
(Updated 11/13/13)

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Part 1. ULDC Art. 3.E.7.G, Supplemental Standards [Related to Permanent Accessory Structures in Recreational Vehicle Planned Development District (RVPD)] (page 184 of 229), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 7 Recreational Vehicle Planned Development District (RVPD)

G. Supplemental Standards

1. Permanent Structures or Additions

- a. Permanent structures or additions attached to an RV, such as screen rooms, carports, or utility sheds, shall be prohibited except as provided for under b. below.
- b. Detached accessory structures used for storage, utilities or entertainment are permitted on individual RV sites subject to the following:
 - 1) Maximum of 200 square feet in size;
 - 2) Minimum ten-foot separation between buildings;
 - 3) Sleeping accommodations are prohibited;
 - 4) Full kitchens or cooking facilities shall be prohibited. Sinks, refrigerators and cabinets/counters shall be allowed; and,
 - 5) HVAC and bathroom facilities may be permitted.
 - 6) Minimum RV site size shall be 3,000 square feet;
 - 7) Accessory structures shall be exempt from the requirements of Art. 5.C.1.H.g.4), Porches and Entryways; and,
 - 8) Accessory structures shall be exempt from the Foundation Planting requirements of Table 7.C.3, Minimum Tier Requirements, provided that a minimum of 40 percent of the perimeter façade shall have a foundation planting a minimum of two feet in width.

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EXHIBIT C

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 12/10/13)

1
2 Part 1. ULDC Art. 14.C.7.A, Single Family Dwellings (page 34 of 52), is hereby amended as
3 follows:

4 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

5 Section 7 Application, Process, and General Standards

6 A. Single Family Dwellings

- 7
8 2. Complete removal or eradication of prohibited invasive non native vegetation, as identified in
9 Appendix 5 Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native
10 Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior
11 to receipt of the CO. Planting or installation of vegetation identified in Appendix 5, Prohibited
12 Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, is
13 prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No
14 additional permit for such maintenance of vegetation shall be required. [Ord. 2005-002]
15 [Ord. 2006-004]

16 Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for
17 single family residences, single two unit (duplex) residences and accessory structures
18 associated with single family residential parcels in existence as of the date of the adoption of
19 this Chapter are void and of no effect, and all pending enforcement actions related thereto
20 are dismissed. Single family residential property owners are encouraged to maintain
21 preserved native vegetation after site development is completed and to minimize the removal
22 of native vegetation damaged by an extreme weather event such as a storm, hurricane or
23 other natural disaster. [Ord. 2008-040]
24
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26 Part 2. ULDC Art. 14.C.7.B, Approval of Development for Commercial Projects, Government
27 Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects
28 Requiring DRO Review and Agriculture of 10 Acres in Size or Greater (page 34 and 38
29 of 52), is hereby amended as follows:

30 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

31 Section 7 Application, Process, and General Standards

32 B. Approval of Development for Commercial Projects, Government Projects, Schools, New
33 Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and
34 ~~Agriculture~~ Agricultural Operations of 10 Acres in Size or Greater

35 1. Requirements and Process

- 36 a. Projects involving the development of commercial projects, government projects, schools,
37 new construction of a utility, road right of way projects, projects requiring DRO review,
38 and agricultural ~~parcels~~ operations of 10 acres or greater shall apply to ERM for approval
39 of said project on forms provided by ERM. The provisions of the ULDC 14.C.7 shall not
40 apply on lands classified as bona fide agriculture when the regulatory activity is
41 preempted by State law. Projects that are exempt from the DRO process must make
42 application for approval to remove native vegetation to ERM within 30 days of making
43 application for an initial building permit for the project. [Ord. 2008-040] [Ord. 2009-040]
44
45

46 5. Mitigation or Restoration

- 47
48 h. Projects within the one year monitoring period may remove vegetation damaged by an
49 extreme weather event such as a storm, hurricane or other natural disaster under an
50 approval from ERM. Any mitigation vegetation removed must be replanted within 365
51 days of the removal date.
52
53

54 Part 3. ULDC Art. 14.C.7.C Standards of Issuance (page 38 of 52), is hereby amended as
55 follows:

56 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

57 Section 7 Application, Process, and General Standards

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EXHIBIT C

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 12/10/13)

C. Standards of Issuance

No ~~permit approval~~ shall be issued unless the application demonstrates that the project:

1. Will not result in a net loss of wetland functions and values;
2. Complies with water quality rules and standards set forth in Chapter 62 302, F.A.C.;
3. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats;
4. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat;
5. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation; and
6. Complies with any applicable federal, state or local designated preserve, conservation or mitigation area.

Part 4. ULDC Art. 14.C.8, Exemptions [Related to Vegetation Preservation and Protection approvals] (page 38 – 40 of 52), is hereby amended as follows:

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 8 Exemptions

The following activities do not require an approval under this Chapter: [Ord. 2008-040]

A. Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or **Bonafide** Agricultural Operations

~~Vegetation alteration associated with subsequent harvesting activities, except within preserve areas or vegetated buffers, that are part of the on-going activities of the existing operation, the harvesting or alteration of vegetation previously planted and cultivated for production as part of an ongoing botanical garden, botanical research center, nursery or bona fide agricultural operation is an exempt activity. Initial clearing of a parcel is an exempt activity on parcels less than 10 acres, providing that the level of clearing does not exceed the area for crop production. After an initial clearing performed in accordance with this Chapter, the following are exempt if part of the ongoing activities of an existing operation: vegetation alteration associated with subsequent harvesting activities and harvesting or alteration of vegetation previously planted and cultivated for production as part of a botanical garden, botanical research center, nursery or agricultural operation. This exemption does not allow for the removal of vegetation within preserve areas or vegetated buffers. [Ord. 2012-027]~~

....
P. Initial Clearing for an Agricultural Operation Less Than 10 Acres

Initial clearing for an agricultural operation less than 10 acres is exempt, provided that the level of clearing does not exceed the area for crop production.

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EXHIBIT D

DECISION MAKING BODIES
SUMMARY OF AMENDMENTS
(Updated 10/31/13)

1
2 Part 1. ULDC Art. 2.G.2, General Provisions [Related to Decision Making Bodies] (page 71 of
3 88), is hereby amended as follows:

4 CHAPTER G DECISION MAKING BODIES

5 Section 2 GENERAL PROVISIONS

6 Unless otherwise noted, the following provisions shall apply to each appointed body described in this
7 Article. In addition, each board shall be governed by PBC Resolution No. ~~2002-1606~~ 2013-0193. In case
8 of conflict between the general provisions in this Section, and the specific provisions of each appointed
9 body, the specific provisions shall prevail.

10 A Board Membership

11

12 2. Term of Office

13 a.—The term of office for each member shall be three years. All members serving on a board
14 on the effective date of this Code shall complete their terms according to their prior
15 appointments.

16 b. ~~There shall be no limit on the number of terms a person may serve on a board or~~
17 ~~commission.~~

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21 Part 2. ULDC Art. 2.G.3, Appointed Bodies [Related to Decision Making Bodies] (pages 73 - 83
22 of 88), are hereby amended as follows:

23 CHAPTER G DECISION MAKING BODIES

24 Section 3 APPOINTED BODIES

25 A. Land Development Regulation Advisory Board

26

27 3. Board Membership

28

29 c. Terms of Office

30 Members of the LDRAB shall hold office until the first Tuesday after the first Monday in
31 February of the year their term expires. Beginning on or after March 2, 2013, no person
32 shall be appointed or reappointed to this Board for more than three consecutive terms.

33

34 D. Environmental Appeals Board

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36 3. Board Membership

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38 b. Terms of Office

39 All EAB members shall serve a term of three years. Beginning on or after March 2, 2013,
40 no person shall be appointed or reappointed to this Board for more than three
41 consecutive terms.

42

43 E. Environmental Control Hearing Board

44

45 6. Term Limits

46 Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this
47 Board for more than three consecutive terms.

48 F. Groundwater and Natural Resources Protection Board

49

50 3. Board Membership

51

52 b. Terms of Office

53 All members shall serve a term of three years. Beginning on or after March 2, 2013, no
54 person shall be appointed or reappointed to this Board for more than three consecutive
55 terms. All members serving on the GNRPB on the effective date of this Code shall
56 complete their terms according to their prior appointments.

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58 I. Impact Fee Appeals Board

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60 3. Board Membership

Notes:
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EXHIBIT D

DECISION MAKING BODIES
SUMMARY OF AMENDMENTS
(Updated 10/31/13)

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c. **Terms of Office**
All IFAB members shall serve a term of three years. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms.

....
J. **Impact Fee Review Committee**

....
6. Term Limits
Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms.

K. **Planning Commission**

....
3. **Board Membership**

....
a. **BCC Appointed Members**

....
3) **Terms of Office**

Members of the PLC shall hold office until the first Tuesday after the first Monday in June of the year their term expires. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2008-003]

....
M. **Zoning Commission**

....
3. **Commission Membership**

....
a. **BCC Appointed Members**

....
2) **Terms of Office**

Members of the ZC shall hold office until the first Tuesday after the first Monday in February of the year their term expires. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2009-040]

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EXHIBIT E

DEVELOPMENT REVIEW OFFICER
SUMMARY OF AMENDMENTS
(Updated 12/6/2013)

1
2 Part 1. ULDC Art. 2.D.1.G, Administrative Review [Related to Administrative Process, DRO],
3 (pages 39 - 41 of 88), is hereby amended as follows:

4 CHAPTER D ADMINISTRATIVE PROCESS

5 Section 1 Development Review Officer (DRO)

6 G. ~~Administrative Review~~ **Modifications to Prior Development Orders**

7 The DRO may approve amendments to Preliminary Plans approved by the BCC/ZC, and
8 approve Final Plans, in accordance with the following procedures. [Ord. 2007-001] [Ord.
9 2008-003] [Ord. 2009-040][Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001]

10 1. ~~Amendments~~ **Modifications** to BCC/ZC Approvals

11

12 2. ~~Agency Review~~ **Expedited Administrative Modifications**

13 a. **Purpose**

14 *To establish procedures to allow for expedited approvals of specific minor corrections,*
15 *additions and amendments to approved Final Plans.* [Ord. 2007-001] [Partially
16 relocated from 2.D.4.A, Purpose]

17 ~~2b.~~ **Agency Review**

18 Agency Review is ~~utilized~~ for applications that ~~may require the submittal of a new plan, or~~
19 ~~amendment(s) to an existing approved plan(s).~~ This type of application requires review,
20 comments, and conditions by ~~a maximum of five or fewer~~ DRO Agencies ~~as necessary to~~
21 ~~authorize the amendment.~~ The ~~Zoning Division DRO~~ shall determine which Agencies are
22 required to review the amendment based upon the request and compliance with County
23 Ordinances. ~~Typical Amendments may include, but not be limited to~~ the following,
24 provided ~~Section~~ Art. 2.D.1.G.1, Amendments to BCC/ZC Approvals, requirements are
25 not exceeded: [Ord. 2008-003] [Ord. 2011-001]

26 ~~a-1)~~ Increases in building square footage; up to a maximum 2,500 square feet; [Ord.
27 2008-003]

28 ~~b-2)~~ Relocation of building square footage; [Ord. 2008-003]

29 ~~c.~~ ~~Transfer of building square footage;~~ [Ord. 2008-003]

30 ~~d-3)~~ Modifications to approved Alternative Landscape Plans (ALPs); [Ord. 2008-003]
31 [Ord. 2011-001]

32 4) Modifications to approved phase lines;

33 5) New uses that require DRO approval, provided all improvements to the use are
34 interior to the structure, with the exception of the following minor exterior
35 improvements:

36 a) Modifications to existing parking areas;

37 b) Outdoor dining areas;

38 c) Walk-in coolers; or,

39 d) Above ground tanks.

40 e-6) Palm Beach County School Board Projects; and, [Ord. 2008-003]

41 f-7) Modifications to approved Type IB Excavation; [Ord. 2008-003] [Ord. 2011-001]

42 8) Minor modifications to approved architectural elevations provided consistent with
43 previously approved elevations and conditions of approval; and,

44 9) Proposed or relocated guard houses.

45 ~~Applications shall be submitted in accordance with the Zoning Calendar, and pursuant to~~
46 ~~the provisions in Article 2.A.1, Applicability, and Article 2.D.1.C, Review Procedures.~~ The
47 applicant shall be responsible for obtaining the recommendation of approval and any
48 comments from the affected DRO agencies, in a form and manner established by the
49 Zoning Director. [Ord. 2007-001] [Ord. 2008-003] [Ord. 2011-001]

50 ~~3c.~~ **Zoning Review**

51 Zoning review is ~~utilized~~ for applications that require only Zoning Division approval of:
52 minor corrections to tabular ~~data~~, additions and amendments to an existing approved site
53 or subdivision plan. ~~Typical Amendments may include, but not be limited to~~ the following:
54 [Ord. 2008-003]

55 ~~a-1)~~ Change in sign location; [Ord. 2008-003]

56 ~~b-2)~~ Minor modifications to approved parking areas (such as relocation of handicapped
57 parking spaces or removal of spaces exceeding ULDC requirements); [Ord. 2008-
58 003]

59 ~~e-3)~~ Relocation of terminal islands to accommodate trees or utility lines; [Ord. 2008-003]

60 ~~d-4)~~ Reduction in building size, provided there are no changes to approved architectural
61 elevations; [Ord. 2008-003]

62 ~~e.~~ ~~Proposed canopies;~~ [Ord. 2008-003]

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EXHIBIT E

DEVELOPMENT REVIEW OFFICER
SUMMARY OF AMENDMENTS
(Updated 12/6/2013)

- 1 ~~f.5) Minor modifications to approved revisions to lot lines to be consistent with plat; [Ord.~~
2 ~~2008-003]~~
3 ~~g.6) Temporary sales trailers (must first have been issued pursuant to a Special Permit);~~
4 ~~and, [Ord. 2008-003]~~
5 ~~h.7) Other minor structures subject to approval by the DRO. [Ord. 2008-003]~~
6 d. The Zoning Director shall maintain PPM Z0-0-29, subject to periodical updates, outlining
7 a list of minor amendments, ~~subject to periodical update~~, indicating which ~~and~~
8 establishing items that are exempt from the ~~Zoning Administrative Review Expedited~~
9 ~~Administrative Modifications~~ process.
10 ~~Applications shall be submitted on deadlines established on the Zoning Calendar, and~~
11 ~~consistent with application requirements pursuant to the provisions in Article 2.A.1,~~
12 ~~Applicability, and Article 2.D.1.C, Review Procedures. [Ord. 2008-003] [Ord. 2011-001]~~

15 Part 2. ULDC Art. 2.D.4, Administrative Amendments, (pages 44 of 88), is hereby amended:

16 CHAPTER D ADMINISTRATIVE PROCESS

17 ~~Section 4~~ ***Administrative Amendments***

18 ~~A. Purpose~~

19 ~~To allow minor corrections, additions and amendments to an approved site plan or subdivision~~
20 ~~plan requiring approval from the Zoning Division and a maximum of one additional agency. [Ord.~~
21 ~~2007-001] [Partially relocated to Art. 2.D.1.G.2.a, Purpose]~~

22 ~~B. Types of Administrative Amendments~~

23 ~~Administrative Amendments permitted include, but are not limited to, change in sign locations,~~
24 ~~minor modifications to parking areas, relocation of terminal islands to accommodate trees or utility~~
25 ~~lines, reduction in building size, addition of canopies, minor revisions to lot lines, temporary sales~~
26 ~~trailers, and other minor structures. [Ord. 2007-001]~~

27 ~~C. Procedures~~

- 28 1. ~~Applicants shall be seen on a walk-in basis during a time frame established by the Zoning~~
29 ~~Director. [Ord. 2007-001]~~
30 2. ~~Applicants shall be required to submit a complete administrative amendment application~~
31 ~~including any necessary approvals from an affected agency, and required authorization.~~
32 ~~[Ord. 2007-001]~~
33 3. ~~Applicants shall be able to clearly identify the area being changed, provide all applicable~~
34 ~~information (square footage, height, width), adjust tabular and other site plan related data,~~
35 ~~and legibly make the change to the site plan. [Ord. 2007-001]~~

36 ~~D. Standards~~

- 37 1. ~~The proposed amendment shall comply with all applicable sections of the ULDC and the~~
38 ~~regulations of any other affected agency. [Ord. 2007-001]~~
39 2. ~~The affected area shall only be used for the purpose identified in the application. [Ord.~~
40 ~~2007-001]~~

41 [Renumber Accordingly]

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EXHIBIT F

HEIGHT EXCEPTIONS
SUMMARY OF AMENDMENTS
(Updated 10/31/13)

1
2 Part 1. ULDC Art. 3.D.1.E.4, Height Exceptions [Related to Property Development Regulations
3 (PDR)] (page 129 of 229), is hereby amended as follows:

4 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

5 Section 1 PDRs for Standard Zoning Districts

6 E. Building Height

7 4. Height Exceptions

8 The following structures shall be exempt from the height restrictions in this Section, unless
9 otherwise stated:

10 a. ~~Uses Exempted from Height Restrictions~~

11 4) Church spires, religious domes, and religious ornamentation attached to a place of
12 worship;

13 [Renumber Accordingly]

14 ~~1.11) Elevator bulkhead Structure built over the top of a stairwell or elevator shaft providing~~
15 ~~access to the rooftop for maintenance purposes or to house elevator mechanical~~
16 ~~equipment;~~

17

18 ~~v.21) Required Parapet screening of mechanical equipment; and,~~

19 ~~w.22) Mechanical equipment, less than five feet in height and any required screening,~~
20 measured from the roof deck. [Ord. 2006-004]

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EXHIBIT G

PLANNED INDUSTRIAL PARK DEVELOPMENT (PIPD) BUILDING COVERAGE
SUMMARY OF AMENDMENTS
(Updated 10/28/13)

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Part 1. ULDC Table 3.E.5.D, PIPD Property Development Regulations, Planned Industrial Park Development (PIPD) (page 178 of 229), is hereby amended as follows:

Table 3.E.5.D - PIPD Property Development Regulations

Pods	Lot Dimensions			Max. FAR (1)	Maximum Building Coverage	Setbacks			
	Size	Width and Frontage	Depth			Front	Side	Street	Rear
Light Industrial	1 ac	100	200		45-30%	25	C – 15 R – 40	25	C – 15 R – 40
General Industrial	2 ac	200	200		45-30%	25	C – 20 R – 40	25	C – 20 R – 40
....									
[Ord. 2004-040]									
Notes:									
....									
1. The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]									

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EXHIBIT H

PROPERTIES AFFECTED BY EMINENT DOMAIN PROCEEDINGS
SUMMARY OF AMENDMENTS
(Updated 11/6/13)

1
2 Part 1. ULDC Art. 1.G.1, Properties Affected by Eminent Domain Proceedings (page 26 of 119),
3 is hereby amended as follows:

4 CHAPTER G EMINENT DOMAIN

5 Section 1 Properties Affected by Eminent Domain Proceedings

6 B. Development Standards

7 Properties and site improvements impacted by eminent domain action may continue to exist and
8 may expand as outlined below:

9
10 3. Redesign of Sites

11
12 a. Variance Required for New Deviation From Regulations

13 A variance shall be obtained for any additional deviation from required property
14 development regulations or site design standards proposed by the redesign. Any
15 redesign or expansion which reduces an existing deviation from required property
16 development regulations or site design standards shall not require a variance. When
17 applying the variance standards in Article 2.B.3, Type II Variance, and Art. 2.D.3, Type
18 1A and Type 1B Administrative Variances, the eminent domain action shall be presumed
19 to be sufficient evidence to demonstrate a hardship (only applies to Type II Variance
20 Standard number four of seven listed under Art. 2.B.3.E.4). To encourage site redesign,
21 in cases when a DRO site plan approval and a variance would both be required, only a
22 variance shall be required. [Ord. 2010-022]

23
24 6. ~~Vacant Lots~~ Reduced by Eminent Domain

25 A ~~vacant~~ lot reduced by an eminent domain action to any size or configuration below that
26 required by the applicable zoning district may be developed, subject to the following:

- 27 a. Uses subject to lot size requirements in Art. 4.B, Supplementary Use Standards, shall
28 comply with those standards. Type II Variance relief may be requested from this
29 requirement if it cannot be met as a result of the eminent domain action; and,
- 30 c. In all cases, required district setbacks shall be used.

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32
33
34 Part 2. ULDC Art. 2.A.1.D.1.b.5 [Related to Zoning Commission and Authority] (page 11 of 88),
35 is hereby amended as follows:

36 CHAPTER A GENERAL

37 Section 1 Applicability

38 D. Authority

39 1. Processes

40 b. Zoning Commission (ZC)

41 The ZC shall consider the following types of development order applications:

- 42
43 5) The ZC is not authorized to grant variances from the following Articles of the ULDC:
44 [Ord. 2006-036] [Ord. 2011-001]

- 45
46 e) Art. 4, USE REGULATIONS, unless specifically authorized in Article 4.B,
47 SUPPLEMENTARY USE STANDARDS; or, to allow for a reduction in minimum
48 lot size required for a use, in accordance with Art. 1.G.1.B.6, Lots Reduced by
49 Eminent Domain, Properties Affected by Eminent Domain Proceedings; [Ord.
50 2007-013] [Ord. 2008-003] [Ord. 2010-022]

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EXHIBIT I

RESIDENTIAL PLAYGROUND EQUIPMENT
SUMMARY OF AMENDMENTS
(Updated 11/14/13)

Part 1. ULDC Art. 5.B.1.A.10, Outdoor Recreation Amenities (page 20 of 92), is hereby amended as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES CHAPTER

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

10. Outdoor Recreation Amenities

An open-air amenity designed and intended to support recreation activities including but not limited to: basketball courts, tennis courts, playgrounds and tot lots, excluding those uses regulated elsewhere such as Outdoor Entertainment. [Ord. 2013-001]

a. Principal and Accessory Use

1) Principal Use

Any outdoor recreation amenities owned and operated as a commercial enterprise or in combination with other commercial recreation uses on the same property shall be considered a principal use subject to the PDRs of the applicable district. [Ord. 2011-001] [Ord. 2013-001]

2) Accessory Use

Any outdoor recreation amenities operated by a non-profit assembly, social, civic organization, Property Owners Association (POA), or resident of a dwelling unit shall be considered an accessory use. The accessory use shall be located on the same lot as the principal use except if operated by a residential POA. If operated by a POA, the accessory use shall be located within the boundaries of the development, or a Neighborhood Recreation Facility. [Ord. 2011-001] [Ord. 2013-001]

b. Setbacks – General

The following setbacks shall apply to outdoor recreation amenities and equipment, excluding swimming pools and spas, and shall be measured to the edge of the court surface or fence, whichever is more restrictive: [Relocated from below]

1) Common Recreation Amenities

Outdoor recreation amenities operated by a non-profit assembly, social, civic organization, or Property Owners Association (POA) on a community recreation POD, tract, or designated area, shall be setback a minimum of 50 feet from any residential property line, unless stated otherwise herein. ~~The following setbacks shall apply to outdoor recreation amenities, excluding swimming pools and spas, and shall be measured to the edge of the court surface or fence, whichever is more restrictive:~~ [Ord. 2006-004] [Ord. 2011-001] [2013-001] [Partially relocated above]

2) Residential Lot Recreation Equipment

Recreation equipment located on a residential lot, which require issuance of a building permit shall comply with the setbacks in Table 5.B.1.A – Setbacks – General.

Table 5.B.1.A – Setbacks – General

Zoning	Setbacks			
	Front	Side	Side Street	Rear
Residential Lot	25 feet	7.5 feet (3)	15 feet	7.5 feet (3)
Other (1)(2)	50 foot setback or separation to the nearest residential lot line			
[Ord. 2011-001] [2013-001]				
Note:				
1. Tennis courts with a valid Development Order approved prior to the adoption of setbacks for tennis courts permitted on other than residential lots shall be considered legally-conforming. [Ord. 2011-001]				
2. Golf course greens, excluding driving ranges, shall be exempt from these setbacks.				
3. <u>Setbacks for recreational amenities and equipment may be reduced to five feet on a residential lot, excluding the AR district.</u>				

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EXHIBIT J

ROOFTOP SOLAR (SOLAR ENERGY SYSTEM)
SUMMARY OF AMENDMENTS
(Updated 11/05/13)

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Part 1. ULDC Art. 1.I.2, Definitions (page 100 of 119), is hereby amended as follows:

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

....
S. Terms defined herein or referenced Article shall have the following meanings:
60. Solar Energy System - Any device or combination of devices which rely upon direct sunlight as an energy source to convert solar energy to a usable form of energy, primarily to meet all or part of the energy needs of the onsite user.

....
Part 2. New ULDC Art. 5.B.1.A.19, Mechanical Equipment (page 32 of 100), is hereby established as follows:

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

19. Mechanical Equipment

a. Applicability

2) Screening Requirements

....
c) Screening Exemption
Solar Energy Systems are exempted from the screening requirements.

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EXHIBIT K

USE OF THE TERM PROHIBITED
SUMMARY OF AMENDMENTS
(Updated 10/31/13)

1
2 Part 1. ULDC Art. 1.C.1.A.2.p, Prohibited [Related to Rules of Construction, particularly
3 Interpretation and Application] (page 7 of 119), is hereby amended as follows:

4 CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

5 Section 1 Rules of Construction

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

9 A. General

10 2. Interpretation and Application

11 p. Prohibited – ~~Shall mean n~~Not allowed and precludes variance relief. [Ord. 2010-022]
12
13

14 Part 2. ULDC Art. 1.I.2, Definitions (page 111 of 119), is hereby amended as follows:

15 CHAPTER I DEFINITIONS & ACRONYMS

16 Section 2 Definitions

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

18 6. Variance –

19 a. An abatement of ~~the terms of certain regulations in~~ the ULDC ~~for a use~~, where such
20 variance will not be contrary to the public interest and where, owing to conditions peculiar
21 to the property and not the result of the actions of the applicant, a literal enforcement of
22 this Code would result in unnecessary and undue hardship.
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26 Part 3. ULDC Art. 2.A.1.D.1, Processes [Related to Authority and Processes] (pages 11 and 12
27 of 88), is hereby amended as follows:

28 CHAPTER A GENERAL

29 Section 1 Applicability

30 D. Authority

31 1. Processes

32

33 b. Zoning Commission (ZC)

34 The ZC shall consider the following types of development order applications:

35

36 5) The ZC is not authorized to grant variances from Code regulations with prohibited
37 provisions, or the following Articles of the ULDC: [Ord. 2006-036] [Ord. 2011-001]
38
39

....

39 d. Zoning Director

40 The Zoning Director, in accordance with the procedures, standards and limitations of this
41 Article, shall approve, approve with conditions, withdraw, deny or revoke the following
42 types of development order applications: [Ord. 2006-036]
43
44

....

44 3) Administrative Variances (Type IA and Type IB) except when Code regulations
45 include prohibited provisions; [Ord. 2006-036]
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