



MEMORANDUM

TO: The Honorable, Mayor Shelley Vana, and Members of the Board of County Commissioners
FROM: Jon MacGillis, ASLA, Zoning Director
DATE: December 19, 2014
RE: Follow-up to Questions on Permission to Advertise Unified Land Development Code (ULDC) Amendment Round 2014-02

Department of Planning, Zoning & Building
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West Palm Beach, FL 33411-2741
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Palm Beach County Board of County Commissioners

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This memo serves to follow up to the December 4, 2014 discussion on the Request for Permission to Advertise ULDC Amendment Round 2014-02. The proposed amendments include Exhibits A thru J and staff did a brief overview of each amendment. The discussion generally focused on: architecture elevations, Adult Entertainment, and Development Review Officer (DRO) administrative authority to add emergency external access points to a development after BCC approval of the project.

Architecture Elevations

Mayor Vana and Commissioners Valeche and Berger commented on the amendment proposed by the Zoning Commission for architectural elevations (Attachment 1, April 3, 2014 Memorandum). Discussion primarily focused on the differences between current and proposed procedures, and if there was there any input from industry.

Staff explained that a Land Development Regulation Advisory Board (LDRAB) Architecture Subcommittee had met to review and provide input on this amendment. Staff sent and published meeting dates and agendas for industry and general public benefit and encouraged participation. Staff also presented the amendments for input to the Development Review Advisory Board (DRAC) on November 14, 2014, and there were no requested changes to the amendment. Also, on November 6, 2014, Staff presented the amendment to the Zoning Commission, once again this was a public hearing agenda for input from interested parties. The Zoning Commission unanimously supported the amendment as drafted.

Staff reconvened the Architecture Subcommittee on December 16, 2014, to allow for additional opportunity for industry and the general public to provide feedback on the proposed amendments. Two interested persons attended in addition to County staff and two Zoning Commissioners who participated on the original Architecture Subcommittee, Mr. Beatty and Mr. Currie, both registered Architects.

Pursuant to Subcommittee discussion, the following responds to help clarify the new requirements and summarizes minor revisions that staff is proposing for 1st Reading:

- 1. Thresholds and Timing of submittal of Elevations: Clarification was requested on how this proposed amendment would impact the applicant



in terms of now having to provide architectural elevations for all projects at time of public hearing. Also, clarification was requested on what types of applications not currently required to submit elevations would have to with this amendment. The current ULDC provisions allows the applicant three options on when to submit their elevations: time of public hearing, time of final DRO Site Plan, or at final building permit review.

Staff explained this amendment does not modify the existing thresholds in terms of what is currently required to submit elevations. This amendment simply requires the elevations be submitted at the time of public hearing (if development requires Zoning Commission or BCC approval).

Here is a list of currently what is required to submit elevations:

- Class A Conditional Use
 - Class B Conditional Use
 - Requested Uses in Planned Unit Developments (NOTE that Pods within a Planned Unit Development (PUD) that have non-civic, or multi-family buildings over 16 units, are required to submit elevations, but ONLY at time of final DRO).
 - Non-residential uses in Planned Development Districts (PDD) and Traditional Development Districts (TDD).
 - Development Order Amendments where proposed renovations to existing buildings will exceed 75% value of building or for new free standing buildings.
2. **Phasing:** Provide some latitude for large developments that are to be phased, so that only Phase 1 elevations would have to be submitted at time of public hearing, and the elevations for remaining phases can be approved by DRO. The elevations for the remaining phases would have to be consistent with the theme and character of architecture established in Phase 1. Staff is proposing new language for 1st Reading that would recognize Phasing for purpose of architecture review. Limit elevations required for Public Hearings to buildings within the first phase of multi-phase projects.
3. **Elevations Required for Public Hearing:** Clarify the type of architectural elevations required for public hearings from those required prior to Building Permit, the latter being construction drawings.

The revisions are shown in double strike out/underline in Exhibit B.

Adult Entertainment

Commissioner McKinley commented on proposed amendments to allow for accessory food service for adult entertainment facilities located in industrial Zoning districts, and requested that additional information be presented at the next public hearing to outline the approval process for adult entertainment uses.

Staff will be providing a general overview in response to the Commissioner's request, which will include the following:

- Attachment 2, General Chronology of Adult Entertainment Establishment (AEE) Approval Process, highlights the transition from when BCC approval was required, to the 1992 change to an administrative Special



Permit approval. This change was necessitated in response to Court findings resulting from a challenge to the County's Zoning Ordinance, which was found to be unconstitutional.

- Attachment 3, Special Permit Flowchart, is from the Zoning Division webpage and outlines the application review and timeframes for a Special Permit.

Emergency External Fire Access

There was limited discussion on this request and staff explained that the ULDC currently prohibits the Development Review Officer (DRO) from administratively approving any new "access points" to a development not shown on the BCC approved Plan. This amendment will recognize that PBC Fire Rescue may require an additional external emergency access point in limited situations. The proposed language is being further amended in 1st Reading to expand the amendment to ensure the emergency gate is properly closed after the emergency vehicles leave the site.

General Public Comments

There were limited comments from three speakers under Public Comments. The comments were relative to: elevations; Development Review procedures, including the addition of emergency access points and public access to DRO meetings; support for proposed cemetery amendments; limitations on shrubs within front yards in the Acreage; and, whether or not proposed amendments to allow hotels in PBC Regional Parks could be utilized by other governmental entities with parks in unincorporated PBC, among others.

Staff was able to follow up with one of the speakers to offer responses to their questions.

This item will be on the January 8, 2015 BCC Zoning Hearing under the First Reading for Unified Land Development Code (ULDC) Amendment Round 2014-02. Staff has scheduled meetings with each Commissioner in advance of the Hearing.

If you should have any questions or require additional information, please contact me at (561) 233-5234.

JM/WJC/AS

Attachment 1 – April 3, 2014 Zoning Commission Memorandum
Attachment 2 – Chronology of Adult Entertainment Approval Process
Attachment 3 – Special Permit Flow Chart

C: Verdenia Baker, Deputy County Administrator
Leonard Berger, Chief Assistant County Attorney
Robert Banks, Chief Land Use Assistant County Attorney
Maryann Kwok, AICP, Chief Planner, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Mr. Wesley Blackman, AICP, Chairman, and Members of the Land Development Regulation Advisory Board (LDRAB)

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Zoning & Building**

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MEMORANDUM

TO: Honorable Priscilla A. Taylor, Mayor and Board of County Commissioners

FROM: Honorable Alex Brumfield, Chair and Members of the Zoning Commission 

DATE: April 3, 2014

RE: Request to amend Unified Land Development Code (ULDC) to required building elevations to be submitted for Zoning Commission review

The Zoning Commission (ZC) is requesting the Board of County Commissioners (BCC) consider the unanimous request of the ZC that requires Applicants to submit building elevations, concurrent with their application requests. The role of the ZC is to review and make recommendations on development proposals. In order to make clear decisions we have concluded that building elevations need to be part of the application request.

The ZC has requested the Zoning staff ensure building elevations are submitted as part of the backup material for all applications subject to compliance with Article 5.C. Staff explained the ULDC exempts certain projects from Architecture Review and has provisions allowing an Applicant choose when they request review for compliance. (Attachment 1) Staff explained that unless the BCC directs Staff to initiate a ULDC amendment, the ZC cannot require an Applicant to submit building elevations.

The Zoning Commission respectfully requests the BCC direct Staff to amend the ULDC to require preliminary architecture elevations be submitted for review at time of application for those applications subject to the requirements of Article 5. C.

If you have any questions Mr. Brumfield, Chair would be happy to respond to this request.

Attachments: Attachment 1- Article 5.C.1.E- Review Process

c: Hard Copy to:
Honorable Priscilla A. Taylor, Mayor and Board of County Commissioners

Email to:
Verdenia Baker Deputy County Administrator
Rebecca D. Caldwell, Executive Director, PZB
Maryann Kwok, Chief Planner
Wendy Hernandez, Zoning Manager
William Cross, Principal Planner

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Attachment 1 - Article 5.C.1.E

E. Review Process

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

1. Methods

An applicant or PBC may request review for compliance with this Chapter in accordance with any one of the following methods: [Ord. 2005 – 002]

a. Type I - Projects Requiring BCC Approval

A request for a determination of compliance with the requirements of this Chapter may be submitted with the application. A written determination of compliance with this Chapter shall be made in the staff report containing the recommendation for the development order. The request for a determination shall be submitted no less than 30 days prior to the public hearing. [Ord. 2005-002] [Ord. 2009-040]

b. Type II - Projects Requiring ZC Approval

A request for a determination of compliance with the requirements of this Chapter may be submitted with the ZC application. A written determination of compliance with this Chapter shall be made in the staff report containing the recommendation for the development order. The request for a determination shall be submitted no less than 30 days prior to the ZC public hearing. [Ord. 2009-040]

c. Type III - Projects Requiring DRO or Site Plan Approval

A request for a determination of compliance with the requirements of this Chapter may be submitted with the original DRO or site plan approval application. A written determination of compliance with this Chapter shall be made in the comment letter regarding the development order for the project. The request for a determination shall be included in the initial DRO application. [Ord. 2009-040]

d. Type IV - Projects Requiring Building Permit Approval

Buildings requiring a building permit only shall be reviewed for compliance through the standard building permit review process. The request for a determination shall be submitted prior to or concurrent with the building permit application. [Ord. 2009-040]

Attachment 2

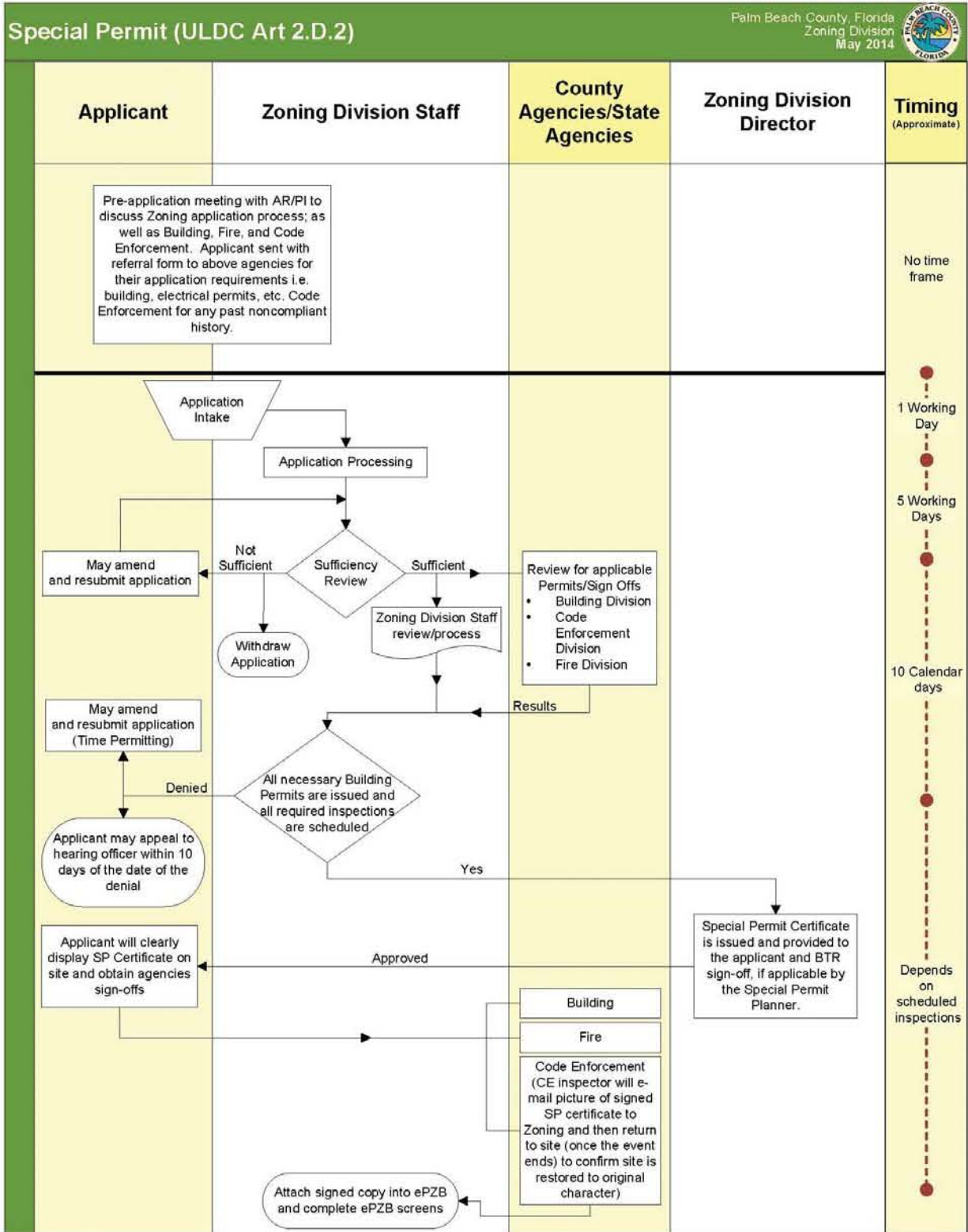
General Chronology of Adult Entertainment Establishment (AEE) Approval Process

(12/19/14)

- **1978** – Ordinance 1978-022, adopted October 30, 1978, recognized adult entertainment establishment (AEE) uses and required approval of a Special Exception (SE) by the Board of County Commissioners (BCC).
- **1990** – Court finds BCC denial of a SE for an AEE unconstitutional, since the SE process failed to provide for an effective limitation of the time within which the decision to grant a SE must be made, and failed to provide an avenue for prompt judicial review.
- **1992** – Ordinance 92-20 establishes the Unified Land Development Code (ULDC), and in recognition of the 1990 court finding, creates “Establishment of Nonconformity” status for AEE’s in operation prior to November 28, 1988, and required all future AEE’s to be approved by Special Permit.
- **2001** – ULDC Article 2, Development Review Procedures, amended to require Special Permit Use be operational within one year of date of issuance of permit or becomes invalid.
- **2009** – Re-adoption of all ULDC regulations for AEE’s (Ord. 2009-040) based on testimony from various meetings before the BCC as well as relevant reports and surveys on proper locations for adult entertainment uses.
- **2014** – ULDC Code amendment proposed for limited food service for AEE’s where permitted in industrial Zoning districts.

Attachment 3

Special Permit Flow Chart
(12/18/14)





**TITLE: FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2014-02**

SUMMARY: The proposed ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications to the Unified Land Development Code (ULDC), as well as several specific amendments.

- Ordinance Title
- Exhibit A Article 2, Development Review Procedures
- Exhibit B Article 5.C, Design Standards
- Exhibit C Article 11, Subdivision, Platting and Improvements
- Exhibit D Hotel Collocated with Public Park
- Exhibit E Minimum Acreage Required for Cemeteries
- Exhibit F Nonconforming Use
- Exhibit G Adult Entertainment
- Exhibit H Commercial Communication Tower
- Exhibit I Fences, Walls and Hedges
- Exhibit J Mechanical Equipment Screening Exemptions

LDRAB/LDRC: The proposed Code amendments were presented to the Land Development Regulation Advisory Board (LDRAB) on October 22, 2014, and November 12, 2014, and the Land Development Regulation Commission (LDRC) on November 12, 2014 (See attached for LDRAB Recommendations by Exhibit). All proposed ULDC amendments were found to be consistent with the Plan.

BCC Public Hearings: December 4, 2014, Request for Permission to Advertise for First Reading on January 8, 2015: Approved, 5 – 0 (a summary of items discussed and additional requested information has been provided within a separate cover memo).

MOTION: To approve on First Reading and advertise for Adoption Hearing on January 29, 2015: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS;** CHAPTER F, NONCONFORMITIES; 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 E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 - USE REGULATIONS;** CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; **ARTICLE 5 - SUPPLEMENTARY STANDARDS;** CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; **ARTICLE 7 - LANDSCAPING;** CHAPTER D, GENERAL STANDARDS; **ARTICLE 11 - SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS;** CHAPTER A, GENERAL REQUIREMENTS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A 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 2003-067 AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS**; CHAPTER F, NONCONFORMITIES; 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 E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 - USE REGULATIONS**; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; **ARTICLE 7 - LANDSCAPING**; CHAPTER D, GENERAL STANDARDS; **ARTICLE 11 - SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS**; CHAPTER A, GENERAL REQUIREMENTS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A 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 ▪ Exhibit A Article 2, Development Review Procedures
- 2 ▪ Exhibit B Article 5.C, Design Standards
- 3 ▪ Exhibit C Article 11, Subdivision, Platting and Improvements
- 4 ▪ Exhibit D Hotel Collocated with Public Park
- 5 ▪ Exhibit E Minimum Acreage Required for Cemeteries
- 6 ▪ Exhibit F Nonconforming Use
- 7 ▪ Exhibit G Adult Entertainment
- 8 ▪ Exhibit H Commercial Communication Tower
- 9 ▪ Exhibit I Fences, Walls and Hedges
- 10 ▪ Exhibit J Mechanical Equipment Screening Exemptions
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12 **Section 2. Interpretation of Captions**

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

15

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

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

19

20 **Section 4. Severability**

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

25

26 **Section 5. Savings Clause**

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

33

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

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

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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9

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

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 12/18/14)

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2 Part 1. ULDC Art. 2.A.1.G.3, Application Procedures [Related to Plan Requirements], (page 13
3 of 87), is hereby amended as follows:
4

Reason for amendments: [Zoning] Pursuant to 2.A.1.D.1, clarify that the Plan Requirements identified under the General Application Procedures applies to other Zoning Division processes not only those subject to review by the Development Review Officer (DRO). Clarify FLU amendments are exempt from the Plan Requirements.

5 CHAPTER A GENERAL

6 Section 1 Applicability

7 G. Application Procedures
8 3. Plan Requirements

9 All applications or applicants submitting for a Public Hearing or an administrative approval
10 process, excluding FLU Amendments, shall submit a plan to the DRO or Zoning Director.
11 The type of plan shall be based upon the type of application request(s), and shall be
12 prepared to include graphics and tabular data consistent with the Technical Manual
13 requirements and standards. The plan shall provide sufficient information for County
14 Agencies to review in order to render ~~DRO~~ comments on the project for compliance with
15 applicable standards of the Code pursuant to Art. 2.B.1.B, Standards, Art. 2.B.2.B,
16 Standards, or Art. 2.D.1.E, Standards for Administrative Approval. In addition, the plan shall
17 be prepared in compliance with the following: **[2009-040]**
18
19

20
21 Part 2. ULDC Art. 2.D.1.G.1, Modifications to BCC/ZC Approvals [Related to Administrative
22 Process for Modifications to Prior Development Orders], (pages 39 of 87), is hereby
23 amended as follows:
24

Reason for amendments: [Zoning]
1. Clarify that the relocation of approved square footage is limited to 25% of the total ZC or BCC approved square footage and a maximum relocation of 25% per individual building.
2. Reference PPM-ZO-O-049, Permits Not Subject to Concurrency Review to provide exemptions for free standing accessory structures which can be added to BCC/ZC/DRO plans.
3. Clarify that the Final DRO has the ability to approve the relocation or deletion of emergency access ways as defined as "a non-dedicated area that is permitted for ingress or egress of vehicles or pedestrians. An access way is permitted to traverse a required landscape buffer". PBC Fire Rescue shall inform the District Commissioner of the proposed emergency access prior to final plan approval.

25 CHAPTER D ADMINISTRATIVE PROCESS

26 Section 1 Development Review Officer (DRO)

27 G. Modifications to Prior Development Orders
28 1. Modifications to BCC/ZC Approvals

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

35 a. The relocation of no more than 25 percent of the total approved square footage or other
36 area indicated as being covered by buildings or structures to portions of the site not
37 previously covered.

38 1) No modification shall relocate square footage to a building that enlarges the footprint
39 more than 25 percent of the BCC/ZC approved plan;

40 2) Relocated square footage shall not be used to create additional freestanding
41 buildings or structures; This shall not apply to accessory structures which are not
42 subject to Concurrency review in accordance with PPM-ZO-O-049, Permits Not
43 Subject to Concurrency Review; and,

44 23) ~~Exception:—The limitations in Art. 2.D.1.G.1.a These~~ shall not apply to a Renewable
45 Energy Facility (Wind) within the AP Zoning district. **[Ord. 2011-016]**

Notes:

Underlined indicates new text.

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

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

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

EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 12/18/14)

- 1 b. An increase in the square footage indicated on the most recently ZC or BCC approved
- 2 Plan(s) shall be subject to the following: [Ord. 2008-003] [Ord. 2009-040] [Ord. 2014-
- 3 025]
- 4 1) Maximum of five percent or 5,000 square feet of any building, structure or outdoor
- 5 area considered as square footage, whichever is less; ~~and~~; [Ord. 2014-025]
- 6 2) Maximum 5,000 square feet of the total ZC or BCC approved square footage; and,
- 7 [Ord. 2014-025]
- 8 3) The allowable five percent or 5,000 square feet shall not be used to create new
- 9 freestanding buildings or structures. This provision shall not apply to accessory
- 10 structures which are not subject to Concurrency review in accordance with PPM-ZO-
- 11 O-049.
- 12 ~~e. For a Renewable Energy Facility (Wind) within the AP Zoning District, an increase in no~~
- 13 ~~more than ten percent, up to a maximum of ten, of the number of wind turbines approved~~
- 14 ~~by the BCC. [Ord. 2011-016] [Ord. 2014-025] [Relocated to new d below]~~
- 15 ~~ec.~~ Additions to or relocations of buildings and structures shall not be constructed closer to
- 16 perimeter property lines than shown on the plan approved by the BCC or ZC, unless the
- 17 FLU designation, Zoning district, or existing use of the adjacent parcel is compatible;
- 18 [Ord. 2009-040] [Ord. 2011-001]
- 19 1) For a Renewable Energy Facility (Wind) within the AP Zoning District, this shall apply
- 20 to the Project Boundary, provided they meet separation or setback requirements from
- 21 streets, and residential uses and districts. [Ord. 2011-016]
- 22 d. For a Renewable Energy Facility (Wind) within the AP Zoning District, an increase in no
- 23 more than ten percent, up to a maximum of ten, of the number of wind turbines approved
- 24 by the BCC. [Ord. 2011-016] [Ord. 2014-025] [Relocated from c above]
- 25 e. An overall increase of not more than ten percent of the height of any structure;
- 26 f. ~~Relocation of a~~Access ~~p~~oints; ~~and addition or deletion of internal access points~~; [Ord.
- 27 2008-003]
- 28 1) *Relocation, addition, or deletion of internal access points;*
- 29 2) *Addition of emergency access ways, as required by PBC Fire Rescue. The PBC Fire*
- 30 *Rescue DRO Reviewer shall ensure the District Commissioner is notified of this*
- 31 *request in advance of final DRO approval. The access point shall be secured by a*
- 32 *gate that has the necessary mechanism to ensure it is closed and secured after each*
- 33 *Fire Rescue emergency call.*
- 34

37 Part 3. ULDC Art. 2.D.1.G.2, Agency Review [Related to Expedited Administrative
38 Modifications to Prior Development Orders] (page 40 - 41 of 87), is hereby amended as
39 follows:
40

Reason for amendments: [Zoning]
1. Thresholds addressed under 2.D.1.G.2.b relate to Amendments to plans final approved by the BCC, ZC, and Full DRO plans.
2. Reference PPM-ZO-O-049, Permits Not Subject to Concurrency Review to provide exemptions for free standing accessory structures which can be added to BCC/ZC/DRO plans.

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42 CHAPTER D ADMINISTRATIVE PROCESS

43 Section 1 Development Review Officer (DRO)

44 G. Modifications to Prior Development Orders

45 2. Expedited Administrative Modifications

46 a. Purpose

47 To establish procedures to allow for expedited approvals of specific minor corrections,
48 additions and amendments to ~~approved~~ Final Plans approved by the BCC, ZC or DRO.
49 [Ord. 2007-001] [Ord. 2014-001]

50 b. Agency Review

51 Agency Review is for applications that require amendment(s) to approved plan(s). This
52 type of application requires review, comments, and conditions by a maximum of five DRO
53 Agencies. The DRO shall determine which Agencies are required to review the
54 amendment based upon the request and compliance with County Ordinances. *The*
55 *Zoning Director shall maintain PPM Z0-0-29, Administrative Modifications to Approved*
56 *Site Plans, outlining a list of minor amendments and establishing items that are exempt*
57 *from the Expedited Administrative Modifications process. [Relocated from Art.*
58 *2.D.1.G.2.d]* Amendments include the following, provided Art. 2.D.1.G.1, Modifications to

Notes:

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 12/18/14)

BCC/ZC Approvals, requirements are not exceeded: [Ord. 2008-003] [Ord. 2011-001] [Ord. 2014-001]

1) Increases in building square footage; up to a maximum 2,500 square feet; Increases in square footage shall not be used to create new freestanding buildings or structures. This shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM-ZO-O-049. [Ord. 2008-003] [Ord. 2014-001]

....
c. Zoning Review

Zoning review is for applications that require only Zoning Division approval of: minor corrections to tabular data, additions and amendments to ~~an~~ existing approved ~~site or subdivision~~ plans. Amendments include the following: [Ord. 2008-003] [Ord. 2014-001]

- 1) Change in sign location; [Ord. 2008-003]
- 2) Minor modifications to approved parking areas (such as relocation of handicapped parking spaces or removal of spaces exceeding ULDC requirements); [Ord. 2008-003] [Ord. 2014-001]
- 3) Relocation of terminal islands to accommodate trees or utility lines; [Ord. 2008-003]

....
d. ~~The Zoning Director shall maintain PPM ZO-O-29, subject to periodic updates, outlining a list of minor amendments and establishing items that are exempt from the Expedited Administrative Modifications process.~~[Ord. 2014-001][Relocated to Art. 2.D.1.G.2.b, Agency Review]

Part 4. ULDC Art. 2.D.2, Special Permit (pages 41-42 of 87), is hereby amended as follows:

<p>Reason for amendments: [Zoning]</p> <ol style="list-style-type: none"> 1. Revise the purpose to add a reference to structures to clarify special permits are issued for both uses and structures. 2. Revise Authorized Special Permits to addresses the additional use matrices in Article 3 and 4, where a special permit could be listed as an approval processes. 3. Relocate and codify the new zoning review process for Special Permits by clarifying the following: <ul style="list-style-type: none"> • Consistency with the Code; • Special Permits which require a subsequent building permit need to be submitted to the Zoning Division a minimum of 30 days prior to the event to allow for adequate processing time; • Building inspections must be scheduled prior to issuance of the Special Permit; • Building, Fire, and Code Enforcement must review and signoff on the request for a Special Permit prior to issuance of the final permit. 4. Create new reference to Sufficiency Review with a reference to General Application Procedures, Art. 2.A.1.G.1, Sufficiency Review.

CHAPTER D ADMINISTRATIVE PROCESS

Section 2 Special Permit

A. Purpose

To create standards and an approval process for certain uses and structures, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. ~~These uses shall require approval of a special permit by the Zoning Division prior to issuance of a CO, business tax receipt, building permit, or commencement of activity.~~[Ord. 2007-013]

B. Authorized Special Permits

Only the uses identified in Table 4.A.3.A, Use Matrix, Table 3.B.15.F, IRO Permitted Use Schedule, Table 3.B.16.E, PRA Use Matrix, Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F, Traditional Development Permitted Use Schedule or Article 4.B, SUPPLEMENTARY USE STANDARDS, by an "S" shall require a special permit. This designation ~~in Table 4.A.3.A, Use Matrix,~~ does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Each proposed special permit application shall be evaluated by the Zoning Director for compliance with the standards and conditions set forth in this Section, and the applicable district.

~~C. Application Requirements~~

~~The application shall be submitted in a form established by the Zoning Director. The applicant shall provide proof of a business tax receipt and all permits must be posted on the site prior to commencement of operation. If a survey is required, the applicant shall comply with any requirements pursuant to the Technical Manual for application requirements.~~ [Partially relocated to Art. 2.D.2.D, below]

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 12/18/14)

C. Sufficiency Determination

All Special Permit requests are subject to the requirements of Art. 2.A.1.G.4, Sufficiency Review.

D. Review Process

The application shall be submitted in a form established by the Zoning Director and shall be consistent with this Code. Any Special Permit application requiring building permits shall be submitted a minimum of 30 days prior to the effective date of the Special Permit. Prior to issuance of the Special Permit, any associated building permits shall be secured and all required inspections scheduled with the Building and Code Enforcement Divisions and Fire Department.

[Partially relocated from Art. 2.D.2.C, above] [Ord. 2007-013] [Ord. 2009-040]
[Renumber Accordingly]

Part 5. ULDC Art. 2.D.3, Type IA and Type IB Administrative Variances (page 42-43 of 87), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Revise process name for Type 1A and Type 1B Variances to use Arabic numbers instead of Roman numerals for consistency.
2. Add reference to the general application procedures consolidated under Art. 2.A.1.G., to clarify the Application Procedures that are applicable to all development orders established in the ULDC including Type 1A and Type 1B Administrative Variances.

CHAPTER D ADMINISTRATIVE PROCESS

Section 3 Type 1A and Type 1B Administrative Variances

....
B. Application Procedures
All Type 1A and Type 1B Administrative Variances are subject to Art. 2.A.1.G, Application Procedures.

CB. Type 1A Administrative Variances
Type 1A variances may be considered for the following: [Ord. 2006-036]

....
[Renumber Accordingly]

Part 6. ULDC Art. 2.D.7, Reasonable Accommodation (page 46 - 48 of 87), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Create Applicability section to include provision related to exhausting all administrative options for filing the applicable Zoning Application, if possible, prior to a Reasonable Accommodation request.
2. Change reference to applicant from requesting party to be consistent with ULDC terminology.
3. Add reference to the length of time for sufficiency determination.
4. Breakdown timeframes under Request for Additional Information for ease of use.

CHAPTER D ADMINISTRATIVE PROCESS

Section 7 Reasonable Accommodation

A. Purpose and Intent
The purpose of this section is to establish procedures for processing requests for Reasonable Accommodation from the County's Unified Land Development Code and related rules, policies, practices and procedures, for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et. seq.) (FHA), or Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131, et. seq.) (ADA). Any person who is disabled, or qualifying entities, may request a Reasonable Accommodation, pursuant to the procedures set out in this section.

B. Applicability
An applicant shall be required to apply for all applicable Development Review processes available in the ULDC prior to filing a request for Reasonable Accommodation, unless compliance with available Development Review processes would deprive the applicant, or persons with disabilities served by the applicant, of an equal opportunity to use and enjoy housing. Ord. 2011-016]

BC. Notice to the Public of Availability of Accommodation
The County shall endeavor to provide notice to the public, advising that disabled individuals or qualifying entities may request a Reasonable Accommodation. [Ord. 2011-016]

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 12/18/14)

CD. Application Procedures

The application forms and requirements for submitting a request for Reasonable Accommodation shall be on forms specified by the County Administrator or designee. [Ord. 2011-016]

1. Application Contents

The following considerations shall be applicable for any application information or documentation required: [Ord. 2011-016]

a. Confidential Information

Upon submittal of any medical information or records, including but not limited to condition, diagnosis, or history related to a disabled individual, an applicant may request that the County, to the extent allowed by law, treat the information or records as confidential. The County shall thereafter endeavor to provide notice to the disabled individual, or their representative, of any request received by the County for disclosure of the medical information or documentation previously requested to be treated as confidential. The County will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the County shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses, whether by retention of outside counselor, or allocation of internal resources in connection therewith, and may comply with any judicial order without prior notice to the disabled individual. [Ord. 2011-016]

b. Address of Applicant

Address of the applicant is requested. Unless governed by 42 U.S.C. §290d.d., in which case the address shall not be required, but the applicant may be requested to provide documentation to substantiate a claim verifying applicability. [Ord. 2011-016]

c. Address of Housing

Address of housing or other location at which accommodation is requested unless governed by 42 U.S.C. §290d.d., in which case address shall not be required, but the applicant may be requested to provide documentation to substantiate a claim verifying applicability. [Ord. 2011-016]

2. Sufficiency Determination

The County Administrator or designee shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application. If staff determines the application is not sufficient, a written notice shall be sent to the applicant specifying the deficiencies within the ten day determination timeframe set forth herein.

23. Fee

There shall be no fee imposed by the County for a request for Reasonable Accommodation under this section or an appeal of a determination on such request, and the County shall have no obligation to pay a ~~applicant's requesting party's~~, or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal. [Ord. 2011-016]

34. County Assistance

The County shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for Reasonable Accommodation, including assistance with reading application questions, and responding to questions related to completing application or appeal forms, among others, to ensure the process is accessible. [Ord. 2011-016]

45. Findings for Reasonable Accommodation

In determining whether the Reasonable Accommodation request shall be granted or denied, the ~~applicant requesting party~~ shall be required to establish that they are protected under the FHA or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this ordinance the disabled individual must show: [Ord. 2011-016]

- a. a physical or mental impairment which substantially limits one or more major life activities; [Ord. 2011-016]
- b. a record of having such impairment; or [Ord. 2011-016]
- c. that they are regarded as having such impairment. [Ord. 2011-016]

The ~~applicant requesting party will shall have to~~ demonstrate that the proposed accommodations being sought are reasonable and necessary to afford disabled persons equal opportunity to use and enjoy housing. The foregoing, as interpreted by the Courts, shall be the basis for a decision upon a Reasonable Accommodation request made by the appropriate PBC official. [Ord. 2011-016]

56. Authority

The determination of which appropriate PBC official has the authority to consider and act on requests, or appeals of a decision for Reasonable Accommodation, shall be consistent with Art. 1.B.1.A, Authority. [Ord. 2011-016]

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 12/18/14)

67. Action by Appropriate PBC Official

A written ~~determination response~~ shall be issued ~~by the appropriate PBC official~~ within 45 days of the date of ~~sufficiency advising the applicant of the PBC official's action. receipt of an application, (when determined to be sufficient).~~ [Ord. 2011-016]

a. Request for Additional Information Timeframes

~~If additional information is required to make a final decision, the following shall apply:~~

1) ~~If reasonably necessary to reach a determination on the request for Reasonable Accommodation, the appropriate PBC official, may, prior to the end of said Within 45 days of sufficiency determination period, request a written notice requesting additional information may be requested from the requesting party, specifying in sufficient detail what information is required.~~ [Ord. 2011-016]

2) ~~The applicant requesting party shall have 15 days from the date of the written notice to respond to the request for additional information not to exceed 60 days from the date of the sufficiency determination after the date of the request for additional information to provide the requested information.~~ [Ord. 2011-016]

a) ~~In the event a request for If the additional information provided by the applicant satisfies staffs' request, is made, the 45 day period to issue a written determination shall no longer be applicable, and the appropriate PBC official shall issue a written determination shall be issued within 30 days after receipt of the additional information.~~ [Ord. 2011-016]

b) ~~If the applicant requesting party fails to provide the requested additional information within said the 15 day period, the appropriate PBC official shall issue written notice advising that the requesting party had failed to timely submit the additional information and therefore the request for Reasonable Accommodation a letter shall be issued to the applicant advising the applicant that the application is considered withdrawn deemed abandoned or withdrawn and no further action by the County with regard to said Reasonable Accommodation request shall be required.~~ [Ord. 2011-016]

....

[Renumber Accordingly]

Part 7. ULDC Table 2.G.3.A, LDRAB Expertise (page 71 of 86), is hereby amended as follows:

Reason for amendments: [Zoning] Delete Condominium/HOA Association LDRAB position due to logistical considerations necessary to contact each individual HOA/COA, and doing so would likely result in an inordinate number of nominations. This seat was carried over from the Code Task Force (CTF), the predecessor to current Land Development Regulation Advisory Board (LDRAB). Update LDRAB organization names related to Residential Builder and Realtor to reflect current industry names.

Table 2.G.3.A - LDRAB Expertise

Occupations	Organizations
1. Residential Builder	Gold Coast Builders <u>Association</u>
2. Municipal Representative	League of Cities
3. Engineer	Florida Engineering Society
4. Architect	American Institute of Architects
5. Environmentalist	Environmental Organization
6. Realtor	PBC Board of Realtors <u>Association of the Palm Beaches</u>
7. Surveyor	Florida Surveying and Mapping Society.
8. Citizen Representative	Condominium/HOA Assoc.
9. Commercial Builder	Assoc. General Contractors of America
10. AICP Planner	PBC Planning Congress
[Ord. 2010-022]	

Part 8. ULDC Art. 2.G.3 Appointed Bodies, (pages 73 and 76-77 of 87), are hereby amended as follows:

Reason for amendments: Consolidate qualifications for Code Enforcement Special Masters and Hearing Officers to ensure consistency; eliminate redundant Special Masters "Powers and Duties" section already provided in code enforcement provisions in Article 10; and, eliminate Hearing Officer requirement to produce reports for the BCC to reflect current practice.

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

B. Code Enforcement Special Masters

1. Creation and Appointment

Notes:

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 12/18/14)

Code enforcement hearings pursuant to this Code shall be conducted by designated Special Master. Applications for Special Master positions shall be directed to County Administrator pursuant to a notice published in a newspaper of general circulation. The BCC shall select a pool of candidates from the applications filed with County Administrator on the basis of experience and qualifications. County Administrator shall appoint Special Master to conduct hearings from the pool of candidates selected by the BCC as necessary. For a period of two years from the date of termination as holder of office, a former Special Master shall not act as agent or attorney in any proceeding before any decision-making body of PBC on any matter that was the subject of a proceeding which was considered by the former Special Master.

2. Qualification

Special Master shall have the following minimum qualifications:

- a. be a graduate of a law school accredited by the American Bar Association;
- b. demonstrate knowledge of administrative laws, land use law, and local government regulation and procedures;
- c. be a current member, in good standing, of the Florida Bar Association;
- d. have such other qualifications that may be established by resolution of the BCC; and
- e. in the event County Administrator does not receive a sufficient number of applications from qualified members of the Florida Bar Association, the BCC may select attorneys who are not members of the Florida Bar Association as candidates for Special Master. Among those attorneys who are not members of the Florida Bar Association, the BCC and County Administrator shall give preference to those attorneys who have prior experience in a judiciary capacity, or as a hearing officer, mediator or special master. No attorney, who has been disciplined by the Florida Bar Association or a bar association of any other jurisdiction, shall be appointed as a Special Master.

3. Powers and Duties

~~Special Master shall have the following powers and duties:~~

- ~~a. to hold hearings and to make findings of fact and conclusions of law as are necessary to enforce the provisions of this Code and the building, electrical, fire, gas, landscape, plumbing, and other codes of PBC if there has been a failure to correct a violation within the time specified by the code inspector, if the violation has been repeated, or is of such as nature that it cannot be corrected;~~
- ~~b. to issue subpoenas compelling the presence of persons at Special Master hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;~~
- ~~c. to issue subpoenas compelling the production of evidence at code enforcement hearings;~~
- ~~d. to take testimony under oath;~~
- ~~e. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with this Code and PBC's building, electrical, fire, gas, landscape, plumbing, and other codes of PBC;~~
- ~~f. to assess fines pursuant to Article 10.B.3, Administrative Fines, Costs, Liens;~~
- ~~g. to lien property; and~~
- ~~h. to assess costs pursuant to Article 10.B.3, Administrative Fines, Costs, Liens.~~

[Renumber accordingly]

....

G. Hearing Officers

1. Creation and Appointment

The County Administrator may, from a pool selected by the BCC, appoint one or more hearing officers to hear and consider such matters as may be required under any provision of this Code or under any provision of any other Palm Beach County Ordinance as may be determined to be appropriate by the BCC from time to time. Such hearing officers shall be selected pursuant to the procedures and minimum qualifications provided for in Article 2.G.3.B. Code Enforcement Special Master, and shall serve at the pleasure of the BCC for such period as is determined by the Board. ~~Code Enforcement Special Masters, as established and appointed pursuant to Article 2.G.1.A, Powers and Duties, may serve ex officio as Hearing Officers as set forth in this Section. Whoever shall accept an appointment as a hearing officer shall, for a period of one year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application for other matter before any decision-making body of PBC in any matter involving land that was the subject of a proceeding which was considered. [Ord. 2010-022]~~

2. Minimum Qualifications

~~A hearing officer shall have the following minimum qualifications:~~

- ~~a. be a graduate of a law school accredited by the American Bar Association;~~
- ~~b. demonstrated knowledge of administrative, environmental and land use planning and law and procedure; and~~
- ~~c. hold no other appointive or elective public office or position in PBC during the period of appointment.~~

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 12/18/14)

23. Duties

A hearing officer shall have the following duties:

- a. to conduct hearings and issue administrative orders on such matters as may be requested by the BCC;
- ~~b. to render to the BCC a written report containing a summary of the testimony and evidence given and findings and recommendations regarding the specific standards applicable to the particular application for development permit;~~
- bc.** to issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing; and
- cd.** to perform such other tasks and duties as the BCC may assign.

....

Part 9. ULDC Art. 3.E.1.E.1, Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan (page 156 of 229), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify in a PDD the Final DRO has the ability to approve the relocation or deletion of emergency access ways as defined as "a non-dedicated area that is permitted for ingress or egress of vehicles or pedestrians. An access way is permitted to traverse a required landscape buffer". PBC Fire Rescue shall inform the District Commissioner of the proposed emergency access prior to final plan approval.
2. Delete standard that allows intensity increase applicable to Planned Development Districts as it already addressed under Art. 2.D.1.G.1, Modifications to BCC/ZC Approvals and is duplicative language.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

E. Modifications

Modifications to a planned development with a valid development order shall comply with Art. 2.A.1.G.3, Plan Requirements and Article 2.D.1, Development Review Officer. [Ord. 2009-040]

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

f. Access

Access shall not be added to roads external to the project, internal roads indicated on the Thoroughfare Identification Map, or to roads external to a pod, except for a residential pod ~~and the addition of emergency access ways as required by PBC Fire Rescue. The PBC Fire Rescue DRO Reviewer shall ensure the District Commissioner is notified of this request in advance of final DRO approval. The access point shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call.~~ Access to roads external to a residential pod, but internal to the project, may be added in accordance with Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.

~~j. Intensity Increase~~

~~The GFA of each building shown on a site plan approved by the BCC may be increased by five percent provided the increase does not exceed 1,000 gross square feet and complies with Article 2.F, CONCURRENCY (Adequate Public Facility Standards).~~

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EXHIBIT B

ARTICLE 5.C, DESIGN STANDARDS
SUMMARY OF AMENDMENTS
(Updated 12/18/14)

1
2 Part 1. ULDC Art. 2.A.1.G.3, Plan Requirements (page 15 - 16 of 87), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning] On May 22, 2014, the Zoning Commission (ZC) requested the Board of County Commissioners (BCC) permission to amend Article 5.C, Design Guidelines of the Unified Land Development Code (ULDC). The proposed amendment will require the submittal of architectural elevations for those applications that are subject to the approval by the ZC or a recommendation by the ZC to the BCC. The intent of the proposed amendment is to ensure quality and consistency of architecture that address compatibility issues. The issue was discussed by the Land Development Regulation Advisory Board (LDRAB) Architectural Subcommittee on September 10, 2014, which recommended requesting architectural elevations to use approval applications subject to public hearings.

1. Delete standards that require architectural elevations to be part of the Final Regulating Plan as they are typically provided as separate set of plans consistent with the requirements of the Technical Manual.
2. Clarify that architectural plans, where applicable, are also within the other types of plans required as part of any development order application. Specific standard related to when elevations are required to be submitted and the application requirements are indicated in Article 5.C. The amendment references the Technical Manual to clarify the types of architectural plans required at time of Public Hearing, including floor plans showing features such as recesses and projections, and openings; elevations; roof plans; and, design details, such as details of entries, required to be submitted at time of compliance with Art. 5.C. Design Standards.

5 CHAPTER A GENERAL

6 Section 1 Applicability

7 G. Application Procedures

8 3. Plan Requirements

9 g. Regulating Plans

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

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

15
16 ~~(6) Elevations, if submitted pursuant to Art. 5.C, Design Standards; [Ord. 2009-~~
17 ~~040]~~
18

19 h. Other Types of Plans

20
21 **3) Architectural Plans**
22 Architectural plans shall be consistent with Art. 5.C, Design Standards and the
23 Technical Manual.
24

25
26 Part 2. ULDC Art. 2.D.1.G, Modification to Prior Development Orders (page 39 - 40 of 87), is
27 hereby amended as follows:
28

Reason for amendments: [Zoning] Partially relocate standard in Art. 5.C.1, Architectural Guidelines to Art. 2.D.1.G, Modifications to BCC/ZC Approvals that specifies amendments to architectural elevations are permitted through DRO process. It also clarifies that amendments to architectural elevations not consistent with the architectural style of the Board approved elevations or inconsistent with Art. 5.C, should not be considered by the DRO and shall be presented again for approval to the BCC or ZC.

29 CHAPTER D ADMINISTRATIVE PROCESS

30 Section 1 Development Review Officer (DRO)

31 G. Modifications to Prior Development Orders

32 1. Modifications to BCC/ZC Approvals

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

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EXHIBIT B

ARTICLE 5.C, DESIGN STANDARDS
SUMMARY OF AMENDMENTS
(Updated 12/18/14)

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- e. An overall increase of not more than ten percent of the height of any structure;
-
- p. Amendments to approved architectural elevations consistent with the Review Process Methods Type 1 and Type 2 pursuant to Article 5.C may be approved by the DRO provided the amendments do not reduce compatibility with the surrounding properties; comply with the architectural character of the approved elevations, and conditions of approval; and, are subject to the standards in Article 5.C, Design Standards. [Ord. 2009-040] [Partially relocated from Art. 5.C.1.E.4, Administrative Amendments by DRO]
-

Reason for amendments: [Zoning]	
1.	Relocate standard for modifications to architectural elevations from Agency Review to Zoning Review since the review of elevations is only handled by the Zoning Division as the only agency involved.
2.	Delete part of the provision that limits Zoning Review process amendments to reduce building size only when no changes are made to the architectural elevations as any change in size to a building always affects the elevations.
3.	Establish the architectural elevation elements that are subject to Zoning Review and clarify that amended elevations shall be within the requirements of Art. 5.C., Design Standards.

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2. Expedited Administrative Modifications

b. Agency Review

....

~~8) Minor modifications to approved architectural elevations provided consistent with previously approved elevations and conditions of approval; and, [Ord. 2014-001] [Partially relocated to Art. 2.D.1.G.2.c.7) Related to Zoning Review]~~

[Renumber Accordingly]

c. Zoning Review

....

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

....

7) Amendments to approved architectural elevations provided consistent with previously approved elevations, conditions of approval, and standards in Art. 5.C, Design Standards. The amendments shall be limited to the following changes: [Partially relocated from Art. 2.D.1.G.2.b.8) Related to Agency Review]

- a) Modifications to roof design features;
- ab) Exterior building material, texture or finishes of not more than 20 percent per facade to another material of similar or equivalent texture or finish of the approved elevations;
- c) Molding or decorative features of a similar or equivalent material consistent with the approved elevations;
- d) Building color to one within the same palette of the approved elevations; and,
- e) Recesses and projections, blank walls, storefront, fenestration, entries or porches that do not change the character of the building;

[Renumber Accordingly]

Part 3. ULDC Art. 5.C.1, Architectural Guidelines (page 39 of 100), is hereby amended as follows:

Reason for amendments: [Zoning] Amend to make submittal of architectural elevations mandatory for applications subject to the BCC and ZC as noted in this exhibit reason Part 1.

44 CHAPTER C DESIGN STANDARDS

45 Section 1 Architectural Guidelines

46 E. Review Process

47 1. Methods

48 An applicant or PBC may request review for compliance with this Chapter in accordance with any one of the following methods: [Ord. 2005 – 002]

49 a. Type 1 - Projects Requiring BCC Approval

50 A request for a determination of compliance with the requirements of this Chapter ~~may~~ shall be submitted with the application. A written determination of compliance with this Chapter shall be made in the staff report containing the recommendation for the

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EXHIBIT B

ARTICLE 5.C, DESIGN STANDARDS
SUMMARY OF AMENDMENTS
(Updated 12/18/14)

- 1 development order. The request for a determination shall be submitted no less than 30
- 2 days prior to the public hearing. [Ord. 2005-002] [Ord. 2009-040]
- 3 **b. Type ~~II-2~~- Projects Requiring ZC Approval**
- 4 A request for a determination of compliance with the requirements of this Chapter ~~may~~
- 5 ~~shall~~ be submitted with the ZC application. A written determination of compliance with
- 6 this Chapter shall be made in the staff report containing the recommendation for the
- 7 development order. The request for a determination shall be submitted no less than 30
- 8 days prior to the ZC public hearing. [Ord. 2009-040]
- 9 **c. Type ~~III-3~~ - Projects Requiring DRO or Site Plan Approval**
- 10 ~~....~~
- 11 **d. Type ~~IV 4~~ - Projects Requiring Building Permit Approval**
- 12 ~~....~~
- 13

Reason for amendments: [Zoning]

1. Provide cross reference to Article 2, Development Review Procedures, particularly to 2.D.1.G, Modifications to Prior Development Order, which is the section that contains specific language related to the DRO and administrative amendments to architectural elevations.
2. Partially relocate standard that allows the DRO to modify approved architectural elevations approved by the BCC or ZC to Article 2.D.1.G.1, Modifications to BCC and ZC Approvals in order to consolidate with similar standards.
3. Delete standard that allows DRO changes of building height up to 25 percent or ten feet through the architectural elevation modifications contained in Art. 5.C.1. This standard is inconsistent with provisions in Article 2.A.2.G.1.i, that allows the DRO to increase the building height no more than ten percent.
4. Delete standard that allows for modification to elevations based on "equal or enhances approved elevations" as that represents subjectivity and is not enforceable. Deletes standard that allows modifications to elevations by the DRO consistent with Art. 5.C. as this reference is not consistent with the new title. The concept is carried over to the Zoning Review amendment in Art. 2.

- 14
- 15 **4. ~~Administrative Amendments by DRO to Approved Elevations~~**
- 16 ~~Amendments to BCC, ZC or DRO approved elevations shall comply with the standards~~
- 17 ~~contained in Art. 2.D.1.G, Modifications to Prior Development Orders.~~
- 18 ~~Minor amendments to BCC or ZC approved architectural elevations pursuant to Review~~
- 19 ~~Types I and II may be approved by the Zoning Director provided the changes do not reduce~~
- 20 ~~compatibility with surrounding properties. Changes shall be limited to the following: [Ord.~~
- 21 ~~2009-040] [Partially relocated to 2.D.1.G.1.p]~~
- 22 ~~a. A maximum increase of 25 percent or ten feet in overall building height, from finished~~
- 23 ~~grade to highest point, whichever is less;~~
- 24 ~~b. Modifications to the architectural composition which are equal to or enhance the~~
- 25 ~~approved elevation; and,~~
- 26 ~~c. Modifications to ensure consistency with this Chapter.~~
- 27

Reason for amendments: [Zoning] Provide some latitude for large developments that are to be phased, so that only Phase 1 elevations would have to be submitted at time of Public Hearing, and the elevations for remaining phases can be approved by the Development Review Officer (DRO). The elevations for the remaining phases would have to be consistent with the theme and character of architecture established in Phase 1.

- 28
- 29 **5. Phase Developments**
- 30 Development Orders that propose more than one phase and are subject to the Type 1 or
- 31 Type 2 Review Process Methods, shall provide architectural elevations of only the buildings
- 32 in the first phase to satisfy the requirements for the Review Process Methods. The buildings
- 33 in the remaining phases shall be in compliance with Article 5.C. and the architectural
- 34 character established by the elevations in phase one.

- 35 **F. Application Requirements**
- 36 The application form and requirements for Architecture Review, including Unique Structure and
- 37 Green Architecture shall be submitted on forms specified by the PBC official responsible for
- 38 reviewing the application. All application documents shall be consistent with the Technical
- 39 Manual. [Ord. 2009-040]
- 40 ~~....~~
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EXHIBIT C

ARTICLE 11 – SUBDIVISION, PLATTING AND IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 07/07/2014)

1 Part 1. ULDC Art. 11.A.7.C., Sequence of Phases (page 11 of 47), is hereby amended as
2 follows:
3

Reason for amendments: [Land Development] To remove density language from the subdivision code since density is governed by the Comprehensive Plan as well as by applicable plans pursuant to ULDC Art 2.A.1.G.3.d Master Plan, Art 2.A.1.G.3.e Site Plan and Art 2.A.1.G.3.f Subdivision Plan.

4 CHAPTER A GENERAL REQUIREMENTS

5 Section 7 Phased Developments

6 C. Sequence of Phases

7 When the Preliminary Subdivision Plan is to be constructed in phases, the following sequence
8 must be adhered to:

9 1. All required recreation areas and facilities to serve the entire development shall be platted or
10 otherwise provided pursuant to the procedures and phasing provisions of Article 5.F, LEGAL
11 DOCUMENTS; and,

12 ~~2. The gross density of an individual plat shall not exceed the maximum density permitted for
13 the entire development unless the remaining total of all previously recorded plats of record
14 and the plat under review produces an average density less than or equal to the approved
15 maximum density for the entire development; and~~

16 3.2. Where all or any portion of a water management tract is required to serve a proposed phase
17 of development, and has not been previously recorded and constructed, said water
18 management tract and its associated lake maintenance easement(s) shall be included and
19 constructed in their entirety as part of the plat and required improvements for that phase.
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EXHIBIT D

HOTEL COLLOCATED WITH PUBLIC PARK
SUMMARY OF AMENDMENTS
(Updated 12/18/14)

1
2 Part 1. ULDC Art. 4.B.1.A.72, Hotel, Motel, SRO and Rooming and Boarding House (page 63 of
3 171), is hereby amended as follows:
4

- | |
|--|
| <p>Reason for amendments: [Parks/FD&O/PZ&B]</p> <ol style="list-style-type: none"> 1. On September 9, 2014, the BCC approved a Conceptual Master Plan for Morikami Park, which included a Japanese inn (“ryokan”). The Parks and Recreation Agenda Item noted that Board approval would enable staff to initiate an amendment to the ULDC to allow for the ryokan. 2. Parks, FD&O and PZ&B staff concur that in certain circumstances, a collocated hotel would be beneficial to furthering PBC Parks and Recreation goals of promoting heritage tourism, eco-tourism, or historical, cultural, scientific, educational or other similar purposes. 3. Recognize PBC Parks and Recreation terminology “park resource base” as referenced in the Comprehensive Plan. Further, establish which type of park and park resource base is most appropriately suited for a collocated hotel, noting that a Regional Park by definition generally exceeds 200 acres in size. 4. Establish frontage and access restrictions that will help to ensure that any hotel uses are appropriately located and situated within a qualifying park. 5. Allow a proposed collocated hotel that meets all criteria, subject to Class A Conditional Use approval. |
|--|

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 72. Hotel, Motel, SRO, and Rooming and Boarding House

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

13
14 d. PO District

15 ~~An existing hotel located in the PO District shall be considered a conforming use. [Ord.~~
16 ~~2009-040]~~

17 1) Existing Hotel

18 An existing hotel located in the PO District shall be considered a conforming use.
19 [Ord. 2009-040]

20 2) Collocated Hotel

21 a) Approval Process - PARK FLU

22 A hotel may be permitted as a collocated use to a PBC Regional Park with a
23 PARK FLU, subject to Class A Conditional Use approval.

24 b) Park Resource Base

25 The Regional Park shall include a resource base which promotes heritage
26 tourism, eco-tourism, or is otherwise planned to attract patrons from a
27 Countywide or greater population for historical, cultural, scientific, educational or
28 other similar purposes. Such resource base shall be operational prior to
29 approval of a hotel, or approved and permitted concurrently with a hotel.

30 c) Conceptual Master Plan

31 A hotel shall be a component of a Conceptual Master Plan or equivalent that is
32 approved by the Board of County Commissioners.

33 d) Frontage and Access

34 The Regional Park in which a hotel is located shall front on and access from an
35 Arterial or Collector street(s). Vehicular access to a hotel shall be prohibited from
36 any local residential street abutting the park.

37 e) Site Plan – Affected Area

38 When a site plan is not required for the overall park site, the required site plan for
39 the hotel shall regulate only the development area for the hotel and access
40 related thereto.

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EXHIBIT E

MINIMUM ACREAGE REQUIRED FOR CEMETERIES
SUMMARY OF AMENDMENTS
(Updated 10/30/14)

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Part 1. ULDC Art. 4.B.1.A.27, Cemetery (page 39 of 171), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Delete reference to F.S. 497.027 for the following reasons: The minimum 15-acre requirement was relocated to F.S. 297.253 in the 1990's, and then to the current F.S. 497.270 in 2005, the latter of which included an increase to a minimum of 30 acres. The Florida Division of Funeral, Cemetery and Consumer Services, the State agency responsible for licensing and regulating the sale of cemeteries, indicates that older cemeteries established under the 15-acre minimum would be vested.
2. Update minimum acreage required for a cemetery from 15 to 30 to match Division of Funeral Cemetery and Consumer Services interpretation of minimum acreage required for any newly created cemeteries, or the sale of all or a portion of an existing cemetery. Add that prior approvals for cemeteries shall not be considered non-conforming where approved with less acreage.
3. Recognize the limited exceptions to minimum acreage requirements outlined in F.S. 497.260. However, as these standards are only applicable to State licensing requirements and do not preclude local home rule Zoning regulations, staff is recommending that each exception be specifically listed, in the event the State amends the Statutes at a later date, where the County may not concur.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

27. Cemetery

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

a. Frontage

In all residential districts, a cemetery shall have frontage on and access from an arterial or a collector street.

b. Lot Size

~~In accordance with F.S. §497.027, a~~ **A** cemetery for human interment shall be located on a site with a minimum contiguous area of ~~45~~ **30** acres. ~~An existing cemetery having less acreage shall not be considered a non-conforming use if the acreage shown is consistent with a prior approval. Exceptions to the minimum acreage requirement may be permitted, as follows:~~ **[Ord. 2013-001]**

1. Cemeteries owned and operated by a Place of Worship located within Palm Beach County, whether collocated or remotely located, when less than 5 acres, but not less than 2 acres, which provides only single-level ground burial.
2. County and municipal cemeteries.
3. Community and nonprofit association cemeteries, which provide only single-level ground burial and do not sell burial spaces or burial merchandise.
4. Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23, 1976.
5. A columbarium consisting of less than one-half acre which is collocated with a Place of Worship.
6. A mausoleum consisting of two acres or less which is collocated with a Place of Worship.
7. A columbarium consisting of five acres or less which is located on the main campus of a state university as defined in s. 1000.21(6).

c. RM District

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

d. Pet Cemetery

A pet cemetery shall be permitted in the CG and IPF districts as a Class A Conditional Use. **[Ord. 2013-001]**

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EXHIBIT F

NONCONFORMING USES
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

1
2 Part 1. ULDC Art. 1.F.4.A.2, Minor [Related to Nonconformance Use Classification] (page 22 of
3 119), is hereby amended as follows:
4

Reason for amendments: [Zoning] Clarify existing definition of Minor nonconforming use by indicating that the current language applies to any or all of the circumstances currently listed instead to all of them as it presently reads.

5 CHAPTER F NONCONFORMITIES

6 Section 4 Nonconforming Use

7 A. Nonconforming Use Classifications

8 2. Minor

9 A minor nonconforming use is a use that was legally established in a zoning district under a
10 prior ~~eCode~~ and one or more of the following applies:- ~~the use has been changed to a more~~
11 restrictive review ~~and or~~ approval process under the terms of this Code; ~~and where any~~
12 DOAs or improvements to the use would exceed the development and approval thresholds; ~~or,~~
13 the use does ~~de~~ not meet the property development regulations of this Code. Minor
14 nonconforming uses do not create or threaten to create incompatibilities injurious to the
15 public welfare. An applicant who is requesting modification or improvement to a minor
16 nonconforming use is encouraged to apply pursuant to the review and approval process now
17 in effect to correct the nonconforming status of the use for the benefit of future development
18 order amendments and other types of improvements. [Ord. 2010-005]

19

21 Part 2. ULDC Art. 1.I.2, Definitions (page 80 of 119), is hereby amended as follows:

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

24 CHAPTER I DEFINITIONS & ACRONYMS

25 Section 2 Definitions

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

27 34. **Non-Conforming Use, Minor** - a minor nonconforming use is a use that was legally
28 established in a zoning district under a prior ~~eCode~~ and one or more of the following applies:-
29 ~~the use has been changed to a more restrictive review and or~~ approval process under the
30 terms of this Code; ~~and where any~~ DOAs or improvements to the use would exceed the
31 development and approval thresholds; ~~or,~~ the use does ~~de~~ not meet the property
32 development regulations of this Code. Minor nonconforming uses do not create or threaten to
33 create incompatibilities injurious to the public welfare. [Ord. 2010-005]

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EXHIBIT G

ADULT ENTERTAINMENT
SUMMARY OF AMENDMENTS
(Updated 11/04/14)

1
2 Part 1. ULDC Art. 4.B.1.A.2, Adult Entertainment (pages 25-26 of 171), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning/County Attorney] The County seeks to balance regulations limiting the location of adult entertainment uses while ensuring *“that there are a sufficient number of available locations for new adult entertainment uses.”* Adult entertainment uses have been found to be *“adverse to the public’s interest and the quality of life, tone of commerce, and the community environment of PBC.”* Subsequently, the use(s) is limited to the General Commercial (CG), Light Industrial (IL) and General Industrial (IG) Zoning districts, and includes minimum separations from uses such as schools, churches, parks. The County Attorney’s office has advised that regulations limiting improvements to non-conforming site elements and exterior building facades, or prohibitions on the location of restaurants or cocktail lounges within Industrial districts, may be an impediment that inadvertently conflicts with goal of ensuring sufficient available locations for adult entertainment uses.

1. Delete duplicated provision that relates to location of nonconforming Adult Entertainments. Current position of the language is out of place and does not relate to the Standards for Nonconformities.
2. Allow for renovations to building facades and site elements that would serve a public benefit by beautifying, or improving the function of, parking, lighting, architecture and landscaping, thus potentially mitigating some adverse impacts.
3. Recognize industry trend towards including dining options or food service, by allowing food service as an accessory use, provided that food service is provided in conjunction with limited Adult Entertainment uses, and not otherwise as a standalone use.
4. Recognize Cocktail Lounges as a typical collocated use as permitted by right (excluding any outdoor lounge areas). Noting that an Adult Entertainment use meets or exceeds the separations required for a lounge, including a minimum of 500 feet from a Residential district (double the 250 feet for a lounge), the same 750 foot separation from other lounges, 1,000 for schools (double that required by F.S. for a lounge), in addition to: 2,000 feet from other Adult Entertainment establishments; 1,000 feet from a Place of Worship; and, 500 feet from a Public Park.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 2. Adult Entertainment

9 k. Nonconformity

10
11 2) Standards for Nonconformance
12 A nonconforming adult entertainment use as determined in Article 4.B.1.A.2.k,
13 Nonconformity, above shall be subject to the following supplementary standards, in
14 addition to Article 1.F, NONCONFORMITIES. [Ord. 2004-051] [Ord. 2009-040]

15 a) ~~Location~~
16 ~~Was in operation as an adult entertainment use, was generally known and held~~
17 ~~out in the neighborhood and community as an adult entertainment establishment,~~
18 ~~and was open to the public as an adult entertainment establishment use; [Ord.~~
19 ~~2004-051] [Ord. 2009-040]~~

20 ba) Landscape Buffer
21
22 [Renumber Accordingly]

23 3) ~~Modification or Improvement to Site Elements~~
24 ~~When an adult entertainment establishment has been determined to be a non-~~
25 ~~conforming use, or is located within a non-conforming structure, modifications or~~
26 ~~improvements to conforming or non-conforming site elements or exterior architecture~~
27 ~~shall be permitted. The total cost associated with these improvements will not be~~
28 ~~used in determining the allowable improvements to the interior of the structure,~~
29 ~~pursuant to Art. 1.F.1.~~

30 l. ~~Accessory Food Service in Industrial Districts~~
31 ~~In the IL and IG Zoning districts, food service may be permitted as an accessory use to~~
32 ~~Adult Entertainment, only in conjunction with and during the hours of operation for an~~
33 ~~adult theater or an adult dancing establishment.~~

34 m. ~~Collocated Cocktail Lounge~~
35 ~~A cocktail lounge may be allowed as a collocated use permitted by right only when in~~
36 ~~conjunction with and during the hours of operation for an adult dancing establishment.~~

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EXHIBIT H

COMMERCIAL COMMUNICATION TOWER
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1 Part 1. Table 4.C.3.I, Distance for Towers Located in Non-Residential District Separation and
2 Setbacks (pages 126 -128 of 171), is hereby amended as follows:
3

Reason for amendments: [Zoning] As part of the Use Regulations Project (URP), a two-year project to update the use definitions, approval processes and supplementary standards contained in the Unified Land Development Code (ULDC), staff identified scrivener's errors and minor glitches in the Commercial Communication Towers section. The Zoning Director has determined that several minor revisions to Table 4.C.3.I, Distance for Towers Located in Non-Residential Districts Separation and Setback, should be advanced in the 2014-02 ULDC Round of Amendments, as follows:

1. Ordinance 2010-022, which established the Urban Redevelopment Area Overlay (URAO) with the new zoning districts Urban Center (UC) and Urban Infill (UI), and Ordinance 2010-005, which established the Infill Redevelopment Overlay (IRO) and Lifestyle Commercial Center (LCC) Zoning Districts, inadvertently omitted standards for Commercial Communication Towers separation and setbacks.
2. Include Institutional and Public Facilities (IPF) Zoning District in the setbacks and separation table. Ordinance 2000-015 that introduced for the first time IPF Zoning District inadvertently omitted the district from the Commercial Communication Towers section during the rewrite of the Code in 2003.
3. Revise table title to better clarify that contents establish "Minimum" setbacks and separations, which also allows for the deletion of the redundant use of "Not Less Than".
4. Consolidate redundant standards repeated for each applicable zoning district and delete a related legend that was used inconsistently making the current table difficult to understand. This amendment looks to improve ease of use while allowing for the current three-page table to be reduced to one page.
5. Correct various typographical or clerical errors resulting from reformatting in 2003 as part of the Managed Growth Tier System (MGTS) Code Rewrite (Ord. 2003-067), including:
 - Residential districts were incorrectly included in table for Stealth, Camouflage and Monopole towers.
 - Several non-residential district columns were omitted in the table for Stealth, Camouflage and Monopole towers, including: Mixed Use Planned Development (MXPDP), Planned Industrial Park Development (PIPD), and Preservation/Conservation (PC) Zoning Districts.
 - Several monopole tower height categories were omitted, including: less than 60 feet, more than 100 feet and less or equal to 150 feet, and more than 250 feet.
6. Clarify that setbacks for Multiple Use Planned Developments (MUPD) includes Commercial Low (CL) and Institutional (INST) FLU designations for consistency with use approval tables.
7. Delete duplicated standard contained in footnotes "B" and "C" and renumber accordingly.
8. Delete reference to Industrial Future Land Use (FLU) designation from footnote #2 applicable to towers in MXPDP shown in the old table. MXPDP is not consistent with Industrial (IND) FLU designation.
9. Delete note #4 in existing table related to Industrial FLU designation as it does not relate to any reference in the table. The note reference does not have any link since Ordinance 1998-1.
10. Delete note "> More Than", "< Less than" and "NMT Not More Than" in the footnote of the table as they are revised to better explain the applicable setbacks and separation standards for each tower type.
11. Clarify that separation and setbacks applicable to Self Support towers, Guyed towers adjacent to Existing and Vacant Residential as well as Monopole towers, are the same as those contained in the Residential Zoning Districts Separation and Setback table.

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EXHIBIT H

COMMERCIAL COMMUNICATION TOWER
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

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**Table 4.C.3.1 – Distance for Towers Located in Non-Residential Districts
Separation and Setback**

TOWER TYPE		AGR	AR/ RR	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Stealth Towers	residential existing (3)	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL	150% but NLT 100% from PL
	residential vacant	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	non- residential Public ROW	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater
Camou- flage Towers	residential existing (3)	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL
	residential vacant	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	non- residential Public ROW	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater	20% of tower height or district setbacks which- ever is greater

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**Table 4.C.3.1 – Distance for Towers Located in Non-Residential Districts
Separation and Setback – Continued**

Tower Type	AGR	AR/ RR	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Monopole Towers ≥ 60' and < 100'	residential	B	B	B	B	B	B	B	B	B	B
	non- residential	A	A	A	A	A	A	A	A	A	A
Monopole Towers > 150' and ≤ 200'	residential	B	B	B	B	B	B	B	B	B	B
	non- residential	A	A	A	A	A	A	A	A	A	A
Monopole Towers > 200' and ≤ 250'	residential	B	B	B	B	B	B	B	B	B	B
	non- residential	A	A	A	A	A	A	A	A	A	A

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EXHIBIT H

COMMERCIAL COMMUNICATION TOWER
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1

**Table 4.C.3.1 - Distance for Towers Located in Non-Residential Districts
Separation and Setback - Continued**

TOWER TYPE		AP	CN	CLO	CC	CHO	CG	CRE	IL	IG	PO	MUPD	MXPD	PIPD	PC
Self-Support Towers ≤ 60'	<i>residential</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 60' and ≤ 100'	<i>residential</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 100' and ≤ 150'	<i>residential</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 150' and ≤ 200'	<i>residential</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 200' and ≤ 250'	<i>residential</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 250'	<i>residential</i>	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D

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EXHIBIT H

COMMERCIAL COMMUNICATION TOWER
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1

**Table 4.C.3.1 - Distance for Towers Located in Non-Residential Districts
Separation and Setback - Continued**

TOWER TYPE		AP	CN	CLO	CC	CHO	CG	CRE	IL	IG	PO	MUPD	MXPD	PIPD	PC
Guyed Towers ≤ 60'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers >60' and ≤ 100'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 100' and ≤ 150'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 150' and ≤ 200'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 200' and ≤ 250'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 250'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
FDOT	residential	F	F	F	F	F	F	F	F	F	F	F	F	F	F
	non-residential	G	G	G	G	G	G	G	G	G	G	G	G	G	G
FPL	residential	F	F	F	F	F	F	F	F	F	F	F	F	F	F
	non-residential	H	H	H	H	H	H	H	H	H	H	H	H	H	H

Notes:
A = Greater of district setback or 20% of tower height [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to Monopole Tower adjacent to non-residential]
B = See Table 4.C.2.C for required separations and setback distances for Towers located in adjacent to residential districts
C = See Table 4.C.2.C for required separations and setback distances for Towers located in adjacent to residential districts
D = Lesser of 100% of tower height or minimum district setback substantiated by breakpoint calculations [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to Guyed Towers and Self Support Towers adjacent to non-residential]
F = Minimum of 150 feet from abutting residential property line [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to FDOT and FPL adjacent to residential]
G = Minimum of 75 feet from abutting non-residential property line [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to FDOT adjacent to non-residential]
H = Minimum of 100 feet from any non-residential property line [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to FPL adjacent to non-residential]
(1) = MUPD: Limited to Commercial High (CH) and Industrial (IND) FLU Categories [Partially relocated to consolidated Separation and Setbacks for Towers Located in Non-Residential Zoning Districts table, footnote #3 applicable to MUPD]
(2) = MXPD: Limited to Commercial High (CH) and Industrial (IND) FLU Categories [Partially relocated to consolidated Separation and Setbacks for Towers Located in Non-Residential Zoning Districts table, footnote #4 applicable to MXPD]
(3) = Percent measured as a separation between tower and adjacent residential structures [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to "Residential Existing" in all tower types]
(4) = Limited to Industrial (IND) FLU Designation
% = Separation or setback as a percentage of tower height [Relocated to consolidated Separation and Setbacks for Towers Located in Non-Residential Zoning Districts table footnote]
< = Less than
> = More than
> = More than
NMT = Not more than

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EXHIBIT H

COMMERCIAL COMMUNICATION TOWER
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1

Table 4.C.3.1 – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts

TOWER TYPE	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD (3)	MXPD (4)	PIPD	LCC
Stealth Towers	Residential Existing (1)	150% <u>separation and 100% setback from Property Line</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Stealth Towers adjacent to Residential Existing]																		
	Residential Vacant (2)	100% <u>setback from Property Line</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Stealth Towers adjacent to Residential Vacant]																		
	Non-Residential and Public ROW	20% <u>or district setbacks whichever is greater</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Stealth Towers adjacent to Non-Residential]																		
Camouflage Towers	Residential Existing (1)	150% <u>separation and 100% setback from Property Line</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Camouflage Towers adjacent to Residential Existing]																		
	Residential Vacant (2)	100% <u>from setback Property Line</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Camouflage Towers adjacent to Residential Vacant]																		
	Non-Residential and Public ROW	20% <u>or district setbacks whichever is greater</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Camouflage Towers adjacent to Non-Residential Public ROW]																		
Monopole Towers	Residential Existing (1)	600% <u>separation and 150% setback from Property Line</u>																		
	Residential Vacant (2)	150% <u>setback from Property Line</u>																		
	Non-Residential	20% <u>or district setbacks whichever is greater</u>																		
Self Support Towers	Residential Existing (1)	600% <u>separation and 150% setback from Property Line</u>																		
	Residential Vacant (2)	150% <u>setback from Property Line</u>																		
	Non-Residential	Lesser of 100% of tower height or district setback substantiated by breakpoint calculations [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (D)]																		
Guyed Towers	Residential Existing (1)	Lesser of 600% or 1,500' <u>separation and 150% setback from Property Line</u>																		
	Residential Vacant (2)	150% <u>setback from Property Line</u>																		
	Non-Residential	Lesser of 100% of tower height or district setback substantiated by breakpoint calculations [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (D)]																		
FDOT	Residential	150' <u>setback from abutting residential property line</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (F)]																		
	Non-residential	75' <u>setback from abutting non-residential property line</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (G)]																		
FPL	Residential	150' <u>setback from abutting residential property line</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (F)]																		
	Non-residential	100' <u>setback from abutting residential property line</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (H)]																		
Notes:																				
(1) <u>Percentage</u> measured as a separation between tower and adjacent residential structures [Relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (3)]																				
(2) <u>Measured from property line of tower location.</u>																				
(3) <u>Limited to Commercial High (CH), Commercial Low (CL), Institutional (INST) and Industrial (IND) FLU Designations</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (1)]																				
(4) <u>Limited to Commercial High (CH) Designation</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (2)]																				
% <u>Separation or setback as a percentage of tower height</u> [Relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (%)]																				

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EXHIBIT I

FENCES, WALLS AND HEDGES
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

1
2 Part 1. ULDC Art. 2.D.3.C.1, Residential Lots of Three Units or Less [Related to Type IB
3 Administrative Variances] (page 43 of 87), is hereby amended as follows:
4

Reason for amendments: [Zoning]
1. Allowance for Type IB Variance from "Fences, Walls and Hedges" would include maximum fence or wall height, but not hedge height, which is located in Art. 7.D.3.B, Hedges [Related to Art. 7, Landscaping].

5 CHAPTER D ADMINISTRATIVE PROCESS

6 Section 3 Type IA and Type IB Administrative Variances

7 C. Type IB Administrative Variances

8 A pre-application meeting with staff shall be required prior to application submittal. Variance
9 requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type IB
10 variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-
11 003]

12 1. Residential Lots of Three Units or Less

13 A variance may be requested for the following: [Ord. 2006-036] [Ord. 2008-003]

14 a. Reductions or increases of Property Development Regulations greater than five percent
15 of the minimum or maximum requirement. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-
16 003]

17 b. Relief from Article 5.B.1.A, Accessory Uses and Structures as follows: General; Fences,
18 Walls and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks;
19 Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen
20 Enclosures; and Permanent Generators. [Ord. 2008-003] [Ord. 2013-001]

21 c. Relief from Art. 7.D.3.B.1, Residential Hedge Height.

22 d. Relief from Excavation Standards (Art. 4.D.5.B, Type 1A Excavation, and Article 4.D.5.C,
23 Type I B Excavation). [Ord. 2008-003]

24
25
26 Part 2. ULDC Art. 5.B.1.A.2, Fences, Walls and Hedges (pages 11 - 16 of 100), is hereby
27 amended as follows:
28

Reason for amendments: [Zoning]
1. Correct reference to standard used to measure fence or wall height.
2. Delete redundant hedge height requirements. These standards are located under Art. 7.D.3.B, Hedges which establishes standards for both residential and PDD/Non-residential projects.
3. Recognize different standards applicable to measurement within landscape buffer easements, which typically include berms, as well as Art. 7, Landscaping, standard for measuring differences between properties with different grades.

29 CHAPTER B ACCESSORY AND TEMPORARY USES

30 Section 1 Supplementary Regulations

31 A. Accessory Uses and Structures

32 2. Fences and, Walls ~~and Hedges~~

33 a. Height Measurement

34 The height ~~of a fence or wall~~ shall be measured adjacent to either side of the fence or
35 wall, unless stated otherwise below: and the following in accordance with Article 7.F,
36 PERIMETER BUFFER LANDSCAPE REQUIREMENTS. Hedges may be planted and
37 maintained along or adjacent to a lot line to a height not exceeding eight feet in the
38 required side (to the required front setback) and rear yards and not exceeding a height of
39 four feet in the required front yards. The height shall be measured adjacent to the hedge
40 from the lowest grade on either side of the hedge.

41 1) Located within a Perimeter Buffer

42 a) Located on Berm

43 Height shall be measured from the elevation of the berm where the fence or wall
44 is constructed, unless in conflict with standards for Grade Change below.

45 b) Grade Change

46 Height shall be measured in accordance with Art. 7.D.14, Height Measurement -
47 Grade Change.
48
49

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EXHIBIT I

FENCES, WALLS AND HEDGES
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

Reason for amendments: [Zoning]

- 4. Consolidate standards applicable to height, attachments (primarily height), and exceptions, to improve ease of use.
- 5. Recognize need to clarify maximum height within landscape buffer, which is referenced in text of Residential and Non-residential Districts below.

b. Height and Related Standards

1) Residential Districts

The maximum height for a fence or wall on or adjacent to a residential lot line or in a landscape buffer shall be as follows: [Relocated from Art. 5.B.1.A.2.e, Residential Districts, below.]

a) Within required front setback: [Relocated from Art. 5.B.1.A.2.e.1), Residential Districts, below.]

(1) four feet, or [Ord. 2005-041] [Relocated from Art. 5.B.1.A.2.e.1).a), Residential Districts, below.]

(2) six feet for property owned by PBC for preservation or conservation purposes. [Ord. 2005-041] [Relocated from Art. 5.B.1.A.2.e.1).b), Residential Districts, below.]

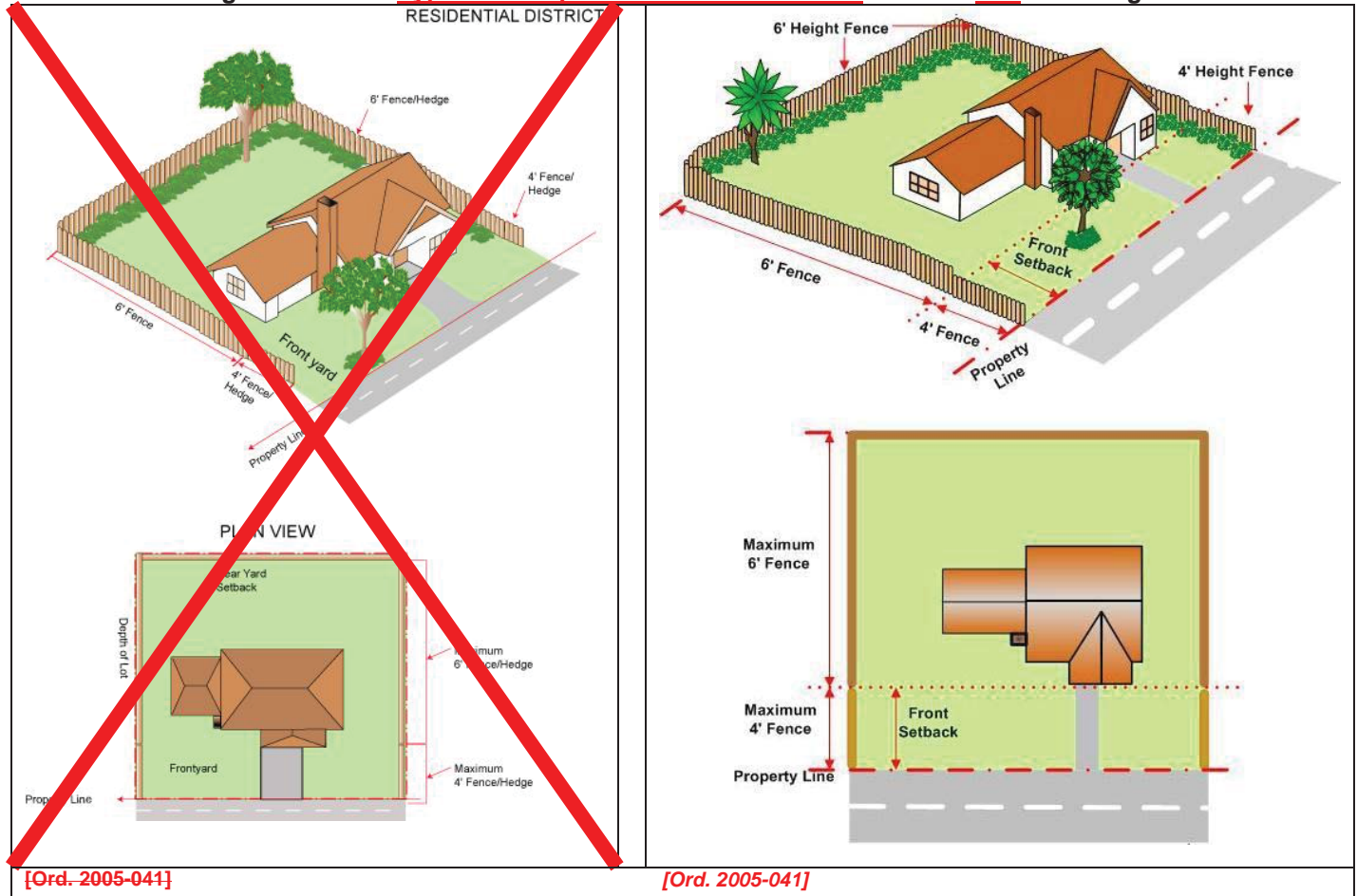
b) Within required side, side street, and rear setback: six feet. [Relocated from Art. 5.B.1.A.2.e.2), Residential Districts, below.]

c) Within a landscape buffer: six feet.

Reason for amendments: [Zoning]

- 6. Update Figure 5.B.1.A title to reflect that this is a typical example for residential purposes.
- 7. Delete figure and replace with new figure which deletes incorrect reference to "front yard", as the code provisions states setbacks not yard, and hedges which is illustrated in 7.D.3.B, Residential Hedge Height. Note that yard is defined as the area in-between the property line and the principal structure, which is often larger than the minimum required setback.

Figure 5.B.1.A – Typical Example of Residential District Fence & Wall Height



[Ord. 2005-041]

[Ord. 2005-041]

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EXHIBIT I

FENCES, WALLS AND HEDGES
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

2) **Nonresidential Districts**

The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows: [Relocated from Art. 5.B.1.A.2.f, Nonresidential Districts, below.]

- a) Within the required front setback: six feet. [Relocated from Art. 5.B.1.A.2.f.1), Nonresidential Districts, below.]
- b) Within the required side, side street, and rear setback: eight feet. [Relocated from Art. 5.B.1.A.2.f.2), Nonresidential Districts, below.]
- c) Within a landscape buffer: eight feet.

Reason for amendments: [Zoning]

8. Clarify that standards for wall or fence attachments applies to within all setbacks or a perimeter buffer, and that minimum spacing between attachments is measured on center.

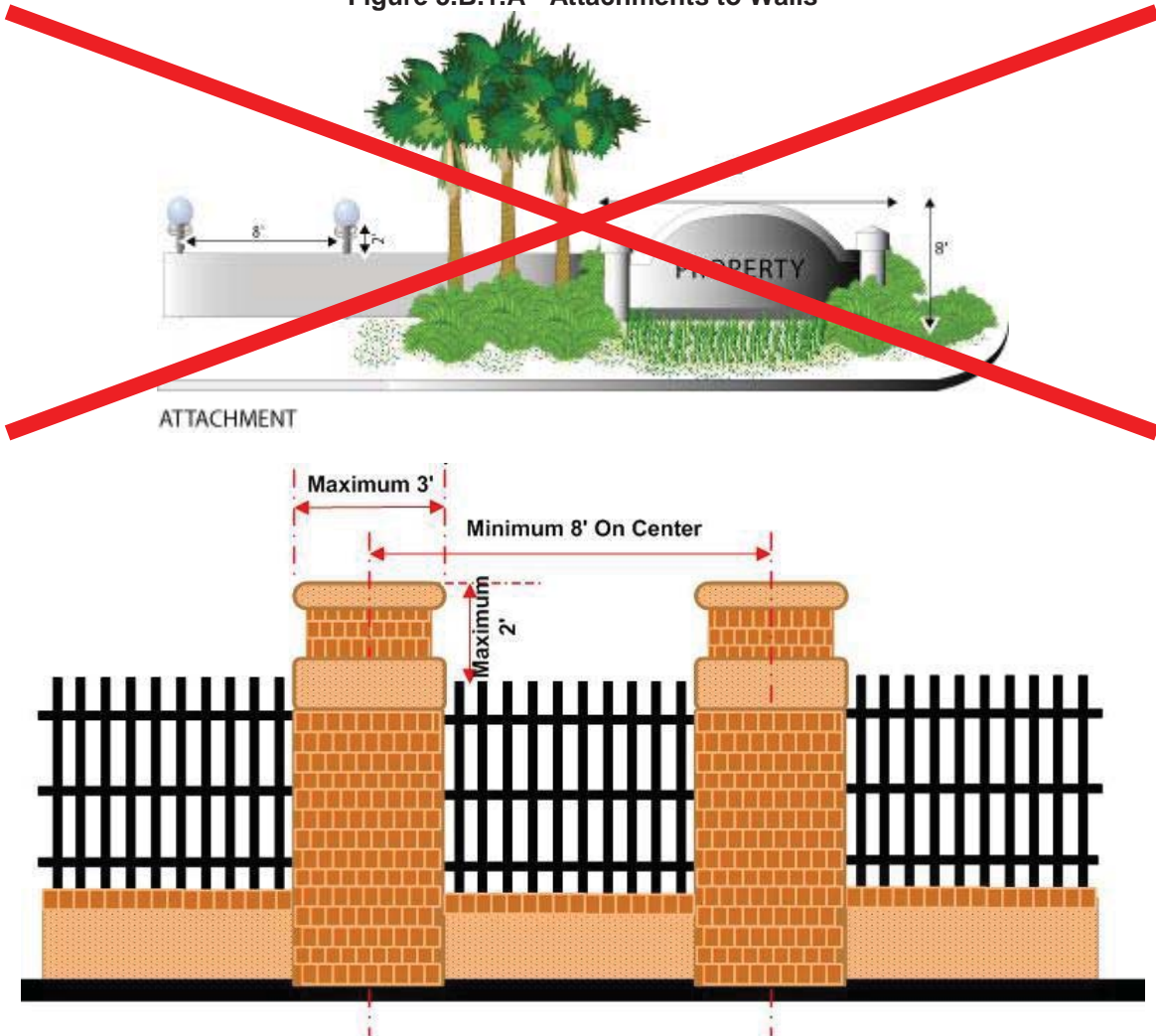
3) **Attachments**

Gates, gateposts, decorative features, and lights attached to a fence or wall in a setback or perimeter buffer shall not exceed three feet in any horizontal distance or two feet in height above the fence or wall. Decorative features and lights shall be spaced a minimum of eight feet apart, measured on center. [Relocated from Art. 5.B.1.A.2.g, Attachments, below.]

Reason for amendments: [Zoning]

- 9. Correct figure to reflect height of attachments.
- 10. Delete figure and replace with new figure, which deletes entrance wall sign, which is addressed in Art. and Figure 8.G.2.C – Entrance Signs, and corrects illustration of how height of attachment is measured.

Figure 5.B.1.A - Attachments to Walls



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EXHIBIT I

FENCES, WALLS AND HEDGES
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

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4) General Exceptions

- a) *Fences and walls up to eight feet in height shall be permitted within a street buffer adjacent to a golf course. [Relocated from Art. 5.B.1.A.2.h.1), Exceptions, below]*
- b) *Fences around tennis courts may exceed six feet in height, subject to the setback requirements in Table 5.B.1.A, Tennis Court Setbacks. [Relocated from Art. 5.B.1.A.2.h.2), Exceptions, below]*
- c) *The ZC and BCC may require increased heights ensure adequate screening and buffering between incompatible uses. [Relocated from Art. 5.B.1.A.2.h.3), Exceptions, below]*
- d) *DRO may approve increased fence heights and modify allowable locations for fences with and without barbed wire for minor utilities, water and wastewater treatment plants. [Ord. 2007-013] [Relocated from Art. 5.B.1.A.2.h.4), Exceptions, below]*

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EXHIBIT I

FENCES, WALLS AND HEDGES
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

Reason for amendments: [Zoning]

11. Recognize need to allow minor increases in fence or wall height for single family dwelling units as a result of grade changes. Note that Art. 18, Flood Damage Prevention, which is under the purview of the Building Official acting as the Flood Damage Prevention Administrator, establishes standards to address where fill and/or related retaining walls may not be permitted due to historical drainage patterns or adverse impacts to adjacent properties.

5) Residential District Grade Changes

The height of a fence or wall located within the front, side or rear setback of a lot supporting a single family dwelling unit, may be increased when located adjacent to a lot having a different grade, in accordance with the following:

a) Grade Measurement

The difference in grade shall be determined by measuring the elevation where the fence or wall is constructed and the elevation of the abutting lot at the property line.

b) Maximum Height Increase

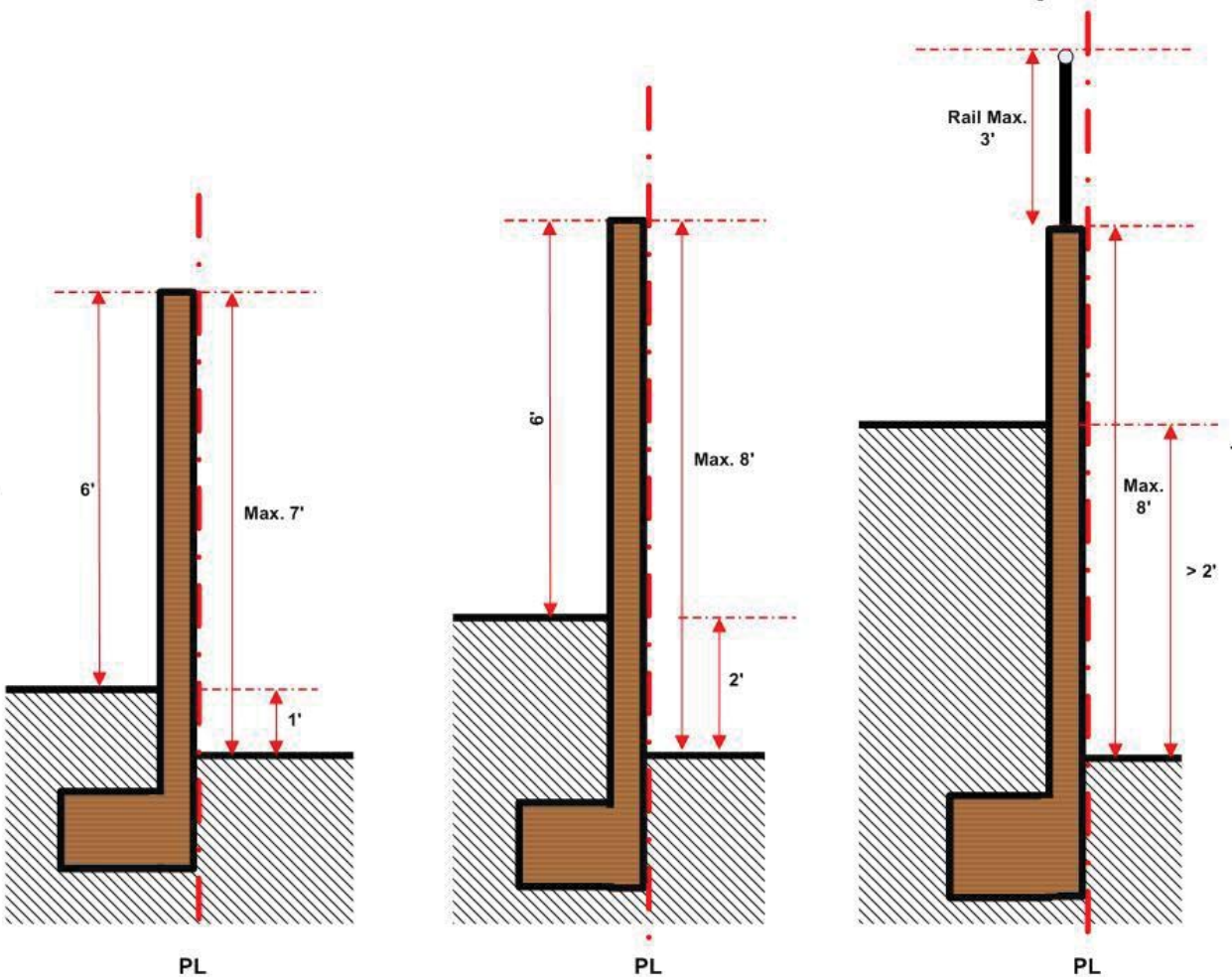
The height of the fence or wall may be increased by the difference in grade up to a maximum of two feet, whichever is less, as follows:

(1) Within the required front setback: Up to a maximum of six feet.

(2) Within a side or rear setback: Up to a maximum of eight feet.

(3) A guard railing not to exceed three feet in height may be permitted where the grade difference is greater than two feet, provided the mass of the railing does not exceed the mass necessary to meet the opening limitations and strength requirements of the Florida Building Code, Residential.

Figure 5.B.1.A – Residential District Grade Changes
Examples of Wall in the Side or Rear Setbacks



Typical Example of 1' Grade Difference

Typical Example of 2' Grade Difference

Typical Example of Grade Difference Greater than 2'

Notes:

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EXHIBIT I

FENCES, WALLS AND HEDGES
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

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cb. Walls - Appearance

The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance.

d. Sight Distance

Walls and fences shall comply with Article 11.E.9.E, Minimum Safe Sight Distance and Corner Clips at Intersection.

Reason for amendments: [Zoning]
12. Relocate provisions for Dangerous Materials to the end of Art. 5.B.1.A.2, Fences, Walls and Hedges to improve ease of use.

ee. Dangerous Materials

....

e. Residential Districts

~~The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:~~

1) ~~Within required front setback:~~

a) ~~four feet, or [Ord. 2005-041]~~

b) ~~six feet for property owned by PBC for preservation or conservation purposes. [Ord. 2005-041]~~

2) ~~Within required side, side street, and rear setback: six feet.~~ [Relocated above to new Art. 5.B.1.A.2.b, Height and Related Standards]

f. Nonresidential Districts

~~The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:~~

1) ~~Within the required front setback: six feet.~~

2) ~~Within the required side, side street, and rear setback: eight feet.~~ [Relocated above to new Art. 5.B.1.A.2.b, Height and Related Standards]

g. Attachments

~~Gates, gatoposts, decorative features, and lights attached to a fence or wall in the front setback shall not exceed three feet in any horizontal distance or two feet in height above the fence or wall. Decorative features and lights shall be spaced a minimum of eight feet apart.~~ [Relocated above to new Art. 5.B.1.A.2.b, Height and Related Standards]

h. Exceptions

1) ~~Fences and walls up to eight feet in height shall be permitted within a street buffer adjacent to a golf course.~~

2) ~~Fences around tennis courts may exceed six feet in height, subject to the setback requirements in Table 5.B.1.A, Tennis Court Setbacks.~~

3) ~~The ZC and BCC may require increased heights in order to ensure adequate screening and buffering between incompatible uses.~~

4) ~~DRO may approve increased fence heights and modify allowable locations for fences with and without barbed wire for minor utilities, water and wastewater treatment plants. [Ord. 2007-013]~~ [Relocated above to new Art. 5.B.1.A.2.b, Height and Related Standards]

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EXHIBIT I

FENCES, WALLS AND HEDGES
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

Part 3. ULDC Art. 7.D.3.B, Hedges (pages 19 - 20 of 50), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Update reference to revised Art. 7.D.4, Height Measurement – Grade Changes, as shown in Part 4 of this Exhibit.

CHAPTER D GENERAL STANDARDS

Section 3 Shrubs and Hedges

B. Hedges

1. Residential Hedge Height

Hedges may be planted and maintained along or adjacent to a residential lot line, as follows: [Ord. 2005 – 002] [Ord. 2014-025]

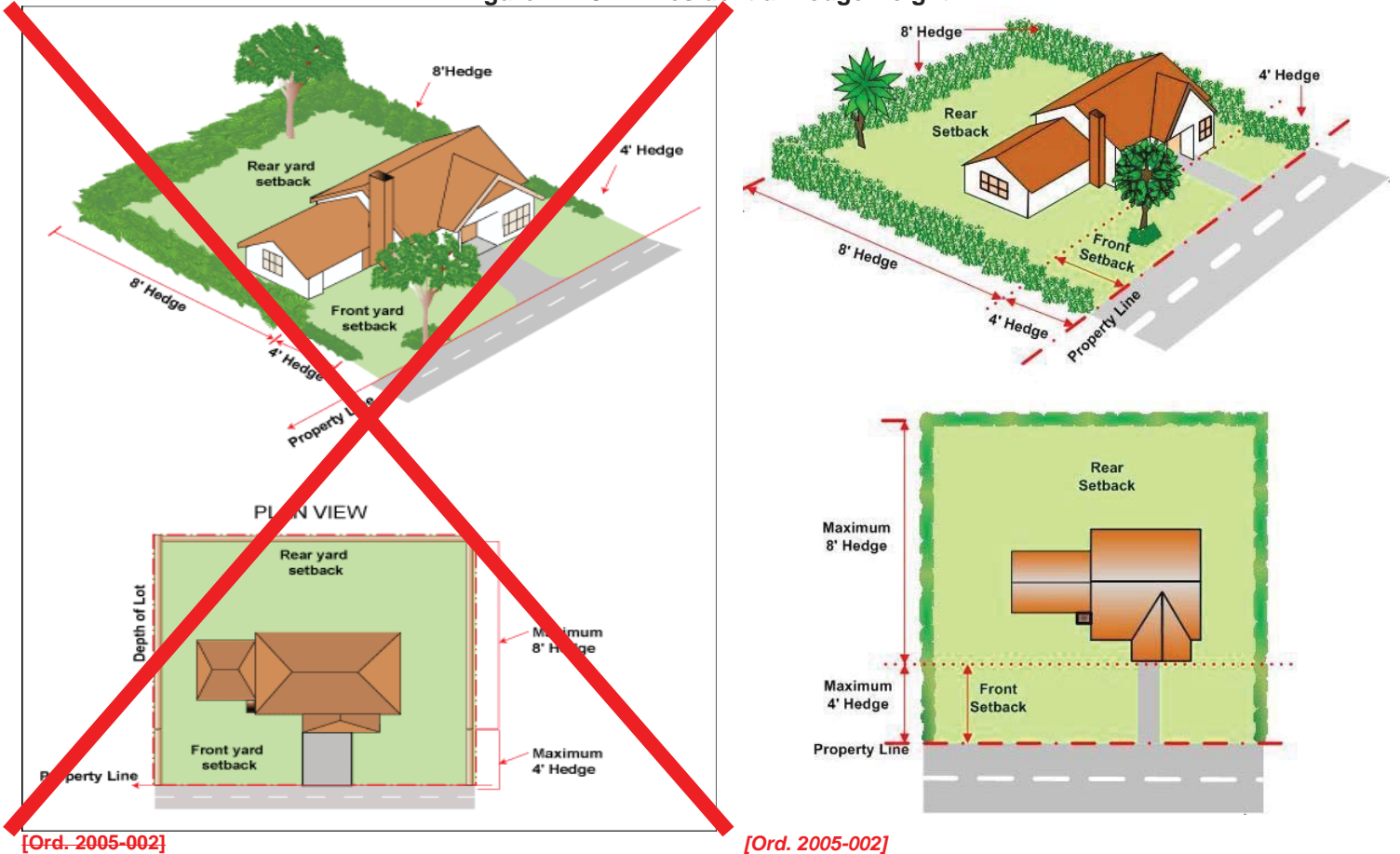
- a. Hedges shall not exceed four feet in height when located within the required front setback. [Ord. 2005 – 002] [Ord. 2014-025]
- b. Hedges shall not exceed eight feet in height when located on or adjacent to the side, side street, or rear property lines. [Ord. 2005 – 002] [Ord. 2014-025]
- c. The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge. [Ord. 2005 – 002]

2. PDD and Non-residential Perimeter Buffer Hedge Height

- a. Hedges shall not exceed 12 feet in height. [Ord. 2005 – 002] [Ord. 2014-025]
- b. The hedge height in a landscape barrier shall be measured in accordance with Art. 7.D.14, Height Measurement - Grade Changes. [Ord. 2005 – 002]

Reason for amendments: [Zoning]
2. Relocate Figure 7.D.3.B, Residential Hedge Height to immediately below items B.1 and B.2 to improve ease of use. Illustration still applies to Art. 7.D.3.B.3, Shrubs, but is predominantly used for the above requirements.
3. Delete existing Figure and replace with new figure that deletes reference to “yard.”

Figure 7.D.3.B - Residential Hedge Height



[Ord. 2005-002]

[Ord. 2005-002]

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EXHIBIT I

FENCES, WALLS AND HEDGES
SUMMARY OF AMENDMENTS
(Updated 11/05/14)

Reason for amendments: [Zoning]

4. While this standard is currently located under Art. 5.B.1.A.2, Fences, Walls and Hedges, it only applies to "fences and walls." Hedges are also subject to these limitations in order to ensure traffic and pedestrian safety at intersections. Also, aforementioned section is being amended to remove redundant and confusing references to hedges (which are not an accessory structure or use).

3. Sight Distance

Hedges shall comply with Article 11.E.9.E, Minimum Safe Sight Distance and Corner Clips at Intersection.

43. Shrubs

....

Part 4. ULDC Art. 7.D.14, Grade Changes (pages 27 - 28 of 50), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Provisions are applicable to fences and walls, as well as hedges.

CHAPTER D GENERAL STANDARDS

Section 14 **Height Measurement - Grade Changes**

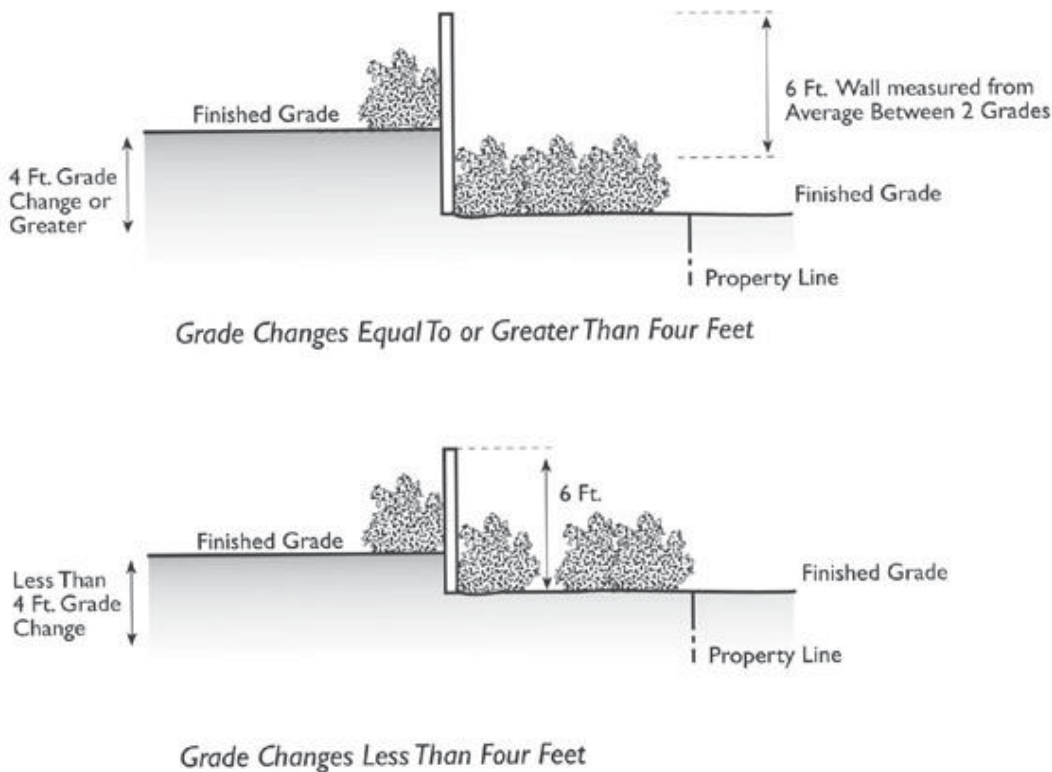
A. Grade Changes Equal to or Greater than Four Feet

When a landscape barrier separates sites with a finished grade elevation difference of four feet or greater, the height shall be measured from the average finished grade of the two sites.

B. Grade Changes Less than Four Feet

When a landscape barrier separates sites with a finished grade elevation difference of less than four feet, the height shall be measured ~~adjacent to the hedge~~ from the lowest grade ~~adjacent to~~ ~~on~~ either side of the ~~fence, wall or~~ hedge. [Ord. 2005 - 002]

Figure 7.D.14.B - Buffers with Grade Changes



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EXHIBIT J

MECHANICAL EQUIPMENT SCREENING EXEMPTIONS
SUMMARY OF AMENDMENTS
(Updated 10/30/2014)

1
2 Part 1. ULDC Art. 5.B.1.A.19.a.2), Screening Requirements (pages 30 – 32 of 100), is hereby
3 amended as follows:
4

Reason for amendments: [Zoning] Address unintended financial challenges for owners and condominium associations with older multi-family residential buildings, resulting from changes to Florida Building Code requirements for elevated mechanical equipment, and ULDC requirements for mechanical equipment screening.

5 CHAPTER B ACCESSORY AND TEMPORARY USES

6 Section 1 Supplementary Regulations

7 A. Accessory Uses and Structures

8 19. Mechanical Equipment

9 a. Applicability

10 2) Screening Requirements

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

16 b) Type I Waiver - Roof Mounted Mechanical Equipment

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

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

21 (b) for any industrial use with industrial FLU designation if adjacent to a
22 parcel with an industrial use and industrial FLU designation; [Ord. 2011-
23 016]

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

29 (2) Subject to approval of a Type I Waiver, the screening may not be required for
30 any industrial use with industrial FLU designation if the equipment cannot be
31 viewed from adjacent ~~R-O-W~~ R.O.W. In addition to the standards applicable
32 to Type I Waiver, a line of sight drawing may be required by the DRO to
33 ensure compliance with screening of equipment. [Ord. 2011-016] [Ord.
34 2012-027]

35 c) Screening Exemption

36 (1) Solar Energy Systems are exempted from the screening requirements. [Ord.
37 2014-001]

38 (2) Replacement of roof mounted mechanical equipment located on a multi-
39 family condominium may be exempt from new screening requirements,
40 subject to the following:

41 (a) Shall not be relocated closer to the edge of a roof, with exception to the
42 minimum necessary to accommodate current technology requiring larger
43 equipment, such as a heat pump or high efficiency air compressor; and,

44 (b) Increase in height shall only be permitted to accommodate elevated
45 stands required to comply with the Building Code or upon demonstration
46 that replacement equipment is larger due to current technology.

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