

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
NOVEMBER 18, 2015 MEETING**

AMENDMENTS TO THE AGENDA
(Updated 11/18/15)

#1	Exhibit D, Agricultural Excavation and Type II Excavation Approval Process, Part 7, Page 19 of 75, Line 29
Reason for Amendment: Correct reference to article to be amended.	

Part 7. ~~Art. 4.D.5.D, Type II Excavation Table 4.D.5.D.5 Use Approval and Procedures [Related to Type II Excavation]~~ (pages

#2	Exhibit G, Height Measurement for Fences, Walls and Hedges, Part 2, Page 25 of 75, Lines 10 and 18
Reason for Amendment:	
1. Incomplete Reason(s) for Amendment.	
2. Two existing words were inadvertently shown as being added, and minor grammatical correction.	

Reason for amendments: [Zoning] Update provisions for	
1. Update generic standard for measurement for consistency with similar wording used for hedge measurement in Art. 7, to recognize minute differences in height between grades (other than those where berms or retaining walls are used).	
2. Clarify that there are different provisions for Grade Changes, for Residential lots versus Perimeter Buffers.	
3. Correct glitch from prior amendment which inadvertently allowed for us of eight foot fence or walls in the front setback for non-residential uses when located in a perimeter buffer.	

The height shall be measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall, unless stated otherwise below: **[Ord. 2015-006]**

#3	Exhibit G, Height Measurement for Fences, Walls and Hedges, Part 9, Page 31 of 75, Line 19
Reason for Amendment: Original Reason for Amendment missing.	

Reason for amendments: [Zoning]	
1. Establish new Art. 7.F.10, Perimeter Buffers with Grade Changes, which clarifies scenario's where increased height may be permitted when a landscape barrier is used in conjunction with a retaining wall in a perimeter buffer. Existing provisions (see Part 5 above) have resulted in confusion in how required Incompatibility Buffer landscape barriers are measured, and in some instances, conflict with natural setback resulting from maximum 3:1 slope when berms are used in a landscaper barrier, as well as standards for how berm height is measured.	

#4	Exhibit I, Part 2, Page 42 of 75, Lines 2, and 18-20
Reason for Amendment:	
1. Article reference missing.	
2. The amendment to the Comprehensive Plan was revised following the July 30 th BCC Transmittal Hearing, to clarify the intent of the text, which is to make Agricultural Production completely consistent with the existing future land uses, other than Conservation.	

Part 2. ULDC Art. 3.C.1, General (page

~~b. Agricultural Uses in Glades Tier with an Inconsistent FLU Designation
In order to protect the ability for agricultural operations to continue, within the Glades Tier the AP Zoning district is consistent with all FLU designations, excluding conservation.~~

b. Agricultural Production Zoning Consistency
Within the Glades Tier, the Agricultural Production Zoning district is consistent with all FLU designations, excluding conservation.

#5	Exhibit H, Alternative Landscape Plan/General Landscaping, Pages 34 – 39 of 75, is hereby deleted in entirety. [Subsequent Exhibits to be renumbered accordingly.]
Reason for Amendment: Item to be postponed to Amendment Round 2016-01, or other, to allow for further revisions and additional Landscape Subcommittee feedback.	

Notes:
Double underlined indicates new text or previously stricken text to remain.
~~Double Stricken~~ indicates text to be ~~deleted~~.
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.



November 12, 2015

**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

Shelley Vana, Mayor
Mary Lou Berger, Vice Mayor

Hal R. Valeche
Paulette Burdick
Steven L. Abrams
Melissa McKinlay
Priscilla A. Taylor

County Administrator

Verdenia C. Baker

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

RE: November 18, 2015 LDRAB/LDRC Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in
preparing for the LDRAB/LDRC hearing on Wednesday, November 18, 2015.

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

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

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: November 18, 2015 LDRAB/LDRC Agenda

- c: Verdenia C. Baker, County Administrator
- Rebecca D. Caldwell, Executive Director, PZB
- Lorenzo Aghemo, Planning Director
- Robert P. Banks, Chief Land Use County Attorney
- Leonard W. Berger, Chief Assistant County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Deputy Director, Zoning
- Monica Cantor, Senior Site Planner, Zoning

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PALM BEACH COUNTY

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

NOVEMBER 18, 2015

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Michael J. Peragine (District 1)

Barbara Katz (District 3)

James Knight (District 4)

Lori Vinikoor (District 5)

Stuart R. Fischer (District 6)

Henry D. Studstill, (District 7)

Daniel J. Walesky (Gold Coast Builders Assoc.)

Joni Brinkman (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering Society)

Jerome I. Baumoehl (American Institute of Architects)

Tommy B. Strowd (Environmental Organization)

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

Gary Rayman (Fl. Surveying and Mapping Society)

Vacant (Association Gen. Cont. of America)

James M. Brake (Member at Large/Alternate)

Leo Plevy (Member at Large/Alternate)

Board of County Commissioners

Shelley Vana, Mayor, District 3

Mary Lou Berger, Vice Mayor, District 5

Hal R. Valeche
Commissioner, District 1

Paulette Burdick
Commissioner, District 2

Steven L. Abrams,
Commissioner, District 4

Melissa McKinlay
Commissioner, District 6

Priscilla A. Taylor
Commissioner, District 7

Verdenia C. Baker
County Administrator



"An Equal Opportunity – Affirmative Action Employer"
2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



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

**WEDNESDAY, NOVEMBER 18, 2015 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of October 28, 2015 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B Art. 2.A.1.J, Notification
2. Exhibit C Art. 2.D.1.G, Modifications to Prior Development Orders
3. Exhibit D Agricultural and Type II Excavation Approval Process
4. Exhibit E Preservation of Trees
5. Exhibit F Art. 7.F.9, Incompatibility Buffers
6. Exhibit G Height Measurement for Fences, Walls and Hedges
7. Exhibit H Alternative Landscape Plan/General Landscaping

C. CONVENE AS LDRC

1. Proof of Publication
2. Consistency Determinations
 - a. See Exhibits listed above B.1 thru B.7
 - b. Previously presented at July 22, September 30, and October 28 LDRAB meetings:
 - 1) Exhibit I - Glades Region Amendments
 - 2) Exhibit J - Art. 2.A.1.J, Notification
 - 3) Exhibit K - Art. 8.H.2, Billboards
 - 4) Exhibit L - Northlake Boulevard Overlay Zone (NBOZ)

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. USE REGULATIONS PROJECT

1. Exhibit M - Public and Civic Uses

F. PUBLIC COMMENTS

G. STAFF COMMENTS

H. ADJOURN

EXHIBIT A

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

Minutes of October 28, 2015 Meeting

On Wednesday, October 28, 2015 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:15 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 10

Wesley Blackman (PBC Planning Congress)
David Carpenter, Vice Chair (District 2)
Barbara Katz (District 3)
Lori Vinikoor (District 5)
Stuart R. Fischer (District 6)
Joni Brinkman (League of Cities)
Jerome Baumoehl (AIA)
Tommy B. Strowd (Environmental Org.)
Frank Gulisano (PBC Board of Realtors)
Gary Rayman (Fl. Surveying & Mapping Soc.)

Vacancies: 1

(Assoc. General Contractors of America)

Members Absent: 7

Michael J. Peragine (District 1)
Jim Knight (District 4)
Henry Studstill (District 7)
Daniel Walesky (Gold Coast Build.)
Terrence Bailey (Florida Engineering Society)
James Brake (Member At Large, Alt.)
Leo Plevy (Member At Large, Alt.)

County Staff Present

Leonard Berger, Chief Assistant County Attorney
John Rupertus, Senior Planner, Planning
Maryann Kwok, Deputy Zoning Director
William Cross, Principal Site Planner, Zoning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted that there were no additions, substitutions or deletions.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (10 - 0).

4. Adoption of September 30, 2015 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (10 - 0).

B. ULDC AMENDMENTS

1. Exhibit B - Art 8.H.2, Billboards

Mr. Cross provided a brief background and history of the Settlement Agreement related to billboards which is currently the language in the ULDC. He continued by saying the Agreement has worked well and the basic tenets are being retained so there are only minor tweaks in the amendment. All references to the Settlement Agreement is being eliminated and it is due to expire on February 6, 2016.

Mr. Baumoehl asked to be recused from voting, citing a conflict, and provided a completed Form 8B.

Mr. Cross responded to Mr. Carpenter's question that there were no changes in the billboard spacing requirements.

Ms. Brinkman asked how the annexation of a billboard by another municipality is treated from the County's standpoint. Mr. Cross replied that it becomes the responsibility of that jurisdiction and is automatically deducted from the total number in the County. It cannot be relocated, and is no longer regulated by the ULDC.

Motion by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (9 - 0). Mr. Baumoehl abstained from voting.

2. Exhibit C – Northlake Boulevard Overlay Zone (NBOZ)

Ms. Brinkman asked to recuse herself from the vote citing a conflict and provided completed Form 8B.

For the benefit of those present with limited knowledge of the area, Mr. Cross showed a Power Point presentation of the Northlake Boulevard Overlay Zone (NBOZ) and said this would help to dispel confusion on how the regulations would apply.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of October 28, 2015 Meeting

Mr. Carpenter said that because he was personally involved in the original draft of the Design Guidelines and has worked on properties in that area, an historical overview would be helpful to members and he provided the following information:

- The properties were developed in the fifties and have existing pavement from one property line to the next, both side to side and front to back.
- The lots are one-third of an acre or smaller and in most cases the buildings are on the property line and every square inch is used.
- The municipalities are very accommodating to the existing buildings and minor modifications are made here and there to that end.
- None of the buildings meet parking requirements and there is little or no drainage.
- There is a 15 ft. utility easement along the back where nothing is allowed.

Mr. Carpenter further opined that the amendment seeks County standards which cannot possibly be met. He gave examples and said in his view the County is not tolerant of unmet requirements and in the past has not been very understanding. He recommended that the County be more accommodating to what is there. In his opinion the amendment has no touch with reality and is one of the most restrictive.

Mr. Cross also showed the NBOZ Design Guidelines developed by four municipalities that have properties fronting in that municipality and he outlined the boundaries. The Design Guidelines contain standards for uses, architectural guidelines, landscaping, signage and site design and a description of the parcels. There are only 17 parcels in that corridor which run from Alt A1A running west to Home Depot Plaza, east of I-95. He offered to circulate the Guidelines among members.

Mr. Cross added that provisions are being made that would allow application for waivers from the ULDC. The procedure is to apply to the local zoning body, and the more restrictive of the two sources of regulations would apply.

Mr. Cross went on to clarify the following points:

- The Design Guidelines recognize that a local jurisdiction can use its own ordinance and waiver processes. Under today's Code it is possible to get a variance from the Design Guidelines and also from the ULDC. If there were a sign height issue a variance from either is possible.
- The deadline is February 16, 2016, but the proposal is to delete that deadline.
- The changes on page 15, lines 30 to 36, propose (1) to do away with compliance deadline as in the ULDC, and (2) recognize that other jurisdictions have provisions for waivers. Waivers are only from the design guidelines, not granting permission to get waivers from the ULDC. It has to be demonstrated that the waiver is consistent with the Design Guidelines and with the particular department, e. g., landscaping.
- There will be more flexibility throughout the most restrictive standards for the 17 properties which will enable persons to apply for waivers.
- Rebecca Miller and Larry Smith who represent car dealerships have discussed their clients need for more flexibility and Zoning is more than willing to initiate this amendment to increase development there

Mr. Baumoehl questioned who monitors the Design Guidelines and Mr. Cross confirmed that each jurisdiction monitors and applies the guidelines to each development order that comes in. Staff consults both the ULDC and the Design Guidelines and determines which is more restrictive.

In response to Mr. Baumoehl's question Ms. Kwok stated that Zoning does not have a registered architect but has staff with architectural training and they are part of the review team.

Mr. Berger confirmed that deleting the deadline technically takes effect on the 17 parcels in the unincorporated areas but he did not believe that is being enforced in an orthodox way.

Mr. Cross responded to Ms. Brinkman's question confirming that if a property is not in compliance with signage requirements of the NBOZ but conforms to ULDC, they can request a waiver to keep their sign.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of October 28, 2015 Meeting

Ms. Rebecca Miller, representing the Napleton Group in Florida, stated that several projects with full intent to improve sites have encountered difficulties under the current long, expensive process. It has been challenging and the Group fully supports the Zoning staff measures to uncomplicate the process and create a level playing field. She stressed appreciation for Zoning staff's support of their interests and said with the improved process time sensitive issues could go away.

Mr. Larry Smith introduced himself as the Attorney for Napleton Group, and for limited purposes, Schumacher Automotive. He also expressed great appreciation for Zoning staff's initiative on the variance issue as there is a clear need for a smoother process. Other municipalities have waiver processes built into their Code.

Mr. Smith said he reviewed the Exhibit and noted in Table 3.N.8.E on page 16 specific sections were listed to which the waiver process would apply. He requested the Board to consider including in Article 5, Signage and Outdoor Displays, Section 5-4, Temporary Signs and most importantly Section 5-5, Accessory Signs. He added, Accessory Signs include directional signs which are important to get people around in the auto parcels. In this case the NBOZ is more restrictive than the County ULDC. Adding those into the Table will not be detrimental

Mr. Cross responded to Mr. Gulisano's question as to what is considered temporary signs by saying that they are only allowed by Special Permit for grand openings or special sales events. In the NBOZ Design Guidelines temporary signs have to be taken down within 48 hours after the event. The County does not specify a time frame but usually they are taken down after the event. On Accessory signs he commented that staff is looking at a 52 page document and may limit to be consistent with the design guidelines.

Motion by Mr. Gulisano to support the amendment, seconded by Mr. Carpenter, as amended. Motion passed (9 -0). Ms. Brinkman abstained from voting.

C. PUBLIC COMMENTS

There were no public comments.

D. STAFF COMMENTS

1. Public and Civic URP Subcommittee rescheduled to Nov. 9, 2015

Mr. Cross said that the Public and Civic URP Subcommittee Meeting was rescheduled to November 9. He is hoping for high attendance from members, a good meeting and good feedback, so that the LDRAB can be spared a full, lengthy review and discussion on the amendments. If attendance is poor the whole exhibit would be brought to LDRAB for a more in-depth review.

2. October 28, 2015 BCC Direction on PIA for Agricultural Recycling

Mr. Cross referred to the Privately Initiated Amendment (PIA) for waste recycling presented at the last LDRAB meeting and provided the following update.

- He stressed the fact that the PIA is requesting Agricultural Recycling be done in the AP (Agriculture Production) or AR (Agriculture Residential), not to be confused with the AGR (Agriculture Reserve).
- The BCC did not choose any of the options – either to initiate or not. The recommendation is to work with Commissioner McKinley's office which is currently coordinating meetings to develop long range solutions to the equestrian waste issue.
- Ms. Verdenia Baker, County Administrator, will determine the method updates will be made to the BCC, whether through a workshop, memo, or other.
- Ms. Rebecca Caldwell, Ms. Maryann Kwok and Mr. Cross attended a meeting in Wellington organized by the District 6 Commissioner. Mr. Cross reiterated Wellington's water quality issues related to equestrian waste. Wellington officials are looking to coordinate with the County, interested municipalities and other regulatory agencies, so that the matter can be addressed in an environmentally friendly way. There will be a follow-up meeting in February to look at enforcement and regulations and other ways to look at the issue. The Board will be updated.

EXHIBIT A

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

Minutes of October 28, 2015 Meeting

3. December 9, 2015 LDRAB Meeting

Mr. Cross stated that seldom is there a meeting in December, but there will be one on December 9, 2015 for a PIA from Florida Power and Light (FPL). The PIA is to amend cellular attached to existing structures, used in conjunction with an FPL transmission line located at a sub-station. It is a big topic and will be brought to the LDRAB to initiate or not to initiate an amendment.

Mr. Cross confirmed that there will be a meeting on November 18, and one on December 9, 2015.

E. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:03 p.m.

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

Minutes drafted by: _____
Zona Case, Zoning Technician Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME EDMOND JEROME IRA	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CDRAB
MAILING ADDRESS 201 WORTH AVENUE # 317	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY PALM BEACH, FLORIDA	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED OCTOBER 26, 2015 3:30PM	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JEROME BAUMGART, hereby disclose that on OCTOBER 26, 20 11.

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ULDC EXHIBIT @ ARTICLE 8.A.2 BILLBOARDS

* MY SON PRESENTLY IS EMPLOYED BY ~~OUTFRONT~~ OUTFRONT IN NEW YORK. I WOULD CONSIDER THIS A POTENTIAL CONFLICT OF INTEREST..

OCTOBER 28, 2011
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Brinkman Joni	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Land Use Development Regulation Advisory Board
MAILING ADDRESS 201 Rex Ct	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Palm Springs Palm Beach	NAME OF POLITICAL SUBDIVISION: Palm Beach County
DATE ON WHICH VOTE OCCURRED 5-27-15	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joni Brinkman, hereby disclose that on October 28, 20 15 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Urban Design Kilday Studios, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item B.2. - Exhibit B NBOZ

While our firm is not representing Schumaucher Group in this matter, they are our client and the County Attorney has advised for me to abstain from this vote.

10-28-15
~~May 27, 2015~~

Date Filed

Joni Brinkman
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

EXHIBIT B

ARTICLE 2.A.1.J – NOTIFICATION SUMMARY OF AMENDMENTS

(Updated 11/10/15)

1
2 Part 1. ULDC Table 2.A.1.J - Courtesy Notice Requirements (page 18 of 87), is hereby
3 amended as follows:
4

Reason for amendments: [Zoning] Clarify that identification of Homeowners Associations (HOA), Property Owners Associations (POA) and Condominium Associations within required notification boundaries are the responsibility of the applicant. The County will rely on the information provided by the applicant to ensure all applicable groups required by Art.2.A.1.J.3.a, Applicability and Mailing Boundary, are notified.

5

Table 2.A.1.J – Courtesy Notice Requirements

Process	Recipients and Boundaries		
	Certified Mail 0 to 300 feet (1)(5)	Regular Mail 301 to 500 feet (1)(5)	Regular Mail within One Mile (1)
Type 1B Variance	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	NA	Counties and Municipalities (4)
Type II Variance		NA	
Other Public Hearing (Rezoning, CA, CB, Requested Use, DOA, Unique Structure, Waiver)		All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	
[Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031]			
Notes:			
1. Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the 300 or 500 foot notification boundary shall be extended from these parcels. A larger notification boundary of 1,000 feet is required for properties located in the Exurban or Rural Tiers. [Ord. 2012-003] 2. Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser. 3. Includes condominium associations and all real property owners when real property consists of a condominium. 4. Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map. 5. <u>The applicant shall provide the list of all Condominium Associations, POAs, HOAs or equivalent within the boundaries.</u>			

U:\Zoning\CODEREV\2015\LDRAB\Meetings\11-18-15\4- Final Packet\Exh. Art. 2.A.1.J, Notification .docx

Notes:

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EXHIBIT C

ARTICLE 2.D.1.G, MODIFICATIONS TO PRIOR DEVELOPMENT ORDERS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

1
2 Part 1. ULDC Art. 2.D.1.G.1, Modifications to BCC/ZC Approvals [Related to Administrative
3 Process for Modifications to Prior Development Orders], (pages 39 of 87), is hereby
4 amended as follows:
5

Reason for amendments: [Zoning] This amendment is in response to feedback solicited from the Development Review Advisory Committee (DRAC) relating to a request to allow for increased flexibility for projects developed by single entities. The proposed amendment revises the existing Development Review Officer (DRO) authority to modify BCC or Zoning Commission (ZC) by changing the thresholds related to the maximum percentage a previously approved building footprint may be increased by relocation from other buildings, from 25 percent to 50 percent. This change is made to allow more flexibility to amend BCC or ZC approval through the DRO review for individual buildings.

6 CHAPTER D ADMINISTRATIVE PROCESS

7 Section 1 Development Review Officer (DRO)

8 G. Modifications to Prior Development Orders

9 1. Modifications to BCC~~or~~ ZC Approvals

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

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

19 1) No modification shall relocate square footage to a building that enlarges the footprint
20 more than ~~25~~ 50 percent of the building area indicated in the latest BCC~~or~~ ZC
21 approved plan; [Ord. 2015-006]

22 2) Relocated square footage shall not be used to create additional freestanding
23 buildings or structures. This shall not apply to accessory structures which are not
24 subject to Concurrency review in accordance with PPM-ZO-O-049, Permits Not
25 Subject to Concurrency Review; and, [Ord. 2009-040] [2015-006]

26

27 b. An increase in the square footage indicated on the most recently ZC or BCC approved
28 Plan(s) shall be subject to the following: [Ord. 2008-003] [Ord. 2009-040] [Ord. 2014-
29 025]

30 1) Maximum of five percent or 5,000 square feet of any building, structure or outdoor
31 area considered as square footage, whichever is less; [Ord. 2014-025] [Ord. 2015-
32 006]

33 2) Maximum 5,000 square feet of the total ZC or BCC approved square footage; and,
34 [Ord. 2014-025] [Ord. 2015-006]

35 3) The allowable five percent or 5,000 square feet shall not be used to create new
36 freestanding buildings or structures. This provision shall not apply to accessory
37 structures which are not subject to Concurrency review in accordance with PPM-ZO-
38 O-049. [Ord. 2015-006]

39 c. Additions to or relocations of buildings and structures shall not be constructed closer to
40 perimeter property lines than shown on the plan approved by the BCC or ZC, unless the
41 FLU designation, Zoning district, or existing use of the adjacent parcel is compatible;
42 [Ord. 2009-040] [Ord. 2011-001]

43

44 e. An overall increase of not more than ten percent of the height of any structure;

45

46 g. Relocation of open space or recreation areas, provided that the request does not result in
47 a substantial change in the amount, configuration, or character of open space or
48 recreation approved by the BCC or ZC; [Ord. 2008-003]

49

50 i. The applicant shall demonstrate compliance with Article 2.F, CONCURRENCY
51 (ADEQUATE PUBLIC FACILITIES) for any increase in density or intensity beyond the
52 original Development Order or addition or modification of phase lines; [Ord. 2008-003]
53 [Ord. 2009-040] [Ord. 2011-001]

54 j. The applicant shall demonstrate compliance with Article 12, TRAFFIC PERFORMANCE
55 STANDARDS, without additional conditions of approval to ensure compliance, as
56 determined by the County Engineer for any increase in traffic impact beyond what was

Notes:

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EXHIBIT C

ARTICLE 2.D.1.G, MODIFICATIONS TO PRIOR DEVELOPMENT ORDERS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

- 1 reviewed and approved in the original Development Order; [Ord. 2008-003] [Ord. 2009-040] [Ord. 2011-001]
- 2
- 3 k. Requested or Class A or B Conditional Uses shall remain in the location approved by the
- 4 BCC or ZC, unless a condition of approval allows relocation; or, [Ord. 2008-003] [Ord.
- 5 2010-005] [Ord. 2011-001] [Ord. 2012-027]
- 6
- 7
- 8

9 **Part 2. ULDC Art. 2.D.1.G.2, Agency Review [Related to Expedited Administrative**
 10 **Modifications to Prior Development Orders] (page 40 - 41 of 87), is hereby amended as**
 11 **follows:**
 12

Reason for amendments: [Zoning]
 1. Remove the term "expedited" from the Administrative Modification application title as it may create confusion in terms of timing between the processes involved in the application.

13 **CHAPTER D ADMINISTRATIVE PROCESS**

14 **Section 1 Development Review Officer (DRO)**

15 **G. Modifications to Prior Development Orders**

16 **2. Expedited Administrative Modifications**

17 **a. Purpose**

18 To establish procedures to allow for ~~expedited~~ approvals of specific minor corrections,
 19 additions and amendments to Final Plans approved by the BCC, ZC or DRO. [Ord.
 20 2007-001] [Ord. 2014-001] [Ord. 2015-006]
 21

Reason for amendments: [Zoning/Development Review Advisory Committee - DRAC]
 2. Expand standard related to the building square footage increase permitted under the DRO Agency Review process. The building square footage increase will be limited to the lesser area between the new threshold of five percent and the existing regulation of a maximum of 2,500 SF per building.
 3. This amendment clarifies thresholds between Agency Review and DRO processes to increase total square footage on the latest Development Orders approved by the BCC, ZC or DRO. It establishes the maximum increase of square footage to be 2,500 SF through Agency Review while DRO process allows a maximum increase of 5,000 SF.
 4. Clubhouse in a Recreation pod of a Planned Unit Development (PUD) and Planned Industrial Planned Development (PIPD) requires full DRO approval for the original site plan, however, subsequent increase or relocation of square footage can be accommodated through DRO Agency Review.

22 **b. Agency Review**

23 Agency Review is for applications that require amendment(s) to existing approved
 24 plan(s). This type of application requires review, comments, and conditions by a
 25 maximum of five DRO Agencies. The DRO shall determine which Agencies are required
 26 to review the amendment based upon the request and compliance with County
 27 Ordinances. The Zoning Director shall maintain PPM ZO-0-29, Administrative
 28 Modifications to Approved Site Plans, outlining a list of minor amendments and
 29 establishing items that are exempt from the ~~Expedited~~ Administrative Modifications
 30 process. Amendments include the following, provided Art. 2.D.1.G.1, Modifications to
 31 BCC/ZC Approvals, requirements are not exceeded: [Ord. 2008-003] [Ord. 2011-001]
 32 [Ord. 2014-001] [Ord. 2015-006]
 33

34 1) Increases in building square footage indicated on the latest BCC, ZC or DRO
 35 approved plan shall be limited to the following; [Ord. 2008-003] [Ord. 2014-001]
 36 [Ord. 2015-006]

37 a) ~~up to a maximum of five percent or 2,500 square feet of any building, structure~~
 38 ~~or outdoor area considered square footage, whichever is less;~~ [Ord. 2008-003]
 39 [Ord. 2014-001] [Ord. 2015-006]

40 b) Maximum 2,500 square feet of the total BCC, ZC or DRO approved square
 41 footage; and,

42 c) Increases in square footage shall not be used to create new freestanding
 43 buildings or structures. [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006]

44 d) ~~This Provisions a) to c). above,~~ shall not apply to accessory structures which are
 45 not subject to Concurrency review in accordance with PPM-ZO-O-049, or
 46 clubhouses located in the Recreation pod of a PDD. [Ord. 2008-003] [Ord. 2014-
 47 001] [Ord. 2015-006]

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EXHIBIT C

ARTICLE 2.D.1.G, MODIFICATIONS TO PRIOR DEVELOPMENT ORDERS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

1

<p>Reason for amendments: [Zoning/Development Review Advisory Committee - DRAC]</p> <p>5. Clarify maximum square footage to be relocated through the Agency Review process as the current standard is not specific. This amendment utilizes the maximum relocation of 25 percent of the site square footage as in Article 2.D.1.G.1, Modifications to BCC or ZC Approvals by the DRO. This is done to keep the same threshold between the Agency Review and DRO processes.</p> <p>6. Clarify the maximum relocation of square footage between buildings by limiting the increase of any building area to no more than 25 percent of the BCC, ZC or DRO building square footage shown on the latest site plan. The amendment establishes a threshold to differentiate between the Agency Review process and DRO process.</p> <p>7. Clubhouse related amendment - See reason #4, above.</p>
--

2
3

2) ~~The r~~Relocation of building square footage indicated on the latest BCC, ZC or DRO approved site plan shall be limited to the following;

4
5
6
7
8
9
10
11
12

- a) No more than 25 percent of the total site approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered.
- b) No modification shall relocate square footage to a building that enlarges the footprint more than 25 percent of the building area.
- c) Clubhouse located in the Recreation pod of a PDD shall be exempt from the relocation thresholds.

....

Notes:

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EXHIBIT D

AGRICULTURAL EXCAVATION AND TYPE II EXCAVATION APPROVAL PROCESS
SUMMARY OF AMENDMENTS
(Updated 10/16/15)

1

Reason for amendments: [Zoning]

Amend the Use Matrices in Articles 3 and 4 of the ULDC for Agricultural Excavation and Type 2 Excavation to indicate the most restrictive approval process in the zoning districts where the uses are allowed. The amendment will not change any of the current approval processes, but ensures the most restrictive approval process is listed in the Use Matrices.

Supplementary Use Standards in Article 4.D. for Agricultural Excavation and Type 2 Excavation uses include certain provisions that in some situations cause the uses to be subject to Class A Conditional Use or Requested Use approval, while the uses show a lower approval process in the Article 3 and 4 Use Matrices. Code users usually go to the Use Matrix first and may be misled if the supplemental standards are more restrictive.

The following are the Supplementary Use Standards in Art. 4.D.5.A.5, Use Approval and Procedures and Art. 4.D.5.D.5.c.1), Removal of Excess Fill, that indicate the approval process of the use to be reflected in the Use Matrices:

Agricultural Excavation:
“5. Use Approval and Procedures

b. Greater Than Two Acres
Agriculture excavation activity greater than two acres in surface area shall be subject to approval as a Class A Conditional use pursuant to Article 2.B, PUBLIC HEARING PROCEDURES, and this Section. The BCC may permit offsite removal and apply the appropriate compatibility standards of Article 4.D.5.E, Type III Excavations.”

Type 2 Excavation:
“c. Off-site Removal
A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions exist. If the applicant must remove more than ten percent of the fill from the site, then use approval shall be required as follows: [Ord. 2004-040]
1) Removal of Excess Fill
If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in Art. 4.D.5.D, Type II Excavation, then the applicant shall apply for a Class A Conditional Use or Requested use, pursuant to the standards of Art. 2.B.2, Conditional Uses, Requested Uses, Development Order Amendments, Unique Structures and Type II Waivers, and shall comply with the following standards:”

2
3
4
5
6

Part 1. Table 3.B.15.F - IRO Permitted Use Schedule (pages 78 of 234), is hereby amended as follows:

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

Use Type	Land Use				NOTE	Use Type	Land Use				NOTE
	C L	C H	C L O	C H O			C L	C H	C L O	C H O	
....						Utilities and Excavation					
....										
....						Excavation, Type II	D A	D A	D A	D A	49
....										

[Ord. 2010-005] [Ord. 2012-007] [Ord. 2013-001] [Ord. 2014-025]

Key:
P Permitted by right.
D Permitted subject to DRO approval.
L Permitted by right, subject to accessory use limitations.
S Permitted subject to Special Permit approval.
A Permitted subject to Board of County Commission Approval.

7
8

Notes:

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EXHIBIT D

AGRICULTURAL EXCAVATION AND TYPE II EXCAVATION APPROVAL PROCESS
SUMMARY OF AMENDMENTS
(Updated 10/16/15)

1
2 Part 2. Table 3.B.16.E - PRA Use Matrix (pages 93 of 234), is hereby amended as follows:
3

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

Use Type	Transect Sub-Zones					Note
	UC 1	UC 2	UC 3	UI 1	UI 2	
....						
Utilities and Excavation						
....						
<u>Excavation, Type II</u>	A	A	A	A	A	49
....						
[Ord. 2011-016] [Ord. 2013-001]						
Note:						
....						
Key:						
P Permitted by Right						
S Permitted subject to Special Permit approval.						
D Permitted subject to DRO approval.						
B Permitted subject to Zoning Commission Approval.						
A Permitted subject to Board of County Commission Approval.						

4
5 Part 3. Table 3.E.1.B - PDD Use Matrix, (pages 149 of 234), is hereby amended as follows:
6
7

Table 3.E.1.B - PDD Use Matrix

Use Type	PUD					MUPD					MXPD		PIPD			LCC		NOTE				
	Pods					FLU					FLU		Use Zone			FLU						
	R	C	R	C	A	C	C	C	C	C	I	E	I	C	C	I	C		C	M	R	C
	E	O	E	I	G	L	H	L	H	R	N	D	N	H	H	N	O	N	H	V	L	H
	S	M	C	V	R					O	O		D	C	S				D	P	P	
					/																	
					P																	
....					R																	
Excavation, Agricultural																						
....																						
Excavation, Type II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
....	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2013-001] [Ord. 2014-025]																						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																						

8
9

Notes:

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EXHIBIT D

AGRICULTURAL EXCAVATION AND TYPE II EXCAVATION APPROVAL PROCESS
SUMMARY OF AMENDMENTS
(Updated 10/16/15)

1
2 Part 4. Table 3.F.1.F - Traditional Development Permitted Use Schedule, (pages 199 of 234), is
3 hereby amended as follows:
4

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

District	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	N/C	Open Space/Rec			Dev	Preserve	
Utilities and Excavation											
....											
Type II Excavation	P R	R	R	P R	R	R	P R	P R	P R		49
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037][Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-001]											
Notes:											
P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit R Requested Use											

5
6 Part 5. Table 4.A.3.A - Use Matrix, (pages 17 of 171), is hereby amended as follows:
7

Table 4.A.3.A - Use Matrix

Use Type	Zoning District/Overlay																NOTE								
	Agriculture/Conservation			Residential					Commercial					Industry/Public											
	P	A	A	AR	R	R	R	R	C	C	C	C	C	C	I	I		P	I						
	C	G	P	R	U	S	S	A	R	E	T	S	M	N	L	C	H	G	R	L	G	O	P	F	
Utilities & Excavation																									
....																									
Excavation, Agriculture		D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	P A	D A	49	
....																									
Excavation, Type II		D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	49	
[Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2013-001]																									
Key:																									
P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit B Permitted in the district only if approved by the Zoning Commission (ZC) A Permitted in the district only if approved by the Board of County Commissioners (BCC)																									

8

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EXHIBIT D

AGRICULTURAL EXCAVATION AND TYPE II EXCAVATION APPROVAL PROCESS
SUMMARY OF AMENDMENTS
(Updated 10/16/15)

1
2 Part 6. Table 4.D.5.A.5, Use Approval and Procedures [Related to Agricultural Excavation]
3 (pages 146 - 147 of 171), is hereby amended as follows:
4

Reason for amendments: <u>Zoning</u>
1) Remove supplementary use standard language related to approval as the Use Matrix is amended to indicate the more restrictive approval process; and, 2) Update titles to clarify regulations that pertain to DRO or BCC approval.

5 CHAPTER D EXCAVATION

6 Section 5 Excavation Standards

7 A. Agricultural Excavations

8 5. Use Approval and Procedures

9 All applications for agricultural excavation shall include a detailed explanation of the proposed
10 bona fide agricultural use. This explanation shall demonstrate consistency with applicable
11 industry standards and satisfy the definition requirements of bona fide agriculture pursuant to
12 Article 1.1, Definitions and Acronyms. The excavation shall be the minimum necessary to
13 implement the proposed bona fide agricultural use. [Ord. 2008-037]

14 a. Two Acres or Less - DRO

15 ~~Unless exempt, DRO review and approval shall be required for AG Agricultural~~
16 ~~Eexcavation consisting of two acres or less in surface area, may be approved pursuant to~~
17 ~~Article 2.D.1, Development Review Officer. The DRO shall review for compliance with~~
18 ~~the standards of this Section and may approve the application with or without conditions.~~

19 b. Greater Than Two Acres - Conditional or Requested Use

20 ~~Agriculture excavation activity greater than two acres in surface area shall be subject to~~
21 ~~approval as a Class A Conditional use pursuant to Article 2.B, PUBLIC HEARING~~
22 ~~PROCEDURES, and this Section. The BCC may permit eOffsite removal and shall apply~~
23 ~~the appropriate compatibility standards of Article 4.D.5.E, Type III Excavations.~~

24 c. Additional Review

25 See Section 5.F.6 for Excavation Pre-application Checklist. [Ord. 2008-037]

26

27
28
29 Part 7. Table 4.D.5.D.5- Use Approval and Procedures [Related to Type II Excavation] (pages
30 149-150 of 171), is hereby amended as follows:
31

Reason for amendments: <u>Zoning</u>
1) Remove supplementary use standard language related to approval as the Use Matrix is amended to indicate the more restrictive approval process; 2) Update titles to clarify regulations that pertain to DRO or BCC approval; and, 3) Relocate and consolidate language related to removal of fill in excess of ten percent.

32 CHAPTER D EXCAVATION

33 Section 5 Excavation Standards

34 D. Type II Excavation

35

36 5. Use Approval and Procedures

37 ~~Prior to initiating excavation activity, approval shall be required in accordance with this~~
38 ~~Section. [Ord. 2008-037]~~

39 a. DRO Approval

40 ~~Prior to initiating Type II excavation activities, DRO review and approval shall be~~
41 ~~required. Application shall be made in accordance with Article 2.D, ADMINISTRATIVE~~
42 ~~PROCESS, and this Section. DRO shall review the final site development plan for~~
43 ~~compliance with the standards of this Section and may approve with or without~~
44 ~~conditions.~~

45 b. Off-site Removal of Excess Fill from the Site- DRO

46 DRO may approve removal of more than ten percent of the extracted material from the
47 site if:

- 48 1) The applicant demonstrates that the make up of the natural soil contains an
49 excessive amount of silt, rock, or muck and construction of required drainage
50 structures or construction of required structural foundations require removal of an
51 excessive amount of silt, rock or muck; or
- 52 2) The removal of the material is the minimum necessary to accommodate on-site
53 drainage requirements or structural fill requirements; and

Notes:

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EXHIBIT D

AGRICULTURAL EXCAVATION AND TYPE II EXCAVATION APPROVAL PROCESS
SUMMARY OF AMENDMENTS
(Updated 10/16/15)

- 1 3) The impact of hauling the excavated material ~~off-site~~ will not cause adverse affects to
2 ~~adjacent internal~~ property owners or internal streets.
- 3 **c. Off-site Removal of Excess Fill - Conditional or Requested Use**
- 4 A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions
5 exist. ~~If the applicant must remove more than ten percent of the fill from the site, then use~~
6 ~~approval shall be required as follows: an excess of ten percent of fill is proposed to be~~
7 ~~removed from a site and no unusual conditions exist justifying removal of more than ten~~
8 ~~percent of the excavated material, as specified in Art. 4.D.5.D.5.b, Off-site Removal of Fill~~
9 ~~- DRO, the applicant shall be subject to the following: [Ord. 2004-040] [Relocated from~~
10 ~~Removal of Excess Fill, below]~~
- 11 **1) Removal of Excess Fill Approval Process**
- 12 ~~If an excess of ten percent of fill is proposed to be removed from a site and no~~
13 ~~unusual conditions exist justifying removal of more than ten percent of the excavated~~
14 ~~material, as specified in Art. 4.D.5.D, Type II Excavation, then the applicant shall~~
15 ~~a~~Apply for a Class A Conditional Use or Requested use process, pursuant to the
16 standards of Art. 2.B.2, Conditional Uses, Requested Uses, Development Order
17 Amendments, Unique Structures and Type II Waivers, ~~and~~ **[Partially relocated to**
18 **Off-site Removal, above]**
- 19 **2) Requirements**
- 20 The applicant shall comply with the following standards:
- 21 1) Art. 4.D.8.A, Operational Standards and Requirements~~;~~
- 22 2) Littoral~~;~~
- 23 3) Upland Reclamation Standards in Art. 4.D.8.E, Maintenance and Monitoring~~;~~
- 24 4) Maintenance and Monitoring requirements for excavated areas, and littoral
25 plantings in Art. 4.D.8.E, Maintenance and Monitoring~~;~~
- 26 5) Buffer requirements in Article 4.D.5.E, Type III A Excavations~~;~~ ~~and~~
- 27 6) Setbacks shall be provided pursuant to Type II setback requirements in Article
28 4.D.5.D.3, Separations and Setbacks. **[Ord. 2004-040] [Ord. 2010-022]**
- 29 **a3) Frontage**
- 30 The development shall have direct frontage on and access to a collector or arterial
31 street depicted on the County's Thoroughfare Identification Map.
- 32 **b4) Location**
- 33 The following Type III A standards shall apply, unless waived by the BCC after a
34 finding of fact that waiver of these standards will not violate the compatibility
35 standards, pursuant to Art. 4.D.5.E.8, Compatibility Standards. **[Ord. 2004-040]**
- 36

Notes:

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EXHIBIT E

PRESERVATION OF TREES SUMMARY OF AMENDMENTS

(Updated 11/10/2015)

1 Part 1. ULDC Art. 2.G.4.N.2, Jurisdiction, Authority and Duties [Related to Zoning Director]
2 (page 87 of 87), is hereby amended as follows:
3

Reason for amendments: [Zoning] Provide the Zoning Director authority to ensure preservation of existing vegetation not covered under the provisions of Art. 14, Environmental Standards.

4 CHAPTER G DECISION MAKING BODIES

5 Section 4 STAFF OFFICIALS

6 N. Zoning Director

7 2. Jurisdiction, Authority and Duties

8 In addition to the jurisdiction, authority and duties which may be conferred upon the Zoning
9 Director by other provisions of PBC Code, the Zoning Director shall have the following
10 jurisdictions, authority and duties under this Code:

11

- 12 i. to review and approve or deny applications for Adequate Public Facilities (Concurrency);
13 ~~and~~
14 j. to revoke or suspend, if necessary, any development order or permit, including a special
15 permit, which was issued in violation of this Code; ~~and,~~
16 k. to oversee the preservation and maintenance of vegetation not covered under the
17 provisions of Art. 14, Environmental Standards, through design review, conditions of
18 approval and inspections.
19
20

21 Part 2. ULDC Art. 7.D.2, Trees (page 19 of 50), is hereby amended as follows:
22

Reason for amendments: [Zoning] Currently the ULDC only includes provisions to protect vegetation regulated by the Environmental Resources Management (ERM) contained in Art. 14, Environmental Standards. This amendment clarifies that the Zoning Director has the authority to request additional site information to ensure on site vegetation is preserve by including into the site design, or relocated on-site or off-site. In addition, this amendment clarifies that the Zoning Director will have the authority to include conditions of approval to guarantee the protection and preservation of the vegetation on-site.

24 CHAPTER D GENERAL STANDARDS

25 Section 2 Trees

26

27 E. Preservation of Trees

- 28 1. The Zoning Director shall have the authority to require the preservation of vegetation on-site
29 that is not covered under Article 14.C, Vegetation Protection, subject to the following
30 provisions:
31 a. Applications submitted for new or modified development proposals shall use the most
32 applicable plan to identify existing vegetation proposed to be:
33 1) Preserved and incorporated into the site design;
34 2) Relocated on-site; and,
35 3) Relocated off-site.
36 b. A Tree Survey may be required as part of the approval of the application for sites that
37 support significant vegetation, in order to ensure the final site design incorporates the
38 maximum number of trees.
39 2. The Zoning Director shall have the authority to condition the approval of the development
40 order to incorporate existing vegetation into the site design.

41 [ReNUMBER Accordingly.]
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EXHIBIT F

ART. 7.F.9, INCOMPATIBILITY BUFFERS SUMMARY OF AMENDMENTS

(Updated 11/10/15)

1
2 Part 1. ULDC Art. 7.F.9, Incompatibility Buffer (pages 39-40 of 50), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning] Update Incompatibility Buffer standards to address scrivener's errors, consistency with historical and current practices in determining buffer types.
1. Add comma to first statement to clarify that incompatibility buffers apply to all properties not just within a Planned Development, and delete reference to Table 7.F.9.A., which might suggest that other standards don't apply.
2. Consolidate language under Art. 7.F.9.A, Type, with existing Art. 7.F.9.B, Determination of Incompatibility Type, and re-order as the first item to establish logical process when applying Incompatibility Buffer standards.
3. Clarify applicability of incompatible buffers between uses as applying to both parcels, and acknowledge use of Future Land Use for determining incompatibility buffers in anticipation of future uses.
4. Delete requirement for Incompatibility Buffers where there are differences in building height. These provisions would be unnecessary for most compatible uses, mitigated by requirements for increased setbacks for structures greater than 35' in height, and provide little benefit as height would not be mitigated by the six foot visual screening required of for an Incompatibility Buffer.
5. Clarify that purpose of requiring a six foot landscape barrier (e.g. hedge, fence or wall) should be measured in such a way as to mitigate the incompatible use, to be further expanded in concurrent amendment related to how hedge, fence or walls are measured.
6. Delete requirement redundant to requirements in Art. 7.F.3.A, Location of Wall or Fence.
7. Expand upon recently added use of Type I Waiver process to allow for relief from required Incompatibility Buffers when multi-family units are designed to be integrated with recreation amenities, to include similar uses such as Congregate Living Facilities (CLFs).

5 CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

6 Section 9 Incompatibility Buffer

7 An incompatibility buffer shall be required between all incompatible use types located on adjacent
8 parcels, or incompatible pods in a Planned Development ~~in accordance with the requirements of Table~~
9 ~~7.F.9.A, Incompatibility Buffer Standards.~~ [Ord. 2009-040]

10 A. Type

11 ~~Incompatibility buffers shall be one of the types listed in, Table 7.F.9.B Required Incompatibility~~
12 ~~Buffer Types.~~ [Relocated below to existing "Determining Incompatibility Type".]

13 1. Landscape Requirements

14 ~~An Incompatibility buffer shall consist of a continuous, opaque landscape barrier. The~~
15 ~~landscape barrier shall either be a hedge, fence or a wall. Shrubs and trees shall be required~~
16 ~~in addition to the barrier pursuant to the Table below.~~ [Ord. 2009-040] [Relocated below to
17 new "B. Incompatibility Buffer Standards".]

18 2. Required Shrub Mix

19 a. ~~Groundcover is not allowed to substitute for shrubs.~~ [Ord. 2009-040] [Relocated below
20 to new "B. Incompatibility Buffer Standards".]

21 b. ~~Type 1 shall have a mix of small and medium shrubs to complete the required rows of~~
22 ~~shrubs.~~ [Ord. 2009-040] [Relocated below to new "B. Incompatibility Buffer
23 Standards".]

24 c. ~~Types 2 and 3 shall have a mix of small, medium and large shrubs to complete the~~
25 ~~required of shrubs.~~ [Ord. 2009-040] [Relocated below to new "B. Incompatibility
26 Buffer Standards".]

27 d. ~~Refer to Table 7.F.7.B, Shrub Planting Requirements.~~ [Ord. 2009-040] [Relocated
28 below to new "B. Incompatibility Buffer Standards".]

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EXHIBIT F

ART. 7.F.9, INCOMPATIBILITY BUFFERS SUMMARY OF AMENDMENTS

(Updated 11/10/15)

1

Table 7.F.9.A – Incompatibility Buffer Standards

Buffer Type	Width (in feet)	Minimum Landscape Barrier Height (in feet)	Walls Required	Minimum Row of Shrubs	Maximum Tree Spacing (in feet, on-center)
Type 1	40	6	No	2	20
Type 2	15	6	No	2	20
Type 3	20	6	Yes	3	20

~~[Ord. 2008-003] [Ord. 2009-040]~~

Note:

~~1. The wall requirement shall be waived where a Type 3 Incompatibility Buffer is required in an AGR PUD in accordance with Art. 3.E.2.F.4.d, Landscape Buffer. [Ord. 2008-003]~~

2

[Table relocated below.]

3

4

AB. Determining Incompatibility Buffer Type

5

Incompatibility buffers shall be one of the types listed in, Table 7.F.9.A, Required Incompatibility Buffer Types. The type of incompatibility buffer required shall be the most restrictive highest buffer type based on the height or use difference between adjacent uses, in accordance with Table 7.F.9.B, Required Incompatibility Buffer Types. In the case of a conflict, the most restrictive buffer type shall be required. Where required between pods in a PDD, only one Incompatibility Buffer shall be required.

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Table 7.F.9.AB - Required Incompatibility Buffer Types

Building Height Difference Between Adjacent Uses			Required Buffer Type
14 to 28 ft.			Type 1
28 to 35 ft.			Type 2
Greater than 35 ft.			Type 3
Difference Between Adjacent Uses (1)			
Existing Use Type Classification	Abutting	Proposed Use Type Classification	Required Buffer Type
Single-Family	↔	Multi-Family, Type II CLF	Type 1
Residential	↔	Commercial	Type 2
Residential	↔	Recreational	Type 2
Residential	↔	Civic	Type 2
Residential	↔	Agricultural	Type 3
Residential	↔	Industrial	Type 3
Residential	↔	Utility (2)	Type 3

~~[Ord. 2008-003]~~

Notes:

~~1. Determination of use classification shall be consistent with Art. 4, Use Regulations. Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation.~~

~~2. Buffer for minor utilities shall be determined by the DRO.~~

~~2. If the height and use differences in Table 7.F.7.B are not applicable, then a compatibility buffer shall be required (See Art. 7.F.8, Compatibility Buffer).~~

~~3. Determination of use types subject to Art. 4.A.3.A, Use Matrix. [Relocated above.]~~

12

13

B. Incompatibility Buffer Standards

14

1. Landscape Requirements

15

An Incompatibility buffer shall consist of a continuous opaque landscape barrier in accordance with Table 7.F.9.B, Incompatibility Buffer Standards. The landscape barrier shall either be a hedge, fence or a wall. Berms may be used in conjunction with fences, walls or hedges to meet total height requirements where permitted by Art. 7.B.9, Berms. [Ord. 2009-040]

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EXHIBIT F

ART. 7.F.9, INCOMPATIBILITY BUFFERS SUMMARY OF AMENDMENTS

(Updated 11/10/15)

1

Table 7.F.9.B - Incompatibility Buffer Standards

Buffer Type	Minimum Width (in feet)	Minimum Landscape Barrier Height (in feet) (1)	Walls Required	Minimum Row of Shrubs	Maximum Tree Spacing (in feet, on center)
Type 1	10	6	No	2	20
Type 2	15	6	No	2	20
Type 3	20	6	Yes (2)	3	20
[Ord. 2008-003] [Ord. 2009-040]					
Note:					
1. Minimum required landscape barrier height shall be measured on the subject site from the nearest adjacent top of curb (parking lot), nearest adjacent crown of road, or nearest adjacent finished floor elevation.					
2. The wall requirement does not apply where a Type 3 Incompatibility Buffer is required in an AGR PUD in accordance with Art. 3.E.2.F.4.d, Landscape Buffer. [Ord. 2008-003]					

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2. Required Shrub Mix

- a. Groundcover is not allowed to substitute for shrubs. [Ord. 2009-040]
- b. Type 1 shall have a mix of small and medium shrubs to complete the required rows of shrubs. [Ord. 2009-040]
- c. Types 2 and 3 shall have a mix of small, medium and large shrubs to complete the required minimum rows of shrubs. [Ord. 2009-040]
- d. Refer to Table 7.F.7.B, Shrub Planting Requirements. [Ord. 2009-040]

C. Walls and Fences

~~Walls used in Type 1 incompatibility buffers shall not be CBS type with a continuous footer unless a minimum of ten clear feet is provided for landscaping.~~

....

E. Type I Waiver

The applicant may apply for a Type I Waiver, pursuant to Article 2.D.6, to be relieved of the requirement to install the incompatibility buffer for pods, areas or tracts within a residential subdivision or PUD that meet one of the following: [Ord.2005-002] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031]

- 1. Adjacent to open space that is 100 feet or greater in width or greater, or [Ord. 2015-031]
- 2. Demonstration that the site layout will integrate recreational amenities with multi-family units, CLFs, or other similar uses. [Ord. 2015-031]

U:\Zoning\CODEREV\2015\LDRABMeetings\11-18-15\1- Prior Round Table\Exh. B - 10-20-15 2nd DRAFT Art. 7.F.9, Incompatibility Buffers.docx

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EXHIBIT G

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/12/15)

1
2 Part 1. ULDC Art. 5.B.1.A.2, Fences and Walls (pages 10 - 12 of 100), is hereby amended as
3 follows:
4

5 **Reason for amendments:** [Zoning] Update reference to BCC or ZC authority under Art. 7.F.3.E, Chain Link Fences, to modify prohibitions or requirements for chain link fences to the Type II Waiver process, to clarify application procedures for those seeking alternatives to said requirements.

6
7 **Table 2.B.2.G - Summary of Type II Waivers**

Type II Waiver Summary List
GAO Minimum Density Requirements
Urban Redevelopment Area
PDD Frontage
PDD Cul-de-sacs
AGR TMD Parking Structure
AGR TMD Block Structure
Communication Towers
Large Scale Commercial Development Location of Front Side and Rear Parking
<u>Art. 7.F.3.E, Chain Link Fences</u>
[Ord. 2012-027]

8 Part 2. ULDC Art. 5.B.1.A.2, Fences and Walls (pages 10 - 12 of 100), is hereby amended as
9 follows:
10

11 **Reason for amendments:** [Zoning] Update provisions for

ARTICLE 5, SUPPLEMENTARY STANDARDS

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

2. Fences and Walls

a. Height Measurement

The height shall be measured adjacent to fence or wall from the lowest grade on either side of the fence or wall, unless stated otherwise below: [Ord. 2015-006]

~~1)~~ Located within a Perimeter Buffer

~~1-a)~~ Located on Berm

Height shall be measured from the elevation of the berm where the fence or wall is constructed, unless in conflict with standards for Grade Change below. [Ord. 2015-006]

~~2-b)~~ Grade Change

a) Residential

Height may be increased when the fence or wall is located on a retaining wall, subject to the requirements of Art. 5.B.1.A.2.b.5), Residential District Grade Changes.

b) PDD or Non-residential Perimeter Buffers

Height may be increased when the fence or wall is located on a retaining wall, subject to the requirements of Art. 7.F.10, Perimeter Buffers with Grade Changes shall be measured in accordance with Art. 7.D.14, Height Measurement – Grade Change. [Ord. 2015-006]

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: [Ord. 2015-006]

a) Within required front setback:

(1) four feet, or [Ord. 2005-041] [Ord. 2015-006]

(2) six feet for property owned by PBC for preservation or conservation purposes. [Ord. 2005-041] [Ord. 2015-006]

b) Within required side, side street, and rear setback: six feet. [Ord. 2015-006]

c) Within a landscape buffer: six feet. [Ord. 2015-006]

....

2) Nonresidential Districts

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EXHIBIT G

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/12/15)

1 The maximum height for a fence or wall on or adjacent to a lot line or in a landscape
2 buffer shall be as follows: **[Ord. 2015-006]**

3 a) Within the required front setback: six feet. **[Ord. 2015-006]**

4 b) Within the required side, side street, and rear setback: eight feet. **[Ord. 2015-
5 006]**

6 ~~c) Within a landscape buffer: eight feet. **[Ord. 2015-006]**~~

7
8 **4) General Exceptions**

9 a) Fences and walls up to eight feet in height shall be permitted within a street
10 buffer adjacent to a golf course. **[Ord. 2015-006]**

11 b) Fences around tennis courts may exceed six feet in height, subject to the
12 setback requirements in Table 5.B.1.A, Tennis Court Setbacks. **[Ord. 2015-006]**

13 c) The ZC and BCC may require increased heights to ensure adequate screening
14 and buffering between incompatible uses. **[Ord. 2015-006]**

15 d) DRO may approve increased fence heights and modify allowable locations for
16 fences with and without barbed wire for minor utilities, water and wastewater
17 treatment plants. **[Ord. 2007-013] [Ord. 2015-006]**

18 **5) Residential District Grade Changes**

19 The height of a fence or wall located within the front, side or rear setback of a lot
20 supporting a single family dwelling unit, may be increased when located adjacent to a
21 lot having a different grade elevation where a retaining wall is installed along the
22 property line, in accordance with the following: **[Ord. 2015-006]**

23 **a) Grade Measurement**

24 The difference in grade shall be determined by measuring the elevation where
25 the fence or wall is constructed and the elevation of the abutting lot at the
26 property line. **[Ord. 2015-006]**

27 **b) Maximum Height Increase**

28 The height of the fence or wall may be increased by the difference in grade up to
29 a maximum of two feet, whichever is less, as follows: **[Ord. 2015-006]**

30 (1) Within the required front setback: Up to a maximum of six feet. **[Ord. 2015-
31 006]**

32 (2) Within a side or rear setback: Up to a maximum of eight feet. **[Ord. 2015-
33 006]**

34 (3) A guard railing not to exceed three feet in height may be permitted where the
35 grade difference is greater than two feet, provided the mass of the railing
36 does not exceed the mass necessary to meet the opening limitations and
37 strength requirements of the Florida Building Code, Residential. **[Ord. 2015-
38 006]**

39
40
41

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

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

1. Add allowances for minor increases in height for hedges in certain scenario's when used in conjunction with retaining walls located along the property line of parcels having differences in elevation. between parcels with different elevations where retaining walls are used along property lines for measurement when located on berms for consistency with similar provisions in Art. 5.B.1.A.2, Fences and Walls.

2. Consolidate standards for height measurement under new Heading for consistency with similar provisions in Art. 5.B.1.A.2, Fences and Walls.

ARTICLE 7, LANDSCAPING

CHAPTER D GENERAL STANDARDS

Section 3 Shrubs and Hedges

B. Hedges

1. Height Measurement

The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge, unless stated otherwise below. **[Relocated from Art. 7.D.3.B.1.c, below]**

a. Located on Berm

Height shall be measured from the elevation of the berm where the hedge is installed, unless in conflict with standards for Grade Change below.

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EXHIBIT G

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/12/15)

1 **b. Grade Change**

2 Height may be increased when the hedge abuts a retaining wall, subject to the following:

3 **1) Residential**

4 The height of the hedge located within the front, side or rear setback of a lot
5 supporting a single family dwelling unit, may be increased when located adjacent to a
6 lot having a different grade when a retaining wall is installed along the property line,
7 in accordance with the following:

8 **a) Grade Measurement**

9 The difference in grade shall be determined by measuring the elevation of the
10 retaining wall and the elevation of the abutting lot at the property line.

11 **b) Maximum Height Increase**

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

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

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

16 (3) A guardrail shall be installed on the retaining wall if required by Florida
17 Building Code, subject to the height limitations for fences and walls.

18 **2) PDD or Non-residential**

19 Height may be increased when the hedge abuts a retaining wall subject to the
20 requirements of Art. 7.F.10, Perimeter Buffers with Grade Changes.

21 **2-4. Residential Hedge Height**

22 Hedges may be planted and maintained along or adjacent to a residential lot line, as follows:
23 **[Ord. 2005 – 002] [Ord. 2014-025] [Ord. 2015-006]**

24 a. Hedges shall not exceed four feet in height when located within the required front
25 setback. **[Ord. 2005-002] [Ord. 2014-025]**

26 b. Hedges shall not exceed eight feet in height when located on or adjacent to the side, side
27 street, or rear property lines. **[Ord. 2005-002] [Ord. 2014-025]**

28 c. ~~The height shall be measured adjacent to the hedge from the lowest grade on either side~~
29 ~~of the hedge. **[Ord. 2005 – 002]**~~

30 **3-2. PDD and Non-residential Perimeter Buffer Hedge Height**

31 a. Hedges shall not exceed 12 feet in height. **[Ord. 2005-002] [Ord. 2014-025]**

32 b. ~~The hedge height in a landscape barrier shall be measured in accordance with Art.~~
33 ~~7.D.14, Height Measurement – Grade Changes. **[Ord. 2005-002] [Ord. 2015-006]**~~

34 **4-3. Sight Distance**

35

36 **5-4. Shrub**

37

40 Part 4. ULDC Art. 7.D.9, Berms (pages 22 – 23 of 50), is hereby amended as follows:

42 Reason for amendments: [Zoning] Delete reference to shrubs from references regarding use of fence,
43 wall or hedge to meet landscape barrier requirements for Incompatibility Buffers. While additional shrubs
44 may be included or required in Incompatibility Buffers, this would not be counted towards the visual
45 screening required through use of a fence, hedge or wall.

ARTICLE 7, LANDSCAPING

CHAPTER D GENERAL STANDARDS

Section 9 Berms

46 Berms may be used as non-living landscape barriers only when used in conjunction with plant materials
47 and where existing natural vegetation is not disturbed. Berms may be used in conjunction with fences,
48 walls, or hedges ~~and shrubs~~ to meet the total height requirements of incompatibility landscape buffers, as
49 illustrated in [Figure 7.D.9.C-4, Berm Elevation and Drainage Requirements](#), provided that hedges ~~and~~
50 ~~shrubs~~ are installed at the height necessary to provide the total six foot screen at the time of planting.
51 Berms may be installed in preservation areas only where they will not affect the viability of preserved
52 trees and vegetation. Runoff from berms shall be contained within the property, as illustrated in [Figure](#)
53 [7.D.9.C-4, Berm Elevation and Drainage Requirements](#), or in a manner approved by the County
54 Engineer.

A. Tier Restrictions

55 Landscape berms are not allowed within the Exurban, Rural, Agricultural Preserve, or Glades
56 Tiers, unless approved as part of an ALP or located along a Rural Parkway.

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EXHIBIT G

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/12/15)

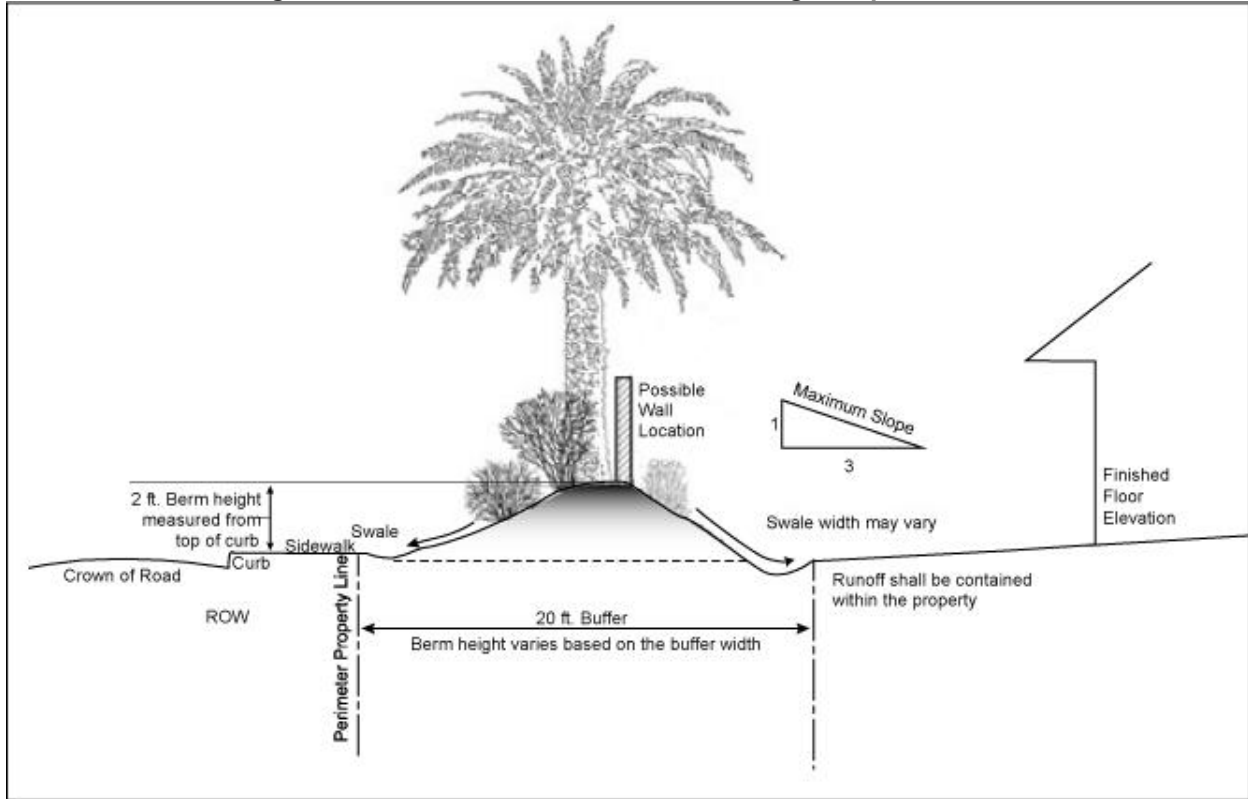
1 **B. Maximum Slope**

2 The slope of a berm shall not exceed three-to-one.

3 **C. Height Measurement**

4 Berm height shall be measured from the nearest adjacent top of the curb (parking lot) or the
5 nearest adjacent crown of the road or the nearest adjacent finished floor elevation, whichever is
6 higher. [Ord. 2005 – 002]

7 **Figure 7.D.9.C - Berm Elevation and Drainage Requirements**



[Ord. 2005-002]

8
9
10 **Part 5. ULDC Art. 7.D.14, Height Measurement – Grade Changes (pages 27 – 28 of 50), is**
11 **hereby deleted as follows:**
12

Reason for amendments: [Zoning]

1. Delete and replace with new Art. 7.F.10, Perimeter Buffers with Grade Changes, which clarifies scenario's where increased height may be permitted when a landscape barrier is used in conjunction with a retaining wall in a perimeter buffer. Existing provisions have resulted in confusion in how required Incompatibility Buffer landscape barriers are measured, and in some instances, conflict with natural setback resulting from maximum 3:1 slope when berms are used in a landscaper barrier, as well as standards for how berm height is measured.
2. Delete provisions related to height measurement of landscape barriers located in Perimeter Buffers with grade changes to new Art. 7.F.10, Height Requirements for Landscape Barriers with Grade Changes. Relocation and these standards will improve ease of use by collocating in Section where applicable, with updates as needed to reflect increasing use of fill, whether by preference or as may be required by Art. 18, Flood Damage Prevention, where retaining walls are used as an option to increased buffer widths necessary to accommodate 3:1 slope limitation.

13
14 **ARTICLE 7, LANDSCAPING**

15 **CHAPTER D GENERAL STANDARDS**

16 ~~**Section 14 — Height Measurement – Grade Changes**~~

17 ~~**A. — Grade Changes Equal to or Greater than Four Feet**~~

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

Notes:

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EXHIBIT G

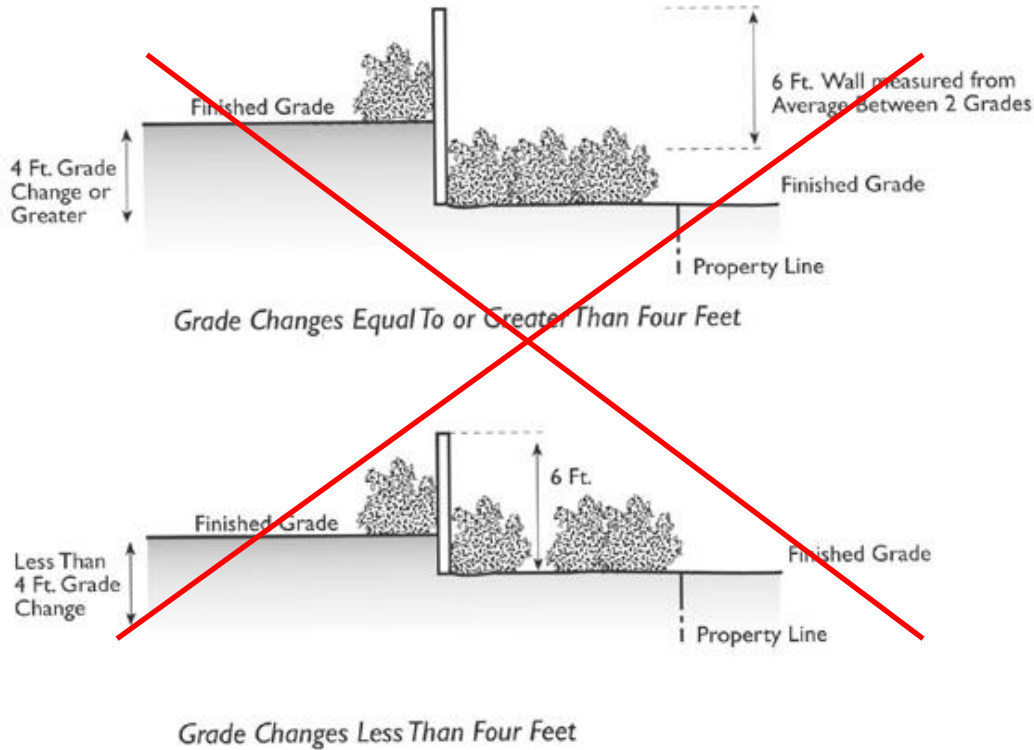
HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/12/15)

~~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 from the lowest grade adjacent to either side of the fence, wall or hedge. [Ord. 2005-002] [Ord. 2015-006]~~

~~Figure 7.D.14.B—Buffers with Grade Changes~~



Part 6. ULDC Art. 7.F.2.C, Hedges (page 36 of 50), is hereby amended as follows:

Reason for amendments: [Zoning] Clarify that hedges cannot be located along the property line in perimeter buffers to ensure maintenance can be accommodated onsite. Minimum setbacks are typically three feet, but are determined on a case by case basis depending on the type of buffer, additional plant material required, or where access from a R-O-W or other property may be accommodated otherwise.

ARTICLE 7, LANDSCAPING

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 2 Trees, Shrubs, and Hedges

C. Hedges

Hedges may be used in place of required shrubs in compatibility and incompatibility buffers. Hedges, in combination with a berm, shall be installed in a manner that provides the minimum height required for continuous solid opaque screen at time of planting. It is recommended that hedges collocated in a buffer with berm be located at the top of berm. Hedges shall be setback from the property line a sufficient distance to allow for maintenance, or additional landscape material if required.

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EXHIBIT G

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/12/15)

1
2 Part 7. ULDC Art. 7.F.3, Walls and Fences (page 36 of 50), is hereby amended as follows:
3

Reason for amendments: [Zoning]

1. Clarify existing practice of requiring landscape materials along the exterior side of a wall or fence when located in an Incompatibility or R-O-W Buffer. Increased setbacks may be required due to easement overlap, volume of trees or shrubs required, or other mitigating factors.
2. Clarify that chain link fences are prohibited in Incompatibility or R-O-W buffers unless vinyl coated and screened by a hedge.
3. Update reference to BCC or ZC authority to alter prohibitions or requirements for chain link fences to the Type II Waiver process, to clarify application procedures for those seeking alternatives to said requirements.

ARTICLE 7, LANDSCAPING

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 3 Walls and Fences

4
5
6 If a wall or fence is used, the following shall apply: [Ord. 2007-001] [Ord. 2007-013]

A. Location of Wall or Fence

7
8 It is recommended that walls and fences collocated in a buffer with a berm be located at the top
9 of berm. Walls and fences with a continuous footer shall be setback a minimum of ten feet from
10 the edge of the property line. Fences may be permitted adjacent to a property line only when
11 used in compatibility buffers. Fences or walls located in Incompatibility or R-O-W Buffers shall be
12 located a minimum of seven and one-half feet from the outside buffer edge, or the minimum
13 necessary to provide for required trees and shrubs. [Ord. 2007-001] [Ord. 2007-013]

B. Location of Planting

14
15 A minimum of 75 percent of required trees shall be located between the exterior of the wall or
16 fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility
17 buffer and located along the property line. Shrubs or hedges shall be installed on both sides of
18 the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a
19 compatibility buffer and located along the property line. [Ord. 2007-013]

1. Exception

20
21 Electrified fencing in accordance with [Art. 5.B.1.A.2.e.2\), Electrified Fence](#) – Exceptions and
22 Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified
23 fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is
24 adjacent to. [2013-018]

C. Conflict with Easements

25
26 If the placement of the wall or fence conflicts with an easement, the wall or fence shall not
27 encroach upon the easement unless consistent with [Article 3.D, PROPERTY DEVELOPMENT](#)
28 [REGULATIONS \(PDRs\)](#). [Ord. 2007-013]

D. Architectural Treatment

29
30 If a wall is used in a compatibility or incompatibility buffer, both sides of a wall shall be given a
31 finished architectural treatment that is compatible and harmonious with adjacent development.
32 [Ord. 2007-013]

E. Chain Link Fences

33
34 Chain link fence are prohibited in Incompatibility or R-O-W buffers unless vinyl coated. Vinyl
35 coated chain link fences are *only* permitted ~~only if used~~ in ~~the a~~ R-O-W ~~or Incompatibility buffer,~~
36 ~~when~~ installed behind an opaque six foot high hedge, ~~unless or~~ approved as a Type II Waiver by
37 ~~the BCC, or ZC.~~ [Ord. 2007-001] [Ord. 2007-013]

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EXHIBIT G

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/12/15)

1
2 Part 8. ULDC Art. 7.F.8, Compatibility Buffer (page 39 of 50), is hereby amended as follows:
3

Reason for amendments: [Zoning] Delete requirement redundant to requirements in Art. 7.F.3.A, Location of Wall or Fence.
--

ARTICLE 7, LANDSCAPING

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 8 Compatibility Buffer

8 The minimum width of a compatibility buffer is five feet. Compatibility buffers shall provide a continuous
9 solid opaque visual screen at least three feet in height composed of hedges or shrubs, either alone or in
10 combination with a wall, fence or berm. Hedges and shrubs shall reach the required height within two
11 years of installation.

~~A. Walls~~

~~Walls used in combination with hedges or shrubs shall not be CBS type with a continuous footer unless a minimum of ten clear feet is provided for landscaping.~~

16
17 Part 9. New ULDC Art. 7.F.10, Height Requirements for Landscape Buffers with Grade
18 Changes (page 41 of 50), is hereby amended as follows:
19

Reason for amendments: [Zoning]

ARTICLE 7, LANDSCAPING

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 10 Perimeter Buffers with Grade Changes

24 The height of a fence, wall or hedge may be increased when located in a perimeter buffer where a
25 retaining wall is used, subject to the following:

A. Grade Measurement

The difference in grade shall be determined by measuring the elevation of the retaining wall and the elevation of the abutting lot at the property line.

B. Compatibility Buffer – Maximum Height Increase

1. Fences

The height of a fence located on a retaining wall in a Compatibility Buffer may be increased by the difference in grade up to a maximum of four feet, whichever is less, as illustrated in Figure 7.F.10, Height Requirements for Compatibility Buffers with Grade Changes Using Retaining Walls. The fence shall be of the minimum height necessary to comply with Florida Building Code requirements for guardrails.

2. Hedges

Maximum permitted hedge height abutting a retaining wall may only be increased subject to the requirements of Art. 7.F.10.C, Incompatibility or R-O-W Buffer – Maximum Height. A guardrail shall be installed on the retaining wall if required by Florida Building Code, subject to the height limitations for fences and walls.

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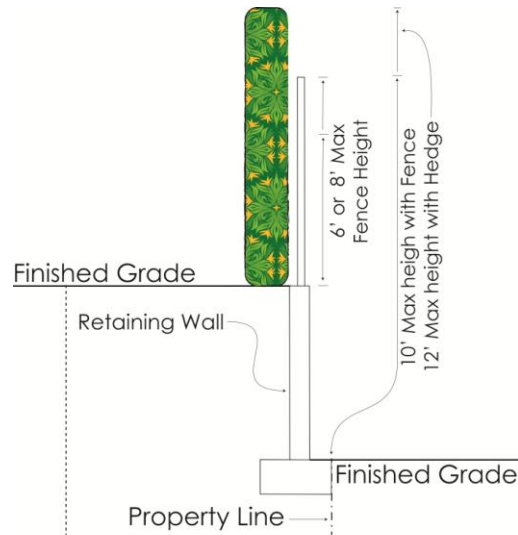
EXHIBIT G

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/12/15)

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**Figure 7.F.10 - Height Requirements for Compatibility Buffers
with Grade Changes Using Retaining Walls**



Ord. 2016-000

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C. Incompatibility or R-O-W Buffer – Maximum Height Increase

The height of a fence, wall or hedge located in an Incompatibility or R-O-W Buffer with a retaining wall may be increased by the difference in grade in accordance with Figure 7.F.10 Height Requirements for Incompatibility or R-O-W Buffers with Grade Changes Using Retaining Walls, and the following:

1. Fences and Walls

The height of a fence or wall located on a retaining wall setback a minimum of ten feet from the outer edge of the perimeter buffer may be increased by the difference in grade, up to a maximum overall height of 14 feet, whichever is less. The fence or wall shall be of the minimum height necessary to comply with Florida Building Code requirements for guardrails, or minimum required landscape barrier height.

2. Hedges

The height of a hedge abutting a retaining wall setback a minimum of ten feet from the outer edge of the perimeter buffer may be increased by the difference in grade, up to a maximum height of 16 feet, whichever is less. A guardrail shall be installed on the retaining wall if required by Florida Building Code, subject to the height limitations for fences and walls.

Notes:

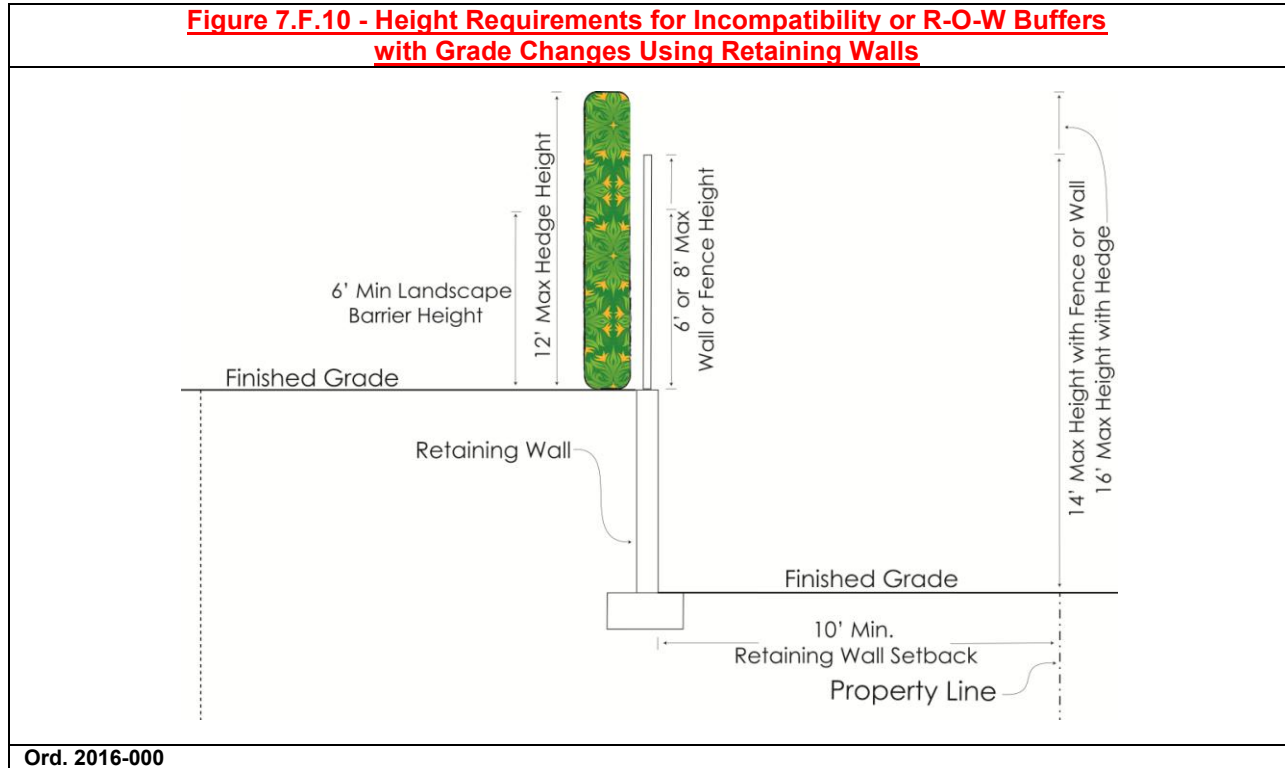
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EXHIBIT G

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

(Updated 11/12/15)

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2 [Renumber Accordingly.]

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EXHIBIT H

ALTERNATIVE LANDSCAPE PLAN – GENERAL LANDSCAPING SUMMARY OF AMENDMENTS

(Updated 11/12/15)

1
2 Part 1. ULDC Art. 2.D.3.D.2, Non-Residential Projects [Related to Type 1B Administrative
3 Variance (page 43 of 87), is hereby amended as follows:
4

Reason for amendments: [Zoning] change the process from a Type IB Administrative Variance to a Type I Waiver since the Waiver process is handled by the Development Review Officer, and could be reviewed with a concurrent application for a DRO, ZC or BCC approval, whereas a Type IB Administrative Variance is a separate process administered by a different Section of the Zoning Division.

5 CHAPTER D ADMINISTRATIVE PROCESS

6 Section 3 Type 1A and Type 1B Administrative Variances

7 D. Type 1B Administrative Variances

8 2. Non Residential Projects

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

- 10 a. Setback reduction greater than five percent but not exceeding 15 percent of the minimum
11 requirement, [Ord. 2008-003]
12 b. Reduction in the number of parking spaces not exceeding 15 percent of the minimum
13 requirement; [Ord. 2006-036] [Ord. 2008-003]
14 c. Relief from Article 5.B.1.A., Accessory Uses and Structures as follows: General; Fences,
15 Walls and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or
16 Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor
17 Recreation Amenities; Screen Enclosures; and Permanent Generators. [Ord. 2008-003]
18 [Ord. 2013-001]
19 ~~d. Easement encroachment into a required landscape that exceeds five feet. [Ord. 2008-~~
20 ~~003]~~
21
22

23 Part 2. ULDC Art. 7, Landscaping, is hereby amended as follows:
24

Reason for amendments: [Zoning] Traditionally, the ALP is a process that by current definition is primarily limited to the preservation of existing vegetation; and this process has not been frequently requested by the applicants. Staff is reviewing the opportunity to expand its application to more processes such Waiver or Variance approvals. These applications oftentimes, include a combination of requests such as preservation of existing native vegetation, elimination or reduction of buffer requirements due to physical site constraints, or to improve site design. Therefore, it is recommended by Staff that the ALP could be utilized as a process to support modifications of landscape requirements based on the above circumstances, or as a graphic document to identify and support the request.

25

26 CHAPTER B TYPES OF PLANS

27 A development that requires the review and approval of a building or paving permit may also be subject to
28 the Landscape Permit Review process~~require the review and approval of a Zoning Division Landscape~~
29 Permit. When landscape permit review and approval is required, the applicant shall submit the
30 appropriate application to the Zoning Division or include it with the Building Permit application. Plans and
31 applications shall be submitted pursuant to Article 2.A.1.G.3.h.1), Landscape Plans in a manner and form
32 established by the Zoning Division, and shall be reviewed for compliance with all applicable provisions of
33 this Code. ~~If approved, a Landscape Permit shall be issued.~~ [Ord. 2009-040]

34

35 Section 3 Alternative Landscape Plan (ALP)

36 A. Purpose and Intent

37 ~~An ALP is intended to promote the preservation and incorporation of existing native vegetation or~~
38 ~~specimen palms or trees, or for the innovative use of plant material and improved site design.~~
39 ~~[Ord. 2007-001]~~

40 An ALP may be used as a process by which to deviate from certain standards of this Section, or
41 as a substitute for the Landscape Plan for one or more of the following scenarios:

- 42 1. Landscape design for the site which preserves and incorporates existing native vegetation or
43 specimen palms or trees;
44 2. To demonstrate the Purpose and Intent of Article 7 can be more effectively met, in whole or in
45 part, through alternative design and placement of plant materials in order to address physical
46 constraints on the site or to improve the site design; or,

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EXHIBIT H

ALTERNATIVE LANDSCAPE PLAN – GENERAL LANDSCAPING SUMMARY OF AMENDMENTS

(Updated 11/12/15)

- 1 3. An ALP may be used as a graphic document to demonstrate the alternative design to justify
2 requesting of a Waiver or a Variance approval.
3

Reason for amendments: [ZONING] Reorganize heading and contents of Code to clarify Approval and Submittal Requirements. Clarify that an ALP can be utilized as a process or a plan submitted concurrent with a companion DO application. The ALP can be used by an applicant to graphically demonstrate that the proposed design layout with its modifications of Code requirements could still meet the Purpose and Intent of Art.7.

4
5 **B. Applicability Approval Process**

6 ~~Any application for a Development Order may be eligible to apply for an ALP. An applicant may~~
7 ~~seek for approval of an ALP in conjunction with any Development Order requests, as follows:~~

8 **[Ord. 2007-001]**

9 **1. Building Permit**

10 ~~An application for an ALP for projects only requiring building permits shall be submitted~~
11 ~~concurrently at time of building permit application. The Zoning Division must approve the~~
12 ~~ALP prior to issuance of a building permit. **[Ord. 2007-001]** **[Partially relocated from Art.**~~
13 ~~**7.B.3.D.3, Approval Process.]**~~

14 **2. DRO Approval**

15 ~~An application for an ALP for projects requiring DRO approval shall be submitted concurrently~~
16 ~~at time of application for DRO approval. **[Ord. 2007-001]** **[Partially relocated from Art.**~~
17 ~~**7.B.3.D.3, Approval Process.]**~~

18 **3. ZC or BCC Approval**

19 ~~If submitted with an application for a rezoning, conditional use, requested use, variance, Type~~
20 ~~II Waiver or development order amendment, an applicant may opt to request that the ZC or~~
21 ~~BCC, whichever is applicable, approve the ALP. The DRO shall review and certify the ALP~~
22 ~~prior to the ZC or BCC public hearings. **[Ord. 2007-001]** **[Partially relocated from Art.**~~
23 ~~**7.B.3.D.3, Approval Process.]**~~

24 ~~**1. Design Principles**~~

25 ~~The ALP may also address unique site constraints and creative alternative design that meets~~
26 ~~or exceeds the code. To qualify for consideration an application for an ALP shall demonstrate~~
27 ~~compliance with the following principles. **[Ord. 2007-001]**~~

28 ~~a. Innovative use of plant materials and design techniques in response to unique~~
29 ~~characteristics of the specific Tier and site. **[Ord. 2007-001]**~~

30 ~~b. Preservation or incorporation of existing native vegetation. **[Ord. 2007-001]**~~

31 ~~c. Use of a variety of plant material, including plants of color, form, and texture, in excess of~~
32 ~~minimum requirements. **[Ord. 2007-001]**~~

33 ~~d. Incorporation of naturalistic design principles, such as variations in topography,~~
34 ~~meandering or curvilinear plantings, and grouping of dominant plant materials (trees,~~
35 ~~large shrubs) in a manner consistent with existing native vegetation. **[Ord. 2007-001]**~~

36 ~~e. Integration of landscaping and pedestrian facilities in a manner consistent with the Tier in~~
37 ~~which the development is located. In U/S Tiers and in TDD's, this may include reduced~~
38 ~~ground-level planting within the R-O-W buffer if canopy shade trees along sidewalks are~~
39 ~~provided. **[Ord. 2007-001]**~~

40 ~~f. Use of additional shade trees to create a greater canopy effect. **[Ord. 2007-001]**~~

41 ~~g. A greater degree of compatibility with surrounding uses than a standard landscape plan~~
42 ~~would offer, provided the resulting landscape conforms with the design principles and~~
43 ~~guidelines of this Article. **[Ord. 2007-001]**~~

44 ~~h. Use of water-efficient irrigation systems and xeriscaping at appropriate locations. **[Ord.**~~
45 ~~**2007-001]**~~

46 ~~i. Incorporation of specific environmental attributes such as soil, hydrology, and vegetative~~
47 ~~communities unique to the site, and which are compatible with environmental features on~~
48 ~~adjacent properties. **[Ord. 2007-001]**~~

49
50 **C. Application Requirements**

51 ~~An application for a ALP shall be in a form established by the Zoning Director prepared and~~
52 ~~submitted in accordance with Art.2.A.1.G, Application Procedures, to include the following: **[Ord.**~~
53 ~~**2007-001]**~~

54 ~~**1. Design Principles Justification Statement**~~

55 ~~The ALP shall include a narrative The applicant shall provide a justification statement and~~
56 ~~any necessary supporting documentation that address applicable section of Art.7.A.1.B,~~
57 ~~Landscape Design Principles clearly details compliance with Art. 7.B.3.B.1, Design~~
58 ~~Principles. **[Ord. 2007-001]** If submitted with a concurrent application for a DO, the applicant~~
59 ~~may include the reasons for the ALP request in the DO Justification Statement.~~

60 ~~**2. Required Findings**~~

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EXHIBIT H

ALTERNATIVE LANDSCAPE PLAN – GENERAL LANDSCAPING SUMMARY OF AMENDMENTS

(Updated 11/12/15)

~~The applicant must provide documentation to demonstrate compliance with Art. 7.B.3.D.1, Required Findings. [Ord. 2007-001]~~

2. Graphic and Supporting Documents

~~The plan shall clearly delineate and identify the modifications permitted from the applicable provisions of the Code.~~

23. Mandatory Pre- Application Meeting

~~Applicants shall be required to schedule a pre-application meeting with Zoning staff to review and discuss possible design alternatives prior to submittal of the ALP. [Ord. 2007-001] [Partially relocated from Art. 7.B.3.D.2, Optional Preliminary Meeting, below.]~~

D.—Approval

~~ALPs must be submitted in conjunction with a Zoning application, in accordance with Article 2, DEVELOPMENT REVIEW PROCESS, or a building permit application, subject to the following requirements. [Ord. 2007-001]~~

4.D. Required Findings Review Standards For ALP

~~An ALP shall only be approved upon finding that based on a determination of compliance with the following Review Standards. All other applications that have combined requests shall follow the Review Standards of the applicable process. [Ord. 2007-001]~~

~~a.1. There are unique characteristics of the property, site design or use that warrant special consideration to modify or deviate from the requirements of this section and that these characteristics are not self-created. [Ord. 2007-001]~~

~~b.2. The ALP meets or exceeds the minimum requirements of this Section, while recognizing the unusual site design or use restraints constraints on the property. [Ord. 2007-001]~~

~~c.3. Approval of the ALP will provide for both increased consistency and compatibility not be incompatible with adjacent properties projects located in the Tier. [Ord. 2007-001]~~

~~d. The ALP conforms to the requirements of Table 7.B.3.A, Standards That Can Be Altered with An ALP and no exceptions to the limitations on the standards that may be modified are requested. [Ord. 2007-001]~~

2. Optional Preliminary Meeting

~~Applicants may schedule a preliminary meeting with Zoning staff to identify issues and discuss possible design alternatives. [Ord. 2007-001] [Partially relocated above to new Mandatory Pre-application Meeting.]~~

3. Approval Process

~~Application for an ALP shall be approved in accordance with the following: [Ord. 2007-001]~~

a.—Building Permit

~~An application for an ALP for projects only requiring building permits shall be submitted concurrently at time of building permit application. The Zoning Division must approve the ALP prior to issuance of a building permit. [Ord. 2007-001] [Partially relocated above to new Art. 7.B.3.B, Approval Process.]~~

b.—DRO Approval

~~An application for an ALP for projects requiring DRO approval, including projects approved by the ZC or BCC, shall be submitted concurrently at time of application for DRO approval. The Zoning Division must approve the ALP prior to DRO approval, unless approved by the ZC or BCC. [Ord. 2007-001] [Partially relocated above to new Art. 7.B.3.B, Approval Process.]~~

c.—Optional Submittal with a Zoning Application

~~If submitted with an application for a rezoning, conditional use, requested use, variance, or development order amendment, an applicant may opt to request that the ZC or BCC, whichever is applicable, approve the ALP. [Ord. 2007-001] [Partially relocated above to new Art. 7.B.3.B, Approval Process.]~~

2.E. Allowable Modifications to Standards Subject to a Type I Waiver

~~The standards An applicant may seek minor modifications to the requirements of this Article identified in Table 7.B.3.A, Requirements That Can Be Altered With a Type I Waiver that can be modified through the use of an ALP are listed below in Table 7.B.3.A, Standards That Can Be Altered with an ALP. Any standard requirements that are not listed herein shall not may be eligible to be modified through other applicable processes indicated in Art.2. an ALP. [Ord. 2007-001]~~

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EXHIBIT H

**ALTERNATIVE LANDSCAPE PLAN – GENERAL LANDSCAPING
SUMMARY OF AMENDMENTS**

(Updated 11/12/15)

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Table 7.B.3.A - Requirements That Can Be Altered With A Type I Waiver

Article	Limitations	Standards
<u>Art.3.E.3,B.2.c.1)</u> <u>MUPD Landscape Buffers – Easement Overlap</u>	<u>Allow easement overlap up to 5 feet.</u>	Subject to Art.2.D.6.C, Type I Waiver Standards.
<u>Art.4.B.1.A.120 Self-Service Storage</u>	<u>Allow elimination of islands and divider medians in vehicular maneuvering areas</u>	Subject to Art.2.D.6.C, Type I Waiver Standards.
<u>Art.7.F.7.D.1, Clustering</u>	<u>Allow up to a 50% increase or decrease in spacing and/or dimensional requirements</u>	Subject to Art.2.D.6.C, Type I Waiver Standards; and, Meet minimum perimeter buffer planting requirements.
<u>Art.7.F.3.B, Location of Planting</u>	<u>No minimum required trees to be located on the exterior side of the wall or fence for Incompatibility Buffer only.</u>	Subject to Art.2.D.6.C, Type I Waiver Standards; and, Meet minimum perimeter buffer planting requirements.
<u>Art.7.G.2.B, Interior Islands</u>	<u>Allow increase in spacing of the interior islands, including the distance apart between islands.</u>	Subject to Art.2.D.6.C, Type I Waiver Standards; and, Accommodate required landscaping elsewhere on site.

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4. Appeals

If an application for an ALP is denied by the DRO or Zoning Division, an applicant may appeal the decision through a Peer Review, as follows: The applicant may select a landscape architect licensed in the State of Florida to certify to the Zoning Division, that the proposed ALP is in compliance with this Article. The Zoning Division shall provide a Peer Review. Certification Form for this purpose. Certification shall substitute for a staff determination of consistency with this Article. **[Ord. 2007-001]**

....

Reason for amendments: [Zoning]

CHAPTER D GENERAL STANDARDS

The following standards are required for all trees, shrubs, hedges, groundcover and other landscape material.

....

Section 2 Artificial Plants

Artificial plants or vegetation shall not be utilized to meet any of the minimum standards and requirements contained in this Article. **[Partially relocated from Art. 7.D.8, Artificial Plants]**

[Renumber accordingly.]

....

Reason for amendments: [Zoning]

Section ~~5-4~~ Ground Treatment

Landscaped areas ~~The ground within required landscaped areas~~ shall receive appropriate ground treatment to ensure a finished appearance upon planting. Landscaping such as grass, ground cover ~~groundcover~~, mulch or shrubs and present a finished appearance upon planting. Ground ~~cover treatment~~

Notes:

Underlined indicates **new** text.

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EXHIBIT H

ALTERNATIVE LANDSCAPE PLAN – GENERAL LANDSCAPING SUMMARY OF AMENDMENTS

(Updated 11/12/15)

1 ~~is~~ shall not be ~~not~~ required in preservation areas ~~shown on approved landscape plans~~. Sand, gravel,
2 shellrock, or pavement ~~is are~~ not considered appropriate ground landscape treatment. The following
3 standards shall apply to the installation of ground treatment:
4

5 **A. Ground Cover**

6 ~~Live material used as ground~~ Ground cover shall provide a minimum of 50 percent coverage
7 immediately upon planting and 100 percent coverage within six months.

8 **B. Mulch**

9 Mulch shall be installed and maintained at a minimum compacted depth of three inches at all
10 times in all planted areas not containing ground cover. All mulch material shall be free of seeds
11 and weeds to prevent tree sprouting and ~~re-growth~~ regrowth.

12 **C. ~~Pebble, Egg Rock and Decorative Sand~~ Alternative Materials**

13 Alternative materials such as pebbles ~~Pebble~~, egg rocks, or decorative sand may be used up to a
14 maximum of ten percent of ground coverage and only in areas needed to accommodate limited
15 roof water runoff.

16 **D. ~~Lawn and Turf~~ Grass**

17 Grass~~ed~~ areas shall be planted with species suitable as permanent lawns and shall reach 100
18 percent coverage within six months of planting. Grass~~ed~~ areas may be sodded, plugged,
19 sprigged, or seeded. ~~However, provided that~~ sod shall be required between landscape buffers
20 and swales and in other areas subject to erosion. In areas where grass seed is used, millet or
21 rye shall also be sown. ~~These areas shall be properly maintained to ensure for immediate effect,~~
22 ~~and maintenance shall be provided until~~ complete coverage ~~is complete~~. Because of their
23 drought resistant characteristics, it is recommended that Bahia grass species be used. Use of
24 drought-tolerant ground cover instead of lawn and turf grass is encouraged. Undeveloped parcels
25 shall be planted as required in Art. 7.E.5.G, Vacant Lots.

26 **[Renumber accordingly.]**

27 ~~**Section 8 — Artificial Plants**~~

28 ~~No artificial plants or vegetation shall be used to meet any standard of this Section.~~ **[Relocated to new**
29 **Art. 7.D.2, Artificial Plants.]**

30

Reason for amendments: [Zoning] Quantify the maximum allowable overlap into the landscape buffer.
--

31 **Section 12 Landscape in Easements**

32 Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a
33 minimum of five clear feet for planting. If a wall with a continuous footer is used, a minimum of ten clear
34 feet for planting is required. The landscape buffer may be traversed by easements or access ways as
35 necessary to comply with the standards of this Article, and Article 11, SUBDIVISION, PLATTING, AND
36 REQUIRED IMPROVEMENTS, and other PBC codes. Easements shall be identified prior to the
37 preparation of site or subdivision plans and any proposed overlap shall be approved by the DRO or
38 Zoning Division.

39

40 **C. Detention/Retention Areas, Swales, and Drainage Easements**

41 Detention/retention areas, drainage easements, and sloped, directional swales greater than one
42 foot below finished grade, ~~shall not be located in or may~~ overlap required landscape buffers
43 provided a minimum of five feet remains for planting unless otherwise approved in writing by the
44 Land Development Division. **[Ord. 2006-004]**

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EXHIBIT H

ALTERNATIVE LANDSCAPE PLAN – GENERAL LANDSCAPING
SUMMARY OF AMENDMENTS

(Updated 11/12/15)

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Reason for amendments: [Zoning] Developments that abut the Intercoastal Waterway should not be providing landscape buffers since most of these lots may have land that are submerged in water. The current practice is to require the applicant to seek relief through a Type II Variance for unable to meet the perimeter buffer requirement.

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Landscape buffers shall be installed and maintained in accordance with the following standards.

Section 1 Buffer Types

A. R-O-W

R-O-W buffers shall be provided along all street R-O-W, except for alleys.

1. Exemptions

R-O-W buffers are not required for individual single-family residential, ZLL, ~~or~~ townhouse lots; or lots that abut the Intercoastal Waterway.

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EXHIBIT I

GLADES REGION AMENDMENTS & ART. 3.B.4, GLADES AREA OVERLAY (GAO) SUMMARY OF AMENDMENTS (Updated 7-16-15)

1
2 Part 1. ULDC Art. 3.B.4, Glades Area Overlay (GAO) (pages 25 – 28 of 234), is hereby amended
3 as follows:
4

Reason for amendments: [Planning/Zoning] These amendments are being processed concurrently with Comprehensive Plan amendments implementing part of the recommendations of the Glades Region Master Plan (GRMP), which will serve as a guiding blueprint to enhance economic competitiveness in the Glades Region. The GRMP was a multi-agency project coordinated by the PBC Department of Economic Sustainability (DES) through funding provided by the U.S. Department of Housing and Urban Development Community Challenge Planning Grant (CCPG).

The DES has tentatively scheduled presentation of the GRMP to the BCC on July 28, 2015 at 9:30 a.m.

See Attached Agenda Item 3.B.4 for the upcoming July 30, 2015 BCC Public Hearing staff report for additional details on the GRMP and related Plan amendments.

5 CHAPTER B OVERLAYS

6 Section 4 GAO, Glades Area Overlay

7 A. Purpose and Intent

8 The GAO is established to promote ~~sustainable~~ economic diversification in the Glades Area and
9 facilitate development or redevelopment opportunities emanating from the U.S. Department of
10 Housing and Urban Development Community Challenge Planning Grant Glades Region Master
11 Plan (GRMP). The GAO provides flexibility or streamlined procedures for obtaining development
12 approvals, critical to ensuring a timely response to development or redevelopment opportunities
13 that may in the range of uses and PDRs allowed in the Glades Tier to accommodate uses, which
14 if deemed appropriate, will increase job opportunities and improve the economic vitality of the
15 area. In addition, the GAO may include regulations that recognize the character of the area.
16 [Ord. 2014-025]

17 B. Applicability

18 The GAO shall apply to all land within the Urban Service Area (USA) of the Glades Tier. All
19 development orders within the GAO ~~district~~ shall also comply with all applicable Joint Planning
20 Area Agreements, pursuant to Florida Statutes. [Ord. 2014-025]

21 C. Boundaries

22 The boundaries of the GAO coincides with the USA in the Glades Tier, which is delineated on
23 Comprehensive Plan Map LU 2.1, Service Areas, and is generally comprised of those lands lying
24 near or around the Cities of Belle Glade, Pahokee and South Bay, and the unincorporated
25 community of Canal Point. [Ord. 2005-002] [Ord. 2014-025]

26 1. Tier Requirements

27 The Urban/Suburban Tier Requirements of the ULDC shall apply. [Ord. 2014-025]

28 D. ~~Approval Process Use Regulation Exceptions~~

29 ~~Uses allowed in the GAO shall be permitted, as follows: [Ord. 2005-002] [Ord. 2014-025]~~

30 1. ~~DRO and BCC Thresholds~~

31 ~~The density, intensity and acreage thresholds of Table 4.A.3.A, Thresholds for Projects~~
32 ~~Requiring DRO Approval, and Table 4.A.4.A, Thresholds for Projects Requiring BCC~~
33 ~~Approval, shall be multiplied by two within the GAO.~~

34 24. ~~Administrative Approvals Permitted Uses~~

35 a. ~~General~~

36 Uses shown in a Use Matrix as Permitted by Right (P), Special Permit (S), or
37 Development Review Officer (DRO) shall remain subject to the same approval process
38 shown in the Use Matrix. [Ord. 2014-025]

39 b. ~~Conditional and Requested Uses~~

40 ~~Uses allowed as Conditional or Requested uses in a non-residential Zoning district may~~
41 ~~be approved by the DRO after compliance with Art. 2.B.2.B, Standards for Conditional~~
42 ~~Uses, Requested Uses and Development Order Amendments. [Relocated from Art.~~
43 ~~3.B.4.D.2, Conditional/Requested Uses below]~~

44 c. ~~Nonconformities~~

45 1) ~~Nonconforming Use~~

46 ~~A nonconforming use permitted to expand subject to DRO approval may be~~
47 ~~expanded subject to approval of a Special Permit. [Ord. 2006-036] [Ord. 2014-025]~~
48 [Relocated from Art. 3.B.4.D.3, Nonconforming Use below]
49

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EXHIBIT I

GLADES REGION AMENDMENTS & ART. 3.B.4, GLADES AREA OVERLAY (GAO) SUMMARY OF AMENDMENTS (Updated 7-16-15)

2) Permitted Uses and Uses Subject to DRO Approval within Nonconforming Structures

Uses permitted by right and uses subject to DRO approval may exceed the allowable percentages of Table 1.F.1.G, Nonconformities – Percentage and Approval Process for Maintenance, Renovation and Natural Disaster Damage Repair, provided all the standards below are met:

a) Exterior Building and Site Elements Improvements

A minimum 25 percent of the total maintenance, renovation, or natural disaster damage repair improvement value shall be dedicated to exterior building and site elements. Of that percentage, a minimum of ten percent shall be dedicated to façade improvements abutting the R-O-W (frontage and side street frontages) and a minimum ten percent shall be dedicated to landscape improvements;

b) Limitation

The total maintenance, renovation, or natural disaster damage repair improvements for the proposed use(s) may be allowed only if the proposed improvements will not cause an increase in building square footage or generate additional parking, unless the additional parking requirements or design is required to bring the site into compliance with the ULDC to the greatest extent possible; and,

c) Certification of Improvements

The detailed justification statement of compliance to the above standards and calculations of the improvements, including the total improvement value for the project, shall be signed and sealed by the architect of record for the project, and shall be reviewed and certified by the Zoning Division Permitting Section for compliance with this section prior to submittal to the Building Division.

d) Exceptions for Glades Area Housing Authorities

The following developments shall be exempt from limits on maintenance, renovations and natural disaster damage repairs for conforming residential, administrative, recreational or maintenance uses in nonconforming structures, provided that any addition or expansion is in compliance with the ULDC:

- 1) Pahokee Housing Authority, Padgett Island and Fremd Village developments.
2) Belle Glade Housing Authority, Everglades and Osceola developments.

3. Public Hearing Approvals Conditional/Requested Uses

Uses allowed as Conditional or Requested uses in a non-residential Zoning district shall be permitted by the DRO in the GAO after compliance with Art. 2.B.2.B, Standards for Conditional Uses, Requested Uses and Development Order Amendments. [Relocated under new Administrative Approval above]

a. Prohibited Uses in Non-residential Districts

Uses not otherwise permitted in a non-residential Zoning district may be approved permitted as a Class A Conditional or Requested Use uses in the GAO after provided the BCC makes a finding determines that the proposed use meets the following criteria: [Ord. 2014-025]

- 1)a. Increases increases the number of jobs or provides needed housing;
2)b. Does does not adversely affect adjacent land uses; and
c. is consistent with the goals, objectives and policies of the Plan; and
3)d. Helps helps to support existing or encourage additional Glades Area economic development or the GRMP.

3. Nonconforming Use

A nonconforming use permitted to expand subject to DRO approval may be expanded subject to approval of a Special Permit. [Ord. 2006-036] [Ord. 2014-025] [Relocated under new Administrative Approval above]

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EXHIBIT I

GLADES REGION AMENDMENTS & ART. 3.B.4, GLADES AREA OVERLAY (GAO) SUMMARY OF AMENDMENTS (Updated 7-16-15)

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Part 2. ULDC Art. (page 122 of 234), is hereby amended as follows:

Reason for amendments: [Planning/Zoning] New Future Land Use Element (FLUE) Policy 1.6-e, expands upon existing provisions under FLUE Section III.C.5, Agriculture, by clarifying that the AP Zoning district is consistent with all Future Land Use (FLU) designations, except for Conservation. This furthers current County policy recognizing that existing agricultural uses within the Urban/Suburban Tier (includes the GAO) "...shall be considered to be a conforming use..." It will also allow for new agricultural uses to be established on parcels with an existing AP Zoning district regardless of FLU designation (excluding Conservation), without requiring a rezoning. Additional revisions to similar provisions for the AR Zoning district are being included to copy existing reference to pre-emption that is located under use regulations for Bona-fide Agriculture, and the deletion of the term "interim" which was removed from FLUE Section III.C.5, Agriculture in 2009 (Ord. 2009-032). Note: Additional revisions related to the proposed Plan amendments for FLU and Zoning district consistency within the GAO, will be consolidated and processed concurrently with similar Plan amendments for Infill Redevelopment, as part of ULDC Amendment Round 2015-02, through amendments to ULDC Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA).

CHAPTER C STANDARD DISTRICTS

Section 1 General

A. Agricultural District

1. AP, Agricultural Production District

The AP district is to conserve and protect areas for exclusive, bona fide agricultural and farming related operations particularly where soil and water conditions favor continued agricultural production. A wide range of agricultural activities and their accessory uses shall be permitted in the AP district in order to maintain the vitality of the agricultural industry in PBC.

a. Exempted Residential Uses

Legal lots of record with a LR-1 FLU designation located in an area north of the unincorporated community of Canal Point shall be considered conforming for the purpose of renovating or developing a single-family home, including related accessory uses and structures. [Ord. 2007-013]

b. Agricultural Uses in Glades Tier with an Inconsistent FLU Designation

In order to protect the ability for agricultural operations to continue, within the Glades Tier the AP Zoning district is consistent with all FLU designations, excluding conservation.

....

C. Residential Districts

1. AR, Agriculture Residential District

....

c. Agricultural Uses in the U/S Tier

1) Existing Agricultural Uses in the U/S Tier

Agricultural uses in the U/S Tier existing prior to or in accordance with any previously adopted at the time of adoption of this Code permitting agricultural uses, shall be considered conforming. Any expansion of existing agricultural uses shall be subject to all applicable requirements, unless pre-empted by State law. [Ord. 2011-016]

2) New Agricultural Uses

Agricultural uses not listed as permitted in the U/S Tier shall may only be permitted as an interim use subject to Class A conditional use approval, unless pre-empted by State law. [Ord. 2011-016]

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EXHIBIT I
GLADES REGION AMENDMENTS &
ART. 3.B.4, GLADES AREA OVERLAY (GAO)
SUMMARY OF AMENDMENTS
(Updated 7-16-15)

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Part 3. ULDC Art. 1.1.3, Abbreviations and Acronyms (page 117 of 119), is hereby amended as follows:

Reason for amendments: [Planning/Zoning] Establish new acronym, which while only referenced once in the aforementioned amendments, will likely be cited in future Planning or Zoning staff reports.
--

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

<u>GRMP</u>	<u>Glades Region Master Plan</u>
....

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- Notes:**
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EXHIBIT J

ART. 2.A.1.J, NOTIFICATION SUMMARY OF AMENDMENTS

(Updated 08/28/15)

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Part 1. ULDC Art. 2.A.1.J.3, Signs (page 18 of 87), is hereby amended as follows:

Reason for amendments: [Zoning] Clarify that Zoning staff provides public notice information for applicants to post on notification boards consistent with the specifications in the Zoning Technical Manual to ensure uniformity in all notification signs.

CHAPTER A GENERAL

Section 1 Applicability

J. Notification

3. Signs

- a. ~~The property subject of T~~the application applicant shall ~~post have notices posted by the applicant with information of signs regarding~~ the public hearing on ~~the property subject to the application. The signs shall be prepared by the applicant using information provided by the Zoning Division, consistent with the requirements of the Zoning Technical Manual. a sign provided by the PBC Signs must be posted~~ at least 15 days in advance of any public hearing. One sign shall be posted for each 250 feet of frontage along a street up to a maximum of ten signs. All signs shall be: **[Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-003]**
- 1) Evenly spaced along the street when more than one sign per property is required; **[Ord. 2011-016] [Ord. 2012-003]**
 - 2) Setback no more than 25 feet from the property line; and, **[Ord. 2011-016]**
 - 3) Erected in full view of the public. **[Ord. 2011-016]**
- Where the property does not have sufficient frontage on a street, signs shall be in a location acceptable to the Zoning Director. The applicant shall submit photographs confirming the signs have been posted. The failure of any such posted notice to remain in place after it has been posted shall not be deemed a failure to comply with this requirement or be grounds to challenge the validity of any decision made by the approving authority. The applicant shall also be required to ensure the signs have been removed no later than five days after the final hearing. **[Ord. 2010-022] [Ord. 2011-016]**
-

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EXHIBIT K

ART. 8.H.2, BILLBOARDS SUMMARY OF AMENDMENTS (Updated 10-21-15)

1
2 **Part 1. ULDC Art. 8.H.2, Billboards (pages 36 to 40 of 40), is hereby amended as follows:**
3

Reason for amendments: [County Attorney/Zoning] Eliminate reference to settlement agreement since it will expire on February 6, 2016; and, clarify the billboard special permit process for maintenance requiring building permits, demolition, relocation, and replacement of billboards.

4 **CHAPTER H OFF-SITE SIGNS**

5 **Section 2 Billboards**

6 **A. Purpose and Intent**

7 It is the purpose and intent of the BCC to ~~restrict prohibit~~ billboards and similar off-site signs in
8 order to improve the aesthetic appearance of unincorporated PBC ~~and. It is also the purpose and~~
9 ~~intent of the BCC to remove and amortize all billboards and similar large off-site signs in order to~~
10 ~~curb minimize~~ the visual and aesthetic degradation caused by these structures and to achieve the
11 goal of an aesthetically improved built environment. ~~It is the purpose and intent of this Section to~~
12 ~~leave the regulations that were adopted consistent with the Billboard Stipulated Settlement~~
13 ~~Agreement in place after the expiration of the agreement. Existing billboards with valid billboard~~
14 ~~registrations permits may be relocated or replaced subject to the requirements of this Section.~~
15 ~~No new billboards are permitted in unincorporated Palm Beach County other than those relocated~~
16 ~~or replaced pursuant to this Section.~~

17 **B. WCRAO Prohibitions**

18 Billboard signs are prohibited in the WCRAO, unless existing ~~as of January 10, 2004 and the~~
19 ~~subject of a valid billboard registration permit issued pursuant to this Section. Billboards may not~~
20 ~~be relocated within the WCRAO. at the time of this amendment and identified in the stipulated~~
21 ~~billboard settlement agreement, Art. 8.H.2, Billboards. [Ord. 2006-004]~~

- 22 ~~1. Each billboard company shall be provided with a complete copy of the 1988 billboard~~
23 ~~inventory.~~
- 24 ~~2. The 1988 billboard inventory shall be revised by each billboard company to reflect the current~~
25 ~~status of billboards it owns or controls.~~
- 26 ~~3. The revised billboard inventory shall include the location, height, size, and number of~~
27 ~~billboard faces.~~

28 **C. Annual Billboard Registration Renewal Registration Permits**

29 ~~The Zoning Division shall establish a system of billboard registration permits. The 1998 Billboard~~
30 ~~inventory of registered billboards is required to be renewed annually by the respective owner(s) in~~
31 ~~A registration permit shall be issued for each billboard not to be removed pursuant to the billboard~~
32 ~~stipulated settlement agreement. Billboard registration permits shall be issued as special permits,~~
33 ~~as provided in Article 2.D.2, Special Permit. Billboard registration permits shall be issued as~~
34 ~~provided below.~~

- 35 ~~1. An application for a billboard registration permit shall include the following information:~~
 - 36 ~~a. name, address, and telephone number of the billboard company owning or controlling the~~
37 ~~billboard;~~
 - 38 ~~b. name of applicant;~~
 - 39 ~~c. agent's authorization for the applicant to act on behalf of a billboard company;~~
 - 40 ~~d. location, height, number of sign faces, and size of sign faces; and~~
 - 41 ~~e. permit number or other acceptable evidence the billboard was lawfully erected.~~
- 42 ~~2. Billboard registration permits shall be issued annually.~~
- 43 ~~3. Applications for initial billboard registration permits shall be submitted no later than January 1,~~
44 ~~1998 with the exception of registration permits for lawfully erected billboards located on~~
45 ~~federal aid primary highways. Applications for permits for the unregistered billboards on~~
46 ~~federal aid primary highways described above shall be submitted no later than January 10,~~
47 ~~2004.~~
- 48 ~~4. Billboard registration permits shall be valid for a period of one year and shall be renewed~~
49 ~~annually upon compliance with the terms of this Section, and the billboard stipulated~~
50 ~~settlement agreement.~~
- 51 ~~51. Renewals for billboard registrations permits shall be submitted by the Billboard Owners at~~
52 ~~least 60 days prior to expiration date of the existing registration Permit. The Owners have the~~
53 ~~responsibility to notify the County of any billboards that have been annexed or are otherwise~~
54 ~~removed from the registration list in a format acceptable to the Zoning Director.~~
- 55 ~~62. PBC may establish charge a fee of \$50.00 by resolution in the Official Schedule of Fees to be~~
56 ~~charged for the renewal of each registered Billboard. for the issuance of each billboard~~
57 ~~registration permit. This fee may be increased by the BCC from time to time.~~
- 58 ~~73. Billboard registration permits shall be transferable if ownership of the billboard or Billboard~~
59 ~~Company changes.~~

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EXHIBIT K

ART. 8.H.2, BILLBOARDS SUMMARY OF AMENDMENTS (Updated 10-21-15)

1 ~~84.~~ This billboard registration system shall not require "tagging" of the billboards structure by the
2 owner. ~~of the Bbillboard structure.~~

3 ~~95.~~ Violations

4 a. If a permit-registration holder fails to submit fees required by this ~~s~~Section prior to or upon
5 the annual expiration date, PZB shall:

6 1) Immediately issue a notice of violation as specified below; and

7 2) Suspend acceptance of any applications for Special Permit for demolition, relocation,
8 replacement, or maintenance of billboards off-premises signs from the same
9 registration permit holder. No new Special Permit applications shall be accepted
10 from the same permit holder until final resolution of any disputes arising from the
11 PZB's actions.

12 b. In the event that disputes arise regarding the amount of annual license fees charged, the
13 permit holder may establish an escrow account into which he/she shall pay an amount
14 equal to that portion of fees and other charges assessed by PZB which is in dispute. PZB
15 shall be named as the beneficiary of the escrow account. This escrow account shall be
16 established prior to the annual expiration date and shall remain in effect until final
17 resolution of the dispute. Affected billboards off-premises signs shall continue to be
18 treated as illegal signs; however, as long as the escrow account remains in effect, they
19 shall not be removed as provided in this subsection.

20 c. The notice of violation in accordance with Article 10.B.1.A, shall be sent by certified mail,
21 return receipt requested. At a minimum, it shall:

22 1) Indicate the total amount of annual fees due.

23 2) Indicate that the registration permit holder has 30 days from the date of mailing in
24 which to pay the total fee due.

25 3) Assess an additional delinquency fee equal to 25 percent of the amount due.

26 4) Inform the registration permit holder that failure to pay all required fees within the
27 time allowed shall constitute a violation of this ~~chapter~~ Section and his/her billboard
28 off-premises signs shall thereupon be considered to be illegal.

29 5) Inform the registration permit holder of the process established by this chapter for the
30 removal of illegal signs.

31 6) Inform the registration permit holder of his right to appeal the action of PZB, as
32 provided in this subsection.

33 d. A copy of the notice of violation may also be prominently affixed to each billboard off-
34 premises sign.

~~D. Billboard Owners Not Party to the Stipulated Settlement Agreement~~

35 ~~Any firm or individual owning billboards may become eligible to utilize the provisions of this~~
36 ~~Section provided they execute an agreement consistent with the stipulated billboard settlement~~
37 ~~agreement. Such firms or individuals shall execute an agreement as approved by the County~~
38 ~~Attorney's Office.~~

~~E. Removal of Billboard Sign Faces~~

39 ~~Each billboard company that has signed or agreed to the stipulated billboard settlement~~
40 ~~agreement, or similar agreement as approved by the County Attorney, shall permanently remove~~
41 ~~ten percent of the total of sign faces it owns or controls. Billboard companies that have signed the~~
42 ~~stipulated settlement agreement shall remove the sign faces within one year following adoption of~~
43 ~~this amendment to the ULDC. Billboard companies that execute an agreement approved by the~~
44 ~~County Attorney shall remove the sign faces within one year following execution of the~~
45 ~~agreement.~~

46 1. ~~The total amount of sign faces to be removed shall be calculated utilizing the billboard~~
47 ~~inventory. The sign faces shall be removed utilizing the procedure set forth below.~~

48 2. ~~The sign faces to be removed shall be identified in Exhibit "A" of the billboard stipulated~~
49 ~~settlement agreement or similar agreement. However, the sign faces to be removed as~~
50 ~~identified in Exhibit "A" may be substituted for reasons established in the stipulated billboard~~
51 ~~settlement agreement.~~

52 3. ~~The Building Division, with the written approval of the Zoning Division, shall issue a~~
53 ~~demolition permit for each sign face to be removed.~~

54 4. ~~The demolition permit shall be in a form prepared by the Zoning Division, and shall include~~
55 ~~the location, permit number, name of billboard company, and date when such sign face is to~~
56 ~~be removed.~~

57 5. ~~Each billboard company shall provide a statement, in a form approved by the PBC Attorney's~~
58 ~~Office, certifying the removal of a sign face. Removal of the sign face shall include the entire~~
59 ~~billboard structure.~~

~~DF. Demolition, Relocation, Replacement or Maintenance of Billboards~~

60 ~~Billboards maintenance requiring building permits, and billboard demolition, may be relocated~~
61 ~~relocation, or replacement shall be subject to the provisions of the billboard stipulated settlement~~
62 ~~agreement or similar agreement. Billboard relocation shall occur as indicated below:~~

Notes:

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EXHIBIT K

ART. 8.H.2, BILLBOARDS SUMMARY OF AMENDMENTS (Updated 10-21-15)

1. Submittal Process

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- ~~1. A billboard company shall submit an application for a Special Permit to notify the Zoning Division requesting its intent for demolition, relocation, replacement, or maintenance of a billboard in the format acceptable to the Zoning Director. ~~in writing of its intent to relocate a billboard.~~ The application written notification shall be submitted provided at least 30 days prior to the ~~requested intended~~ date for the ~~Special Permit of demolition and relocation,~~ ~~unless otherwise waived by the Zoning Director.~~ Each Special Permit application shall include the registration issued in 1998 that is associated with the subject billboard.~~
- ~~2. Each billboard to be relocated shall be assigned a billboard registration permit. The Zoning Division shall verify the request for relocation, subject to the billboard stipulated settlement agreement. Upon verification of the request for relocation, the Building Division shall issue a demolition permit for removal of the affected billboard.~~

2. Demolition

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- ~~a3. For each billboard ~~demolished,~~ demolition Special Permit issued by the Zoning Division, a the billboard company owner shall also submit an application to the Building Division requesting a provide verification of the demolition permit. The application shall include the Zoning Division's Demolition Special Permit. Upon demolition of the billboard, a A Certificate of Completion of Demolition ~~from~~ issued by the Building Division shall act as the verification of the demolition. A copy of the Certificate of Completion shall be submitted to the Zoning Division. [Ord. 2005 – 002]~~
- ~~b4. Each billboard demolished subject to this Section may be relocated. The combination of a proof of billboard registration from the Zoning Division, a billboard demolition ~~s~~Special ~~p~~Permit from the Zoning Division, and a Certificate of Completion of Demolition from the Building Division shall be required prior to submitting application for a billboard relocation ~~s~~Special ~~p~~Permit. [Ord. 2005 - 002]~~
- ~~c5. A billboard relocation ~~s~~Special ~~p~~Permit application shall be submitted within four years from the issuance of the Certificate of Completion of demolition from the Building Division. The relocation of the billboard shall be confirmed with a Building Department Certificate of Completion submitted to the Zoning Division no later than the end of the fifth year. Failure of the applicant to submit to the Zoning Division the Certificate of Completion from the Building Division for the relocation of the billboard by the end of the fifth year, or by date specified in a condition of approval in the ~~s~~Special ~~p~~Permit, shall result in the relocation ~~s~~Special ~~p~~Permit becoming null and void. This requirement shall not be applicable to previously completed billboard relocations. [Ord. 2005 - 002]~~

3. Relocation

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- ~~a6. A billboard relocation ~~s~~Special ~~p~~Permit ~~permit~~ shall allow construction of a billboard with the same or lesser number of faces as contained on the demolished billboard. Two relocated single face, single billboard structures may be combined into a new two-face billboard structure.~~
- ~~b7. A relocated billboard may be constructed only within the following comprehensive plan land use categories: "CH" (Commercial High), "CL" (Commercial Low), or "I" (Industrial).~~
- ~~c8. Within the CH, CL, and I future land use plan categories, a relocated billboard may only be located within the following zoning districts: CG, CC, IL, IG, MUPD, and PIPD.~~
- ~~d9. Any billboard proposed for relocation within a conditional use, planned development, or similar project with an approved signage plan shall obtain approval for the relocation from the BCC, which shall retain the same discretion it exercised when granting the original development approval. If the billboard relocation requires modification of a signage plan that does not require BCC approval, the relocation shall be approved by the DRO, subject to the requirements of this Section ~~and the billboard stipulated settlement agreement.~~~~
- ~~e40. Relocation of a billboard to a PDD shall comply with the height and setback requirements for structures approved in the master plan. If modification of signage located within a PDD does not require BCC approval, such modification of signage shall be approved by the DRO.~~
- ~~f44. A relocated billboard shall not be relocated on property assigned a residential, agricultural, or conservation zoning designation. For the purposes of this Section, residential, agricultural, and conservation zoning districts ~~shall be as described in the billboard stipulated settlement agreement.~~ are the corresponding zoning districts to the residential, agricultural, or conservation FLU designations as indicated in Tables 3.A.3.B and 3.A.3.C. of the ULDC. For purposes of this Section, Traditional Development Districts are considered residential districts. Billboards may not be relocated to property assigned a Traditional Development District. Billboards may not be relocated to the residential, recreational and civic pods of a PIPD.~~

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EXHIBIT K

ART. 8.H.2, BILLBOARDS SUMMARY OF AMENDMENTS

(Updated 10-21-15)

- 1 g12. All relocated billboards shall be located within an area containing a front dimension
2 containing at least 500 linear feet. This linear dimension may include property abutting a
3 public R-O-W.
- 4 h13. The height of any relocated billboard shall not exceed 40 feet above finished grade,
5 excluding temporary embellishments.
- 6 i14. A relocated billboard shall comply with the setbacks listed below:
7 1)a- Front: the lesser of 15 feet or the required district setback.
8 2)b- Side: the lesser of the billboard's previous setback or the required district setback.
9 3)c- Rear: the lesser of the billboard's previous setback or the required district setback.
10 4)d- Side corner: the lesser of the billboard's previous setback or the required district
11 setback. If applicable, the required district side corner setback may be reduced to 15
12 feet when the specific lot configuration makes relocation of the sign structure
13 impossible based on application of the required district setback.
- 14 j15. A relocated billboard shall not be constructed within a lateral distance of at least 250 feet
15 of any residential zoning district located on the same side of the street. The lateral
16 distance shall be measured along the street R-O-W, and shall include public R-O-W. This
17 requirement shall supersede any other setback requirements established by this Section.
- 18 k16. When a relocated billboard will be placed on a public R-O-W which:
19 1)a- is designated by PBC for an ultimate width of 120 feet less, and,
20 2)b- abuts a residential zoning district across the street, then a residential "clear zone"
21 shall be established.
- 22 l17. The "clear zone" shall extend at least 170 feet from the front setback of the billboard.
23 The "clear zone" shall be the public R-O-W. Any portion of the "clear zone" located within
24 the abutting residential district shall not contain any existing or proposed residential use.
- 25 m18. When a relocated billboard will be placed on a public R-O-W which:
26 1)a- is designated by PBC for an ultimate width of more than 120 feet but less than 170
27 feet, and,
28 2)b- abuts a residential zoning district across the street;
29 3)c- then a residential "clear zone" shall be established;
30 4)d- the "clear zone" shall extend at least 170 feet from the front setback of the billboard.
31 The "clear zone" shall be include the public R-O-W. Any portion of the "clear zone"
32 located within the abutting residential district shall not contain any existing or
33 proposed residential use.
- 34 n19. When a relocated billboard will be placed on a public R-O-W which:
35 1)a- is designated by PBC for an ultimate width of more than 170 feet, and;
36 2)b- abuts a residential zoning district across the street, then a residential "clear zone" is
37 not required.
- 38 o20. For the purposes of this Section, a residential "clear zone" may include such uses as
39 landscaping, perimeter buffers, vegetation preservation areas, drainage facilities, roads,
40 recreational areas, and similar nonresidential uses.
- 41 p24. A relocated billboard shall not be placed within 120 feet of any residential zoning district
42 located across from, but not directly abutting, a public R-O-W. For the purposes of this
43 Section, the 120 feet distance shall be measured from the rear of the billboard to the
44 nearest point of the residential zoning district.
- 45 q22. For relocated billboards, the setback shall be measured from the property line.
- 46 r23. A billboard shall not be relocated to a site on a road with an R-O-W width of less than 80
47 feet.
- 48 ~~24. The number of billboards to be relocated during any 12-month period shall be limited by the~~
49 ~~stipulated billboard settlement agreement.~~
- 50 s25. A minimum separation of at least 500 feet from any other existing or relocated billboard
51 that is not on the same structure must be maintained.
- 52 **4G. Billboard Replacement**
- 53 A replacement for an existing billboard may be constructed consistent with the provisions of
54 this Section.
- 55 a4. Shall be located within the permitted billboard location.
- 56 b2. A replacement billboard shall remain on the same side of the public R-O-W.
- 57 c3. Existing billboard or the setbacks provided by the zoning district.
- 58 d4. For replacement billboards, the front setback shall be measured from the property line.
- 59 e5. A replacement billboard may be constructed at the same or lesser height of the existing
60 billboard.
- 61 f6. The sign face or faces of the replacement billboard shall not exceed the size of the sign
62 face or faces of the existing billboard.
- 63 g7. A replacement billboard shall contain the same number, or lesser number, of sign faces
64 as the existing billboard.

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EXHIBIT K

ART. 8.H.2, BILLBOARDS SUMMARY OF AMENDMENTS

(Updated 10-21-15)

1 h8. When an existing billboard is located on property that is being or has been acquired for
2 public road R-O-W purposes, the billboard location criteria of this Section may be waived
3 subject to approval of a Type I Waiver. The DRO may approve the Type I Waiver for
4 billboard location criteria when the width of the R-O-W to be acquired will not allow
5 billboard replacement consistent with the intent of this Section. **[Ord. 2012-027]**

6 ~~1)a.~~ Supplemental billboard regulations.

7 ~~a4)~~ Roof-mounted billboards are prohibited.

8 ~~b2)~~ Billboards shall not be relocated to a site on a road with an R-O-W width of less
9 than 80 feet.

10 ~~3) The number of billboards to be relocated during any 12-month period shall be limited~~
11 ~~by the stipulated billboard settlement agreement.~~

12 ~~c4)~~ Billboard illumination shall be directed only towards the billboard face.

13 ~~d5) Following execution of the stipulated billboard settlement agreement, b~~ Billboards
14 ~~with valid registration permits~~ shall be legal, conforming structures, and may be
15 repaired and maintained as provided by the applicable building codes of PBC.
16 ~~Billboards to be removed by the operation of the stipulated billboard settlement~~
17 ~~agreement may be repaired and maintained as legal structures. However, any~~
18 ~~expenses incurred for such repair and maintenance shall be the sole responsibility~~
19 ~~of the billboard owner, and PBC shall incur no liability for such expenses.~~

20 ~~e6) Registered b~~ Billboards registration permits may be sold, transferred, or
21 exchanged ~~without regard to participation in the stipulated billboard settlement~~
22 ~~agreement.~~

EH. Repair and Maintenance of Billboards

23 All billboards shall be maintained in good repair. Repair and maintenance of billboards shall be
24 exempt from the limitations of Article 1.F, NONCONFORMITIES. Repair and maintenance of
25 billboards shall not include any improvement which increases the height, size, or number of
26 billboard faces. Temporary embellishments may be included as part of normal maintenance and
27 repair of billboards.

FI. Effect of Annexation

28 1. Any billboard ~~included within the billboard stipulated settlement agreement~~ that is annexed
29 shall not be eligible for relocation into ~~any the~~ unincorporated area.

30 2. ~~Any registered The~~ billboard registration permit for any billboard included within the billboard
31 ~~stipulated settlement agreement~~ that is annexed shall be void upon annexation.

GJ. Appeals

32 Appeals of any decision by the Zoning Director or Building Director regarding interpretation or
33 implementation of this Section ~~or the billboard stipulated settlement agreement~~ shall be made to
34 ~~the BCC a Hearing Officer~~ in accordance with Article 2.A.1.S, Appeal 1.B, INTERPRETATION OF
35 THE CODE of the ULDC.

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EXHIBIT L

NORTHLAKE BOULEVARD OVERLAY ZONE (NBOZ) SUMMARY OF AMENDMENTS

(Updated 10/23/15)

1
2 Part 1. ULDC Art. 2.D.6, Type I Waiver (pages 45-46 of 87), is hereby amended as follows:
3

Reason for amendments: [Zoning] Reference new Type I Waiver provisions proposed for the Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines outlined in Part 2 of this Exhibit.
--

4 CHAPTER D ADMINISTRATIVE PROCESS

5 Section 6 Type I Waiver

6 A. Purpose

7 The purpose of Type I Waivers is to allow flexibility for mixed use or infill redevelopment projects,
8 or site design or layout, where alternative solutions can be permitted, subject to performance
9 criteria or limitations. Waivers are not intended to relieve specific financial hardship nor
10 circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other sections
11 of this Code, or the Florida Building Code. [Ord. 2011-016]

12 B. Applicability

13 Requests for Type I Waivers shall only be permitted where expressly stated within the ULDC:
14 [Ord. 2011-016] [Ord. 2012-027]
15

Table 2.D.6.B - Summary of Type I Waivers

Type I Waiver Summary List
Glades Area Overlay (GAO)
<u>Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines</u>
Infill Redevelopment Overlay (IRO)
Urban Redevelopment Overlay (URAO)
Lifestyle Commercial Center (LCC)
Required Parking for Location Criteria Exception in Type I Restaurant with Drive Through
Commercial Greenhouse Loading Zones
Solid Waste Transfer Station Landscape Buffer Planting
Screening for Room Mounted Mechanical Equipment
Green Architecture
Eliminate or Reduce Loading Standards
Requirements for Walls or Fences Where Adjacent to Existing Walls
Billboard Replacement – Billboard Location Criteria
Required Parking for Community Vegetable Garden
Incompatibility Buffers for Recreation or Civic Pods, Areas or Tracts
PUD Informational Signs
[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031]

16 C. Standards

17 When considering whether to approve, approve with conditions, or deny a Type I Waiver request,
18 the DRO shall consider the following standards in addition to any other standards applicable to
19 the specific Waiver as contained in this Code: [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027]

- 20 1. The Waiver does not create additional conflicts with other requirements of the ULDC, and is
21 consistent with the stated purpose and intent for the Zoning district or Overlay; [Ord. 2010-
22 022] [Ord. 2011-016] [Ord. 2012-027]
- 23 2. The Waiver will not cause a detrimental effect on the overall design and development
24 standards of the project, and will be in harmony with the general site layout and design
25 details of the development; and, [Ord. 2010-022] [Ord. 2012-027]
- 26 3. The alternative design option recommended as part of the Waiver approval, if granted, will
27 not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027]

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EXHIBIT L

NORTHLAKE BOULEVARD OVERLAY ZONE (NBOZ) SUMMARY OF AMENDMENTS

(Updated 10/23/15)

1
2 **Part 2. ULDC Art. 3.B.8, Northlake Boulevard Overlay Zone (NBOZ) (pages 30-32 of 234), is**
3 **hereby amended as follows:**
4

Reason for amendments: [Zoning] The Northlake Boulevard Overlay Zone (NBOZ) is based on an Inter-local Agreement between Lake Park, North Palm Beach, Palm Beach Gardens, and Palm Beach County. The proposed amendments will better align the County's application of the NBOZ Design Guidelines with partner municipalities. Palm Beach County is the last participant in the NBOZ Inter-local to retain a deadline for compliance with the Design Guidelines, which has oft been cited as a burden for affected unincorporated area property owners (17 remaining as of 2015), and some of the municipalities allow for greater flexibility through provisions allowing for use of Waivers.

Background and Summary: As explained in Art. 3.B.8.A, Purpose and Intent (see below), the NBOZ was a multi-jurisdictional effort that sought to improve the overall appearance of properties fronting Northlake Boulevard from U.S. 1 westward to Military Trail. This was to be accomplished through adoption of the NBOZ Design Guidelines, which established a regulatory framework that in most cases strengthened certain development regulations such as sign standards, with the broader purpose of providing a more unified approach to redevelopment along a corridor that is governed by four separate jurisdictions.

The NBOZ Design Guidelines can be found online here:

[http://www.pbcgov.com/pzb/epzb%20uldc/Northlake/DesignGuide Northlake Blvd Ovrly District.pdf](http://www.pbcgov.com/pzb/epzb%20uldc/Northlake/DesignGuide%20Northlake%20Blvd%20Ovrly%20District.pdf)

The "Design Guidelines" is not a stand-alone Code, but is used in combination with each jurisdictions development regulations, which can be difficult for both applicants and staff in some scenarios. When applying the ULDC and Design Guidelines, the more restrictive provision shall prevail. However, since the adoption of the "Design Guidelines" the County has updated various signage, landscaping and architectural standards within the ULDC to reflect an overall trend towards improving the aesthetics of all development or redevelopment within the County. Subsequently, while still less stringent in some instances, most County standards may be generally consistent with, or exceed, the older standards included in the Design Guidelines.

Under Art. I.,4-4.D, Waivers and Variances, the "Design Guidelines" specifically recognize that partner jurisdictions may allow for Waivers or Variances from certain standards. However, Palm Beach County only has provisions that allow for Variances within the NBOZ. Recently, industry approached the County and the NBOZ Task Force requesting consideration of changes that would greatly revise certain signage or landscaping standards, which neither entity supported. In discussing alternative solutions and in recognition of Waiver provisions offered by other jurisdictions, the County proffered a compromise that would establish administrative Waivers from the Design Guidelines, provided that any Waiver granted would further the purpose and intent of the "Design Guidelines."

As the proposed Waivers only apply to the "Design Guidelines", any deviations from the County's ULDC, or other NBOZ Design Guidelines not specified, would require approval of a Variance, or other Waiver, if permitted.

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EXHIBIT L

NORTHLAKE BOULEVARD OVERLAY ZONE (NBOZ) SUMMARY OF AMENDMENTS

(Updated 10/23/15)

1 **CHAPTER B OVERLAYS**

2 **Section 8 NBOZ, Northlake Boulevard Overlay Zone**

3 **A. Purpose and Intent**

4 The purpose and intent of the NBOZ is to encourage improvement, enhancement, renovation,
5 and/or redevelopment of the Northlake Boulevard Corridor and to provide criteria by which to
6 review development/redevelopment within the Overlay Zoning District. The criteria outlined in
7 “Design Guidelines: Northlake Boulevard Overlay Zoning District (NBOZ)” will serve to unify
8 commercial development along the corridor and provide a positive collective identity for the
9 corridor. These regulations were prepared under the guidance of the Northlake Boulevard
10 Corridor Task Force (NBCTF) – an intergovernmental task force created by Interlocal agreement
11 composed of two representatives each from PBC, the Town of Lake Park, the Village of North
12 Palm Beach and the City of Palm Beach Gardens. **[Ord. 2011-016]**

13 **B. Applicability**

14 The provisions of the NBOZ, as outlined in “[Design Guidelines: Northlake Boulevard Overlay](#)
15 [Zoning District \(NBOZ\)](#)” prepared by Michael Redd & Associates, and dated March 11, 2002,
16 which are incorporated herein by reference, shall apply to all proposed development order
17 applications within the boundaries of the NBOZ, as described in [Article 3.B.89.C, Boundaries](#).

18 **C. Boundaries**

19 The NBOZ includes the public R-O-W for Northlake Boulevard and all properties along Northlake
20 Boulevard from Military Trail to U.S. Highway One for one property depth north and south of
21 Northlake Boulevard, including the street intersection properties at U.S. Highway One and at
22 Military Trail. Unincorporated portions of the NBOZ include portions of Section 18, Township 42,
23 Range 43; Section 17, Township 42, Range 43; Section 24, Township 42, Range 42; and Section
24 19, Township 42, Range 43, as indicated in the Official Zoning Map.

25 **D. Conflict**

26 In the event of a conflict between the NBOZ and other applicable regulations, the more restrictive
27 regulation shall prevail.
28

<p>Reason for amendments: [Zoning] Delete deadline to comply with NBOZ Design Guidelines for Signage and Landscaping, for consistency with other jurisdictions participating in the NBOZ Inter-local Agreement. While Lake Park has extended their deadlines, Palm Beach Gardens has deleted them altogether.</p>
--

29
30 **~~E. Deadline to Comply with Requirements for Signage and Landscaping~~**

31 ~~The deadlines to comply with signage and landscaping requirements contained in the provisions~~
32 ~~of the Design Guidelines for the NBOZ are hereby extended to July 5, 2016. **[Ord. 2011-016]**~~
33 ~~**[Ord. 2014-025]**~~

34 **~~1. Notice to Property Owners~~**

35 ~~Written certified notice shall be provided by PBC Zoning to the property owner at least one~~
36 ~~year in advance of the July 5, 2016 deadline. **[Ord. 2011-016]** **[Ord. 2014-025]**~~

37 **E. Type I Waivers for NBOZ Design Guidelines**

38 An applicant may apply for Type I Waivers for development standards contained within the NBOZ
39 Design Guidelines in accordance with Article 2.D.6, Type I Waivers. Applications for Type I
40 Waivers shall be expressly limited to Sections listed in Table 3.B.8.E, Type I Waivers for NBOZ
41 Design Guidelines. Type I Waiver requests shall be submitted concurrently with any other DRO
42 application request for Public Hearing certification, where applicable.

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EXHIBIT L

NORTHLAKE BOULEVARD OVERLAY ZONE (NBOZ) SUMMARY OF AMENDMENTS

(Updated 10/23/15)

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Table 3.B.8.E - Type I Waivers for NBOZ Design Guidelines (1)

NBOZ Design Guideline	Criteria
Art. I, General Provisions	
<u>Sec. 1-3.A.2</u>	Proposed Waiver is consistent with NBOZ Design Guidelines Art. I.1-1.A, Purpose and intent
Art. III, Architectural Elements	
<u>Sec. 3-1, General Provisions (excluding Sec. 3-1.A, Intent,</u>	<ol style="list-style-type: none"> 1. Demonstration that the NBOZ Design Guideline requirement will reduce required parking, or substantially restrict the operation of the existing business or property use. 2. Proposed Waiver is consistent with NBOZ Design Guidelines Art. I.1-1.A, Purpose and intent, and Article III, Sec. 3-1.A, Intent.
<u>Sec. 3-2, Design Treatments</u>	
<u>Sec. 3-3, Building Façade / Elevation</u>	
<u>Sec. 3-4, Building Color and Finish</u>	
<u>Sec. 3.5, Architectural Elements</u>	
<u>Sec. 3-6, Window / Door Treatments</u>	
<u>Sec. 3-7, Preferred Roof Materials / Styles</u>	
Art. IV Landscape Elements	
<u>Art. 4-2.D.4, Relocation or Replacement for Redevelopment</u>	<ol style="list-style-type: none"> 1. Demonstration that the NBOZ Design Guideline requirement will reduce required parking, or substantially restrict the operation of the existing business or property use. 2. Proposed Waiver is consistent with NBOZ Design Guidelines Art. I.1-1.A, Purpose and intent, and Article IV, 4-1, Intent.
<u>Sec 4-3 Non-Conforming landscape area</u>	
<u>Sec. 4-5, New construction and substantial revision</u>	
<u>Sec. 4-6, Prohibited and standard invasive plants</u>	
<u>Sec. 4-7, Preferred landscape palette</u>	
<u>Sec. 4-8, Minimum landscape requirements</u>	
<u>Sec. 4-9, Miscellaneous landscape elements</u>	
<u>Sec. 4-10, Landscape requirements for off-street parking areas</u>	
<u>Sec. 4-11, Minimum landscape buffer and planting requirements</u>	
<u>Sec. 4-12, Foundation landscaping and plantings</u>	
<u>Sec. 4-15, Pruning</u>	
<u>Sec. 4-15, Pruning</u>	
Art. V, Signage and Outdoor Displays	
<u>Sec. 5.4, Temporary Signs</u>	<ol style="list-style-type: none"> 1. Demonstration that the NBOZ Design Guideline requirement will reduce required parking, or substantially restrict the operation of the existing business or property use. 2. Proposed Waiver is consistent with NBOZ Design Guidelines Art. I.1-1.A, Purpose and intent, and Article V, 5-1.A, Intent.
<u>Sec. 5.5, Accessory Signs</u>	
<u>Sec. 5-6, Business signs</u>	
<u>Sec. 5-8, Measurement determination</u>	
<u>Sec. 5-9, Design, construction, and location standards</u>	
Art. VI, Site Plan Elements	
<u>Sec. 6-1, General design</u>	<ol style="list-style-type: none"> 1. Demonstration that the NBOZ Design Guideline requirement will reduce required parking, or substantially restrict the operation of the existing business or property use. 2. Proposed Waiver is consistent with NBOZ Design Guidelines Art. I.1-1.A, Purpose and intent.
<u>Sec. 6-2, Building orientation and placement</u>	
<u>Sec. 6-3, Off-street parking areas</u>	
<u>Sec. 6-4, Pedestrian amenities</u>	
<u>Sec. 6-5, Site and street furniture</u>	
Notes:	
1. Deviations from the limitations or permissions granted for Waivers shall be prohibited.	

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Notes:

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EXHIBIT M

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

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

STANDARD DISTRICTS														Use Type	#	Supplementary Standards	PLANNED DEVELOPMENT DISTRICTS (PDDs)												TRADITIONAL DEV. DISTRICTS (TDDs)																														
AG/CON		RESIDENTIAL				COMMERCIAL						IND					INST		PUD			MUPD			MXPD		PIPD		M R		LCC		TND			TMD																							
P	A	A	AR		R	R	R	R	C	C	C	C	C				URAO				IRO		I	I	P	I	PODS			FLU			FLU	PODS	M	R	FLU		TIER			TIER																	
C	G	R	S	S	E	T	S	M	N	L	C	H	G				R	U	U	U	U	U	C	C	C	C	L	L	H	H	L	G	O	P	R	C	R	C	A	C	C	C	C	C	I	E	I	C	C	I	C	I	H	V	C	C	U	S	EX/
														Institutional, Public and Civic																																													
														<u>Airport</u> (RELOCATED TO NEW TRANSPORTATION CLASSIFICATION)																																													
														<u>Kenel, Type 4 Animal Shelter</u>																																													
														<u>Cemetery</u>																																													
														<u>College or University</u>																																													
														<u>Crematory (RELOCATED FROM COMMERCIAL USES)</u>																																													
														<u>Day Camp (RELOCATED TO TEMPORARY USES)</u>																																													
														<u>Day Care, Limited</u>																																													
														<u>Day Care, General</u>																																													
														<u>Funeral Home (RELOCATED FROM COMMERCIAL USES)</u>																																													
														<u>Government Services</u>																																													
														<u>Helipad</u> (RELOCATED TO ART. 5, ACCESSORY AND TEMPORARY USES)																																													

Ord. []

Use approval process key:

P	Permitted by Right	D	Subject to DRO Approval	A	Subject to BCC Approval (Class A Conditional Use)
S	Subject to Special Permit Approval	B	Subject to Zoning Commission Approval (Class B Conditional Use)	-	Prohibited use, unless stated otherwise within Supplementary Use Standards

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EXHIBIT M

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

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

CHAPTER B USE CLASSIFICATION

Section 4 Institutional, Public and Civic Uses

A. Institutional, Public and Civic Use Matrix

Use Matrix has been provided as a separate handout for ease of use.

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

B. General Institutional, Public and Civic Standards

1. Agricultural Reserve (AGR) Tier

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

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

C. Definitions and Supplementary Use Standards for Specific Uses

1. Type IV Kennel (Animal Shelter)

HISTORY: The Kennel Type IV (Animal Shelter) use definition and supplemental standards were introduced in the ULDC in 2008 by Ordinance 2008-037. The definition and supplemental standards were amended by Ord. 2009-040, Ord. 2010-005, and Ord. 2011-016.

Reason for amendments: [Zoning]

1. Delete Kennel Type IV from the use name to only keep Animal Shelter. The change minimizes confusion with other commercial kennel uses.
2. Revise the definition to:
 - Delete the reference to type of establishment and acreage requirement as an Animal Shelter will be subject to the Property Development Regulations (PDRs) of the zoning district where the use is located. Humane Society and Private Animal Nonprofit organization are defined by Ordinance 98-022 as amended, and therefore regulated by the ACC.
 - Delete reference in the use definition related to services. The use definition shall be limited to explain and outline the meaning of a use instead of providing additional information that is developed through separate supplementary use standards.
2. Rename the Limitations of Use Standard to identify typical services the use is intended to include.
3. Establish ACC Permit standard to clarify that Zoning approval is required prior to application for an ACC Operational Permit.
4. Delete the Hours of Operation Standard as the ACC Ordinance does not identify or regulate business hours. The hours of operation shall comply with new Article 5.E.5, Hours of Operation.
5. Delete the Setback standard related to outdoor areas. Setback requirements will be subject to standards for kennels and runs under provisions for Accessory Uses found in Art. 5.B.1.A.22, Kennels and Runs.

a. Definition

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

ab. Limitations of Use Typical Services

~~All Type IV kennels shall be licensed and regulated by ACC, and comply with the following. [Partially relocated to Approval Process – ACC Permit Standard, below]~~
~~Typical services provided by an Animal Shelter may include but are not limited to: sheltering, adoption, fostering, providing rescue or old age homes, medical or behavioral~~

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EXHIBIT M

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

rehabilitation, or other accessory uses as may be permitted by ACC that are not regulated elsewhere by this Code. [Ord. 2008-037] [Partially relocated from Definition Standard, above]

c. Approval Process - ACC Permit

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

4)d. Frontage

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

2) Hours of Operation

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

3)e. Outdoor Animal Use Areas Landscaping

a) Setbacks

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

b) Screening

In addition to the incompatibility buffer standards of Art. 7.F.9, Incompatibility Buffer, a) Any outdoor animal use area located within 300 feet of a residential use or property with a residential FLU designation, shall upgrade the incompatibility buffer with either of the following: [Ord. 2008-037]

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

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

4) Number of Animals Permitted

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

5)f. Waste Disposal

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

b. Collocated Uses

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

eg. Accessory Residential Use

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

d. PIPD

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

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

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EXHIBIT M

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

2. Cemetery

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

Reason for amendments: [Zoning]

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

a. Definition

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

ba. Frontage

Where permitted in a ~~ln-all~~ residential zoning districts, a cemetery shall have frontage on and access from an arterial or a collector street.

cb. Lot Size

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

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

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

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

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

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

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

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

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

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

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

4. Florida Statutes 497 regulates Cemeteries as "a place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains" but it does not cover pet cemeteries. Staff recognizes industry trend to allow pet cemeteries accessory to a Cemetery for human but the minimum lot size of requirements of Cemeteries has to be met as stated in the State Statutes. Consequently, a new standard is proposed to allow accessory pet cemetery as long as the square footage is in addition to the minimum acreage required for Cemeteries for human interment.

c. RM District

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

Notes:

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EXHIBIT M

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

d. Pet Cemetery

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

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



3. College or University

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

Reason for amendments: [Zoning]	
1.	Delete reference in the use definition related to supporting services or functions necessary for the operation of the use. The use definition shall be limited to explain and outline the meaning of a use.
2.	Streamline the approval of the use to make it subject to DRO when standards related to separation from residential, limitation of building square footage, and location on collector or arterial streets are met. <ul style="list-style-type: none"> • The separation standard of 150 feet from residential FLU designation or use is utilized consistently throughout the Code for high intensity uses such as Pawnshop. • The limitation of maximum square footage to 30,000 gross floor area responds to the average mid-size college or university which also corresponds to the minimum square footage that will trigger approval of the use by the Board of County Commissioners (BCC) as contained in the Development Thresholds section of this Code. Dormitories shall be counted towards the total building square footage. • The requirement for freestanding or stand alone use located on arterial or collector street is added to facilitate approval and promote location of College or University use in Planned Development Districts and infill parcels and minimize the impact to adjacent uses or roads.
3.	Clarify that dormitories shall be considered incidental use to a College or University to be allowed as long as they are owned or operated by the educational institution. If this provision is not met, the use will be considered residential and will be subject to the residential use standards.

a. Definition

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

b. Approval Process

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

- 1) The property is separated from parcels with a residential FLU designation or use by a minimum of 150 feet;
- 2) Maximum 30,000 square feet of GFA; and,
- 3) The use has frontage on and access from an arterial, collector or local commercial street.

c. Dormitories

Dormitories shall be allowed if owned or operated by the College or University.

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



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EXHIBIT M

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

4. Crematory

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

Reason for amendments: [Zoning]

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

a. Definition

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

ab. Equipment Location

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

bc. Services Prohibited

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

d. Collocated Use

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

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



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



5. Day Care

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

Reason for amendments: [Zoning]

1. Clarify the different types of Day Care use by explaining them separately while retaining standards that apply to all Day Care uses.
2. Relocate the use is made for consistency with similar uses that are accessory to residential principal uses. The approval is indicated in Table 4.B.1.D - Corresponding Accessory Use to a Principal Use and Permitted by Right (P) accessory to Single Family dwelling, Townhouse, Zero Lot Line, Multifamily and Mobile Home Dwelling in the zoning districts where the principal uses are permitted.
3. Delete standard related to the approval of the Large Family Child Care Home (LFCCH) as the approval process is now indicated in the Use Matrix. The use is shown in the Use Matrix to be allowed in the same residential zoning district where Limited Day Care is allowed for consistency with content in the standard to be deleted. Per F.S. 402.302(11), a LFCCH is required to operate for two years as a Family Day Care Home prior to obtain license as LFCCH, therefore this use will be permitted only in the zoning districts indicated in the Use Matrix subject to the previous operation as Family Day Care Home.
4. Delete DRO approval standard in the LFCCH to clarify that the use is Permitted by Right when the parcel is 20,000 square feet (SF) or greater since the Use Matrix will reflect DRO as the most restrictive approval process for those smaller lots.
5. Create reference to the Residential use classification for Family Day Care Home use to assist the Code user on the location of the use information.

a. Definition

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

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EXHIBIT M

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

1 **b. Types**

2 **1) Day Care Limited**

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

5 **a) Collocated Use - AGR District**

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

9 **b) Use Limitations**

10 *Limited Day Care use does not include nighttime or overnight care. [Ord. 2011-*
11 *016] [Relocated from Limited standard, below]*

12 **2)a. Day Care General**

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

15 **b. Limited**

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

19 **c. Family Day Care Home**

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

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

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

34 **a 4) Applicability**

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

39 **2) Zoning District Limitation**

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

42 **b 3) Approval Process**

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

46 **c4-) Site Requirements**

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

49 **(1a) Outdoor Activity Area**

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

52 **(2b) Drop Off**

53 Shall comply with all drop-off access standards applicable to Day Care.
54 [Ord. 2011-016]

55 **(3e) Parking**

56 Shall provide at least four parking spaces including those required for a
57 Single Family residential unit. Parking dimensions shall comply with Art. 6,
58 Parking. [Ord. 2011-016]

59 **(4d) Site Egress**

60 Shall not allow backward egress from a driveway or parking area into a
61 street. [Ord. 2011-016]

62 **(5e) Signage**

63 *Signs* shall not be permitted. [Ord. 2011-016]

64 **4) Family Day Care Home**

65 *See standards under Residential Use Classification, Accessory Residential Use*
66 *Standards.*

67 **ec. Lot Size**

68 A minimum of 6,000 square feet, or the minimum required by the district in which the
69 *Limited or General dDay eCare* is located, whichever is greater.

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

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f. AGR District

~~A limited day care may be permitted as an accessory use to a church, place of worship, farm worker quarters, or assembly non-profit institutional use, subject to DRQ approval. In the AGR district a day care shall not be located west of SR7. [Partially relocated to Limited Day Care standard, above]~~

gd. Airport Zoning Overlay

The establishment of new Limited or General Day Care facilities shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses. [Ord. 2011-016]

he. CRE District

A ~~g~~General ~~d~~Day ~~e~~Care shall not be located in a CRE district with an RR FLU designation.

i. IND-FLU or Pod

~~A day care center located in a project with an IND-FLU designation or in an industrial pod of a PDD shall be for exclusive use on-site employees or contiguous employees.~~

1) Exception

~~A commercial pod in a MXP or PIPD shall not be subject to this limitation.~~

jf. Floor Area

1) Child Care

a) For a ~~child~~ ~~d~~Day ~~e~~Care with 40 children or less, the minimum floor area, exclusive of any area devoted to a kitchen, office, storage and toilet facilities, shall be 1,500 square feet.

b) An additional 35 square feet of floor area or the amount required by the PBCHD shall be provided for each child over 40 children.

2) Adult Care

For an adult day care, the total amount of net floor space available for all participants shall be in accordance with F.A.C. Chapter 58A-6.013, as may be amended, and as determined by the AHCA. [Ord. 2013-021]

kg. Outdoor Activity Area for Child Care

1) General

An outdoor activity area shall be provided on the same lot as the day care. The area shall not be located in the required front setback or adjacent to any outdoor storage area of any existing use.

2) Square Footage

Shall be in compliance with the Palm Beach County Rules and Regulations Governing Child Care Facilities contained in Section D of Article X of Chapter 1 of Appendix D to the Palm Beach County Code, as may be amended. [Ord. 2011-016]

3) Location of Outdoor Play Equipment

Stationary outdoor play equipment permanently anchored to the ground shall be setback a minimum of 25 feet from any residentially zoned or used property line, and ten feet from any other property line. ~~The location of stationary play equipment shall be depicted on the site plan.~~ Outdoor play equipment shall not be located in any required landscape area or easement.

4) Shade Trees

A minimum of one 12 foot tall native canopy tree shall be provided or preserved within the interior of the outdoor activity area per 1,500 square feet of area provided.

5) Fence/Wall

A minimum four foot high fence or wall shall surround the outdoor activity area.

lh. Drop-off Access

1) Drop-Off

One designated drop off space shall be provided for every 20 children or adults. Drop-off spaces shall be a minimum of 12 feet in width. [Ord. 2005 – 002]

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2) Sidewalk Access

A minimum four-foot wide sidewalk running in front of, or adjacent to the drop-off spaces and connecting to the day care entrance shall be provided.

Reason for amendments in the Use Matrix: [Zoning]	
1.	Change the approval process for Day Care General in AGR Zoning District from Class B Conditional Use to Class A Conditional Use to make the approval consistent with all other zoning districts where the use is permitted.
2.	Change the approval process for Day Care General in CHO and CG Standard Zoning Districts from Class B Conditional use approval to Class A Conditional Use approval; and, Commercial Recreation (CRE) Standard Zoning District from DRO approval to Class A Conditional Use. The amendments address consistency with the use being subject to Class A Conditional Use in PDDs.
3.	Allow the use in CLO and CHO FLU designation of IRO to be subject to Class A Conditional Use approval for consistency with the approval of the use in similar commercial standard zoning districts.
4.	Change the approval process for Day Care General in Industrial Light (IL) and Industrial General (IG) standard Zoning Districts from Class B Conditional Use to Class A Conditional Use approval. The change is made for consistency with the approval of the use in PIPD industrial light and general pods and the proposed approval of the use in MUPD with Industrial (IND) and Economic Development Center (EDC) FLU designation. Non-industrial uses such as Day Care support of employment centers and help in the implementation of mobility strategies.
5.	Change the approval for Day Care General in IPF from Class B Conditional Use to Class A Conditional use for consistency with the use in MUPD with INST FLU designation.
6.	Modify the approval for Day Care Limited in CL FLU designation of Infill Redevelopment Overlay (IRO) from Class A Conditional Use to Class B Conditional Use; and, allow the use in CLO FLU designation and CHO FLU designation in IRO to be subject to Class B Conditional Use and DRO approval respectively, for consistency with the approval of the use in CL, CLO and CHO standard Zoning Districts.
7.	Add Large Family Child Care Home to the Use Matrix to clarify approval process and differentiate from General, and Limited Day Care uses. The use approval is added to the Agricultural Residential (AR) Rural Service Area (RSA) and Urban Service Area (USA), Residential Estate (RE), Residential Transitional (RT), Residential Single Family (RS) and Residential Multifamily (RM) Zoning Districts subject to DRO approval as well as the Urban Redevelopment Area Overlay (URAO) where Single Family dwelling use is allowed. The use is Permitted by Right (P) when located in parcels 20,000 square feet (SF) or greater, as noted on a specific standard, but the Use Matrix indicates DRO (D) approval to reflect the most restrictive process when the parcel is less than the 20,000 SF.

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6. Funeral Home

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

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

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a. Definition

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

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

A funeral home shall be limited to preparation for interment. No public observances, sermons or funerals shall be permitted. [Ord. 2013-001]

c. Collocated Use

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

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

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7. Government Services

Reason for amendments: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Government Services use. The definition and supplemental standards were amended by Ord. 2003-067, 2009-40 and 2011-001.
1. Revise the Definition to delete typical uses and create an individual standard for clarification purposes. Delete reference to Homeless Resource Center, see reason #6, below.
2. Standard related to Institutional and Public Facilities located in the AGR Tier west of SR 7/US 441 is relocated from this use and consolidated to the new general standards at the introductory part of Institutional, Public and Civic Uses as the Comprehensive Plan Policy 1.5-r makes the regulations applicable to all Institutional uses.
3. Establish Approval Process standard to clarify that jails, correctional facilities and prisons are
4. Revise the Prison standard to: <ul style="list-style-type: none"> Clarify jails, correctional facilities and prisons are allowed only in certain zoning districts subject to Class A Conditional Use and other Government Services uses will be subject to the existing approval process in the Use Matrix; and, Relocate language related to barbed wire as all regulations have been consolidated under dangerous materials in Article 5, Supplementary Standards. Article 5 will be amended to include this use as one that allows barbed wire.
5. Delete the PIPD reference in the ACC Control Facilities standard. ACC facilities do not meet the purpose of the PIPD Zoning District intended for large employment centers, promoting research and development and other value-added services.
6. Delete standard that allowed Homeless Resource Centers to utilize Government Services approval. Homeless Resource Center, regardless if the use is private or public, will be subject to the same approval process and supplementary use standards.

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a. Definition

Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utility and recreational services. ~~Typical uses include administrative offices for government agencies, public libraries, police and fire stations, and homeless resource centers.~~ [Ord. 2009-040]

b. Typical Uses

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

a. AGR District

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

bc. Approval Process – PO and IPF Zoning Districts Prisons

1) Jails, correctional facilities and prisons shall be ~~permitted~~ allowed only in the PO and IPF ~~Zoning d~~istricts ~~only~~ subject to Class A conditional use approval. Expansion of existing facilities shall be exempt from this requirement.

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

~~1) Barbed or Razor Wire~~

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

cd. ACC Animal Control Facilities

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

d. Homeless Resource Centers

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

Reason for amendments in the Use Matrix: [Zoning]

- Change the approval in the CN, CLO, CC, CHO, CG and CRE Zoning Districts for consistency with commercial FLUs and Pods in Planned Development Districts.
- Change the approval in the PO Zoning District from Permitted (P) to Class A Conditional Use (A); and in the IPF Zoning District from DRO (D) to Class A Conditional Use to identify the most restrictive use approval applicable to jails, correctional facilities and prisons as dictated in the standards.

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8. Homeless Resource Center (HRC)

HISTORY: The Homeless Resource Center (HRC) use definition and supplemental standards were first referenced in 2009 (Ord. 2009-040).

Reason for amendments: [Zoning]

1. Revise the definition to:
 - Clarify that a Homeless Resource Center can be a public or private establishment. Publicly owned Homeless Resource Centers were referenced in the Government Services Use and relocated to the Homeless Resource Center use so that both distinctions would be incorporated into one use.
 - Relocate typical services to a new supplemental standard. Typical services reference is not a function of the definition.
2. Revise the Location and Separation Requirements standard to delete the Fire Rescue provision. Fire Department verifies through concurrency review process if a fire rescue station response time and accessibility is within the goals of that department to respond to any use.
3. Establish a standard that recognizes government operated or owned Homeless Resource Centers approved during the period when this use was created and the effective date of this ordinance to consider them conforming. This change is made in response to the deletion of a standard that allows Homeless Resource Centers to utilize with Government Services approval.

a. Definition

A facility public or private establishment that provides multiple services for the homeless population. ~~Typical services include: counseling, kitchen and dining facilities, medical and dental outpatient facilities, temporary housing, intake, social services, employment services, and administrative offices.~~

b. Typical Services

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

ac. Location and Separation Requirements

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

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

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

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

bd. Facility Use

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

ce. Subsequent Development with Locational Standards Nonconformities

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

f. Existing Approvals

A prior approval for a government owned or operated Homeless Resource Center shall not be considered a nonconforming use for sites approved between October 28, 2009, (Ordinance 2009-040), and the effective date of this ordinance.

Reason for amendments in the Use Matrix: [Zoning] The following changes are being proposed:

- Delete Class B Conditional (B) approval from the CC Zoning District. The use does not meet the intent of the Community Commercial Zoning District as this district is to provide neighborhood serving commercial facilities. An Homeless Resource Center is more of a regional serving facility.
- Change the approval process in CHO and CG Standard Zoning Districts from Class B Conditional Use to Class A Conditional Use. The change is made for consistency with the approval of the use in similar zoning districts.
- Add Class A Conditional Use approval process to the CH and CHO of the IRO Zoning Districts. The use is proposed to be changed from DRO approval to Class A Conditional Use in the IL Zoning District and subject to Class A Conditional use in the MUPD with IND FLU designation for

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consistency between each other.

- Add Class A Conditional Use approval process to the PO Zoning District. The proposed addition is addressing the relocation of Homeless Resource Center from Government Services. Homeless Resource Center, regardless if the use is private or public, will be subject to the same approval process and supplementary use standards.
- The use is deleted from the Industrial light (IL) pod and Commercial pod of PIPD as it is a non-industrial use that is not supporting major function of an employment center such as PIPD.



9. Hospital ~~or Medical Center~~

HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Hospital or Medical Center use. The definition and supplemental standards were amended by Ord. 2003-067 and 2005-002.

1. Revise use name and definition to remove reference to Medical Center. The industry utilizes "Medical Center" to identify facilities that provide services covered under Hospitals which are approved by the Agency for Health Care Administration (AHCA) as Hospitals. Approvals made to Hospital or Medical Center shall be covered under Hospitals.

Staff recognizes the medical facility industry is emerging and as such needs to accommodate those uses that do not fit neatly into a Hospital use. Staff is proposing to add additional medical facility uses during the Commercial Use Classification review and analysis based on industry standards and state statute. The new uses may include Ambulatory Surgical Center, Emergency Center, Treatment Center or Urgent Care Center.

2. Address the licensing requirement for a Hospital by the State of Florida consistent with F.S. 395.003.

3. Delete the Beds standard as the Agency for Health Care Administration's (AHCA) Bureau of Health Facility Regulation addresses bed counts through the Certificate of Need (CON) program. The CON program reviews applications for new hospitals.

4. Relocate Helipad and Collocated Medical or Dental Offices standards as collocated and accessory uses will be identified under the individual use in accordance with new formatting protocol. The Code addresses instances where uses can be collocated and would be subject to the approval process identified in the new Use Matrix.

a. Definition

~~A facility licensed by the State of Florida~~ An establishment which that maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness. ~~A hospital is distinguished from a medical center by the provision of overnight care. [Ord.2005-002]~~

b. Licensing

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

ac. Lot Size

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

b. Frontage

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

~~**c. Beds**~~

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

~~**d. Helipad**~~

~~An accessory helipad is a permitted use.~~ **[Relocated to Art. 4.B.10.C.2, Helipad]**

~~**ed. Incinerator**~~

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

1) Setbacks

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

~~**f. Collocated Medical or Dental Offices**~~

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

Reason for amendments in the Use Matrix: [Zoning] No change to the approval process is being proposed.



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10. Assembly, Nonprofit Institutional Assembly

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

Reason for amendments: [Zoning]

1. Revise the definition to relocate typical uses to a new standard. Typical uses reference is not a function of the definition.
2. Clarify Nonprofit Institutional Assembly meets the intent of the Comprehensive Plan FLU Element Sub-Objective 1.2.1 Revitalization, Redevelopment and Infill Overlay (RRIO) for neighborhood revitalization efforts through the County wide Community Revitalization Team (CCRT) Areas. The revisions will eliminate redundancy and provide flexibility by allowing the use subject to Special Permit to encourage development in the RRIO.
3. Delete requirement for the use to serve the farm workers and residents in the AGR Zoning District as it is already addressed by the Comprehensive Plan's FLUE Objective 1.5. Standard related to the location of the use in the AGR Tier west of SR 7/US 441 is relocated from this use to the new general standards at the introductory part of Institutional, Public and Civic Uses. The Comprehensive Plan Future Land Use Element Policy 1.5-r makes the regulations applicable to all Institutional uses.

a. Definition

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

b. Typical Uses

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

c. Zoning Districts

1) PO District

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

2) TND District

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

ad. Frontage and Access

4) General

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

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

1) Approval Process

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

- a) ~~Limited to a maximum of 3,000 square feet of GFA, unless approved as a Class A conditional use;~~
- b) ~~A maximum of two acres, unless approved as a Class A conditional use;~~
- c) ~~Landscaping in accordance with Art. 7, Landscaping;~~
- d) ~~A minimum of one parking space per employee and two visitor parking spaces shall be provided;~~
- ea) No outdoor activities after 10:00 pm; ~~and,~~
- f) ~~PBC or a CCRT approved neighborhood group shall own or operate the property and facility.~~ **[Partially relocated to Approval Process standard, above]**
- g) ~~Prior to the issuance of a business tax receipt, the building shall comply with all applicable Health and Building Code requirements; and [Ord. 2007-013]~~
- hb) The following accessory uses shall be permitted: limited day care, day camp, ~~neighborhood association office, and, community police substation, and fire rescue substations, and special events.~~

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2) Location

May be located on a local residential street provided the building square footage is limited to 5,000.

b. ~~TND District~~

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

c. ~~AGR District~~

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

d. ~~PO District~~

~~Nonprofit institutional assembly shall be government owned and operated. [Ord. 2006-013] [Relocated to Zoning Districts Standard, above]~~

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

- Add the use to the AR/USA Zoning District as a Class A Conditional Use (A);
- Add the use to the CRE Zoning District as a DRO Approval;
- Change the approval in the CG Standard Zoning District, Commercial Pod of a PUD, MUPD with CH, CR, and INST FLU designation, MXPD with CH FLU designation and LCC with CH FLU designation from a Class A Conditional (A) approval to DRO (D) approval;
- Delete use from MXPD with CHO FLU designation consistent with CHO Standard Zoning District and MUPD with CHO FLU designation as the use is prohibited in these districts; and,
- Change the approval in the PO Zoning District from Permitted by Right (P) to a DRO Approval. Staff is proposing to add the Place of Worship use to the PO Zoning District as a Special Permit approval, therefore a Nonprofit Institutional use must be on equal footing or have a more restrictive approval process.

11. Assembly, Nonprofit Membership Assembly

HISTORY: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the Nonprofit Membership Assembly use. The definition and supplemental standards were amended by Ord. 1995-008, 1997-064, 1999-037, 2000-015, 2001-001, 2001-100, 2003-067, and 2005-002.

Reason for amendments: [Zoning]

1. Revise the definition to relocate typical uses to a new standard. Typical uses reference is not a function of the definition.
2. Delete requirement for the use to serve the farm workers and residents in the AGR Zoning District as it is already addressed by the Comprehensive Plan's FLUE Objective 1.5. Standard related to the location of the use in the AGR Tier west of SR 7/US 441 is relocated from this use to the new general standards at the introductory part of Institutional, Public and Civic Use Classification. The Comprehensive Plan FLU Element Policy 1.5-r makes the regulations applicable to all Institutional uses.
3. Delete the PO District standard for consistency as the use is prohibited in the Use Matrix.

a. Definition

An site or facility establishment owned or operated by a ~~not-for-profit nonprofit~~ organization for social, education or recreational purposes where paid membership is required. ~~Typical uses include fraternal or cultural organizations and union halls.~~ [Relocated to Typical Uses Standard, below]

b. Typical Uses

A Nonprofit Membership Assembly use may include but is not limited to: fraternal or cultural organizations, and union halls. [Relocated from Definition, above]

c. Zoning Districts

1) AR/RSA District

May be permitted in the AR/RSA with a SA FLU, subject to a Class A Conditional Use approval. [Ord. 2005-002] [Relocated from AR/RSA Standard, below]

2) TND District

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

ad. Frontage and Access

The use shall have frontage on and access from a collector, arterial, or local commercial street. A ~~place of assembly~~ Nonprofit Membership Assembly with collocated uses, or

Notes:

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EXHIBIT M

ARTICLE 4.B, USE REGULATIONS
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(Updated 11/12/15)

more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street. [Ord. 2006-013]

b. AR/RSA

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

c. AGR District

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

d. PO District

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

e. TND District

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

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

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

12. Place of Worship

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

BACKGROUND:

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

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

Reason for Amendments: [Zoning]

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

a. Definition

~~Means a An establishment sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and or related services. A place of worship may include collocated facilities that require additional approval, such as a day care, school, cemetery, or CLF. [Ord. 2005-041] [Ord. 2006-013]~~

b. Existing Approvals

~~Applicants may seek abandonment of the existing place of worship approval and apply for a Special Permit at any time. Prior approvals may be continued to be utilized subject~~

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SUMMARY OF AMENDMENTS
(Updated 11/12/15)

to the limitations in Art. 2.D.1.G, Modifications to Prior Development Orders. A Development Order exceeding the thresholds in Art. 2.D.1.G shall be subject to a Development Order Abandonment (ABN) and a concurrent request for a Special Permit.

3.	Revise the frontage and access requirements to clarify the location of a Place of Worship based on the size of the establishment.
4.	Delete the DRO Approval standard, as it no longer applies due to aforementioned change to the Special Permit process.

ac. Frontage and Access Location

~~A place of worship with collocated uses such as a day care, school, CLF, or cemetery; or, in excess of 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or an arterial street. [Ord. 2006-013]~~

1) A Place of Worship greater than or equal to 15,000 square feet, including accessory uses, shall have frontage on and access from an arterial or collector street.

2) A Place of Worship greater than or equal to 5,000 square feet and less than 15,000 square feet, including accessory uses, shall have frontage on and access from an arterial, collector or local commercial street.

3) A Place of Worship less than 5,000 square feet, including accessory uses, may have frontage on and access from a local residential street.

b. Use Limitations

1) DRO Approval

~~A place of worship not exceeding 3,000 square feet of GFA or 150 seats, including collocated or accessory uses, shall be permitted in the CN, CC, CG, UC or UI, MUPD, MXPD, TMD districts, and a commercial pod in a PDD or TDD subject to DRO approval. [Ord. 2005-002] [Ord. 2006-013] [Ord. 2011-016]~~

5.	Delete redundant Collocated language as the Code already addresses instances where uses can be collocated and would be subject the approval process identified in the new Article 4 Use Matrices. Revise the Accessory/ Collocated standard to clarify all collocated uses will be considered conforming so as to not create any nonconformities.
6.	Any amendments to an existing development or new construction that meets or exceeds the maximum square footage in the threshold are subject to BCC or DRO approval. This standard clarifies that Places of Worship are not subject to the Development Thresholds contained in Article 4.
7.	Revise Temporary Sales standard to clarify specific types of sales allowed, differentiate accessory sales are not special events and establish threshold for number of sales allowed. These changes will mitigate prior confusion with other provisions for the more expansive Temporary Sales use (currently considered General Retail Sales), and similar concerns with Special Events, which require a Special Permit.
8.	Delete standard allowing affordable housing subject to Class A Conditional Use approval accessory to a Place of Worship in INST FLU designation. A general standard has been proposed under Residential Use Classification to reference Comprehensive Plan regulation in the Future Land Use Element that limits residential uses in the Institutional and Public Facilities (INST) Land Use designation to accessory affordable housing only.

2) Accessory/Collocated Use

~~A place of worship not exceeding 3,000 square feet of GFA or 150 seats shall be permitted as an accessory use to an assembly, civic, educational or recreational use in any non-residential district, except IL, IG or a PDD with an IND FLU designation, subject to approval by the DRO. [Ord. 2006-013]~~

d. Development Thresholds

A Place of Worship shall be exempt from the requirements under Development Thresholds in Art. 4, Use Regulations.

3)e. Temporary Sales

Temporary sales, such as rummage, bake, or seasonal sales, shall be ~~p~~Permitted by Right as an accessory use to a Place of Worship for a period of up to three consecutive days, limited to four times a year. Temporary sales greater than three consecutive days shall ~~obtain a Special Permit for~~ follow the requirements of Article 4.B.1.A.115.a Temporary ~~Retail~~ Sales.

4) Limited Day Care

~~A limited day care shall be permitted as a collocated use to a place of worship with a minimum of 3,000 square foot of GFA or 150 seats subject to DRO approval. [Ord. 2005-002] [Ord. 2006-013] [Relocated to Limited Day Care]~~

5) INST

~~In the INST FLU designation, affordable housing shall be permitted as an accessory use to a place of worship, subject to approval of a Class A conditional use. Such housing shall be requested and under the direct supervision of a sponsoring nonprofit organization or community based group, provided at below market rental rates, and not~~

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EXHIBIT M

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~~for resale. The number of units allowed shall be determined by the Planning Director based on a land use compatibility analysis of the surrounding area. [Ord. 2006-013]~~

9. Delete requirement for the use to serve the farm workers and residents in the AGR Zoning District as it is already addressed by the Comprehensive Plan’s FLUE Objective 1.5. Standard related to the location of the use in the AGR Tier west of SR 7/US 441 is relocated from this use to the new general standards at the introductory part of Institutional Public and Civic Use classification. The Comprehensive Plan Policy 1.5-r makes the regulations applicable to all Institutional uses.

6) AGR District

~~The use shall be limited to that which serves the needs of farm workers or residents of the AGR Tier and shall not be located west of SR 7/US 441. [Ord. 2006-013]~~ **[Partially relocated to Article 4.B.4.B, General Institutional, Public and Civic Standards]**

Reason for amendments in Use Matrix: [Zoning]

1. The Special Permit approval designation will allow Zoning staff to review applications, specific to the use approval only, and prior to Building Review. Accompanying supplemental standards will provide staff clear-cut regulatory framework to review and process requests. This change will amend the existing approval processes from Conditional Use (A) to Special Permit (S) in all zoning districts where the use is allowed.
2. Add Place of Worship use to the Infill Redevelopment Overlay (IRO) where inadvertently omitted when the district was first established.
3. Delete Requested Use (R) approval from Mobile Home Planned Development (MHPD) District. The MHPD provisions defer to Planned Unit Development (PUD) regulations for recreation, civic and commercial pods, where the use is more appropriately limited to civic and commercial pods.

13. School, Elementary or Secondary

Reason for amendments: Staff is using Ordinance 1992-020 as the initial reference of amendment history for the School, Elementary or Secondary use. The definition and supplemental standards were amended by Ord. 2003-067, 2005-002 and 2012-027.

1. Delete reference to Charter school in the School definition per Florida Statutes 1002.33, section (18) Facilities, indicating that local governing authorities shall make Charter Schools subject to the same regulations applicable to Public Schools.
2. Standard related to Schools located in the AGR Tier west of SR 7/US 441 is relocated from this use and consolidated to the new general standards at the introductory part of Institutional, Public and Civic Use classification as the Comprehensive Plan Policy 1.5-r makes the regulations applicable to all Institutional uses.

a. Definition

An institution of learning, whether public, ~~or private or charter~~, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.

ba. General

1) Setbacks

All schools shall comply with the Zoning District setbacks unless stated otherwise herein. No setback shall be less than 25 feet regardless of the Zoning District. **[Ord. 2012-027]**

~~**2) Agricultural Reserve Tier**~~

~~A school shall not be located west of SR 7/US 441.~~

~~**3) South Florida Water Management District (SFWMD)**~~

~~Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.~~

a) Preservation

Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in conformance with Article 9, ARCHAEOLOGICAL AND HISTORIC PRESERVATION.

b) Wetlands Permits

On site wetlands required by the SFWMD shall be preserved. Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.

c) Construction Documents

Prior to site plan approval by the DRO review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM.

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EXHIBIT M

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

43) Airport Zoning Overlay

New schools shall not be located within five miles of either end of a runway, pursuant to Article 16, AIRPORT REGULATIONS, and F.S.

cb. Private School

The following standards shall apply to all private schools: [Ord. 2012-027]

1) Pedestrian Access/Bike Path

Pedestrian access, bike paths and crosswalks showing access to the school site from surrounding neighborhoods shall be shown on the site plan.

2) Vehicular Circulation

Designated bus and parental drop off/pick up areas, shall be provided. Pathways, which cross vehicular use areas, shall be defined by special paving, brick, striping, or other methods acceptable to the DRO. [Ord. 2012-027]

3) Approval Process

This use shall be subject to the applicable approval process pursuant to the use matrices of Article 3 and Article 4. [Ord. 2012-027]

3. Update Charter School by clarifying that in accordance with Florida Statutes 1002.33, section (1) Authorization, all Charter Schools in Florida are public schools. Furthermore, Florida Statutes 1002.33, section (18) Facilities, indicates that local governing authorities shall make Charter Schools subject to the same regulations applicable to Public Schools.

dc. Charter Schools

~~Charter schools are subject to the same standards and approval processes applicable to private schools. Charter schools are considered public schools pursuant to F.S. Chapter 1002.33 and shall be subject to the standards and procedures applicable to Public Schools. If constructed by the PBC School Board or otherwise considered a public school facility pursuant to F.S. Chapter 1013, the use shall be treated as public schools for the purposes of this Code. Charter schools with 200 or fewer students in a commercial, industrial, or nonresidential planned development district shall be subject to DRO approval.~~ [Ord. 2012-027]

ed. Public Schools

1) Applicability

Public Schools are subject to site requirements contained in Section 423 of the Florida Building Code per F.S. 1013.37. Public schools are not subject to the approval process contained in the Use Matrices Matrix of this Code unless specified herein. Other types of School Board developments, such as administrative offices, warehouse buildings, etc., shall comply with the regulations of the applicable zoning district. [Ord. 2012-027]

2) Previous Approvals and Future Amendments

Public schools approved prior to June 16, 1992 shall be considered conforming uses. [Ord. 2012-027]

4. Clarify school board projects are subject to review through the Agency Review (ZAR).

3) Review by Zoning

a. School Site Acquisition

Comply with the procedures established by the Intergovernmental Agreement R-93-1600D adopted on 12-7-93, as amended from time to time. [Ord. 2012-027]

b. Development Review Officer (DRO) Administrative Review

Application shall comply with the DRO ~~Administrative Review~~ Agency Review process as stated in Article 2.D.1.G.2, ~~Administrative Process~~ Administrative Modifications. [Ord. 2012-027]

4) Accessory ~~Uses~~ Radio Towers

~~The following uses, subject to special regulations,~~ Accessory Radio Towers shall be allowed as customarily incidental and subordinate to a public school, subject to the following regulations:

~~a) Accessory Radio Towers~~

~~(1a)~~ Height

Towers shall have a maximum height of 100 feet or less measured from the finished grade at the base of the tower. Towers over 100 feet in height and commercial communication towers shall comply with Art. 4.C, Communication Tower, Commercial. [Ord. 2005 - 002]

~~(2b)~~ Setbacks

(a) Towers shall meet a minimum setback equal to 50 percent of the height of the tower from all property lines. [Ord. 2005 - 002]

(b) Commercial Communication Towers shall comply with Art. 4.C., Communication Tower, Commercial. ITV antennas shall not be subject to these requirements. [Ord. 2005 - 002]

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EXHIBIT M

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

- 1 ~~(3c)~~ **Anchors**
- 2 All tower supports and peripheral anchors shall be located entirely within the
- 3 boundaries of the school site and in no case less than 20 feet from a property
- 4 line.
- 5 ~~(4d)~~ **Fencing**
- 6 Security fencing or a security wall shall be installed around the base of each
- 7 tower, each anchor base and each tower accessory building to limit access.
- 8 ~~(5e)~~ **Sign-Off**
- 9 The School Board shall provide a written sign-off from the County Department of
- 10 Airports stating the tower will not encroach into any public or private airport
- 11 approach space as established by the Federal Aviation Administration.
- 12 ~~(6f)~~ **Removal**
- 13 Obsolete or abandoned towers shall be removed within 12 months of cessation
- 14 of use.
- 15

5. Relocate standard related to Water or Waste Water Treatment facility accessory to a School for consistency with construction of the Code. The Use Regulations Project consolidates all standards applicable to a principal use under the existing provisions for that use to facilitate use of the Code.

- 16
- 17 ~~b) Water or Waste Water Treatment~~
- 18 ~~A water or wastewater treatment facility may be installed in accordance with all~~
- 19 ~~applicable federal, state and local utility standards. [Relocated to Art.~~
- 20 ~~4.4.B.7.C.11, Water or Wastewater Treatment Plan use]~~
- 21 ~~(1) Location/Buffering~~
- 22 ~~The facility shall be located and buffered to ensure compatibility with~~
- 23 ~~surrounding land use. [Relocated to Art. 4.4.B.7.C.11, Water or~~
- 24 ~~Wastewater Treatment Plan use]~~
- 25 ~~(2) Duration~~
- 26 ~~The use of the facility shall only be permitted until such time. [Relocated to~~
- 27 ~~Art. 4.4.B.7.C.11, Water or Wastewater Treatment Plan use]~~
- 28 **5) Setbacks**
- 29 Setbacks for public schools shall be a minimum of 25 feet. [Ord. 2005-002] [Ord.
- 30 2012-027]
- 31 **6) Supplemental Design Standards**
- 32 a) All fences height shall be in compliance with Art. 5, Supplementary Standards
- 33 and Art. 7, Landscaping. [Ord. 2012-027]
- 34 b) Landscape shall comply with State Statutes 1013.64(5)(a). [Ord. 2012-027]
- 35 c) **R-O-W Dedication**
- 36 Within six months of a request by the County Engineer, the School Board shall
- 37 convey to the BCC all portions of the site necessary to achieve the ultimate R-O-
- 38 W, as required by Article 11, Subdivision, Platting and Required Improvements,
- 39 or as warranted by the School District's Traffic Study, as well as additional right
- 40 of way for turn lanes and corner clips, as determined by the County Engineer and
- 41 warranted by the School District's Traffic Study for any affected road. The
- 42 conveyance shall include documentation acceptable to the County Engineer that
- 43 the land is free of all encumbrances and encroachments and shall be in the form
- 44 of a warranty deed acceptable to the County Attorney. Time extension for R-O-
- 45 W dedication may be granted if approved by the County Engineer and the School
- 46 District. [Ord. 2012-027]
- 47 d) **Road Improvements**
- 48 Prior to school occupancy, the School Board shall fund and construct all road
- 49 improvements directly associated with the school such as paving-drainage, turn
- 50 lanes, traffic circulation, sidewalks, and driveway connections as determined by
- 51 the County Engineer and warranted by the School District's Traffic Study. [Ord.
- 52 2005 – 002] [Ord. 2012-027]
- 53

Reason for amendments in the Use Matrix: [Zoning] No change to the approval process is being proposed.

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EXHIBIT M

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

1 Part 3. New ULDC Art. 4.B.1, Residential Uses, is hereby established as follows:

2 **CHAPTER B USE CLASSIFICATION**

3 **Section 1 Residential Uses**

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

5 **4. Nursing Home or Convalescent Facility**

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

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

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a. Definition

An establishment where care is offered or provided for three or more persons suffering from illness, other than a contagious disease, sociopathic or psychopathic behavior which is not of sufficient severity to require hospital attention, or for three or more persons requiring further institutional care after being discharged from a hospital, other than a mental hospital. Patients usually require domiciliary care in addition to nursing care.

b. Licensing

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

ca. Lot Size

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

db. Frontage

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

ee. Access

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

fd. Maximum Number of Patient Beds

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

e. Emergency Generators

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

Reason for amendments in the Use Matrix: [Zoning]

- 1. Change the use approval from Class B Conditional Use to DRO in the Institutional and Public Facilities (IPF) Zoning District for consistency with the approval of the use in MUPD with INST FLU designation in order to promote the location of the use in this district.

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EXHIBIT M

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/12/15)

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

CHAPTER B USE CLASSIFICATION

Section 1 Residential Uses

D. General Standards for Accessory Uses

1. Corresponding Accessory Use to a Principal Use

Reason for amendments:
1. Per F.S. 125.0109, this use shall constitute a valid residential use to be permitted by right in residential zoning districts. F.S. 402.302 defines the use as an occupied residence which makes it accessory to a principal residential use therefore, the use cannot exist on its own. This amendment identifies the use as accessory to Multifamily, Single Family, Townhouse, Zero Lot Line and Mobile Home Dwelling which will allow its location in any of the residential zoning districts where these principal residential uses are allowed.

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

	Principal Use												
	Mobile Home Dwelling	Multifamily	Single Family	Townhouse	Zero Lot Line	Bona Fide Agriculture	Stable Commercial / Stable Private	Agricultural Uses	Commercial Uses	Industrial Uses	Institutional and Public Uses	Recreation Uses	Utilities and Excavation Uses
Accessory Use													
Family Day Care Home	P	P	P	P	P	-	-	-	-	-	-	-	-
Notes													
P	Permitted by Right												

E. Accessory Residential Use Standards

4. Family Day Care Home

An occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, consistent with F.S. 125.0109 as amended. [Ord. 2011-016]

a) Signage

Signs shall not be permitted.

[renumber accordingly]

Part 5. ULDC Art. 1.1.2, Definitions, is hereby amended as follows:

Reason for amendments:
1. Introduce definition of Chapel to clarify the use is not the same as a Place of Worship and clarify that the use may be considered accessory, incidental and subordinate, subject to the limitations applicable to any accessory use.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

28. **Chapel** - For the purposes of Art. 4, Use Regulations, means a use other than a Place of Worship, for religious fellowship, prayer or worship as an accessory use to a non-religious institution or use, such as a college, hospital, prison, funeral home, airport, and cemetery.

[Renumber Accordingly]

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