

Board of County Commissioners

Karen T. Marcus, Chair
Shelley Vana, Vice Chair
Paulette Burdick
Steven Abrams
Burt Aaronson
Jess Santamaria
Priscilla A. Taylor



County Administrator
Robert Weisman

Department of Planning, Zoning & Building
2300 North Jog Road
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**TITLE: REQUEST FOR PERMISSION TO ADVERTISE
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2010-02**

SUMMARY: The proposed ordinances will account for minor revisions, scrivener's errors, and omitted text from the Unified Land Development Code (ULDC), as well as several specific amendments.

- ❑ Ordinance Title
- ❑ Exhibit A Article 2 – Development Review Procedures
- ❑ Exhibit B Article 3 – Overlays & Zoning Districts
- ❑ Exhibit C Article 6 – Parking
- ❑ Exhibit D Article 12 – Traffic Performance Standards
- ❑ Exhibit E Environmental Standards
- ❑ Exhibit F Pain Management Clinic Moratorium
- ❑ Exhibit G Density Bonus Program
- ❑ Exhibit H Yard Waste
- ❑ Exhibit I Emergency Structures
- ❑ Exhibit J Barbed Wire
- ❑ Exhibit K Big Box
- ❑ Exhibit L Civic Pods
- ❑ Exhibit M Infill Redevelopment
- ❑ Exhibit N Land Development
- ❑ Exhibit O Medical Office in INST FLU
- ❑ Exhibit P Open Space
- ❑ Exhibit Q Public Park Landscape
- ❑ Exhibit R Recreational Facility (Clubhouse)
- ❑ Exhibit S Westgate Community Redevelopment Area Overlay (WCRAO)

LDRAB/LDRC: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on September 22, 2010, October 27, 2010, November 17, 2010, and, the Land Development Regulation Commission (LDRC) on November 17, 2010. All proposed ULDC amendments were found to be consistent with the Plan.

MOTION: To approve on preliminary reading and advertise for First Reading on January 6, 2011 at 9:30 A.M.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067 AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS;** CHAPTER E, PRIOR APPROVALS; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES;** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS;** CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); **ARTICLE 4 – USE REGULATIONS;** CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; WHICH INCLUDES AN EXTENSION TO THE MORATORIUM UPON ACCEPTANCE OF ZONING APPLICATIONS AND REQUESTS FOR ZONING APPROVAL FOR PAIN MANAGEMENT CLINICS; **ARTICLE 5 - SUPPLEMENTARY STANDARDS;** CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER D, PARKS & RECREATION – RULES AND RECREATION STANDARDS; CHAPTER G, DENSITY BONUS PROGRAMS; **ARTICLE 6 – PARKING;** CHAPTER A, PARKING; **ARTICLE 7 – LANDSCAPING;** CHAPTER C, MGTS TIER COMPLIANCE; **ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS;** CHAPTER A, GENERAL REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; CHAPTER F, VARIANCES; **ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS;** CHAPTER H, CONSTRAINED FACILITIES; **ARTICLE 14 – ENVIRONMENTAL STANDARDS;** CHAPTER A, SEA TURTLE PROTECTION AND SAND PRESERVATION; **ARTICLE 17 – DECISION MAKING BODIES;** CHAPTER C, APPOINTED BODIES; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

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MEMORANDUM

TO: The Honorable Karen T. Marcus, Chair, and Members of the Board of County Commissioners

FROM: Barbara A. Alterman, PZB Executive Director

DATE: November 22, 2010

RE: Unified Land Development Code (ULDC) Round 10-2, Exhibit G, Density Bonus Programs

The Transfer of Development Rights (TDR) program is included in the list of ULDC amendments in Round 10-2 that will be presented to the BCC for permission to advertise on December 9th. For your information, at their November 17th meeting the LDRAB recommend two changes to the proposed ULDC revisions to the TDR Program.

The proposed text location in Exhibit G and the two LDRAB recommendations are as follows:

1. Page 18 of 68, lines 33 and 35.
Staff recommends annual adjustment of TDR pricing to equal 15% of corresponding median home prices reported by the Florida Realtors Association (FRA). LDRAB agrees that TDR prices should be based on average home prices reported by the FRA, but recommends that the BCC establish an appropriate percentage of FRA prices each year.
2. Page 20 of 68, beginning on line 9.
Staff recommends 50% of TDR funds be placed in escrow prior to DRO approval, and 100% of the funds paid to the County prior to first building permit. LDRAB eliminates requirement for partial payment into escrow, and replace with the requirement that 100% of the funds must be paid before recordation of the first plat.

- c: Verdenia Baker, Deputy County Administrator
- Lorenzo Aghemo, Planning Director
- Jon MacGillis, Zoning Director
- Lenny Berger, Assistant County Attorney
- Bob Banks, Assistant County Attorney
- Patrick Rutter, Chief Planner

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*"An Equal Opportunity
Affirmative Action Employer"*

WHITE PAPER
YARD WASTE
SUMMARY OF AMENDMENTS
(Updated 11/4/10)

WHITE PAPER
Executive Summary

I. INTRODUCTION

The purpose of this white paper is to provide a summary of proposed amendments to the Unified Land Development Code (ULDC) to define yard waste and permit limited storage of yard waste when associated with a landscape service. It would allow temporary on-site storage of yard waste that resulted from material generated by the business owner.

II. BACKGROUND

This amendment was initiated to codify common practices that were approved by previous Zoning Directors. It allowed a principal or accessory landscape service use to temporarily store yard waste on sites generated by the maintenance service provided to the landscape service customers only. It includes uses where the landscape service is accessory such as wholesale nursery and retail nursery. In the past, it was determined that the storage of vegetative waste is incidental when less than 10 percent of the total site area of the principal use.

Due to the characteristics in size and the process of the yard waste as an incidental activity to landscape service, it is not considered a solid waste transfer station, therefore new regulations are needed.

The Zoning Division scheduled this issue to be codified in the ULDC 2010-02 round of amendments followed by the creation of a subcommittee that included representatives from the Solid Waste Authority (SWA), Health Department, Zoning Division, Land Development Regulation Advisory Board (LDRAB) members, and industry (wholesale nurseries and chipping and mulching). The subcommittee had a series of meetings on September 13, September 27 and October 18, 2010 to discuss the topic that included comments and recommendations such as:

- For the SWA yard waste collection is a service needed by the community if provided in convenient locations; reduces the number of trips for SWA vehicles; extends the life of the SWA facilities; and, discourages illegal dumping.
- Currently, there are nine SWA permitted facilities in the county that accepts yard waste, most of them approved by the zoning division as chipping and mulching or recycling facilities. The SWA has not issued permits for any site with a yard waste of this nature because there is no zoning category that corresponds to small scale yard waste.
- The subcommittee recommendations included:
 1. Introduce definition for yard waste and yard waste transfer station;
 2. Provide site criteria for yard waste related to:
 - a. Location;
 - b. Accessibility from arterial or collector streets;
 - c. Lot size;
 - d. Traffic issues;
 - e. Setbacks of the yard waste storage area;
 - f. Size of trucks picking up and dropping off waste;
 - g. Volume of trash on site (method of measurement and control of timely removal);
 - h. Nuisance/noise in the residential area and surroundings;
 - i. Percentage of the site's area to be used for yard waste if it is an accessory use;
 - j. Hours of operation;
 - k. Buffering; and,
 - l. Screening.
 3. Allow yard waste accessory to wholesale nursery, retail nursery and landscape service.

The amendments include some of the subcommittee recommendations related to the siting criteria. However, at this time yard waste will only be allowed to a Landscape Service. The Zoning Director recommendation is to approach these amendments in two phases:

- Phase I - 2010-02 Round: BCC adopts proposed amendment which is limited to specific uses and standards for the yard waste storage, and.
- Phase II - 2011-01 Round: Get BCC direction if they want to expand the provisions similar to what the Subcommittee recommended.

III. AMENDMENT SUMMARY

The proposed amendments include the following:

- Introduction of yard waste definition as vegetative matter resulting from landscaping maintenance that excludes land clearing.

WHITE PAPER

**YARD WASTE
SUMMARY OF AMENDMENTS
(Updated 11/4/10)**

- 1 ➤ Location criteria and siting regulations such as setback, storage area dimensions, screening
2 requirements, and yard waste height limitation, to allow landscape service to receive yard waste
3 only from customary clients.
4
- 5 ➤ Allowance for yard waste storage is limited to landscape service, including when permitted as an
6 accessory use to a wholesale or retail nursery.
7
- 8 ➤ Limitation of yard waste storage to only vegetative matter generated by the landscape service.
9
- 10 ➤ Clarification that landscape service as home occupation cannot be requested if yard waste is
11 going to be included.
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WHITE PAPER

OPEN SPACE
SUMMARY OF AMENDMENTS

(Updated September 21, 2010)

I. OBJECTIVES

A Land Development Regulation Advisory Board (LDRAB) Subcommittee was convened during the 2010-01 Round of Unified Land Development Code (ULDC) Amendments to discuss uses and definitions related to “open space” and “usable open space”. In the past the definitions had been amended to include lists of items that are considered or could be located in “open space” or “usable open space”. In addition, new specific definitions related to usable open space for Parks and Workforce Housing was added, resulting in three redundant definitions for open space. The Subcommittee also expressed concern regarding inconsistency amongst Staff when determining whether or not Lake Worth Drainage District (LWDD) should be included in open space calculations.

The objectives of the Subcommittee were to:

- 1) Review and compare definitions in the ULDC and the Comprehensive Plan for consistency;
- 2) Determine whether or not the definition for “open space” should be amended to include easements and if they should be included in open space calculations; and,
- 3) Clarify and consolidate definitions related to: “usable open space”; “park, open space, usable”; “usable open space for WHP”; and “yard”.

II. ULDC AND COMP PLAN DEFINITIONS

The Subcommittee and Staff compared the definitions and use of terms related to “open space” and “usable open space” as they currently exist in the ULDC and the Plan. The definitions are generally consistent however there are several definitions that are redundant.

ULDC Definitions and Terms:

The following definitions are currently located in Article 1 of the ULDC:

- 1) **Open Space** – unbuilt land reserved for, or shown on the approved site plan or PDP, as one or more uses: preservation, conservation, wetlands, well site dedicated to PBCWUD, passive recreation, greenway, landscaping, landscape buffer, and water management tracts. In the AGR district, open space shall also include unbuilt land use for bona fide agriculture uses;
- 2) **Park, Open Space, Usable** – for the purposes of Art. 5, an area such as a park, square, plaza, or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies, drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation or gatherings; and,
- 3) **Usable Open Space** - an area such as a park, square, plaza, or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies, drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation or gatherings; and,
- 4) **Usable Open Space for WHP** – a common area such as a park, square, plaza, or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes or other water bodies, drainage or retention areas, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation.

The terms open space and usable open space are also used in a number of definitions including, but not limited to the following:

- 1) **AGR-PUD Gross Site Area** – the land area of the PUD less land dedicated per the Thoroughfare Identification Map. The gross site area includes land to be used for other R-O-W, streets, preservation areas, development areas, water retention, **open space**, commercial recreation and civic uses.

WHITE PAPER

OPEN SPACE
SUMMARY OF AMENDMENTS

(Updated September 21, 2010)

- 1 2) **Greenway** – multi-purpose **open space** corridors of private and public
2 lands...Greenways are employed to provide **usable open space** close to residential
3 areas...

4
5 **Comp Plan Definitions and Terms:**

6
7 The following definition for “usable open space” is located in the Plan:

8
9 **Usable Open Space** - Pervious, vegetated areas, parks and squares as well as impervious
10 “hardscaped” areas which are openly accessible to the public, such as plazas, squares, and
11 courtyards. This **open space** can be used for passive or active recreation as well as formal
12 and informal gatherings; however, credit shall not be given for: any indoor or climate-
13 controlled spaces, road rights-of-way, building setback areas, impervious surface courts
14 (tennis, basketball, handball, etc.), swimming pools, parking lots, and any pervious green
15 area not intended for passive or active recreation or gatherings of a formal or informal
16 nature.

17
18 The terms open space and usable open space are also used in a number of definitions
19 including, but not limited to the following:

- 20
21 1) **Buffer** - The use of vegetation or **open space** for the purposes of limiting the effects of
22 development on natural systems or the recreational value of natural features, or the
23 effects of more intensive development on less intensive development.
24 2) **Clustering** - The grouping of buildings or lots on a portion of a site to preserve **open**
25 **space**, natural resources, agricultural operations, equestrian facilities, and/or water
26 management areas.
27 3) **Greenways** - **Open space** or natural areas that have a linear form. Common greenway
28 characteristics: is green, is a way, is protected, is maintained.
29 a) Conservation greenways feature ecological systems with moderate alteration,
30 medium environmental sensitivity and protection, low to medium public access,
31 single or multiple recreational uses and low to medium facility development and trail
32 maintenance.
33 b) Ecological greenways are greenways feature intact natural systems with high
34 environmental sensitivity, are accorded a high degree of natural resource Palm
35 Beach County Page 15 - IA 1989 Comprehensive Plan Revised 8/25/09 Ordinance
36 2009-32, 33 protection or restoration, low public access and minimal facility
37 development and trail maintenance.
38 c) Recreational greenways feature altered ecosystems with low or no environmental
39 sensitivity and protection, medium to high public access, multiple recreational uses
40 and medium to high facility development and trail maintenance.
41 4) **Linked Open Space Network(s) Or Linked Open Spaces** - Conservation areas,
42 natural areas, parks and "**usable open space areas**" which are connected by means of
43 greenways, trails, or multi-purpose corridors.
44 5) **Necessary** - For purposes of prioritizing capital expenditures, services that are directly
45 related to maintaining the level of service for concurrency items mandated by State law
46 and fire rescue services. Examples include expenditure requests which are necessary to
47 meet the minimum level of service standards for concurrency regarding roadway, mass
48 transit, potable water, wastewater, solid waste, stormwater protection, recreation/**open**
49 **space**, and fire-rescue. Necessary services shall be provided throughout the County.
50 6) **Urban Residential** - For purposes of the **Linked Open Space Program**, an "urban
51 residential" land area is defined as a land area with a land use designation or existing
52 development pattern ranging between 2 dwelling units per acre gross to 18 dwelling
53 units per acre gross or greater.
54 7) **Wildlife Corridor** - A widespread, continuous or near-continuous system of wildlife
55 habitat that is established by linking wildlife preserves, sanctuaries, refuges, parks or
56 **open space areas** to provide a pathway for wildlife movement.

57
58 **III. PROPOSED ULDC AMENDMENTS**

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60 The proposed ULDC amendments are:

- 61 1) To eliminate the definition for Greenway and refer to the Comprehensive Plan since the
62 inclusion of the definition could potentially result in inconsistencies between the ULDC
63 and the Comp Plan;

WHITE PAPER

**OPEN SPACE
SUMMARY OF AMENDMENTS**

(Updated September 21, 2010)

- 1 2) To revise the definition for Open Space by including easements and non-passive
2 recreation areas such as soccer or baseball fields, thereby allowing them to be
3 included in the open space calculations;
4
- 5 3) To eliminate redundant language related to open space including “unbuilt land used for
6 bona fide agriculture uses” as it is included under Article 3.E.2.F.3, Preservation Area;
7
- 8 4) To delete definitions for usable open space park, usable open space, usable open
9 space for WHP; correct yard definition to avoid confusion in application and intent;
10 and, consolidate under open space, usable;
11
- 12 5) To revise language which improperly uses the term “open space”, by replacing it with a
13 more appropriate term; and,
14
- 15 6) To amend shared parking language to clarify that areas reserved for shared parking
16 cannot be utilized as “open space.”
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18 Based upon review of the definitions and terms in the ULDC and the Plan, the Subcommittee
19 unanimously agreed that the amendments presented in Exhibit F be proposed and submitted
20 to LDRAB with a recommendation for approval.
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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS**; CHAPTER E, PRIOR APPROVALS; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES**; CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS**; CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); **ARTICLE 4 – USE REGULATIONS**; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS, WHICH INCLUDES AN EXTENSION TO THE MORATORIUM UPON ACCEPTANCE OF ZONING APPLICATIONS AND REQUESTS FOR ZONING APPROVAL FOR PAIN MANAGEMENT CLINICS; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER D, PARKS & RECREATION – RULES AND RECREATION STANDARDS; CHAPTER G, DENSITY BONUS PROGRAMS; **ARTICLE 6 – PARKING**; CHAPTER A, PARKING; **ARTICLE 7 – LANDSCAPING**; CHAPTER C, MGTS TIER COMPLIANCE; **ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS**; CHAPTER A, GENERAL REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; CHAPTER F, VARIANCES; **ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS**; CHAPTER H, CONSTRAINED FACILITIES; **ARTICLE 14 – ENVIRONMENTAL STANDARDS**; CHAPTER A, SEA TURTLE PROTECTION AND SAND PRESERVATION; **ARTICLE 17 – DECISION MAKING BODIES**; CHAPTER C, APPOINTED BODIES; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

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

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

WHEREAS, the BCC desires to further amend the ULDC, based upon public participation and advice from the Palm Beach County Land Development Regulation Advisory Board; and

WHEREAS, based upon the specific findings set forth in Palm Beach County Ordinance 2010-009, the Board of County Commissioners imposed a moratorium upon acceptance of zoning applications and applicable requests for zoning approvals for pain management clinics effective April 2, 2010; and

WHEREAS, despite the efforts of the Florida Legislature to address the problem, the primary and secondary effects of pain management clinics continue to negatively impact Palm Beach County; and

WHEREAS, the Board of County Commissioners desire to extend the moratorium to provide the opportunity to work with the Palm Beach County Multi-Jurisdictional Issues Forum to develop local regulations to address the proliferation of Pain Management Clinics; and

WHEREAS, the moratorium will terminate upon adoption of such regulations, but in no event shall the moratorium extend beyond September 30, 2011; and

1 **WHEREAS**, the Board of County Commissioners find that this moratorium is the
2 narrowest possible in scope and the shortest in duration to address this serious threat to the
3 health, safety and welfare of its citizens; and

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

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

9 **WHEREAS**, the BCC hereby elects to conduct its public hearings on this Ordinance at
10 9:30 a.m.; and

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

14

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

17 **Section 1. Adoption**

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

- 20 Exhibit A Article 2 – Development Review Procedures
- 21 Exhibit B Article 3 – Overlays & Zoning Districts
- 22 Exhibit C Article 6 – Parking
- 23 Exhibit D Article 12 – Traffic Performance Standards
- 24 Exhibit E Environmental Standards
- 25 Exhibit F Pain Management Clinic Moratorium
- 26 Exhibit G Density Bonus Program
- 27 Exhibit H Yard Waste
- 28 Exhibit I Emergency Structures
- 29 Exhibit J Barbed Wire
- 30 Exhibit K Big Box
- 31 Exhibit L Civic Pods
- 32 Exhibit M Infill Redevelopment Overlay
- 33 Exhibit N Land Development
- 34 Exhibit O Medical Office in INST FLU Designation
- 35 Exhibit P Open Space
- 36 Exhibit Q Public Park Landscape Standards
- 37 Exhibit R Recreational Facility (Clubhouse)
- 38 Exhibit S Westgate Community Redevelopment Area Overlay (WCRAO)

39
40 **Section 2. Interpretation of Captions**

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

43 **Section 3. Providing for Repeal of Laws in Conflict**

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

46

1 **Section 4. Severability**

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

6 **Section 5. Providing for a Savings Clause**

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

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

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

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

18 The provisions of this Ordinance shall become effective upon filing with the Department
19 of State.

20
21 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
22 County, Florida, on this the _____ day of _____, 20_____.

SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Karen T. Marcus, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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EFFECTIVE DATE: Filed with the Department of State on the _____ day of
_____, 20_____.

EXHIBIT A

ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 11/09/10)

1
2 Part 1. ULDC Art. 2.A.1.Q, Development Order Abandonment (page 17-18 of 83), is hereby
3 amended as follows:
4

Reason for amendments: [Zoning] To clarify applicability of administrative abandonment of Development Orders.
--

5 CHAPTER A GENERAL

6 Section 1 Applicability

7 Q. Development Order Abandonment

8 1. General

9 A Development Order for a conditional use or similar Development Order granted under
10 Ordinance 1957-003, Ordinance 1973-002, Ord. No.1992-002 or Ord. No. 2003-067, as
11 amended, may be abandoned according to the procedures in this Section. [Ord. 2010-022]

12 2. Development Orders Not Implemented

13 All development orders which were never implemented shall be either: [Ord. 2005 – 002]

14 a. Abandoned

15 Abandoned simultaneously with issuance of a subsequent development order;

16 b. Administratively Abandoned

17 Administratively abandoned upon demonstration to the Zoning Director that the
18 development order was not implemented; or

19 c. Reviewed for Revocation

20 Reviewed for revocation pursuant to Article 2.E, MONITORING.

21 3. Implemented Development Orders

22 Certain implemented Development Orders, pursuant to Art. 2.D, ADMINISTRATIVE
23 PROCESSES, qualify for administrative abandonment. Other implemented Development
24 Orders require Public Hearing abandonment by the Board (BCC or ZC) that approved the
25 Development Order. [Ord. 2009-040] [Ord. 2010-022]

26 a. Administrative Abandonment

27 A Development Order, which was used, implemented or benefited from, may be
28 administratively abandoned by filing an application with the Zoning Director
29 demonstrating that the following criteria are met;

- 30 1) All conditions of approval have been met;
31 2) There is no reliance by other parties on additional performance; and
32 3) Consent of all property owners has been received.

33 b. Public Hearing Abandonment

34 A development order, which was used, implemented or benefited from, may be
35 abandoned simultaneously with the issuance of a subsequent development order by the
36 BCC or ZC, as applicable. The property owner also has the option to petition the BCC or
37 the ZC to abandon the development order through expedited application review process,
38 pursuant to Article 2.B.2.G.2, Expedited Application Consideration (EAC). [Ord. 2009-
39 040]

40 c. Unpaid Status Fees

41 A development order shall not be abandoned, either administratively or by approval of a
42 subsequent development order, until all unpaid status report fees imposed by action
43 pursuant to Article 2.E, MONITORING, have been paid.

44 4. Additional Guidelines

45 In determining whether a development was used, implemented or benefited from,
46 consideration shall be given to the following factors:

- 47 a. Whether any construction or additional construction authorized in the development order
48 has commenced.
49 b. Whether a physical or economic use of the development order has occurred, including
50 physical or economic expansion.

51
52 Part 2. ULDC Art. 2.D.1.G., Administrative Review (page 30 to 33 of 56), is hereby amended as
53 follows:
54

Reason for amendments: [ZONING] 1) Update DRO authority by stating “Preliminary Plans” instead of listing plans; add clarification of consistency when addition or variation of phase lines are requested; and, add concurrency compliance when phase lines are modified to avoid changes to the original intent of the Development Order; 2) Remove authority from the Zoning Review process to amend phase lines; and, 3) Delete Administrative Amendments redundant language as it has already been addressed by other changes contained herein.
--

Notes:

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EXHIBIT A

ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 11/09/10)

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer

G. Administrative Review

The DRO may approve amendments to ~~master plans, site plans, and subdivision~~Preliminary
~~Plans approved by the BCC~~, and approve ~~Final~~ Plans, in accordance with the following
procedures. [Ord. 2007-001] [Ord. 2008-003] [Ord. 2009-040] [Ord. 2010-005]

1. Amendments to BCC/ZC Approvals

The DRO shall have the authority to approve modifications to a ~~De~~development Order
approved by the BCC or ZC. An application for an amendment shall be submitted in
accordance with Article 2.A.1, Applicability, and reviewed in accordance with the standards in
Article 2.D.1.C, Review Procedures.

Applications must be submitted on deadlines established on ~~an Annual~~the Zoning Calendar.
The authority of the DRO to modify a BCC or ZC approved plan shall be limited to the
following: [Ord. 2008-003] [Ord. 2010-005]

- a. The relocation of no more than 25 percent of the total approved square footage or other
area indicated as being covered by buildings or structures to portions of the site not
previously covered.
 - 1) Relocated square footage shall not be used to create additional freestanding
buildings or structures; [Ord. 2009-040]
- b. An increase of no more than five percent in the total floor area of any building or
structure, or outdoor area considered as square footage, provided that the increase does
not exceed 5,000 square feet whichever is less; [Ord. 2008-003] [Ord. 2009-040]
- c. Additions to or relocations of buildings and structures shall not be constructed closer to
perimeter property lines than shown on the plan approved by the BCC or ZC, unless the
FLU designation, zoning district, or existing use of the adjacent parcel is compatible;
~~pursuant to Art 1.1.2.C.56~~; [Ord. 2009-040]
- d. An overall increase of not more than ten percent of the height of any structure;
- e. Relocation of access points; and addition or deletion of internal access points; [Ord.
2008-003]
- f. Relocation of open space or recreation areas, provided that the request does not result in
a substantial change in the amount, configuration, or character of open space or
recreation approved by the BCC or ZC; [Ord. 2008-003]
- g. ~~The redesignation of phasing provided the request meets the intent of the development
order; The addition or modification of phase lines shall be consistent with the intent of the
Development Order;~~ [Ord. 2008-003]
- h. The applicant shall demonstrate compliance with Article 2.F, CONCURRENCY
(ADEQUATE PUBLIC FACILITIES) for any increase in density or intensity beyond the
original ~~De~~development Order ~~or addition or modification of phase lines~~; [Ord. 2008-003]
[Ord. 2009-040]
- i. The applicant shall demonstrate compliance with ARTICLE 12, TRAFFIC
PERFORMANCE STANDARDS, without additional conditions of approval to ensure
compliance, as determined by the County Engineer for any increase in traffic impact
beyond what was reviewed and approved in the original ~~d~~Development eOrder; [Ord.
2008-003] [Ord. 2009-040]
- j. Requested uses shall remain in the location approved by the BCC, unless a condition of
approval allows relocation; ~~or~~, [Ord. 2008-003] [Ord. 2010-005]
- k. Modification to an IRO Master Plan, provided that there are no conflicts with prior
conditions of approval, any improvement or amenity used to garner support for a project,
or testimony from Public Hearing(s). [Ord. 2010-005]

2. Agency Review

Agency Review is utilized for applications that may require the submittal of a new site plan, or
amendment(s) to an existing approved ~~site or subdivision~~ plan. This type of application
requires review, comment, and conditions by five or fewer DRO Agencies as necessary to
authorize the amendment. The Zoning Division ~~shall~~will determine which Agencies are
required to review the amendment based upon the request and compliance with County
Ordinances. Typical amendments ~~are~~may include, but not ~~be~~ limited to the following,
provided Section Art. 2.D.1.G.1 requirements are not exceeded: [Ord. 2008-003]

- a. Increases in building square footage; [Ord. 2008-003]
- b. Relocation of building square footage; [Ord. 2008-003]
- c. Transfer of building square footage; [Ord. 2008-003]
- d. Alternateive Landscape Plans (ALPs); [Ord. 2008-003]
- e. Palm Beach County School Board Projects; and, [Ord. 2008-003]
- f. Type IB Exexcavation. [Ord. 2008-003]

Applications shall be submitted in accordance with the Annual Zoning Calendar, and
pursuant to the provisions in Article 2.A.1, Applicability, and Article 2.D.1.C, Review

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EXHIBIT A

ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 11/09/10)

Procedures. The applicant shall be responsible for obtaining the recommendation of approval and any comments from the affected DRO agencies, in a form and manner establish by the Zoning Director. [Ord. 2007-001] [Ord. 2008-003]

3. Zoning Review

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

- a. Change in sign location; [Ord. 2008-003]
- b. Minor modifications to parking areas (such as relocation of handicapped parking spaces or removal of spaces exceeding ULDC requirements); [Ord. 2008-003]
- c. Relocation of terminal islands to accommodate trees or utility lines; [Ord. 2008-003]
- ~~d. Proposed phase lines; [Ord. 2008-003]~~
- ~~de.~~ Reduction in building size; [Ord. 2008-003]
- ~~ef.~~ Proposed canopies; [Ord. 2008-003]
- ~~fg.~~ Minor revisions to lot lines to be consistent with plat; [Ord. 2008-003]
- ~~gh.~~ Temporary sales trailers (must first have been issued a Special Permit); and, [Ord. 2008-003]
- ~~hi.~~ Other minor structures. [Ord. 2008-003]

The Zoning Director shall maintain PPM Z0-0-29, outlining a list of minor amendments, subject to periodical update, indicating which items are exempt from the Zoning Administrative Review process.

Applications shall be submitted ~~in accordance with the intake dates on deadlines~~ established on the ~~Annual~~ Zoning Calendar, and consistent with application requirements pursuant to the provisions in Article 2.A.1, Applicability, and Article 2.D.1.C, Review Procedures. [Ord. 2008-003]

~~4. Administrative Amendments~~

~~Minor corrections, additions and amendments to an approved site plan or subdivision plan, which do not require recommendation and comment from an agency other than the Zoning Division, may be approved administratively by the DRO. Administrative Amendments permitted include, but are not limited to, a change in sign location, minor modifications to parking areas (such as the relocation of handicapped parking spaces), relocation of terminal islands to accommodate trees or utility lines, addition of phase lines reduction in building size, addition of canopies, removal of excess parking, minor revisions to lot lines to be consistent with a plat, temporary sales trailers, and other minor structures. An application for an Administrative Amendments shall be submitted in accordance with Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures.~~

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EXHIBIT B

ARTICLE 3 – OVERLAYS & ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 10/20/10)

Part 1. ULDC Art. 3.E.1.C.2, Performance Standards [Related to Planned Development Districts (PDDs)] (page 113 of 195), is hereby amended as follows:

Reason for amendment: [ZONING] 1) The amendment will codify the DRO Street Tree Phasing conditions. DRO conditions of approval were written at Final Subdivision Plan approval to phase and inspect for the installation of canopy trees prior to Final Certificate of Occupancy within streets internal to a Planned Development. The conditions were added to the final result letter and placed on the final plan. 2) Street trees are planted within street right-of-ways or street tracts, which are under the jurisdiction of the Engineering Department. Therefore, it is necessary to references to the Streetscape Standards prepared by Engineering and Public Works. In addition, these Standards specify other dimensional requirements (safe sight triangles, tree setback, planting standards) not addressed by Article 7.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

C. Objectives and Standards

2. Performance Standards

Planned developments shall comply with the following standards:

....

c. Median Landscaping

Refer to the most recent ~~Land Development Regulation Manual~~ Engineering and Public Works Operations - Streetscape Standards, available from the PBC Engineering Department.

d. Street Trees

~~Street trees shall meet the~~ Canopy trees ~~meeting the~~ requirements of Article 7, LANDSCAPING and planting standards pursuant to Engineering and Public Works Operations - Streetscape Standards, and as follows:

- 1) ~~Street trees shall be spaced an average of 50 feet on center. Palms meeting the requirements of Article 7, LANDSCAPING and Engineering and Public Works Operations - Streetscape Standards, may be used-planted as street trees if spaced an average of 40 feet on center. [Relocated from Art.3.E.1.C.2 d.3) below]~~
- 2) ~~Street trees shall be located~~ along both sides of all streets 50 feet in width or greater; ~~street trees and~~ shall be planted between the edge of pavement and sidewalk. ~~using~~ Appropriate root barrier techniques shall be installed, where applicable.
- 2) ~~Street trees shall be setback a maximum of 25 feet from the edge of pavement if no sidewalk is provided.~~
- 3) ~~Palms meeting the requirements of Article 7, LANDSCAPING may be used as street trees if spaced an average of 40 feet on center.~~
- 3) Street trees shall be installed in accordance with the phasing of the Planned Development pursuant to Art. 7.E.4.B.1, Planned Developments. For Residential PDDs, planting of street trees shall be completed prior to the issuance of the final certificate of occupancy within that phase or pursuant to conditions of approval.
- 4) This requirement may be waived or modified by the County Engineer if the location of the proposed street trees conflict with requirements of Art.11, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS.

....

Part 2. ULDC Art. 3.E.6, Mobile Home Planned Development District (MHPD) (page 142 of 195), is hereby amended as follows:

Reason for amendments: [Zoning] Relocation of requirement inadvertently omitted from Ord. 2009-040, where reference to F.S. 723.083, Governmental Action Affecting Removal of Mobile Home Owners was deleted from Art. 2.B.1.B, STANDARDS [Related to Official Zoning Map Amendment] with the intent to relocate to Art. 3.E.6, MHPD.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 6 Mobile Home Planned Development District (MHPD)

G. Rezoning of Mobile Home Parks

Any rezoning of property having an existing mobile home park shall comply with the requirements of F.S. 723.083, Governmental Action Affecting Removal of Mobile Home Owners.

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EXHIBIT C

ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 09/16/10)

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Part 1. ULDC Art. 6.A.1.D.2, Location of Required Parking, (pages 12 and 13 of 38), is hereby amended as follows:

Reason for amendments: [Zoning] Add new item “e”, Prohibitions within Drainage District R-O-W or Easements, to clarify that minimum required parking spaces shall not be permitted within areas encumbered by drainage district easements (such as Lake Worth Drainage District easements for Canal R-O-W); but that additional parking over minimum(s) required may be permitted in such easements subject to approval of a Piping, Paving and Planting agreement.

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

2. Location of Required Parking

All required off-street parking, shall be provided on the same lot as the principal use, except fee simple developments with common parking lots and as provided in Article 6.A.1.D.10, Shared Parking and Article 6.A.1.D.12, Grass Parking. The location of required off-street parking spaces shall not interfere with normal traffic flow or with the operation of queuing and backup areas. Loading areas shall not obstruct pedestrian pathways.

....

e. Parking within Drainage District R-O-W or Easements

- 1) Any parking spaces required by this Code shall be prohibited within any R-O-W, easement or other encroachment controlled by drainage districts.
- 2) Additional parking in excess of the minimum required may be located in these areas with an agreement with the applicable district and subject to approval by the Zoning Director

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EXHIBIT D

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 09/22/10)

1
2 Part 1. ULDC Art. 12.H, Constrained Facilities, (page 32 and 34 of 63), is hereby amended as
3 follows:
4

Reason for amendments: [ZONING] Scrivener’s error to change references from Land Use Advisory Board (LUAB) to Planning Commission (PC).

5 CHAPTER H CONSTRAINED FACILITIES

6 Section 2 Procedure

7

8 B. Applications

9 Applications for a reduced LOS on a Constrained Facility shall be made to the BCC through the
10 Planning Director for initial review by the ~~Land Use Advisory Board (LUAB)~~ Planning Commission
11 (PLC), containing such information relating to the criteria of this Section as the ~~LUAB PLC~~
12 requires. The application shall be forwarded to all affected Local Governments, the County
13 Engineer, the FDOT, District IV, in the case of State Highways, and the MPO. The MPO shall
14 review the proposal for technical traffic engineering purposes and consistency with its adopted
15 plan. The advice of the MPO shall be considered by the ~~LUAB PLC~~ and the BCC when
16 considering an application for a reduced LOS. The application shall propose the reduced LOS
17 sought for Test 1 and Test 2. It need not be an entire range. The level of data and study needed
18 for existing and Future Land Use to review an application for a CRALLS designation shall be
19 determined in the pre-application conference. The decision shall be made by the County
20 Engineer based upon the Major Thoroughfare Links and Major Intersections involved, (whether
21 they are or will be collectors, minor arterials, or principal arterials), the extent of the proposed
22 lowering of the LOS, the size of the area affected, the extent to which the affected area is built out
23 to its ultimate FLU, and the amount and quality of existing data and planning.
24

24

25 Section 3 Determination Criteria

26 In determining whether a Constrained Facility shall have a reduced LOS and, if so, what that LOS should
27 be, and any conditions that shall be imposed, the applicant, the MPO, ~~LUAB PLC~~, and the BCC shall
28 consider the following public policy criteria:
29

30 Section 5 Application to Modify or Eliminate Adopted Link or Intersection

31 D. Procedure/Extraordinary Vote

32

33 2. If it is clear that no impediment to: (1) achieving the adopted LOS; or (2) Local Governments'
34 allowing Development consistent with the FLUE of their plans would result, the BCC may, by
35 a majority vote of its members narrow the adopted width, modify the proposed geometrics of
36 a Link, or Major Intersection, or reduce the number of lanes in the Plan without ~~LUAB PLC~~
37 review. Nothing herein shall require CRALLS review, application to the ~~LUAB PLC~~, or notice
38 to any Local Government for minor modifications to the proposed Major Thoroughfare system
39 which do not reduce capacity of the Link, Major Intersection, or Major Thoroughfare System.
40 Nothing herein shall require ~~LUAB PLC~~ review for waivers of expanded intersection
41 requirements or R-O-W protection pursuant to Policy 2-d of the Transportation Element of
42 the Plan.
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58 U:\Zoning\CODEREV\2010\BCC Hearings\2010-02 Round1 RPA 12-9-10\8 Exhibit D- Article 12 - Traffic
59 Performance Standards RPA 12-9-10 .docx

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EXHIBIT E

ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 09/22/10)

1
2 **Part 1. ULDC Art. 1.1.2.B.10, Beach Compatible Sand, (page 40 of 114), is hereby amended as**
3 **follows:**
4

Reason for amendments: [ERM] This amendment is intended to clarify the standards and the references for beach compatible sand in the sea Turtle and Sand Preservation Code.

5 **CHAPTER I DEFINITIONS AND ACRONYMS**

6 **Section 2 Definitions**

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

8 **10. Beach Compatible Sand** - for the purposes of Art. 14.A, SEA TURTLE PROTECTION AND
9 SAND PRESERVATION, any sand that is similar to the native beach and dune material in
10 terms of grain, size, distribution and color. The fill material shall consist of sand that falls
11 within the same size classification of sand within the Unified Soils Classification System [i.e.,
12 fined sand (0.074 to 0.42 mm), medium sand (0.42 to 2.0 mm) and coarse sand (2.0 to 4.76
13 mm)] as that of the native beach material. The acceptable silt/clay fraction (<0.074 mm) and
14 gravel/cobble fraction (>4.76 mm) shall be ~~determined by ERM~~ based upon existing site
15 conditions. Sand grain size analyses shall be consistent with the grain size methodologyies
16 described in ASTM standard D-422 and D-1140 Folk, Robert L. 1980, Petrology of
17 Sedimentary Rocks. The fill material color shall match the color of the existing beach and
18 dune coloration ~~as closely as possible~~.

19
20
21 **Part 2. ULDC Art. 1.1.2.B.12, Beachfront Lighting (page 40 of 114), is hereby amended as**
22 **follows:**
23

Reason for amendments: [ERM] This amendment is intended to clarify the definition of beachfront lighting with regard to the Sea Turtle and Sand Preservation Code.

24 **CHAPTER I DEFINITIONS AND ACRONYMS**

25 **Section 2 Definitions**

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

27 **12. Beachfront Lighting** - for the purposes of Art. 14, ENVIRONMENTAL STANDARDS, all
28 lighting within or causing illumination within the jurisdictional boundaries of this Chapter or
29 which is directly or indirectly visible from the beach. For the purpose of this Chapter, Coastal
30 Lighting is synonymous with Beachfront Lighting.
31

32
33 **Part 3. ULDC Art. 1.1.2.B.13, Beach Obstruction (page 40 of 114), is hereby amended as**
34 **follows:**
35

Reason for amendments: [ERM] This amendment is intended to update and clarify the definition of Beach Obstruction for the purpose of Sea Turtle lighting Permits.

36 **CHAPTER I DEFINITIONS AND ACRONYMS**

37 **Section 2 Definitions**

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

39 **13. Beach Obstruction** - Any natural or artificially constructed structure(s) that: 1) does not
40 constitute fixed structure(s), 2) does not require a building permit, 3) is not required for public
41 safety, 4) upon review by the County Administrator or his/her designee does not present an
42 actual or potential threat to the beach and the dune system and adjacent properties. All
43 temporary manmade structures including but not limited to beach umbrellas, beach furniture,
44 recreational equipment, boats or any other man-made items that interfere with the use of the
45 beach as a nesting habitat. [Ord. 2006-036]
46
47

48 **Part 4. ULDC Art. 1.1.2.D.34, Development Order, Preliminary (page 52 of 114), is hereby**
49 **amended as follows:**
50

Reason for amendments: [ERM] This amendment is intended to amend the definition of preliminary development order by removing references to permits no longer issued by Palm Beach County.

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EXHIBIT E

ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 09/22/10)

1 CHAPTER I DEFINITIONS AND ACRONYMS

2 Section 2 Definitions

3 D. Terms defined herein or referenced in this Article shall have the following meanings:

4 34. **Development Order, Preliminary** - a development order for an amendment to the official
5 zoning map, a planned development, a conditional use, a special use, a variance, ~~a coastal~~
6 ~~protection permit~~, a flood prevention permit, ~~an environmentally sensitive lands permit, a~~
7 ~~wetlands permit~~, a Wellfield protection permit, or a sea turtle protection permit.

8
9
10 Part 5. ULDC Art. 1.1.2, Definitions, (page 52 of 114), is hereby amended as follows:
11

Reason for amendments: [ERM] This amendment is intended to define Direct Illumination for the
purposed Sea Turtle Lighting permits.

12 CHAPTER I DEFINITIONS AND ACRONYMS

13 Section 2 Definitions

14 D. Terms defined herein or referenced in this Article shall have the following meanings:

15
16 42. Direct Illumination - illuminated as a result of glowing element(s), lamp(s), globe(s), or
17 reflector(s) of an artificial light source which is visible to an observer on the beach.

18 [Renumber accordingly]

19
20
21 Part 6. ULDC Art. 1.1.2.G.30, Groundwater and Natural Resources Protection Board (GNRPB)
22 (page 60 of 114), is hereby amended as follows:
23

Reason for amendments: [ERM] This amendment is intended to clarify the jurisdiction of the
Groundwater and Natural Resources Protection Board

24 CHAPTER I DEFINITIONS AND ACRONYMS

25 Section 2 Definitions

26 G. Terms defined herein or referenced in this Article shall have the following meanings:

27 30. **Groundwater and Natural Resources Protection Board (GNRPB)** - for the purposes of Art.
28 14B, ENVIRONMENTAL STANDARDS, that board designated by the BCC, to hear alleged
29 violations of this Chapter and other state and local laws protecting the groundwater and
30 natural resources of PBC.

31
32
33 Part 7. ULDC Art. 1.1.2.I.3, Illumination, (page 64 of 114), is hereby amended as follows:
34

Reason for amendments: [ERM] This amendment is intended to clarify the definition of illumination for
the purpose of the Sea Turtle and Sand Preservation code.

35 CHAPTER I DEFINITIONS AND ACRONYMS

36 Section 2 Definitions

37 I. Terms defined herein or referenced in this Article shall have the following meanings:

38 3. **Illumination** - for the purposes of Art. 14, ENVIRONMENTAL STANDARDS, light produced
39 from any artificial light source, directly or indirectly cast within the jurisdictional boundaries of
40 this Chapter and visible from the beach.

41
42
43 Part 8. ULDC Art. 1.1.2, Definitions, (page 65 of 114), is hereby amended as follows:
44

Reason for amendments: [ERM] This amendment is intended to define indirect illumination for the
purposed Sea Turtle Lighting permits.

45 CHAPTER I DEFINITIONS AND ACRONYMS

46 Section 2 Definitions

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EXHIBIT E

ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 09/22/10)

I. Terms defined herein or referenced in this Article shall have the following meanings:

....
15. Indirect Illumination - illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to an observer on the beach.
[Renumber accordingly]

Part 9. ULDC Art. 1.I.2.P.39, Permitted Agent of the State (page 80 of 114), is hereby amended as follows:

Reason for amendments: [ERM] This amendment is intended to clarify the definition of Marine Turtle Permit holder

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

~~39. Permitted Agent of the State Permit Holder - Marine Turtle~~ - for the purposes of Art. 14, ENVIRONMENTAL STANDARDS, any qualified individual, group or organization possessing a permit from the Florida Fish and Wildlife Conservation Commission (FFWCC) to conduct activities related to sea turtle protection and conservation.

Part 10. ULDC Art. 1.I.2.S.2, Sand (page 88 of 114), is hereby amended as follows:

Reason for amendments: [ERM] This amendment is intended to clarify and update the definition of sand for the Sea Turtle Protection and Sand Preservation Code.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

2. Sand - for the purposes of Art. 14, ENVIRONMENTAL STANDARDS, sediments having a distribution of particle diameters between 0.074 and 4.76 millimeters, as defined in the Unified Soils Classification System. Sand grain analyses shall follow the methodology described in ASTM standard D-422 and D-1140 ~~Folk, Robert L. 1980, Petrology of Sedimentary Rocks~~ to determine grain size distribution.

Part 11. ULDC Art. 1.I.2.S.17, Sea Turtle(s) (page 89 of 114), is hereby amended as follows:

Reason for amendments: [ERM] This amendment is intended to clarify the definition of sea turtle by specifying which species are subject to the code. Verbal modification to line 39 to correct scrivener's error to "imbricata" and "kempii" approved at 9/22/10 LDRAB meeting.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

17. Sea Turtle(s) - for the purposes of Art. 14, ENVIRONMENTAL STANDARDS, any ~~specimen animal~~ belonging to the species Caretta caretta (loggerhead turtle), Chelonia mydas (green turtle), Dermochelys coriacea (leatherback turtle), Eretmochelys imbricata (hawksbill), or Lepidochelys kempii (kemp's ridley) ~~or any other marine turtle~~ using PBC beaches as a nesting habitat or natal beach.

Part 12. ULDC, Art. 1.I.3, Abbreviations and Acronyms (page 110 of 114), is hereby amended as follows:

Reason for amendment: [Zoning] Amend to add acronym pertaining to grain size analyses for beach compatible sand.

Notes:

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EXHIBIT E

ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 09/22/10)

1 CHAPTER I DEFINITIONS & ACRONYMS

2 Section 3 Abbreviations and Acronyms

3
4 **ASTM** American Society for Testing and Materials.
5

6
7
8 Part 13. ULDC Art. 14.A.4.A, [Related to Applicability, Sea Turtle Protection], (page 7 of 52), is
9 hereby amended as follows:
10

Reason for amendments: [ERM] This proposed amendment language is intended to clarify the limits of the Jurisdiction of the Sea Turtle Protection and Sand Preservation Code by consolidating the Jurisdictional references in this section.

11 CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

12 Section 4 Applicability

13 A. All provisions of this Chapter shall be effective within the unincorporated and incorporated areas
14 of PBC, and shall set restrictions, constraints and requirements to preserve and protect sea
15 turtles, sea turtle habitat and beach/dune sediments. Notwithstanding the foregoing, incorporated
16 areas that have a Sea Turtle Protection Ordinance (STPO) shall not be subject to the provisions
17 of this Chapter that pertain to coastal lighting, and incorporated areas that have established a
18 sand protection zone to preserve beach/dune sediments shall not be subject to the provisions of
19 this Chapter pertaining to sand preservation.
20

21
22 Part 14. ULDC Art. 14.A.6, Jurisdiction, (page 7 of 52), is hereby amended as follows:
23

Reason for amendments: [ERM] This proposed modification is to clarify Jurisdiction of the Sea Turtle and Sand Preservation Code by moving the pertinent references to Article 14.A.4.A, above.

24 CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

25 Section 6 Jurisdiction

26
27 B. The STPZ is established for the purpose of minimizing and controlling coastal lighting.
28 ~~Incorporated areas of PBC which have a Sea Turtle Protection Ordinance (STPO) in effect shall~~
29 ~~not be subject to the provisions of this Chapter which pertain to coastal lighting.~~
30 C. The SPZ is established for the purposes of maintaining the volume and quality of beach sand
31 presently existing within the beach/dune system. The unique characteristics of the sediments
32 contained in the existing beaches and dunes of PBC require the preservation of these materials
33 within the beach/dune system. ~~Incorporated areas of PBC which have provisions in effect to~~
34 ~~preserve beach/dune sediments shall not be subject to the provisions of this Chapter which~~
35 ~~pertain to Sand Preservation.~~
36
37

38 Part 15. ULDC Art. 14.A.8, Sea Turtle Protection Lighting Plan, [related to Sea Turtle Protection
39 and Sand Preservation], (page 8 of 52), is hereby amended as follows:
40

Reason for amendments: [ERM] This proposed modification is intended to clarify language for the submittal requirements of a Sea Turtle Lighting Plan, improve readability and specify that the appropriate fee must be submitted prior to any processing of the application.

41 CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

42 Section 8 Sea Turtle Protection Lighting Plan

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EXHIBIT E

ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 09/22/10)

A. STLP approval is required for all new building construction and new artificial lighting proposed within the limits described in Section 6.D. A STLP ~~shall~~ must be approved by ERM prior to the issuance of a building permit by the PZB or the local building department. [Ord. 2009-040]

....
F. STLP approval shall not be issued ~~or processed~~ until ~~the application fee and~~ any and all information necessary to fully understand the extent, nature, and potential impacts of a proposed lighting plan are received by ERM.

....
H. Upon receipt of an application and appropriate application fee, ERM shall have 30 days to request any additional information. Within 30 days of receipt of such additional information, ERM may request only that information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information. ~~No time clocks of this Section shall begin until the appropriate application fee is received.~~

....
L. Any application containing false information may be ~~denied, rejected~~ and any STLP approval granted based upon false information may be revoked.

....
O. No application shall be processed until ERM receives the appropriate application fee.

Part 16. **ULDC Art. 14.A.9, Criteria for STLP Approval, [related to Sea Turtle Protection and Sand Preservation], (page 9 of 52), is hereby amended as follows:**

Reason for amendments: [ERM] This proposed modification is intended to clarify the criteria for a Sea Turtle Lighting Plan approval and improve the readability of the section.

CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

Section 9 Criteria for STLP Approval

A. STLP approval may be issued pursuant to this Chapter provided that the applicant provides to ERM reasonable assurance that there shall be no adverse impacts to sea turtles, sea turtle nesting, and sea turtle habitat, and that the following criteria will be met:

1. Any and all light fixtures shall be designed to be the minimum level necessary for safety and ~~will~~ shall be positioned such that they do not cause direct or indirect illumination that is visible from the beach. [Ord. 2009-040]

....
C. All lighting installed after September 2, 1987 ~~in unincorporated PBC and in municipalities that do not have a STPO in effect~~ shall comply with the following standards:

1. Artificial public or private light source shall not cause illumination which is directly or indirectly visible from the beach where it may deter adult female sea turtles from nesting or disorient hatchlings; [Ord. 2009-040]

2. The installation of coastal lighting shall ~~meet~~ reflect the standards and mitigative measures published in the current state-of-the-art manual pertaining to coastal lighting and sea turtle conservation available at ERM (Witherington, Blair E. & Eric R. Martin, Understanding, Assessing and Resolving Light-pollution Problems on Sea Turtle Nesting Beaches, Florida Marine Research Institute Technical Report, Florida Department of Environmental Protection, 2000). [Ord. 2009-040] Unified Land Development Code Supplement No. 7 (Printed 12/09) Article 14 – ENVIRONMENTAL STANDARDS 10 of 52.

Part 17. **ULDC Art. 14.A.11, Standard of Existing Beachfront Lighting, (page 10 of 52), is hereby amended as follows:**

Reason for amendments: [ERM] There has been confusion about the requirement to modify existing lights for either direct or indirect illumination of the beach. This proposed modification is intended to clarify the criteria for a Sea Turtle Lighting Plan approval by adding language specifically addressing the requirement and deleting enforcement language that is being relocated to Section 17.A.

CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

Section 11 Standard of Existing Beachfront Lighting

A. Existing Beachfront Lighting
Existing beachfront lighting causing direct or indirect illumination within the STPZ shall be adjusted or corrected to ensure that the lighting does not cause illumination that is directly or indirectly visible from the beach.

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EXHIBIT E

ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 09/22/10)

AB. Adjustment to Essential Lighting

Changing coastal conditions (including but not limited to erosion, renourishment, and vegetation impacts, ~~etc.~~), may necessitate retrofitting light fixtures. Installation of a new fixture shall require an approved Sea Turtle Lighting Plan (STLP) that must comply with Article 14.A. 9, Criteria for STLP Approval. Retrofits to existing fixtures shall be designed and/or positioned to ensure that they do not cause illumination that is directly or indirectly visible from the beach. [Ord. 2006-036] [Ord. 2009-040]

Renumber accordingly

...

~~G... Enforcement and Implementation of Corrective Measures~~

~~In areas where compliance with the lighting conditions of this article are not evidenced, non-compliant property owners shall be required to implement appropriate corrective measures, developed in consultation with ERM to correct negative impacts to sea turtles. Corrective measures shall be implemented in addition to applicable penalties and fines. Any corrective program implemented as a result of noncompliance with lighting conditions of this article shall remain in effect until such time that acceptable beachfront lighting is achieved. [Ord. 2009-040]~~

Part 18. ULDC Art. 14.A.15., Fees (page 12 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This proposed modification is intended to clarify the authority for the establishment of fees by resolution of the Palm Beach County Commission.

CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

Section 15 Fees

A. Fees shall be required as established by resolution of the BCC ~~the approved fee schedule~~. [Ord. 2009-040]

Part 19. ULDC Art. 14.A.16., Violations (page 12 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This proposed modification is intended to clarify the definition of violations for readability purposes.

CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

Section 16 Violation

- A. An unapproved lighting source illuminated during the night ~~which~~ that is directly or indirectly visible from the beach.
- B. An approved lighting source ~~which~~ that has experienced a change in conditions such that it is no longer in conformance with this Chapter. ~~Conditions~~ Violations may include but are not limited to: increase of intensity or direction of the light source; failure to maintain proper shielding, addition or modification of adjacent structures; modification of background colors of the structure; or modification of height of vegetation, width or height of dune or width of beach.

Part 20. ULDC Art. 14.A.17, Enforcement, (page 12 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This proposed modification is intended to relocate enforcement language from Section 11 and clarify the methods of enforcement and corrective measures.

CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

Section 17 Enforcement and Implementation of Corrective Measures

- A. In order to enforce compliance with the provisions of this Chapter, ERM may ~~issue a cease and desist order or require that a building permit or CO be withheld. Violations of the provisions of this Chapter shall be punishable by one or more of the following~~ do one or more of the following:
[Partially relocated below]
 1. provide the violator with verbal or written notice of non-compliance;
 2. require a noncompliant property owner to take corrective measures;
 3. issue a notice of noncompliance;
 4. issue a notice of violation citation;
 5. issue a notice of hearing;
 6. issue a cease and desist order; ~~or~~ and [Relocated from Art. 14.A.17.A above.]

Notes:

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EXHIBIT E

ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 09/22/10)

7. *require that a building permit or CO be withheld, if the noncompliance involves new construction.* **[Relocated from Art. 14.A.17.A. above.]**

B. *When a violator is required to take corrective measures to cure a violation, such corrective measures shall be implemented in addition to applicable penalties and fines.*

C. *Violations of the provisions of this Chapter shall be punishable by one or more of the following:* **[Relocated from Art. 14.A.17.A. above.]**

....
2. enforcement procedures as outlined *in this Chapter and* in Article 10.C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD, ~~or Unified Land Development Code Supplement No. 7 (Printed 12/09) Article 14— Environmental Standards 13 of 52~~

....
B.D. All monies collected as civil penalties for violations of this Chapter shall be deposited in the Pollution Recovery Trust Fund.

Part 21. ULDC Art. 17.C.6.C.1, Qualifications, [Related to GNRPB membership], (page 13 of 26), is hereby amended as follows:

Reason for amendments: [ERM] The Groundwater and Natural Resources Protection Board is comprised of seven members. Six of those members represent specific professions. This amendment clarifies which professional organization is requested to nominate a board member.

CHAPTER C APPOINTED BODIES

Section 6 Groundwater and Natural Resources Protection Board

C. Board Membership

1. Qualifications

The GNRPB shall be composed of seven members appointed by the BCC upon a recommendation by the organization listed in Table 17.C.6.C, GNRPB Membership. The membership of the Board shall consist of a professional engineer registered by the State of Florida, an attorney licensed to practice in Florida, a hydrologist or a hydrogeologist, a citizen possessing expertise and experience in managing a business, a biologist or a chemist, concerned citizen and a member of an environmental organization.

Table 17.C.6.C - GNRPB Membership

Affiliation	Organizations
1. <u>Professional Engineer</u>	<u>Palm Beach Chapter Florida Engineering Society</u>
2. <u>Attorney</u>	<u>Palm Beach County Bar Association</u>
3. <u>Hydrologist or Hydrogeologist</u>	<u>Florida Association of Professional Geologists</u>
4. <u>Citizen with Business management expertise</u>	<u>At Large</u>
5. <u>Biologist or Chemist</u>	<u>Florida Association of Environmental Professionals</u>
6. <u>Environmental Organization</u>	<u>Native Plant Society</u>
7. <u>Concerned Citizen</u>	<u>At Large</u>

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Notes:

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EXHIBIT F

PAIN MANAGEMENT CLINICS
SUMMARY OF AMENDMENTS
(Updated 11-19-10)

1
2 **Part 1. ULDC, .I.2.P.1, Pain Management Clinic [Related to definitions] (page 78 of 114), is**
3 **hereby amended as follows:**
4

5 **Reason for amendment:** [Zoning/County Attorney] Correction to reference to Florida Statutes for Florida
6 Department of Health registration requirements for Pain Management physicians.

7
8 **CHAPTER I DEFINITIONS & ACRONYMS**

9 **Section 2 Definitions**

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

11 1. **Pain Management Clinic** – all privately owned pain management clinics, facilities, or offices,
12 which advertise in any medium for any type of pain management services, or employ a
13 physician who is primarily engaged in the treatment of pain by prescribing or dispensing
14 controlled substance medications, and are required to register with the Florida Department of
15 Health pursuant to Sec. 458.3265, Florida Statutes, as may be amended, regardless of
16 whether such registration is pending, denied or revoked 458.309 or Sec. 459.005, FL Stat.
17 (2009). A physician is primarily engaged in the treatment of pain by prescribing or dispensing
18 controlled substance medications when the majority of the patients seen are prescribed or
19 dispensed controlled substance medications for the treatment of chronic nonmalignant pain.
20 Chronic nonmalignant pain is pain unrelated to cancer which persists: 1) beyond the usual
21 course of the disease or the injury that is the cause of the pain; or 2) more than 90 days after
22 surgery. [Ord. 2010-009]
23
24

25 **Part 2. ULDC, Art. 4.B.1.A, Definitions and Supplementary Standards for Specific Uses (pages**
26 **68 of 161), is hereby amended as follows:**
27

28 **Reason for amendment:** [Zoning/County Attorney] Re-adoption of previously approved Pain
29 Management Clinic Moratorium, to allow for additional time for staff to continue working with IPARC to
30 develop Pain Management Clinic regulations. Timeframe takes into consideration possibility of the
31 Florida legislature establishing a more holistic set of regulations that would better address professional
32 standards for clinic operators or doctors, law enforcement standards and other regulatory provisions that
33 may preclude establishment of home rule.
34

35 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

36 **Section 1 Uses**

37 **A. Definitions and Supplementary Standards for Specific Uses**
38

39 **91.1 Pain Management Clinic**

40 All privately owned pain management clinics, facilities, or offices, which advertise in any
41 medium for any type of pain management services, or employ a physician who is primarily
42 engaged in the treatment of pain by prescribing or dispensing controlled substance
43 medications, and are required to register with the Florida Department of Health pursuant to
44 Sec. 458.3265, Florida Statutes, as may be amended, regardless of whether such
45 registration is pending, denied or revoked 458.309 or Sec. 459.005, FL Stat. (2009). A
46 physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled
47 substance medications when the majority of the patients seen are prescribed or dispensed
48 controlled substance medications for the treatment of chronic nonmalignant pain. Chronic
49 nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the
50 disease or the injury that is the cause of the pain beyond the usual course of the disease or
51 the injury that is the cause of the pain or more than 90 days after surgery.

52 **a. Moratorium**

- 53 1. The ~~BCC Board of County Commissioners of Palm Beach County~~ does hereby
54 impose a moratorium beginning ~~April 2, 2010 on the effective date of this ordinance,~~
55 upon the acceptance of zoning applications and all applicable requests for zoning
56 approval for pain management clinics.
57 2. This Ordinance shall expire upon the earlier of the following: ~~October 3, 2011, one~~
58 ~~year from the effective date of this ordinance~~ or upon the effective date of ~~ULDC~~
59 ~~Unified Land Development Code~~ amendments dealing with pain management clinics
60 to be considered by the ~~BCC Board of County Commissioners~~ during the moratorium.
61

62 U:\Zoning\CODEREV\2010\BCC Hearings\2010-02 Round\1 RPA 12-9-10\10 Exhibit F - Pain Management Clinic Moratorium RPA
63 12-9-10.docx

Notes:

Underlined language indicates proposed new language.
Language ~~crossed-out~~ indicates language proposed to be deleted.
.... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT G

DENSITY BONUS PROGRAMS
SUMMARY OF AMENDMENTS
(Updated 11/8/10)

1
2 Part 1. ULDC Art. 1.1.3, Definitions and Acronyms (page 112 of 114), is hereby amended as
3 follows:
4

Reason for amendments: [PLANNING] To introduce FRA as an acronym.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 3 Abbreviations and Acronyms

7
8 **FRA** Florida Realtors Association
9
10

11
12 Part 2. ULDC Art. 5.G.1.C.2, Limited Incentive [Related to Workforce Housing Program] (page
13 64 of 93), is hereby amended as follows:
14

Reason for amendments: [PLANNING] Revisions proposed clearly define the available density bonus when utilizing the Limited Incentives development options.

15 CHAPTER G DENSITY BONUS PROGRAMS

16 Section 1 Workforce Housing Programs

17 C. Development Options
18 2. Limited Incentives

19 An applicant may receive no more than 50 percent of the potential density bonus as provided
20 in this Chapter. A proposal requesting a density bonus of less than 15 percent for projects
21 with LR-1 thru LR-3 FLU designations or less than 50 percent for projects with MR-5 thru HR-
22 18 FLU designations. [Ord. 2010-005]
23
24

25
26 Part 3. ULDC Art. 5.G.2.F.2, Master Covenant [Related to Affordable Housing Program(AHP)]
27 (page 77 of 93), is hereby amended as follows:
28

Reason for amendments: [PLANNING] Revisions proposed as a correction in order to provide the AHP income range.

29 CHAPTER G DENSITY BONUS PROGRAM

30 Section 2 Affordable Housing Program

31 F. Affordability Requirements
32 2. Master Covenant

33 a. For Sale Units

34 The Covenant shall include but not be limited to restrictions requiring: that all identified
35 AHP units shall be sold, or resold ~~or rented~~ only to an income qualified purchaser at an
36 attainable housing cost for the targeted AHP income range (60 percent of Area Median
37 Income (AMI) or below). The sale prices will be based on the AMI and the household
38 income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) as
39 published annually by HUD low, moderate 1, moderate 2, or middle-income qualified
40 households at an attainable housing cost for each of the targeted income ranges; that
41 these restrictions remain in effect for 15 years recurring from the date of the certificate of
42 occupancy for each unit; and that in the event a unit is resold before the 15 year period
43 concludes, a new 15 year period shall take effect on the date of resale. The Covenant
44 shall further provide monitoring and compliance requirements including but not limited
45 those set forth below to ensure compliance with the AHP. Every deed for each AHP for
46 sale housing unit shall incorporate by reference the controlling Covenant. [Ord. 2009-
47 040]

48 b. Rental Units

49 The Covenant shall include but not be limited to restrictions requiring: that all identified
50 AHP units shall be rented only to an income qualified renter at an attainable housing cost
51 for the targeted AHP income range (60 percent of AMI or below). The rental prices will
52 be based on the AMI and the household income limits for PBC (West Palm Beach/Boca
53 Raton metropolitan statistical area) as published annually by HUD and based on the
54 annual Florida Housing Finance Corporation Multi-Family Rental Figures; low, moderate

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EXHIBIT G

DENSITY BONUS PROGRAMS
SUMMARY OF AMENDMENTS
(Updated 11/8/10)

~~1, moderate 2, or middle income qualified households at an attainable housing cost for each of the targeted income ranges;~~ that these restrictions remain in effect for a period of 30 years (non-recurring) from the date of occupancy of the first AHP unit; and that in the event a rental complex is resold before the 30 year period concludes, the new owner assumes the requirement for the number of remaining years; and the number of years remaining shall be determined by the Planning Director or his designee; and shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with the AHP. Every deed for a rental development with AHP housing units and every rental agreement for each AHP unit shall incorporate by reference the controlling Covenant. [Ord. 2009-040]

Part 4. ULDC Art. 5.G.3.G.4, The Application, Sale, and Value of Development Rights, a-f [Related to Transfer of Development Rights (TDR Program) (page 81 of 93), is hereby amended as follows:

Reason for amendments: [PLANNING] The BCC directed staff to revise TDR prices and to work with industry to discuss revisions to the TDR program. The proposed revisions correct the ULDC reference (Art. 5.G.3.G.4.a.), provides the data source and formula for TDR prices (4.b.1&2), provides for the mix of TDR units (4.c), provides additional TDR price formulas (4.d.1-4) and the WHP income target when additional WH TDR units requested beyond the required 35% (4.f).

CHAPTER G DENSITY BONUS PROGRAM

Section 3 Transfer of Development Rights (TDRs) – Special Density Program

G. Transfer of Development Rights (TDRs) Bank

4. The Application, Sale, and Value of Development Rights

PBC may sell development rights to property owners who meet the receiving area criteria pursuant to this Chapter.

- a. A property owner seeking an increase in density must apply to become a receiving area and submit a draft Contract for Sale and Purchase of Development Rights ~~as part of the application described in Article 5.G.2.J, TDR: Receiving Area Procedure.~~
- b. The value and price of a development right shall be set annually by the BCC. No TDR price or price reduction other than those included in this Section shall be permitted. ~~The BCC may County shall utilize the following median sales price data established by the Florida Realtors Association (FRA) for Palm Beach County, using data for the month of March to set the price each year:~~
 - 1) ~~For single-family units (single family, zero-lot-line and townhouse) the price shall be 15 percent of the median sales price of FRA single-family, existing homes data; The current market value; or~~
 - 2) ~~For multi-family units the price shall be 15 percent of the median sales price of FRA existing condominiums data; A recommendation from the LUAB and the Planning Division. The BCC may discount the price of development right as provided in the Plan; or~~
 - 3) ~~TDR applications not subject to approval by the BCC requesting TDR units from PBC's TDR Bank shall utilize the price set by the BCC.~~
- c. ~~For proposals including a mix of single family and multi-family units the TDR units shall proportionally reflect the unit mix of the non TDR units.~~
- d. ~~Additional prices for TDR units shall be as follows:~~
 - 1) ~~For TDR units located within an area that has a BCC accepted Neighborhood Plan, and the proposed development is consistent with the Neighborhood Plan, the TDR price shall be 75 percent of full TDR price as established in 4.b. 1 and 2 above;~~
 - 2) ~~For TDR units located within a CCRT area the TDR price shall be 25 percent of full TDR price as established in 4.b. 1 and 2 above;~~
 - 3) ~~Workforce Housing TDR units shall be five percent of full TDR price as established in 4.b. 1 and 2 above; and,~~
 - 4) ~~Affordable Housing TDR units shall be one percent of full TDR price as established in 4.b.1 and 2 above. The dollar difference between the TDR price and the Affordable Housing TDR price can be used as a price waiver to be counted as part of the local government contribution for housing funding application purposes.~~
- e. ~~Applicants may request Workforce Housing TDR units at greater than the required percentage (35 percent), however in order to receive the Workforce Housing TDR price, those additional Workforce Housing TDR units (>35 percent) must be priced for WHP low income (60-80 percent of AMI) households only.~~

....

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EXHIBIT G

DENSITY BONUS PROGRAMS
SUMMARY OF AMENDMENTS
(Updated 11/8/10)

1
2
3 **Part 5. ULDC Art.5.G.3.I.1. TDR 50 Percent Requirement [Related to Transfer of Development**
4 **Rights (TDR) Program] (page 82 of 93), is hereby amended as follows:**
5

Reason for amendments: [PLANNING] Revision reflects recent revision to the Comp Plan (FLUE Policy 2.4-a) to reduce the required percentage of TDR WHP units.

6 **CHAPTER G DENSITY BONUS PROGRAM**

7 **Section 3 Transfer of Development Rights (TDRs) – Special Density Program**

8 **I. TDR Density Bonus Limitations**

9 **1. WHP ~~50~~ 35 Percent Requirement**

10 In accordance with FLUE Policy 2.6-a.5 of the Plan, ~~50~~ 35 percent of all TDR density bonus
11 units shall be provided as WHP units. These units shall be constructed on site; comply with
12 the affordability range requirements of Table 5.G.1.B, Workforce Housing Program and
13 Article 5.G.1.I, Affordability Requirements; and, Article 5.G.1.C, Development Options. The
14 project shall only be eligible to apply for the following WHP incentives: Article 5.G.1.E.2,
15 Traffic Performance Standards Mitigation; Article 5.G.1.E.3, Expedited Review; and, Article
16 5.G.1.E.4, Density Bonus Development Options. **[Ord. 2008-003]**
17
18

19
20 **Part 6. ULDC Art.5.G.3.K.4. Contents of Application [Related to Transfer of Development**
21 **Rights (TDR) Program] (page 85 of 93), is hereby amended as follows:**
22

Reason for amendments: [Zoning] To clarify that TDR units that are single family or located in multifamily buildings consisting of less than 16 units are not required to comply with the standards in Article 5.C. The applicant must demonstrate that the units will be generally consistent throughout the development through the use of: color, materials, layout, etc.

23 **CHAPTER G DENSITY BONUS PROGRAM**

24 **Section 3 Transfer of Development Rights (TDRs) – Special Density Program**

25 **K. TDR: Receiving Area Procedure**

26 **4. Contents of Application**

27 In conjunction with the general application for a ~~residential subdivision, a r~~Rezoning to a PDD
28 ~~or TDD, Development Order Amendment, or an amendment to a previously approved PDD,~~
29 ~~TDD or Development Review Officer approval residential subdivision submitted to the Zoning~~
30 ~~Division pursuant to Article 2, DEVELOPMENT REVIEW PROCEDURE Process, or Article~~
31 ~~2.D.1, Development Review Officer, as applicable, an applicant for receiving area status and~~
32 ~~a density bonus must submit a supplemental TDR Application. The application shall:~~
33 a. The application shall be submitted in a form established by the Executive Zoning Director
34 of PZB; and made available to the public.
35 b. submit a A-site Preliminary pPlan pursuant to Article 2.A.1.G, Application Procedures;
36 and which shows the location of roadways, parking areas, buffer areas, recreation and
37 open space areas, and building areas shall be a part of the application. Additionally, the
38 applicant shall include typical building footprints and elevations as a part of the
39 application.
40 c. submit Preliminary Architectural Elevations for TDR applications that exceed DRO
41 thresholds prior to certification of the application for public hearing pursuant to
42 Additionally Article 5.C.1.B, THRESHOLD-the applicant shall include typical building
43 footprints and elevations as a part of the application. Elevations shall not be required for
44 single family dwellings or multi-family dwellings less than 16 units as they are exempt
45 from the provisions of Article 5.C, DESIGN STANDARDS. However, the applicant shall
46 ensure these units are architecturally compatible with the other units in the development
47 by using consistent colors, materials, layouts, etc.
48
49

50
51 **Part 7. ULDC Art. 5.G.3.K.6, Contents of Application [Related to Transfer of Development**
52 **Rights (TDR) Program] (page 86 of 93), is hereby amended as follows:**
53

Reason for amendments: [PLANNING] Revision clarifies the timing of the escrow agreement, the amount of funds to be escrowed and timing for payment of all TDR funds.

Notes:

Underlined indicates **new** text. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

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EXHIBIT G

DENSITY BONUS PROGRAMS
SUMMARY OF AMENDMENTS
(Updated 11/8/10)

1 CHAPTER G DENSITY BONUS PROGRAM

2 Section 3 Transfer of Development Rights (TDRs) – Special Density Program

3 K. TDR: Receiving Area Procedure

4 6. Contract for Sale and Purchase of Development Rights

5 A contract for sale and purchase of development rights, and an escrow agreement or
6 performance or surety bond in a manner consistent with Article 11.B.4.A.6.c, Performance or
7 Surety Bond are required. A deed of TDR shall also be required as part of the approval of a
8 TDR transfer. The contract shall be executed prior to **Final** DRO approval of a TDR receiving
9 area. The escrow agreement shall be executed prior to Final DRO approval of the TDR
10 receiving area and a minimum of 50 percent of the funds shall be in escrow or performance
11 or surety bond if used, prior to Final DRO approval. One hundred percent of the funds from
12 the escrow, or performance or surety bond if used, must be received by PBC prior to
13 issuance of first building permit, or evidence of payment to a private party, before PBC
14 releases the deed. The deed must be recorded before issuance of the first building permit for
15 a project ~~or a pod~~ designated as a receiving area. This paragraph shall not apply to building
16 permits for sales models or temporary real estate sales and management offices permitted
17 pursuant to this code. **[Ord. 2009-040]**

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EXHIBIT H

YARD WASTE
SUMMARY OF AMENDMENTS
(Updated 11/4/10)

1
2 Part 1. ULDC Art. 1.I.2.Y, Terms defined herein or referenced Article shall have the following
3 meanings [Related to Definitions] (page 110 of 114), is hereby amended as follows:
4

Reason for amendments: [Zoning/SWA] Add yard waste definition.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

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

8 2. Yard Waste - Vegetative matter resulting from landscaping maintenance and may include
9 materials such as tree and shrub trimmings, grass clippings, palm fronds, and stumps.

10
11
12 Part 2. ULDC Art. 4.B.1.A.77, Landscape Service (page 63 of 166), is hereby amended as
13 follows:
14

Reason for amendments: [Zoning/SWA] 1) Amend to create location criteria and siting regulations to allow landscape service to receive yard waste from customary clients. Yard waste storage may be permitted where a landscape service is accessory to a wholesale nursery and retail nursery; 2) To clarify that landscape services approved as a home occupational license are excluded to have yard waste.

15
16 CHAPTER B SUPPLEMENTARY USE STANDARDS

17 Section 1 Uses

18 A. Definitions and Supplementary Standards for Specific Uses

19 77. Landscape Service

20 An establishment engaged in the provision of landscape maintenance or installation services,
21 such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and
22 landscape installation.

23

24 **f. Yard Waste Storage**

25 Landscape service with storage of yard waste shall front on a collector or arterial street,
26 and shall comply with the following requirements:

27 **1) Setbacks**

28 Loading and service areas shall be located a minimum of 50 feet from all property
29 lines and 100 feet from adjacent property with residential use or FLU designation.

30 **2) Standards**

31 a) Only one yard waste storage area shall be permitted on site;

32 b) Shall not exceed 30 by 40 feet;

33 c) Yard waste shall be screened on three sides by a wall with a maximum height of
34 12 feet. The open end of the wall shall not face any property with residential use
35 or FLU designation;

36 d) Yard waste piles shall not exceed the height of the wall;

37 e) Surface of the storage area shall be paved with concrete and have positive
38 drainage; and,

39 f) Yard waste that is not generated by the landscape service shall be prohibited on
40 site.

41 **fg. Home Occupation**

42 A landscape service, not including yard waste or landscape installation services, may be
43 approved as a home occupation subject to the requirements of Article 4.B.1.A.70, Home
44 Occupation and this section, subject to the following exemptions or requirements: **[Ord.**
45 **2007-013]**

46

EXHIBIT I

EMERGENCY STRUCTURES
SUMMARY OF AMENDMENTS
(Updated 11/08/10)

Part 1. ULDC Art.1.I.2.E, Definitions (page 54 of 114), is hereby amended as follows:

Reason for amendments: [Zoning] 1) To include natural disaster in the definition as a type of emergency; 2) Delete emergency work definition as the term is self explanatory.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

-
- 15. **Emergency** - any ~~unusual~~ incident or natural disaster which results in immediate danger to the health, safety, welfare or resources of the residents of PBC, ~~including damages to, or erosion of, any shoreline resulting from a hurricane, storm, or other such violent disturbance.~~
- 16. **Emergency Hazardous Situation** - for the purposes of Art. 14.B, occurs whenever there is an immediate and substantial danger to human health, safety, or welfare or to the environment.
- 17. **Emergency Work** - ~~work made necessary to restore land to a safe condition following an emergency, or work required to protect persons or land from imminent exposure to danger.~~
-

Part 2. ULDC Art.5.B.1.B.1, Emergency Structures (page 26 of 93), is hereby amended as follows:

Reason for amendments: [Zoning] To differentiate between emergency and temporary structures and uses. To clarify that the Executive Director of PZB may authorize the issuance of a building permit for an emergency structure in the case of a public emergency, pending natural disaster, or natural disaster. To allow temporary government structures or uses to be allowed in order to address immediate public need, subject to issuance of a Special Permit.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

B. Temporary Structures

- 1. **Emergency or Temporary Government Structures and Uses**
This Section is intended to allow the placement or ~~erection~~ construction of temporary ~~government service uses, facilities, or and~~ infrastructure improvements that address an immediate public needs and ensure health, safety and welfare concerns. Typical uses include, but are not limited to, while permanent solutions are being pursued, including temporary fire stations, hurricane shelters, or utility facilities.
 - a. **Determination of Public Emergency Review and Approval Process**
 - 1) **Emergency Uses or Structures**
The Executive Director of PZB may authorize the issuance of a building permit for a temporary structure upon determination that a public emergency, pending natural disaster, or actual natural disaster exists, exists, or an overwhelming public purpose is served by the temporary permit.
 - 2) **Temporary Uses or Structures**
 - (a) **DRO Workshop or BCC Administrative Inquiry (AI)**
The Zoning Director may require a workshop with the DRO in order to seek input from the various County Agencies on the temporary use or structure or may seek BCC approval through an Administrative Inquiry. The Zoning Director shall consider documentation from the applicant and any other input from the County Agencies before issuance of a Special Permit.
 - (b) **Special Permit**
A Special Permit approval of the temporary use or structure pursuant to Article 2.D.2. Special Permit, must be obtained prior to the issuance of a building permit.
 - (c) **Duration**
The Special Ppermit shall be valid for up to a period of six months from date of issuance, with one three month extension by the Zoning Director. The BCC may extend the timeframe through an Administrative Inquiry by the Zoning Director.
[Relocated from Art. 5.B.1.B.1.b below and amended]

~~b.~~—Duration

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EXHIBIT I

EMERGENCY STRUCTURES
SUMMARY OF AMENDMENTS
(Updated 11/08/10)

~~The permit shall be approved for a period of up to six months, with one three month extension, or until the emergency is determined to have ceased. The BCC may extend this timeframe under extenuating circumstances at any time.~~

....
3. **Temporary Structures and Uses During Development Activity**

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

....
e. ~~Right of Way (R-O-W) Construction Staging Areas~~ **for Right of Ways (R-O-W)**

This section shall only apply to staging areas located on or adjacent to residentially zoned parcels. [Ord. 2008-003]

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EXHIBIT J

BARBED WIRE
SUMMARY OF AMENDMENTS
(Updated 10/27/10)

1
2 Part 1. ULDC, Art. 4.B.1, Uses (pages 29, 45, 48, 49, 54, 87, 92, 95, 97, 98 and 106 of 168),
3 [related to Supplementary Use Standards], is hereby amended as follows:
4

5 Reason for amendment: [Zoning] To clarify that an applicant cannot install barbed wire for any use
6 unless specifically stated in Article 4.B, Supplementary Use Standards. It is currently allowed for the
7 following uses: bona fide agriculture (AGR, AP, AR, Zoning Districts and AGR Preserve), self service
8 storage, prisons, and water or treatment plants. Staff is proposing to include additional uses that
9 customarily use barbed wire, including contractor storage yards, electric power facilities, solid waste
10 transfer facilities, and towing service and storage.

11 CHAPTER B SUPPLEMENTARY USE STANDARDS

12 Section 1 Uses

13 A. Definitions and Supplementary Standards for Specific Uses

14
15 3. Agriculture, Bona Fide

16 Any plot of land where the principal use consists of the growing, cultivating and harvesting of
17 crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the
18 production of animal products such as eggs, honey or dairy products; or the raising of plant
19 material. The determination as to whether or not the use of land is considered bona fide
20 agriculture shall be made pursuant to FS 823.14, Florida Right to Farm Act. [Ord. 2009-040]

21
22 i. Barbed Wire in AGR, AP, and AR Zoning Districts; and AGR-PDD Preserve Parcels

23 1) Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials.
24 [Ord. 2005-002] [Ord. 2010-005] [Partially relocated from Art. 5.B.1.A.2.c.2.a)]

25 2) In the AR district with any bona fide agricultural use, other than nurseries, provided it
26 is setback a minimum of 25 feet from any property line. [Relocated from
27 Art.5.B.1.A.2.c.2.b]

28
29 35. Contractor Storage Yard

30 A lot used for the storage of construction material, equipment, or three or more commercial
31 vehicles used by building trades and services, other than construction sites. [Ord. 2005-002]

32
33 e. Barbed Wire

34 Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except
35 when located adjacent to a parcel having a residential FLU designation or use. Barbed
36 wire shall not be visible from any public street.

37
38 44-1.Electric Power Facility

39 Any electric generating facility that uses any process or fuel and includes any associated
40 facility that directly supports the operation of the electrical power facility. [Ord. 2006-004]
41 [Ord. 2009-040] [Ord. 2010-005]

42
43 e. Barbed Wire

44 Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials.

45
46 44-2.Electric Transmission Facility

47
48 c. Barbed Wire

49 Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials.

50
51 63. Government Services

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

56
57 b. Prisons

58 Jails, correctional facilities and prisons shall be permitted in the PO and IPF districts only
59 subject to Class A conditional use approval. Expansion of existing facilities shall be
60 exempt from this requirement.

61 1) Barbed or Razor Wire

62 Barbed or razor wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous
63 Materials.

64

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EXHIBIT J

BARBED WIRE
SUMMARY OF AMENDMENTS
(Updated 10/27/10)

116.Salvage or Junk Yard

A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof.

a. Barbed Wire

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street.

....
120.Self-Service Storage

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

....
b. General

....
10) Barbed Wire

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any ~~residential district~~ or public street.

....
123.Solid Waste Transfer Station

A facility where solid waste from smaller vehicles is transferred into larger vehicles before being shipped or transported to a solid waste processing or disposal facility. Solid waste may be sorted but not processed at a transfer station.

....
g. Barbed Wire

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials.

....
127.Sugar Mill or Refinery

An establishment for the extraction and refining of sugar from agricultural products.

....
b. Barbed Wire

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street.

....
130.Towing Service and Storage

The use of a lot for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, with no sales or repair or salvage activity occurring on the lot and subject to the following standards:

....
c. Barbed Wire

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street.

....
134.Utility, Minor

Mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission facilities. Typical uses include gas and water regulators, electrical distribution substations, chlorine injection and potable water booster pump stations; water reclamation treatment, storage and distribution facilities, membrane bioreactor plants, sewage lift stations, telephone exchange buildings, and communication substations. [Ord. 2006-004] [Ord. 2007-013]

....
f. Barbed Wire

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials.

....
139.Water or Treatment Plant

A facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

....
g. Barbed Wire

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials.

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EXHIBIT J

BARBED WIRE
SUMMARY OF AMENDMENTS
(Updated 10/27/10)

143.Zoo

Means a place where animals are kept in captivity for the public to view or for educational or animal rehabilitative purposes.

d. Barbed Wire

Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials.

....

Part 2. ULDC, Art. 5.B.1.A.2.c, Dangerous Materials (pages 9-10 of 93), is hereby amended as follows:

Reason for amendment: [ZONING] To clarify that fences or walls constructed with dangerous materials are prohibited in all zoning districts except properties with a Conservation FLU, vested parcels with a valid building permit, for certain uses pursuant to Art. 4.B, Supplementary Use Standards, or as may be required by Federal or State laws.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

2. Fences, Walls and Hedges

c. Dangerous Materials

1) Fences or walls in ~~in, or adjacent to, a residential~~ any zoning district, shall not be electrified or contain any substance such as broken glass, spikes, nails, barbed wire, ~~or~~ razors, or any other dangerous material designed to inflict discomfort, pain or injury to a person or animal, except as allowed below. [Ord. 2010-005]

2) Barbed Wire Exceptions

The use of barbed wire is prohibited. However, the County recognizes that barbed wire may be necessary to secure certain uses such as public utilities, prisons, bona-fide agriculture, public-owned natural areas, commercial or industrial uses that have outdoor storage areas. Therefore, the County allows the installation of barbed wire as part of the top of the fence or wall for specific uses pursuant to Art. 4.B, SUPPLEMENTARY USE STANDARDS or for situations stated below. The barbed wire shall not exceed 20 percent of the overall permitted height of the fence or wall. Bonafide agricultural uses, prisons, and other uses as authorized by the Zoning Director pursuant to provisions, Art. 5.B.1.A.2.c.2).c) below, shall be permitted to exceed the 20 percent provision. The calculation of the overall height of a fence or wall is inclusive of any barbed wire. The use of barbed wire may be permitted as follows: [Ord. 2005-002] [Ord. 2010-005]

a) ~~In the AP or AGR districts with any bona fide agricultural use;~~ [Relocated to Art.4.B.3, Agriculture, Bona Fide]

b) ~~In the AR district with any bona fide agricultural use, other than nurseries, provided it is setback a minimum of 25 feet from any property line;~~

ae) Properties with a Conservation FLU designation, ~~for the purposes of protecting publicly owned natural areas, if limited to the top portion of a fence; and,~~ [Ord. 2005-002] [Ord. 2010-005]

d) ~~In conjunction with a wastewater or water treatment plant, if limited to the top portion of a fence, and located behind any required perimeter buffer hedges and shrubs.~~

be) Properties where the owner can document a valid Development Permit building permit was issued pursuant to Zoning and other applicable agency review and approval; and, [Ord. 2010-005]

f) ~~In conjunction with jails, prisons and related correctional facilities.~~

c) The Zoning Director shall have the authority to allow the installation of barbed wire for any uses pursuant to Art. 4, SUPPLEMENTARY USE STANDARDS, when the applicant demonstrates a need to comply with Federal, State or Local Government regulations. In support of the barbed wire installation, the Zoning Director may require the applicant to perform mitigation in order to address compatibility with adjacent properties or visibility from adjacent street right-of-way.

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EXHIBIT K

BIG BOX
SUMMARY OF AMENDMENTS
(Updated 10/08/10)

1
2 Part 1. ULDC Art. 2.A.1.D.1.b, Zoning Commission (ZC) [Related to Development Review
3 Procedures Authority] (page 7 of 56), is hereby amended as follows:
4

Reason for amendments: [Zoning] 1) To delete repeated language already existing in Art. 17, Decision making Bodies that granted authority to the Zoning Commission to make decisions on Type II Variance; 2) To centralize information related to Type II Variance not allowed to be considered by the Zoning Commission; and, 3) Delete reference of Definitions and Acronyms from the non authorized ZC Type II Variance as Art. 1 contains this topic and Art. 1 is already listed.

5 CHAPTER A GENERAL

6 Section 1 Applicability

7 D. Authority

8 1. Processes

9 b. Zoning Commission (ZC)

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

- 11 1) Class B conditional use;
- 12 2) DOA;
- 13 3) Abandonment, [Ord. 2006-036]
- 14 4) Status Reports; [Ord. 2006-036] [Ord. 2008-003]
- 15 5) ~~The ZC is also granted the authority to consider, take action, and make decisions on~~
16 ~~applications for Type II variances.~~ The ZC is not authorized to grant variances from
17 the following Articles of the ULDC: [Ord. 2006-036]
18 a) Art. 1, GENERAL PROVISIONS (excluding Article 1.F.3.F.1); [Ord. 2008-003]
19 b) Art. 2, DEVELOPMENT REVIEW PROCEDURES;
- 20 c) Art. 3.B.3, COZ, Conditional Overlay Zone;
- 21 d) Art.4, USE REGULATIONS, unless specifically authorized in Article 4.B,
22 SUPPLEMENTARY USE STANDARDS; [Ord. 2007-013] [Ord. 2008-003] [Ord.
23 2010-022]
- 24 e) Art. 5.C.1.H.1.f Design Elements Subject to ZC or BCC approval;
- 25 f) Art 5.C.1.H.1.g Rural Design Elements;
- 26 g) Art 5.C.1.I, Large Scale Commercial Development;
- 27 ~~h)~~ Art. 5.D, PARK AND RECREATION – Rules and Recreation Standards;
- 28 ~~i)~~ Art. 5.F, LEGAL DOCUMENTS (excluding provisions in Art. 5.F.2, Easements);
- 29 ~~j)~~ Art. 5.G, DENSITY BONUS PROGRAMS;
- 30 ~~k)~~ Art. 13, IMPACT FEES;
- 31 ~~l)~~ Art. 14, ENVIRONMENTAL STANDARDS;
- 32 ~~m)~~ Art. 15, HEALTH REGULATIONS;
- 33 ~~n)~~ Art. 17, DECISION MAKING BODIES; and
- 34 ~~o)~~ ~~Art. 1.I, Definitions and Acronyms, and~~ [Ord. 2005-002] [Ord. 2006-036] [Ord.
35 2008-003]
- 36 6) Unique Structures. [Ord. 2008-003]

37
38
39 Part 2. ULDC Art. 2.B.3.A, Purpose [Related to Type II Variance] (page 23 of 56), is hereby
40 amended as follows:
41

Reason for amendments: [Zoning] 1) Amended to simplify general concept of Type II Variance to reference the standards and state when a Type II Variance is required on any application; 2) Delete language already proposed to be located under the list of articles not subject to Type II Variances; and 3) Include reference to where to find Type II Variance that can be considered by the Zoning Commission.

42 CHAPTER B PUBLIC HEARING PROCESS

43 Section 3 Type II Variance

44 A. Purpose General

45 To allow ~~a variances deviation from certain standards in accordance with Art. 2.B.3.E, Standards,~~
46 ~~unless stated otherwise, of this Code when special circumstances or conditions peculiar to the~~
47 ~~property exist and the literal enforcement of this Code would result in undue and unnecessary~~
48 ~~hardship. A Type II variance is required when deviations are requested for: Type II Variances~~
49 ~~shall be required for the following:~~

- 50 ~~1. any project that is subject to BCC or ZC approval;~~
- 51 1. any application requesting variances from the ULDC requirements which are allowed under
52 the authority of Article 2.A.1.D.b, Zoning Commission;
- 53 2. any application project requesting five or more variances; [Ord. 2009-040]
- 54 ~~3. variances from 5.C. Architecture, with the exception of Design Elements Subject to ZC or~~
55 ~~BCC Approval, Rural Design Elements or Large Scale Commercial Development;~~
- 56 4. any application variance request greater than 15 percent of a required standard; and [Ord.
57 2009-040]

EXHIBIT K

BIG BOX
SUMMARY OF AMENDMENTS
(Updated 10/08/10)

1 ~~54.~~ any airport zoning variance as described in Art. 2.B.3.D.2, Airport Variance. [Ord. 2006-036]
2 [Ord. 2009-040
3
4

5 **Part 3. ULDC Art. 5.C.1.E.2.a, Purpose and Intent [Related to Unique Structure] (page 35 of 93),**
6 **is hereby amended as follows:**
7

Reason for amendments: [Zoning] Amend to simplify reference to variances applicable to Unique Structure.

8 **CHAPTER C DESIGN STANDARDS**

9 **Section 1 Architectural Guidelines**

10 **E. Review Process**

11 **2. Unique Structure**

12 **a. Purpose and Intent**

13 To recognize structures that comply with the definition in Article 1.1.2.A, Unique Structure,
14 that by the nature of their: scale, massing, proportion, rhythm, style, harmony, order,
15 balance, etc, warrant a special designation. PBC has diverse architectural styles in the
16 various Tiers that are reflective of the historical evolution of the community. The
17 architecture guidelines were established to preserve and enhance those communities
18 through common building design elements. The allowance for unique structures will
19 continue to foster preservation of key design elements while recognizing new and
20 creative design and materials. An applicant may apply for Unique Structure designation
21 pursuant to Article 2.B.2.C, Standards for Unique Structure for any of the types of review
22 outlined in Article 5.C.1.E, Review Process. A Unique Structure designation will require
23 the applicant to clearly demonstrate that by complying with the standard architectural
24 guidelines in Section 5.C.1.H, Guidelines, the overall design would be compromised. A
25 structure classified as unique does not have to apply for variances, but shall comply with
26 the standards in Article 2.B.2.C, Standards for Unique Structure. The Unique Structure
27 process ~~should~~ shall not be requested if the applicant can seek variances ~~for minor code~~
28 ~~deviations as provided for~~ in Article 2.B.23, Type II Variance.
29
30

31 **Part 4. ULDC Art. 5.C.1.I.1, Single Tenant Limit [Related to Unique Structure] (page 42 of 93),**
32 **is hereby amended as follows:**
33

Reason for amendments: [Zoning] Amend to provide clarification for Large Scale Commercial Development single tenants in a single building cannot seek variance from the building size range that classifies them as Large Scale Commercial Development.

34 **CHAPTER C DESIGN STANDARDS**

35 **Section 1 Architectural Guidelines**

36 **I. Large Scale Commercial Development**

37 Large Scale Commercial Development shall be defined as any large single tenant retail use, with
38 or without accessory tenants, in a single building, between 65,000 and 200,000 gross square
39 feet. These regulations shall apply to all new developments and developments meeting the
40 requirements of Art. 5.C.1.D, Effect. [Ord. 2005 – 002]

41 **1. Single Tenant Limit**

42 ~~Variations~~ ~~Deviations~~ from these requirements shall ~~not~~ be ~~permitted~~ prohibited. [Ord. 2005
43 – 002]
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EXHIBIT L

CIVIC PODS
SUMMARY OF AMENDMENTS
(Updated 10/15/10)

1
2 Part 1. ULDC Art. 3.E.2.C, Land Use Mix [Related to Planned Unit Development (PUD)] (pages
3 122 and 123 of 195), is hereby amended as follows:
4

Reason for amendments: [Zoning] To clarify existing note 1, which indicates that where the 2 percent requirement for civic yields less than 1.5 acres, private civic is not required unless located in the CCRT, with the provision that the BCC may waive the private civic requirement in the CCRT. In summary, Public Civic Pods may only be required when 2 percent of the overall PUD yields 1.5 acres or more; and, unless required as Public Civic, Private Civic shall only be required in CCRT areas – all other private civic would be optional.

5
Table 3.E.2.C - PUD Land Use Mix

	Res.	Civic ¹	Comm.	Rec.	OS ²	Preserve Area	Dev. Area
MIN	60%	2% ¹	-	.006 sf/unit	40%	80/20 AGR – 80% 60//40 AGR – 60%	-
MAX	-	65%	1%	-	-	-	80/20 AGR – 25% ³ 60/40 AGR – 40%
[Ord. 2006-004] [Ord. 2008-037]							
Notes							
1. <u>Minimum civic pod requirement may be waived, subject to the following:</u> - <u>Public civic may not be required where two percent of the gross acreage of a PDD is less than 1.5 acres in size, subject to FD&O approval; and,</u> - <u>If located in a CCRT area, shall be labeled as private civic unless waived by the BCC.</u> <u>Civic sites less than 1.5 acres in size shall be designated as private, and shall only be required in CCRT areas unless waived by the BCC. [Ord. 2008-037]</u>							
2. Calculation of open space may include recreation pods, civic pod and open space areas within residential. [Ord. 2006-004]							
3. See 80/20 option exception.							

6
7
8 Part 2 ULDC Art. 3.E.2.E.4, Civic Pods [related to Planned Unit Development (PUD)] (pages
9 126 and 127 of 195), is hereby amended as follows:
10

Reason for amendments: [FD&O/Zoning] Amendments to: 1) eliminate redundant minimum 2 percent civic pod requirement addressed in Table 3.E.2.C, PUD Land Use Mix; 2) add language to clarify when Public Civic Pods may not be required, to ensure consistency with Table 3.E.2.C, PUD Land Use Mix; 3) eliminate erroneous references to FLU in association with a master plan designation; 4) clarify that a master plan is permitted to exclude a required public civic pod, or include an alternative designation to a required public civic pod for use, following FD&O and BCC approval of an alternative proposal that satisfies a public civic pod obligation; 5) delete Special Provision for Civic Pod language which is already addressed through underlying FLU provisions for all PDDs; and, 6) delete provisions having no practical use or effect based upon current regulations, recent application activity, or daily practice.

11 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

12 **Section 2 Planned Unit Development (PUD)**

13 **E. Pods**

14 **4. Civic Pod**

15 A civic pod is intended to promote a coordinated land planning approach for providing and
16 encouraging publicly and privately owned civic, institutional, educational, and additional
17 recreational uses for the community.

18 **a. Applicability**

19 **1) Public Civic**

20 Where two percent of a PUD is less than 1.5 acres, public civic pods may not be
21 required subject to FD&O approval.

22 **2) Private Civic**

23 If a public civic pod is not required in a CCRT area, a private civic pod shall be
24 provided unless waived by the BCC. For any other PUD, private civic pods shall be
25 optional.

26 ~~a. A PUD shall provide for and designate a civic pod on the master plan based on the two~~
27 ~~percent of the gross acreage of the PUD. PUD's in AGR-FLU areas shall use two~~
28 ~~percent of the developable portion of the PUD. All civic pods so designated shall be~~

Notes:

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EXHIBIT L

CIVIC PODS
SUMMARY OF AMENDMENTS
(Updated 10/15/10)

~~identified as public or private.~~ [First and 3rd sentences have been deleted. 2nd sentence relocated to new AGR PUD Calculation below.]

b. AGR PUD Calculation

A PUD in AGR-FLU areas shall use two percent of the developable portion of the PUD.

~~**b. Frontage**~~

~~A civic pod shall have frontage on a collector or arterial street unless waived by FDO. [Ord. 2005 – 002]~~ [Relocated below to renumbered Art. 3.E.2.E.4.b.1), Public Civic]

c. Public and Private Civic

All civic pods so designated shall be identified as public or private. PBC may require all or a portion of a civic pod to be dedicated to PBC for public purposes. ~~Civic Pods of one acre or less may be labeled as “Private” with approval of FDO.~~ [Ord. 2005 – 002]

1) Public Civic

Public civic pods shall be located adjacent to publicly owned, or anticipated to be owned, lands. In the event of co-location with property outside the boundary of the PUD, the required landscape buffer along the common boundary may be waived by the DRO. A minimum 5-foot setback shall be required for all permanent structures, measured from the common interior boundary. The remaining setbacks shall be applied pursuant to Table 3.E.2.D – PUD Property Development Regulations. The location of, and access to, a public civic pod shall be acceptable to FDO prior to certification of the master plan by the DRO. [Ord. 2005 – 002] [Ord. 2008-037]

a) Conveyance

Conveyance of a civic pod to PBC shall be in a form and manner acceptable to FDO as outlined in the FDO Property Acquisition Policy and Procedures, and by the County Attorney. Documentation, such as a deed, survey, environmental assessment, and evidence of a clear title shall be required to be provided by the applicant prior to acceptance by PBC. Site shall also be conveyed with: [Ord. 2005 – 002]

- 1) concurrency;
- 2) drainage accommodated within and allowed to discharge into the storm water management system of the PUD;
- 3) filled and stabilized;
- 4) sufficient sized water sewer and other associated utilities stubbed to the site; and
- 5) direct access to a utility easement for phone, electric and cable.

b) Uses

Public civic parcels shall consist of civic uses and other typical uses provided by governmental agencies, which are required to provide services to meet concurrency requirements such as, but not limited to, regional parks, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, public schools, libraries or other civic uses. [Ord. 2005 – 002]

c) Frontage

A public civic pod shall have frontage on a collector or arterial street unless waived by FDO. [Ord. 2005 – 002]

d) Alternative Civic Pod Designation

A public civic pod may have an alternative pod designation in addition to the public civic pod designation on the Master Plan approved by the BCC. The alternative pod designation may only be utilized following preliminary approval by FD&O and final approval by the BCC of a cash-out, off-site dedication agreement, or other proposal that satisfies a public civic obligation. A public civic pod may be excluded from the Master Plan approved by the BCC or DRO provided that prior approval of a cash-out, off-site dedication agreement or other proposal that satisfies a public civic obligation has been rendered acceptable by FD&O and granted by the BCC.

2) Private Civic

Private civic parcels shall be labeled as “Private” on the master plan and may be underscored for a particular use as defined in this section or as outlined in Zoning Code Use Matrix. Such pods may be located anywhere within the PUD but should remain as one singular parcel. [Ord. 2005 – 002]

a) Use Limitations

Private civic sites shall consist of civic uses which: provide services to PUD residents or fulfill recreational or educational needs for the residents of PBC; are customarily privately owned and operated; such as but not limited to, private schools or libraries, day care centers, churches, temples, and property owner association meeting areas. Private civic uses may include parking if such use benefits the intended private civic site function. Private civic sites may not be

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EXHIBIT L

CIVIC PODS
SUMMARY OF AMENDMENTS
(Updated 10/15/10)

used as PUD overflow parking areas or to fulfill any other non-civic site related requirements. [Ord. 2005 – 002]

~~d. Underlying FLU~~

~~A civic pod may have an underlying pod designation on the master plan approved by the BCC. The underlying FLU designation may only be utilized if the civic pod is removed from the master plan by the DRO. [Partially relocated above under new Art. 3.E.2.E.4.b.1)d), Alternative Civic Pod Designation.]~~

de. PDRs

The PDRs for a civic pod shall be in accordance with Table 3.E.2.D, PUD Property Development Regulations. *Public civic pods may be exempt from Table 3.E.2.D, PUD Property Development Regulations, by the DRO if the PDRs hinder the proper functioning of the intended civic use.*

~~1) Exception~~

~~Public civic pods may be exempt from Table 3.E.2.D, PUD Property Development Regulations, by the DRO if the PDRs hinder the proper functioning of the intended civic use. [Relocated above.]~~

~~2) Special Provision for Civic Pods~~

~~The BCC may permit the land area allocated to public civic uses or private civic uses to be deleted from the gross acreage of the PUD when determining the residential land use percentage. Such reduction may occur if an explicit public benefit is demonstrated meeting the criteria in this Subsection. The applicant may include with a submittal of a rezoning application a request to exclude the public civic or private civic acreage from the gross acreage of the PUD. The justification statement, required in accordance with Article 2.D, ADMINISTRATIVE PROCESS, shall clearly demonstrate an explicit public benefit and meet the criteria herein. Prior to certification of an application, the Zoning Director may obtain confirmation from the BCC that the justification and proposed mix of land uses meets the applicable criteria. The BCC shall make a finding of fact supported by substantial competent evidence that the criteria has been satisfied.~~

~~3) Evaluation Criteria~~

~~Public civic sites shall meet all criteria outlined in Art. 3.E.2.E.4.e.3).a) e), below. Private civic sites shall meet all criteria outlined in Art. 3.E.2.E.4.e.3)a) g).~~

- ~~a) Provide reduced cost to the public for site acquisition, development or operation of civic uses.~~
- ~~b) Provide services to meet recreational, fire rescue or mass transit concurrency requirements in accordance with F.S. Chapter 163, or accommodate impacts of development on educational facilities such as schools or regional libraries.~~
- ~~c) Fulfill a direct service and immediate need, as projected in the PBC's capital improvement element or, if applicable, further the PBC's goal to provide adequate primary and secondary education facilities.~~
- ~~d) Land uses within the PUD shall be located and designed to be compatible with surrounding land uses both internal and external to the PUD.~~
- ~~e) The resulting mix of land uses further the goals to integrate and share facilities, thereby encouraging efficient use of land and reduction in sue of public funding sources.~~
- ~~f) The location and layout of the civic use shall be easily accessible to the residents of the PUD. The civic uses shall satisfy the design objective in Article 3.E.2.B, Objectives and Standards.~~
- ~~g) Provide education in accordance with F.S. Chapter 623.~~

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EXHIBIT M

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

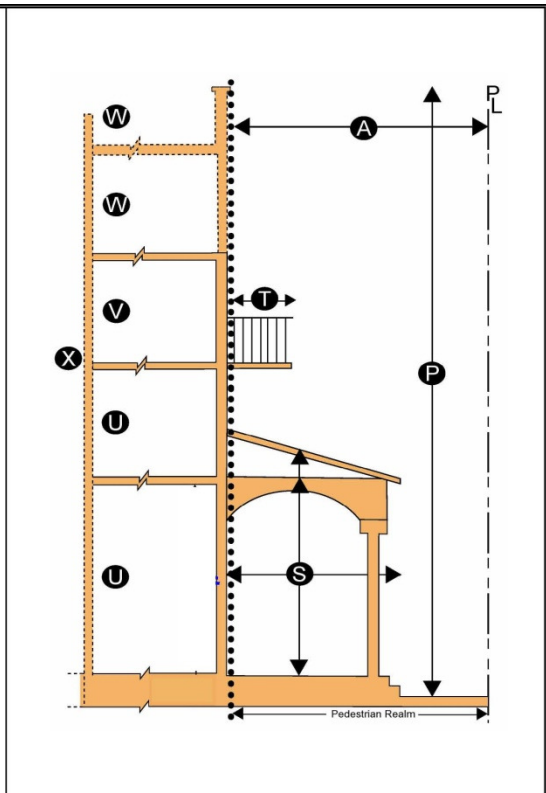
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Part 1. ULDC Table 3.B.16.F, Buffered Sidewalk Dimensional Standards [Related to IRO Streetscape Standards] (page 70 of 195), is hereby amended as follows:

Reason for amendments: [Zoning] This amendment deletes previously adopted minimum and maximum interior floor elevations and ceiling heights from the IRO. Zoning staff have ascertained that at this time there is not a functional need to regulate interior height in the LCC, TMD, IRO or URAO.

TABLE 3.B.15.F – PEDESTAL, LINER, BLOCK, COURTYARD AND CIVIC BUILDING HEIGHT AND USE

BUILDING HEIGHT		MAX.						
P.	Edge TZ or Townhouse Building	35 ft. (3 stories)						
	General TZ	60 ft. (4 stories) (1)(2)						
	Core TZ	75 ft. (5 stories) (1)(2)						
INTERIOR HEIGHT		MIN.	MAX.					
Q.	Finished Floor – Residential (5)	1.5 ft.	N/A					
	Finished Floor – Other	0.5 ft.	N/A					
R.	Residential	9 ft.	N/A					
	Other	12 ft.	N/A					
ENCROACHMENT		MIN.	MAX.					
S.	Stoop (4)	-	6 ft.					
	Gallery (3)(4)	10 ft.	12 ft.					
	Gallery Height	10 ft.	15 ft.					
T.	Balcony	-	6 ft.					
USES BY TRANSECT/FLOOR								
TRANSECT	USES							
	R	C	O	W	CV	RC	U	I
U.	Edge	✓			✓			
	General	✓	✓	✓	✓	✓	✓	
	Core	✓	✓	✓	✓	✓	✓	✓
V.	Edge	✓			✓			
	General	✓		✓	✓	✓		
	Core	✓	✓	✓	✓	✓	✓	✓
W.	Edge	✓			✓			
	General	✓		✓	✓	✓		
	Core	✓		✓	✓	✓		✓
X.	Liner building interior, same uses as allowed in TZ.							
USE CLASSIFICATION KEY (REFER TO ART. 5.X.3, USE STANDARDS)								
R = Residential		C = Commercial, Other		O = Commercial, Office		W = Work/Live		
CV = Public and Civic		RC = Recreation		U = Utilities and Excavation		I = Industrial		
[Ord. 2010-005]								
NOTES								
✓ Means applicable or permitted.								
1. Shall be exempt from Art. 3.D.1.E, <u>Building</u> Height where adjacent to a R-O-W greater than 50 feet in width, or an IRO compliant street (excluding alleys). [Ord. 2010-005]								
2. One additional story and 15 feet in height permitted for Green Building. [Ord. 2010-005]								
3. The required sidewalk zone may be accommodated within a gallery. [Ord. 2010-005]								
4. Encroachment for stoop or gallery (including uses therein such as outdoor dining, benches, or displays) shall not impede required streetscape sidewalk area or be located within five feet of the streetscape street tree planting area. [Ord. 2010-005]								
5. Allowances shall be permitted for single floor units located on the first floor to accommodate ADA requirements. [Ord. 2010-005]								



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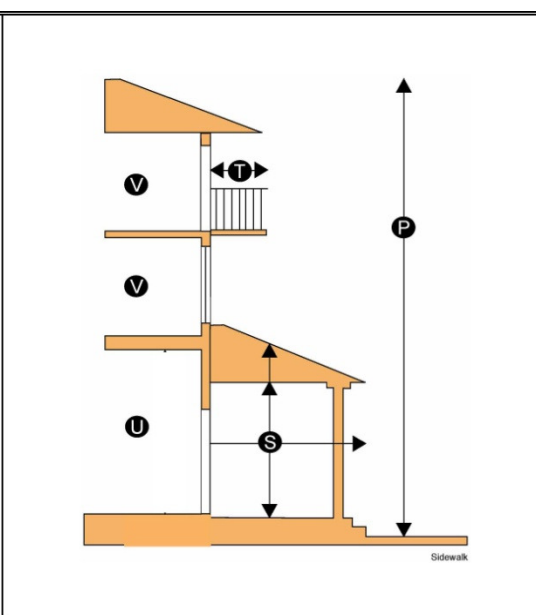
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EXHIBIT M

INFILL REDEVELOPMENT OVERLAY
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

TABLE 3.B.15.F – TOWNHOUSE BUILDING HEIGHT AND USE

BUILDING HEIGHT		MAX.	
P.	Edge	35 ft. (3 stories)	
	General		
INTERIOR HEIGHT		MIN.	MAX.
Q.	Finished Floor – Residential	1.5 ft.	N/A
	Finished Floor – Live/Work Unit	1.5 ft.	N/A
R.	Ceiling – Residential	9 ft.	N/A
	Ceiling – Live/Work Unit	12 ft.	N/A
ENCROACHMENT (1)		MIN.	MAX.
S.	Stoop	N/A	6 ft.
	Front Porch	N/A	8 ft.
	Front Porch Height	N/A	15 ft.
T.	Balcony	-	6 ft.
USES BY TRANSECT/FLOOR			
	TRANSECT	USES	
		RESIDENTIAL	LIVE/WORK UNIT
U.	Edge	✓	✓
	General	✓	✓
V.	Edge	✓	(2)
	General	✓	✓
NOTES			
✓ Means applicable or permitted.			
1. Encroachment for stoop or front porch shall not impede required streetscape sidewalk area or be located within five feet of the streetscape street tree planting area. [Ord. 2010-005]			
2. Shall only be permitted where uses on the 2 nd floor or higher is limited to residential. [Ord. 2010-005]			
3. Allowances shall be permitted for single floor units located on the first floor to accommodate ADA requirements. [Ord. 2010-005]			



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Part 2. ULDC Art. 3.B.16.F.8.b.1)h) [Related to IRO Streetscape Standards (page 74 of 195), is hereby amended as follows:

Reason for amendments: [Zoning] Scrivener’s error – standard applies to most intense roadways, Type II (≥ 60 AND < 80 FT) or III (≥ 80 Ft.), not a Type I as incorrectly indicated. See Table 3.B.16.F, Perimeter Street Types (page 59 of 195).

CHAPTER B OVERLAYS

Section 16 INFILL REDEVELOPMENT OVERLAY (IRO)

F. Design and Development Standards

8. Streetscape Standards

b. Design Standards

1) Enhanced Sidewalk

h) A minimum of 75 percent of buildings fronting on a Type ~~I~~ II or III R-O-W, primary or slip street shall have arcaded sidewalks or other architectural element that provides shade to pedestrians, such as permanent canopies and awnings. [Ord. 2010-005]

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EXHIBIT N

LAND DEVELOPMENT
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

1
2 Part 1. ULDC Art. 3.E.1.J.2, [Related to Phasing and Platting for Planned Development
3 Districts (PDDs)] (page 119 of 195), is hereby amended as follows:
4

Reason for amendments: [Land Development] To exclude right of way dedicated to government from PDD platting requirements to limit recurring issues involving public agencies required to sign off on a plat as well as undue delays to property owners due to dedication of right-of-way.

5 CHAPTER E. PLANNED DEVELOPMENT DISTRICTS (PDDS)

6 Section 1. General

7 J. Phasing and Platting

8 2. Platting

9 All land in a PDD shall be platted in accordance with Art. 11, SUBDIVISION, PLATTING AND
10 REQUIRED IMPROVEMENTS, except right of way dedicated to a government agency when
11 approved by the County Engineer. All land within the PDD, including private civic tracts, golf
12 courses and open space areas (including but not limited to recreation and water retention)
13 shall be platted prior to Technical Compliance for the last residential, commercial, or
14 industrial tract. [Ord. 2005 – 002]
15
16

17 Part 2. ULDC Art. 11.A.6.B.4, [Related to Subdivision of Commercial and Industrial Building
18 Sites in Planned Developments] (page 11 of 47), is hereby amended as follows:
19

Reason for amendments: [Land Development] To clarify requirements for approval of Final Site Plan to qualify for subdivision exemption.

20 CHAPTER A. GENERAL REQUIREMENTS

21 Section 6. Planned Developments

22 B. Subdivision of Commercial and Industrial Building Sites

23 4. A statement of the developer's intent to subdivide the property pursuant to the platting
24 exemption of this Article 11.A.6.B, Subdivision of Commercial and Industrial Building Sites,
25 and proposed subdivision lines with bearings and distances are ~~is~~ included on the approved
26 final site plan for the building site, in which case said site plan shall constitute the approved
27 final subdivision plan for purposes of compliance with this Article;
28
29

....

30
31 Part 3. ULDC Art. 11.E.4.E.5.g, [Related to Storm Sewerage and Tertiary Stormwater System
32 Design and Performance] (page 42 of 47), is hereby amended as follows:
33

Reason for amendments: [Land Development] To identify additional pipe material acceptable to the County Engineer.

34 CHAPTER E. REQUIRED IMPROVEMENTS

35 Section 4. Stormwater Management

36 E. Tertiary Stormwater System Design and Performance

37 5. Storm Sewerage

38 g. All pipe used in the storm sewer system shall be either reinforced concrete or metal, or
39 as otherwise approved by the County Engineer, and covered by and conforming to
40 current ASTM, AASHTO, or ANSI standard specifications for materials and fabrication of
41 barrel and joints, and shall meet current FDOT standard specifications and policies
42 applicable to the intended use.
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EXHIBIT N

LAND DEVELOPMENT
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

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Part 4. ULDC Art. 11.F.1, Variances (page 47 of 47), is hereby amended as follows:

Reason for amendments: [Land Development] To correct authority reference for variances from Article 11, Land Development.

CHAPTER F. VARIANCES

Section 1. Variances

A variance from the literal or strict enforcement of the provisions of this Article may be granted by the County Engineer ~~Zoning Director~~ in accordance with the provisions set forth in Article 2.B.3, Type II Variances.

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EXHIBIT O

MEDICAL OFFICE IN INST FLU DESIGNATION
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

Part 1. ULDC, Table 4.A.3.A, Use Matrix (page 15 of 166), is hereby amended as follows:

Reason for amendments: [Zoning] Delete medical or dental office use in the IPF Zoning district (corresponds to INST FLU designation), as the use is not consistent with the Plan, as amended in Comprehensive Plan Amendment Round 2010-02. Medical or dental offices would only be allowed in the INST FLU designation where specifically permitted by a FLU amendment or when located within a Development Order for a Hospital or Medical Center.

Table 4.A.3.A - Use Matrix Continued

Use Type	Zoning District/Overlay															NOTE		
	Agriculture/Conservation			Residential					Commercial					Industry/Public				
	P C	A G R	A P	AR S A	R U A	R E	R T	R S	R M	C N	C L O	C C O	C H O	C G R E	I L		I G	P O
Commercial Use																		
.....																		
Medical or Dental Office										D	A	P	D	P			P	D
.....																		
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2010-005] [Ord. 2010-009].																		
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)																		

Part 2. ULDC, ULDC Art. 4.B.1.A.71, Hospital or Medical Center (page 58 of 166), is hereby amended as follows:

Reason for amendments: [Zoning] Amend to be consistent with the Plan, by allowing medical or dental offices when located within a Development Order for a Hospital or Medical Center.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

71. Hospital or Medical Center

A facility licensed by the State of Florida which 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]

.....
f. Collocated Medical or Dental Offices
Medical or dental offices shall be permitted as a collocated use to a hospital or medical center.

Part 3. ULDC, ULDC Art. 4.B.1.A.83, Medical or Dental Office (page 65 of 166), is hereby amended as follows:

Reason for amendments: [Zoning] Amend to be consistent with the Plan, as amended in Comprehensive Plan Amendment Round 2010-02. Medical or dental offices would only be allowed in the INST FLU designation where specifically permitted by a FLU amendment.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

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EXHIBIT O

MEDICAL OFFICE IN INST FLU DESIGNATION
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

83. Medical or Dental Office

An establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, ~~chiropractors~~ podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. A pain management clinic shall not be considered a medical or dental office. [Ord. 2005 – 002] [Ord. 2010-009]

....
c. Limited Use in INST FLU Designation

May be permitted subject to DRO approval, within the boundaries of the four site specific FLUA amendments adopted under Ordinances 2006-005, 2008-005, 2009-008 and 2010-013.

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Notes:

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EXHIBIT P

OPEN SPACE
SUMMARY OF AMENDMENTS
(Updated 09/14/10)

1
2 Part 1. ULDC Art. 1.1.2G.19, Greenway, [as relates to Definitions] (page 60 of 114), is hereby
3 amended as follows:
4

Reason for amendments: [Zoning] To eliminate the definition for Greenway and refer to the Comprehensive Plan since: 1) greenway is only mentioned in Article 1 of the ULDC, Definitions; 2) the ULDC definition is identical to the Comp Plan definition; and, 3) inclusion of the definition could potentially result in inconsistencies conflicts between the ULDC and the Comp Plan should the Comp Plan be amended.

5
6 CHAPTER I. DEFINITIONS & ACRONYMS

7 Section 2. Definitions

8 G. Terms defined herein or referenced in this Article shall have the following meanings:

9 19. Greenway – ~~See Introduction & Administration Element, Comprehensive Plan Definitions~~
10 ~~multi-purpose open space corridors of private and public lands, which may be located within~~
11 ~~a public street, an edge area, a landscape buffer, or an easement, and may contain~~
12 ~~pedestrian paths, bicycle facilities, jogging paths, equestrian paths and fitness trails.~~
13 ~~Greenways are employed to provide usable open space close to residential areas, and~~
14 ~~provide alternative access ways connecting a variety of uses, such as residential areas,~~
15 ~~parks, school, cultural facilities and employment centers. Greenways also provide aquifer~~
16 ~~recharge, preserve unique features or historic or archaeological sites, and can link urban~~
17 ~~rural areas.~~

18
19
20 Part 2. ULDC Art. 1.1.2. Definitions (pages 77, 79, 106, and 110 of 114), is hereby amended as
21 follows:
22

Reason for amendments: [Zoning] To revise the definition for Open Space by: 1) including easements and non-passive recreation areas such as soccer or baseball fields, thereby allowing them to be included in the open space calculations; 2) relocating the definition for open space, usable, for consistency with ULDC formatting standards; and, 3) eliminating language related to open space including “unbuilt land used for bona fide agriculture uses” as it is included under Article 3.E.2.F.3, Preservation Area. In addition definitions for : usable open space; park, open space, usable; usable open space for WHP; and yard to avoid confusion in application and intent.

23 CHAPTER I. DEFINITIONS & ACRONYMS

24 Section 2. Definitions

25 O. Terms defined herein or referenced in this Article shall have the following meanings:

26 13. Open Space – ~~unbuilt~~ land reserved ~~for~~, or shown on ~~the an~~ approved ~~site plan, or PDP, as~~
27 ~~one or more of the following uses: such as but not limited to: easements,~~ preservation,
28 conservation, wetlands, well site dedicated to PBCWUD, ~~passive~~ recreation, greenway,
29 landscaping, landscape buffer, and water management tracts. ~~In the AGR district, open~~
30 ~~space shall also include unbuilt land use for bona fide agriculture uses.~~

31
32 14. Usable Open Space, Usable - *an area such as a park, square, plaza or courtyard accessible*
33 *to the public and used for passive or active recreation or gatherings. Credit shall not be given*
34 *for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies,*
35 *drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.),*
36 *swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious*
37 *green area not intended for passive or active recreation or gatherings. [Relocated from*
38 **Article 1.1.2.U.17]**
39 **[ReNUMBER accordingly]**

40
41 P. Terms defined herein or referenced in this Article shall have the following meanings:

42 ~~10. Park, Open Space, Usable~~ - ~~for the purposes of Art. 5, an area such as a park, square,~~
43 ~~plaza, or courtyard, accessible to the public and used for passive or active recreation or~~
44 ~~gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback~~
45 ~~areas, lakes and other water bodies, drainage or retention areas, impervious surface courts~~
46 ~~(tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other~~
47 ~~impervious surfaces or any pervious green area not intended for passive or active recreation~~
48 ~~or gatherings.~~

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EXHIBIT P

OPEN SPACE
SUMMARY OF AMENDMENTS
(Updated 09/14/10)

[ReNUMBER accordingly]

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

~~17. Usable Open Space~~—an area such as a park, square, plaza or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-Ws, building setback areas, lakes and other water bodies, drainage or retention areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, sidewalks, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation or gatherings. [Relocated to new Article 1.1.2.O.14]

~~18. Usable Open Space for WHP~~—a common area such as a park, square, plaza or courtyard, accessible to the public and used for passive or active recreation or gatherings. Credit shall not be given for any indoor spaces, road R-O-W's, building setback areas, lakes or other water bodies, drainage or retention areas, parking lots, and other impervious surfaces or any pervious green area not intended for passive or active recreation. [Ord. 2006-055]

[ReNUMBER accordingly]

Y. Terms defined herein or referenced in this Article shall have the following meanings:

1. Yard - any ~~open space~~ area that lies between the principal building or buildings and the nearest lot line.

Part 3. ULDC Art. 6.A.1.D.10, Shared Parking (page 16 of 38), is hereby amended as follows:

Reason for amendments: [Zoning] To revise language which improperly uses the term "open space", by replacing it with a more appropriate term.

CHAPTER A. PARKING

Section 1. General

D. Off-Street Parking

10. Shared Parking

The DRO may authorize a reduction in the number of required parking spaces for multiple and mixed use projects and for uses that are in close proximity to one another and which have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:

....

d. Reserved Space

The applicant shall account for 100 percent of the reduction granted through one of the following alternatives: reserved area ~~open space~~; a future parking garage; future rooftop parking; off-site parking; limitation of uses to adhere to parking regulations; or shared parking.

e. Shared Parking Agreement

A shared parking plan shall be enforced through written agreement or through a unity of control. A copy of the agreement between the property owner and PBC shall be submitted to the DRO and reviewed and approved by the County Attorney. The agreement shall be recorded with the Clerk of the Circuit Courts of PBC by the owner prior to issuance of a certificate of occupancy. Proof of recordation of the agreement shall be submitted prior to approval by the DRO. The agreement shall:

....

3) include a site plan showing ~~the area of~~ the parking area ~~parcel~~ and ~~open space~~ reserved area which would provide for future parking;

....

7) describe the obligations of each party, including the maintenance responsibility to retain and develop reserved areas ~~open space~~ for additional parking spaces if the need arises;

....

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EXHIBIT Q

PUBLIC PARK LANDSCAPE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 09/14/10)

1
2 Part 1. ULDC Art. 5.D.2.G, County Park Landscape Standards (page 47 of 93), is hereby
3 amended as follows:
4

Reason for amendments: [Parks/Industry] Modification to allow landscape deviations for publicly owned parks. The removal of the term "County" and replacement with "Public" will include parks that are operated by other public entities.

5 CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

6 Section 2 Types of Parks

7 G. County Public Park Landscape Standards

8 This section recognizes that public parks require flexibility in landscape design to address unique
9 natural and manmade resources that serve the public. ~~County~~ Public park landscape standards
10 are applicable in all development Tiers and promote open views and vistas into natural
11 landscapes, lakes, greenways, blueways, and open spaces for appreciation and benefit of the
12 public. Deviations for ~~PBC~~ publicly owned and operated public parks from the landscaping
13 requirements of Art. 7, Landscaping, are as follows: [Ord. 2006-004] [Ord. 2008-003]

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EXHIBIT Q

PUBLIC PARK LANDSCAPE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 09/14/10)

Part 2. ULDC Table 7.C.3, Minimum Tier Requirements (page 15 of 48), is hereby amended as follows:

Reason for amendments: [Parks/Industry] Provides clarification to allow landscape deviations for publicly owned parks instead of just County owned parks.

Table 7.C.3 – Minimum Tier Requirements

Code Requirements	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
Landscape Buffers ⁷			
Design	Linear design, formal arrangement of elements, traversing sidewalks	Meandering, more naturalistic with shrub cluster and varying heights	Increased depth, buffers often adjacent to interior open space, unimproved pathway surfaces
Berms	Optional	Optional	No ¹
Fences/Walls	Optional ²	Optional ²	Optional ^{2, 3}
Layers of Shrubs and Ground Cover ⁴	3	4	3
Interior Landscaping ⁷			
Minimum Tree Quantities Residential Lot	1 per 1,250 sq. ft. (max. 15)	1 per 1,000 sq. ft. (max. 30)	1 per 800 sq. ft. (max. 30)
Minimum Tree Quantities – Non-Residential Lot	1 per 2,000 sq. ft.	1 per 1,500 sq. ft.	1 per 1,200 sq. ft.
Minimum Shrub Quantities Residential Lot ⁵	3 per 1,250 sq. ft. (max. 45)	3 per 1,000 sq. ft. (max. 90)	3 per 800 sq. ft. (max. 90)
Minimum Shrub Quantities – Non-Residential Lot ⁵	3 per 2,000 sq. ft.	3 per 1,500 sq. ft.	3 per 1,200 sq. ft.
Interior Islands	1 per 10 spaces	1 per 8 spaces	1 per 6 spaces
Interior Islands Landscape Width	8 ft.	10 ft.	12 ft.
Protective Curbing	Yes	Yes	Optional
Plant Standards ⁷			
Minimum Tree Height (Perimeter)	12 ft.	12 ft.	12 ft.
Minimum Tree Height (Interior)	12 ft.	12 ft. (average)	12 ft. (average)
Palms Substitute (3 palms for 1)	Yes	Yes – Native clusters only	Yes – Native clusters only
Foundation Planting ^{6, 7}			
Foundation Planting Width	5 ft. along front façades 8 ft. along side façades	10 ft. all sides	12 ft. all sides
Facades to be Planted	Front & Sides	Front, Sides & Rear	Front, Sides & Rear
Percentage of Facade	40 percent	50 percent	60 percent
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2009-040]			
Notes			
1. May be allowed with an approved ALP.			
2. Landscape requirements (including walls and fences) for Incompatibility buffers, refer to Table 7.F.9.A, Incompatibility Buffer Standards. [Ord. 2009-040]			
3. Walls and fences shall be built from natural materials, including but not limited to: wood, stone, etc. [Ord. 2009-040]			
4. This requirement is only for Perimeter R-O-W Buffers. Applicants shall also reference Table 7.F.7.B, Shrub Planting Requirements for installation size, quantity, spacing and maturity height for perimeter and interior shrub planting. [Ord. 2009-040]			
5. Interior quantities for shrub planting shall be calculated based on gross lot area, excluding preservation areas and lake tracts. [Ord. 2009-040]			
6. TDDs are exempt from foundation planting requirements for primary and secondary building frontages, buildings along an alleyway or accessway to a parking area, or where buildings front on a plaza or square. [Ord. 2005-002] [Ord. 2006-004]			
7. Deviations shall be permitted for <u>PBC publicly</u> owned and operated public parks in accordance with Art. 5.D.2.G, <u>County Public</u> Park Landscape Standards. [Ord. 2006-004]			

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EXHIBIT R

RECREATIONAL FACILITY (CLUBHOUSE)
SUMMARY OF AMENDMENTS
(Updated 10/20/10)

1
2 Part 1. ULDC Art.1.I.2.R.9, Terms defined herein or referenced Article shall have the following
3 meanings, [Related to Definitions] (page 85 of 114 of Supplement 8), is hereby
4 amended as follows:
5

Reason for amendments: [Zoning] 1) Amend definition to clarify ownership and management of the recreation facilities are by a Property Owner’s Association or an equivalent; and, 2) Expand definition to include clubhouses.

6 CHAPTER I DEFINITIONS & ACRONYMS

7 Section 2 Definitions

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

9 9. Recreation, Facility - a non-profit facility designed and intended for use by occupants of a
10 residential development or subdivision owned and operated by a Property Owners
11 Association or equivalent. Typical uses include clubhouses, golf courses, swimming pools
12 and tennis courts and other required recreational areas.

13
14 Part 2. ULDC Art.3.E.2.E.3, Recreation Pod (page 125 of 195 of Supplement 8), is hereby
15 amended as follows:
16

Reason for amendments: [Zoning] 1) Add reference to Art. 5.B.1.A.9, Recreation Facility to establish connection to required recreation pod development standards; 2) delete redundant reference to Art. 5.D; and, 3) relocate parking related provisions to Art. 5.B.1.A.9, Recreation Facility.

17 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

18 Section 2 Planned Unit Development (PUD)

19 E. Pods

20 3. Recreation Pod

21 Recreation areas shall be designated on the ~~master plan~~ Master Plan as recreation pods and
22 ~~in accordance with shall comply with Art. 5.B.1.A.9, Recreation Facility, and~~ Art. 5.D, Parks
23 and Recreation Standards, ~~in addition to the requirements of this section.~~

24 a. Installation

25 ~~Site improvements shall be provided in accordance with Art. 5.D, Parks and Recreation –~~
26 ~~Rules and Recreation Standards.~~

27 b. Parking

28 ~~Parking shall not be required for recreation pods less than one acre.~~ [Relocated to
29 Art.5.B.1.A.9, Recreation Facility]

30 c. Special Events

31 ~~The HOA shall be responsible for ensuring adequate off street parking is provided during~~
32 ~~special events.~~ [Relocated to Art.5.B.1.A.9, Recreation Facility]

33
34
35 Part 3. ULDC Art. 5.B.1.A.9, Recreation Facility [Related to Accessory Uses and Structures]
36 (page 15 of 93), is hereby amended as follows:
37

Reason for amendments: [Zoning] 1) To add recreation facility for a standard Zoning District. This amendment is specifically for older, large subdivisions which were not approved as Planned Unit Developments; however, have sufficient residential units to warrant/establish a clubhouse and other recreational facilities. The current code does not address recreation facility in a non-PUD situation; therefore, the amendment would allow these older subdivisions to reconstruct their existing clubhouse and related facilities; 2) Relocate parking requirements from Art.3.E.2.E.3, PUD –Recreation Pod to Art.5.B.1.A.9, Recreation Facility so as to consolidate all development regulations under one area of the code; and, 3) Relocate tennis court language as it includes provisions for residential lots which conflicts with definition of a recreational facility.

38 CHAPTER B ACCESSORY AND TEMPORARY USES

39 Section 1 Supplementary Regulations

40 A. Accessory Uses and Structures

41 9. Recreation Facility

42 A non-profit facility designed and intended for use by occupants of a residential development
43 or subdivision owned and operated by a POA or equivalent. Recreation facilities shall be
44 subject to the following standards:

Notes:

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EXHIBIT R

RECREATIONAL FACILITY (CLUBHOUSE)
SUMMARY OF AMENDMENTS
(Updated 10/20/10)

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a. ~~Common Area Property Development Regulations (PDRs)~~

- ~~1) PDRs shall be in accordance with the standards for a recreation pod in Table 3.E.2.D, PUD Property Development Regulations.~~
- ~~2) Outdoor recreational facilities, including but not limited to: basketball courts, tennis court, playgrounds and tot lots shall be setback. Setbacks from residential uses shall be a minimum of 50 feet from any residential property line, unless stated otherwise herein. [Ord. 2006-004]~~
- ~~3) Golf course structures and clubhouses shall be setback in accordance with Table 3.E.2.D, PUD Property Development Regulations.~~
- ~~4) If deemed necessary to ensure compatibility with surrounding uses, the DRO shall require an incompatibility buffer in accordance with Art. 7.F.9, Incompatibility Buffer.~~

b. Parking

Parking shall be in accordance with Art. 6, Parking, and the following:

- ~~1) Clubhouses in a standard district shall apply the requirements for a recreation pod clubhouse.~~
- ~~2) Parking shall not be required for recreation pods or facilities on less than one acre; however, a minimum of two spaces shall be required to accommodate maintenance services for pools or clubhouses.~~
- ~~3) The POA or its equivalent shall be responsible for ensuring adequate off street parking is provided during special events. [Relocated from Art. 3.E.3, Recreation Pod, and amended]~~

c. Landscaping

Landscaping shall be in accordance with Art. 7, LANDSCAPING, except that perimeter buffers shall not be required for golf course greens (excluding driving ranges or other recreational amenities) abutting internal streets or residential lots if approved by the BCC on a Preliminary Master Plan or Subdivision Plan.

d. Additional Requirements for Standard Zoning Districts

In addition to the above, recreation facilities in a standard zoning district shall also comply with the following:

- ~~1) Shall be subject to a Class A Conditional Use approval.~~
- ~~2) Shall be located within the residential subdivision it serves;~~
- ~~3) Shall not front on an arterial or collector street; and,~~
- ~~4) The applicant shall provide documentation of ownership and management by the POA or an equivalent.~~

~~b. Residential Lot~~

- ~~1) The following setbacks shall apply to tennis courts:~~

Table 5.B.1.A – Tennis Court Setbacks

Front	25 feet
Side	7.5 feet
Side Street	15 feet
Rear	7.5 feet

[Relocated to Art. 5.B.1.A.10, Swimming Pools, Spas and Tennis Courts.]

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EXHIBIT R

RECREATIONAL FACILITY (CLUBHOUSE)
SUMMARY OF AMENDMENTS
(Updated 10/20/10)

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Figure 5.B.1.A – Typical Recreational Facilities



2 [Relocated from below.]

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Part 4. ULDC Art. 5.B.1.A.10, Swimming Pools and Spas [Related to Accessory Uses and Structures] (page 15 of 93), is hereby amended as follows:

Reason for amendments: [Zoning] To relocate tennis court standards to existing pool and spa language, add minimum setbacks for recreational or commercial facilities, and add requirement for safety fencing when adjacent to residential.

8 CHAPTER B ACCESSORY AND TEMPORARY USES

9 Section 1 Supplementary Regulations

10 A. Accessory Uses and Structures

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10. Swimming Pools, ~~and~~ Spas, ~~and~~ Tennis Courts

a. Principal and Accessory Use

1) Principal Use

Any swimming pool, ~~or~~ spa ~~or~~ tennis courts owned and operated as a commercial enterprise or in combination with other commercial recreation uses on the same property shall be considered a principal use subject to the PDRs of the applicable district.

2) Accessory Use

Any swimming pool, ~~or~~ spa ~~or~~ tennis court operated by a non-profit assembly, social, civic organization, homeownersProperty Owners aAssociation (HPOA), or resident of a dwelling unit shall be considered an accessory use. The accessory use shall be located on the same lot as the principal use except if operated by a residential HOAPOA. If operated by a HOAPOA, the accessory use shall be located within the boundaries of the development, ~~or a recreational facility.~~

b. Standards for Pools and Spas

~~1) b.~~ Setbacks for Pools or Spas

a) Setbacks

The following setbacks shall apply to pool and spas, and shall be measured to the water's edge:

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EXHIBIT R

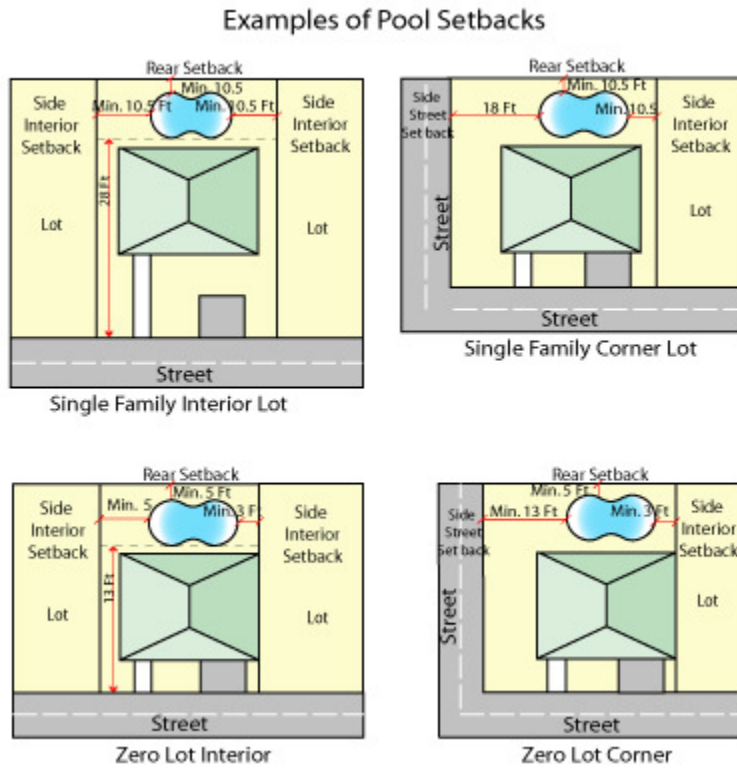
RECREATIONAL FACILITY (CLUBHOUSE)
SUMMARY OF AMENDMENTS
(Updated 10/20/10)

Table 5.B.1.A – Pool/Spa Setbacks

Setbacks	Front	Side	Side Street	Rear
Single family	28 feet	10.5 feet	18 feet	10.5 feet
ZLL	13 feet	ZLL: 3 feet Non-ZLL: 5 feet	13 feet	5 feet
Townhouse	Parking Tract: 13 feet Street: 28 feet	3 feet	18 feet	5 feet
Multi-Family	28 feet	18 feet	28 feet	15 feet
Recreation Facility less than 1 acre	25 foot setback or separation to the nearest residential lot line			
Recreation Facility 1 acre or more	50 foot setback or separation to the nearest residential lot line			

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Figure 5.B.1.A – Pool Setbacks



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b2) Exceptions

(1a) Single Family Design Clusters

Single family design clusters are a type of single-family dwellings no longer permitted. Swimming pools and spas for projects with previously approved single-family design clusters shall comply with the setbacks indicated on the PBC site plan. If setbacks are not indicated on site plan, setbacks for ZLL homes shall be applied.

(2b) Single Family and ZLL Homes Adjacent to Open Space

Swimming pools or spas may be constructed with a three-foot rear or side interior setback if adjacent to open space 50 feet in width or greater.

(3e) Recreation Facilities

Swimming pools or spas may be constructed with a ten-foot rear or side interior setback in accordance with Art. 3.D.1.D.4, a Open Space. **[Ord. 2008-037]**

2)e. Building Coverage

Swimming pools and spas shall not be included in the building coverage calculation unless enclosed within a building or a screen enclosure with a solid roof.

3)d. Fencing, Screening, and Access

Swimming pools and spas shall be enclosed by a safety barrier, wall, fence, or other structure in accordance with the 2001 Florida Building Code, as amended. **[Ord. 2005 – 002]**

4)e. Common Area

The construction of private swimming pools and spas for individual dwelling units within a common area is prohibited, unless the swimming pools and spas were legally constructed prior to April 21, 1995. If 30 percent of the existing dwelling units in a pod or subdivision have existing legally constructed swimming pools or spas in the common area, the remaining dwelling units within the same pod or subdivision

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EXHIBIT R

RECREATIONAL FACILITY (CLUBHOUSE)
SUMMARY OF AMENDMENTS
(Updated 10/20/10)

may construct a swimming pool or spa as shown on the final subdivision plan or final site plan. If the final subdivision plan or final site plan does not graphically depict the placement of swimming pools or spas in common area, application shall be made to DRO to amend the final subdivision plan or final site plan to depict the placement of the swimming pool or spa if in compliance with the following criteria:

a1) Legally Permitted

The applicant demonstrates that existing swimming pools and spas were legally permitted and constructed in common areas;

b2) Joint Applicant

The HOA POA or equivalent must be included as part of a joint applicant on the building permit application;

c3) Setbacks

The swimming pool or spa must comply with all setback requirements measured from the outer boundary of the common area or have a 15-foot separation from primary structures, whichever is greater;

d4) Perimeter Landscape Area

Accessory structures and improvements shall not be permitted in a required perimeter landscape area;

e5) Open Space

The entire development must continue to meet open space requirements;

f6) Documents

The homeowners' documents shall be amended to include provisions that allow private use of the common area upon association approval; and

g7) Prohibitions

Swimming pools or spas shall not be permitted in a common area that is designed as a water management tract.

b. Standards for Tennis Courts

1) Setbacks

The following setbacks shall apply to tennis courts, and shall be measured to the edge of the court surface or fence:

Table 5.B.1.A – Tennis Court Setbacks

Setbacks	Front	Side	Side Street	Rear
Residential Lot	<i>25 feet</i>	<i>7.5 feet</i>	<i>15 feet</i>	<i>7.5 feet</i>
Other (1)	<u>50 foot setback or separation to the nearest residential lot line</u>			
Notes:				
<u>1 Tennis courts with a valid Development Order approved prior to the adoption of setbacks for tennis courts permitted on other than residential lots shall be considered legally-conforming.</u>				

[Relocated from Art.5.B.1.A.9, Recreation Facility, and amended]

U:\Zoning\CODEREV\2010\BCC Hearings\2010-02 Round1 RPA 12-9-10\22 Exhibit R - Recreation Facility (Clubhouse) RPA 12-9-10.docx

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EXHIBIT S

WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS

(Updated 10/14/10)

1
2 **Part 1. ULDC, Art. 2.D.1.B.1 [Related to Application Types and DRO] (page 29 of 56), is hereby**
3 **amended as follows:**
4

5 **Reason for amendment:** [WCRA] Reference for DRO approval for new commercial, industrial and
6 residential development of more than two dwelling units in the WCRA was deleted from Table 4.A.3.A,
7 Thresholds for Projects Requiring DRO Approval as part of Ordinance 2010-022. Revision is required for
8 internal consistency.

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10 **CHAPTER D ADMINISTRATIVE PROCESS**

11
12 **SECTION 1 DEVELOPMENT REVIEW OFFICER**

13 **B. Application Types**

- 14 1. The following types of development shall require approval of a master plan, site plan,
15 subdivision plan, regulating plan and other types of plans listed in Art. 2.A.1.G.3, Plan
16 Requirements by the DRO prior to the issuance of a building permit, commencement of any
17 related land development activity, utilization of any use or approval granted by the BCC or
18 ZC, or utilization of any use requiring approval by the DRO:
19 a. Conditional Use/Requested Use;
20 b. All development in a PDD or TDD;
21 c. All development within the IR Zoning district, or projects electing to utilize the provisions
22 of the IRO;
23 d. "D" uses in Table 4.A.3.A, Use Matrix;
24 ~~e. New commercial, industrial and residential development of more than two dwelling units~~
25 ~~in the WCRA;~~
26 ~~fe.~~ All new construction that creates, meets or exceeds the thresholds in Table 4.A.3.A,
27 Threshold for Projects Requiring DRO Approval
28 ~~gf.~~ Amendments or changes to any previously approved special exception, conditional use
29 or other development which required approval of a site plan or subdivision by Ord. No.
30 1957-003, Ord. No. 1973-002, or Ord. No. 1992-020 as amended;
31 ~~hg.~~ Any use governed by Art. 1.F.2, Nonconforming Use;
32 ~~ih.~~ Any amendment to a previously approved site plan; and
33 ~~ji.~~ All subdivision of land, unless exempt.
34
35

36 **Part 2. ULDC, Table 3.B.15.E – WCRAO Mixed Use (page 39 of 195), is hereby amended as**
37 **follows:**
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39 **Reason for amendment:** [WCRA] This section was intended to be implemented for newly developed
40 sites since implementation of the form base code is dependent on the redevelopment of the site and
41 reconfiguration of the building to address the street. However, the current language does not distinguish
42 between change of use or tenant improvements in an existing structure and a newly developed or
43 redeveloped site.

44
45 **CHAPTER B OVERLAYS**

46 **SECTION 15 WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY**

47 **E. Use Regulations**

48 **1. Mixed Use**

49 In the WCRAO, mixed use means the combination of residential and one or more non-
50 residential uses that are functionally integrated. Mixed use may be required or permitted in
51 commercial districts that have a commercial with underlying residential FLU designation, as
52 indicated in Table 3.B.15.E, WCRAO Mixed Use.
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EXHIBIT S

**WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 10/14/10)**

1

Table 3.B.15.E – WCRAO Mixed Use

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Mixed Use ⁶	Prohibited	Required ¹	Required ¹	Required ^{2 5}	Permitted	Permitted	Prohibited
Minimum Residential Use ⁴	N/A	50%	50%	25%	N/A	N/A	N/A
Maximum Residential Use	N/A	100%	100%	75% ³	N/A	N/A	N/A
Minimum Non-residential Use	N/A	0%	0%	25% ³	N/A	N/A	N/A
Maximum Non-residential Use ⁴	N/A	50%	50%	75%	N/A	N/A	N/A

Notes:
1. Non-residential zoned lots with a commercial with underlying residential FLU designation, approved as part of Plan Amendment Round 2005-01, shall be subject to the requirements of Art. 3.B.15.E.1.a, Required Mixed Use in NRM, NG and NC Sub-areas.
2. Required only on Westgate between Loxahatchee Drive and Wabasso Drive in accordance with Art. 3.B.15.E.1.a, Required Mixed Use in the NRM, NG and NC Sub-areas.
3. Maximum residential use may be increased to 100% and minimum non-residential uses may be reduced to 0%, east of Loxahatchee Drive, and West of Wabasso Drive.
4. Minimum and maximum percentages for residential and non-residential uses are calculated by dividing the total GFA for either use (residential OR non-residential) type by the total GFA (residential AND non-residential).
5. Minimum residential and maximum non-residential percentages may be waived once all permitted residential density has been utilized, if no Density Bonus Pool units are available.
<u>6. Mixed Use requirement shall not apply to improvements to or rehabilitation of existing structures or the expansion of a nonconforming use, pursuant to Art. 1.F.4.D, Expansion.</u>

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Part 3. ULDC, Art. 3.B.15.F.2, Build to Line and Frontages (page 41 of 195), is hereby amended as follows:

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Reason for amendment: [WCRA]
 1) This section allows up to 25 percent of recesses and projections of the building façade to accommodate the balconies along the build to line up to a maximum of three feet. However, the current language only allows a three foot setback for balconies and not the required encroachment for any projected elements. The requested change also refers to the existing language of Table 3.B.15.G – WCRAO Supplementary Standards by Sub-Area for porches, balconies, and entryways requirements.
 2) Clarification that the portion of the building required to meet the building frontage requirement shall be that portion of the building required to be on the build to line.

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CHAPTER B OVERLAYS

17

18

SECTION 15 WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY

19

F. Property Development Regulations (PDRs)

20

2. Build to Line and Frontages

21

a. Build to Line

22

The build to line may be adjusted by the DRO to accommodate requirements such as, increased R-O-W buffers due to location of existing utility easements, or required corner clips. ~~Where a build to line is required by Table 3.B.15.F, WCRAO Sub-area PDRs, the~~ The first three floors of all main structures, excluding parking garages, shall be built to constructed at the build to line, unless specified otherwise. An additional ten or 12 foot setback is permitted where a gallery is used in lieu of an arcade. Up to 25 percent of the building frontage or footprint that is required to be on the build to line may be either setback or projected beyond the build to line to accommodate requirements for balconies, stoops, porches, or other architectural features designed to enhance the pedestrian streetscape environment, provided that ground floor improvements do not conflict with the placement of street trees. ~~and~~ Recesses and projections of the building façade up to a maximum of three feet shall be permitted. Maximum encroachments for balconies, and entryways shall comply with Table 3.B.15.G - WCRAO Supplementary Standards by Sub-Area.

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b. Building Frontage

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Building frontage shall be in accordance with the requirements for each Sub-area and Figure 3.B.15.F, WCRAO Sub-area Building Configurations and Lot Placements, and Figure 3.B.15.F, Required Building Orientation. The portion of the structure required to meet the building frontage shall be located on the build to line unless otherwise stated. Frontage requirements may be reduced for lots with no rear access to required parking to accommodate a drive aisle to the rear of the lot and required landscaping.

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EXHIBIT S

**WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 10/14/10)**

Part 4. ULDC, Table 3.B.15.G, WCRAO Supplementary Standards by Sub-Area (page 46 of 195), is hereby amended as follows:

Reason for amendment: [WCRA]

- 1) Allows residential developments along Westgate Avenue where mixed use is permitted within the NC sub-area to have porches, balconies, stoops, or entryways that enhances the pedestrian streetscape environment in lieu of arcades or galleries. Arcades and galleries are more appropriate for commercial and mixed use developments where a continuous covered pedestrian accommodations are desired adjacent to storefronts.
- 2) Added maximum front setback encroachment for permitted residential developments within the NC sub-area for porches, balconies, and entryways and for consistency with requested changes to Art. 3.B.15.F.2.

Table 3.B.15.G – WCRAO Supplementary Standards by Sub-Area

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Minimum Enclosed Living Area							
Single Family Dwelling Unit	1,000 s.f.	1,000 s.f.	-	-	-	-	-
Accessory Dwelling	300 s.f.	300 s.f.	300 s.f.	-	-	-	-
Fences and Walls:							
Prohibited Materials ⁷	Chain link, wire mesh, barbed wire, wood basket weave, or corrugated metal panels						
Architectural Features:							
Arcades and Galleries ¹	-	-	-	Required - Westgate Avenue	-	-	-
Minimum Building Depth	-	20'	20'	20'	30'	-	30'
Minimum 1 st Floor Height	-	-	-	12'	-	-	-
Minimum Number of Floors	-	-	-	2 ²	-	-	-
Windows and Doors:							
Minimum Glazing of Frontage ³	-	³	³	³	-	-	-
Porches, Balconies and Entryways							
Front Setback Maximum Encroachment ⁸	8'	6'	6'	-6'	-	-	-
Min/Max Porch Depth ⁴	6'/10'						
Min/Max Porch Length ⁴	8'/50% of building facade						
Min/Max Balcony Depth	3'/9'						
Min/Max Balcony Length	6'/50% total of building facade						
Parking:							
Location of Surface Parking	-	Rear	Rear	Rear	-	-	-
Driveways ⁵	-	Rear	Rear	Rear	-	-	-
Location of Accessory Dwellings and Garages:							
Detached	Location	Back of rear facade of primary structures.					
	Setbacks	5' side or rear ⁶					
Attached	Location	Setback a min. of 20' from front facade					
Landscaping:							
See Article 7, Landscaping for provisions allowing for reduction in Perimeter and foundation planting requirements.							
Min. Pervious Surface Area	-	20%	20%	20%	-	-	-
Key							
-	Subject to the supplementary standards of the lot's zoning district						
[Ord. 2006-004] [Ord. 2009-040]							
Notes:							
1.	See Art. 3.B.15.G.3.d, Arcades and Galleries, Figure 3.B.15.G, WCRAO Arcade and Gallery Standards. <u>Residential or hotel uses that are permitted in the NC sub-area may provide porches, balconies, stoops, or entryways designed to enhance the pedestrian streetscape environment in lieu of providing arcades or galleries.</u>						
2.	Required second floor shall meet minimum frontage and depth requirements.						
3.	See Art. 3.B.15.G.3.c, Fenestration Details – Windows and Doors.						
4.	Excludes stoops.						
5.	Access from the front or side may be permitted for lots with no rear street frontage.						
6.	Minimum 20 foot setback shall be required for garages fronting on a street or alley.						
7.	Chain link fences may be installed for the following:						
	a.	Single-family residential use provided a continuous native hedge is planted along the exterior side of the fence and adequate room for maintenance is provided along the property lines adjacent to public R-O-W. The hedge shall be maintained at the same height as the chain link fence. Black or green vinyl coated chain link fence may be installed along remaining perimeter property lines not adjacent to a public R-O-W.					
	b.	Nonresidential uses within the UI sub-area if the chain link fence is black or green vinyl coated.					
8.	<u>The maximum encroachment for porches, balconies, and entryways located in NC sub-area shall only apply to permitted residential or hotel uses. These ground floor improvements shall not conflict with the placement of street trees.</u>						

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EXHIBIT S

WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS

(Updated 10/14/10)

Part 5. ULDC, Art. 3.B.15.H.1, Density Bonus Pools [Related to Density Bonus Programs] (page 48 of 195), is hereby amended as follows:

Reason for amendment: [WCRA]

- 1) Clarification that rear vehicular access to parking is limited to the rear of the lot. Art.3.B.15.I.1.a.1 limits access to parking from the rear of the lot.
2) Allow the portion of the NRM Sub-area to meet three instead of four factors since a portion of the NRM Sub-area is not on a traditional block or grid pattern.
3) Correct for internal inconsistencies - Incorrect referenced missed by Ordinances 2009-040 and 2010-005 when Workforce Housing and Affordable Housing Programs were modified.

CHAPTER B OVERLAYS

SECTION 15 WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY

H. Density Bonus Programs

1. Density Bonus Pool

a. WCRA Recommendation

Any proposed project that includes a request from the Density Bonus Pool shall obtain a recommendation from the WCRA in accordance with the standards of Art. 3.B.15.D.1.b, Timeframe for Response. A project shall receive a recommendation for approval from the WCRA that either meets three of the following six factors, for the: 1) The UH Sub-area; 2) That portion of the NRM Sub-area located west of the LWDD L-2B Canal and between Suwanee Drive and the E-3 1/2-8 Canal; and or 3) The UG Sub-area; and or meets four of these six factors for: 1) That portion of the NRM Sub-area located between the LWDD L-2B Canal and Suwanee Drive; 2) The NG Sub-area; and or 3) The NC Sub-area, of the following six factors shall receive a recommendation for approval from the WCRA:

- 1) The proposed project meets the minimum building frontage requirements of Table 3.B.15.F, WCRAO Sub-area PDRs.
2) The proposed project includes sufficient land area to and has a rear lot line abutting a R-O-W to ensure that vehicular access to parking is limited to a the rear of the lot, in accordance with Art. 3.B.15.I.1.a.1).

....

c. Affordability Standards

Where required by Table 3.B.15. H, WCRAO Density Bonus Pool Approval, units required to be affordable shall comply with the following:

1) Design Requirements

All density bonus units required to be affordable shall be designed to a compatible exterior standard as other units within the development or pod. These units may be clustered or dispersed throughout the project.

2) Sales and Rental Prices

Affordable units shall be offered for sale or rent to very-low thru middle income households. The sale and rent prices may be updated annually by the County Administrator, or designee, based on the AMI, and household income limits for PBC (West Palm Beach/Boca Raton metropolitan statistical area) as published annually by HUD.

3) Master Covenant

Prior to final DRO approval, the applicant shall record in the public records of Palm Beach County a Covenant binding the entire project, in a form provided by the County, which identifies each required affordable unit. In the event the project is not subject to final DRO approval, the applicant must submit a recorded copy of the Covenant to the Building Division prior to issuance of the first building permit. The Covenant shall include but not be limited to restrictions requiring: that all identified affordable units shall be sold, resold, or rented only to very-low thru middle income qualified households at an attainable housing cost for each of the targeted income ranges; that these restrictions remain in effect for a minimum of ten years for units sold to eligible households, and a minimum of 20 years for rental units, from the date of each unit is first purchased or designated as a rental unit; and that in the event a unit is resold before the ten or 20 year periods conclude, a new 10 or 20 year period shall take effect on the date of resale. The Covenant shall further provide monitoring and compliance requirements including but not limited to those set forth below to ensure compliance with Plan TE Policy 1.2-r. Every deed for sale of an affordable housing unit shall incorporate by reference the controlling Covenant.

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EXHIBIT S

WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

- 4) Monitoring and Compliance
5) Enforcement
6) Limitations on Restrictions
7) Affordability Ranges

Part 6. ULDC, Art. 3.B.15.I.1.a.1), General (page 50 of 195), is hereby amended as follows:

Reason for amendment: [WCRA]
1) Clarification that rear vehicular access to parking is only limited to the rear of the lot for lots located in the Sub-areas where there is an existing traditional block or grid pattern.

CHAPTER B OVERLAYS

SECTION 15 WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY

I. Parking and Streets

1. Parking

a. General

- 1) For properties located east of the LWDD L-2B Canal and west of Suwanee Drive within the NRM, NG, and NC Sub-areas and UG subareas, P parking in the NRM, NG, NC, and UG Sub-areas shall be accessed from the rear of the lot from a street or alleyway, when available.

Part 7. ULDC, Art. 3.C.1.C, Previous Zoning Districts (page 83 of 195), is hereby amended as follows:

Reason for amendment: [WCRA] A majority of the residentially zoned parcels in the WCRAO north of the LWDD L-2 canal are zoned RH. UDLC provisions for Previous Zoning Districts indicate that the RH district shall correspond to the RM district. There are many existing residential uses in this area which are permitted by right. The residential use is consistent with the sub-areas for the WCRAO, RH zoning district, and HR-8 FLU. However, since many of these properties in the North Westgate section were platted in the 1920's and were developed prior to the existence of the County's first zoning regulations, future improvements to these properties may require variances which will trigger a full blown rezoning application as a result of the recently adopted language in Ordinance 2010-005.

CHAPTER C STANDARD DISTRICTS

SECTION 1 FUTURE LAND USE (FLU) DESIGNATION AND CORRESPONDING DISTRICTS

C. Previous Zoning Districts

- 1. The following previously established zoning districts correspond to the current districts:
a. The Specialized Agriculture (SA) District shall correspond to the AP District in the Glades Tier, the AGR District in the AGR Tier, and the AR District in the Rural Tier.
b. Rural Services (RSER) District shall correspond to the AR District.
c. Residential Transitional Suburban (RTS) District shall correspond to the RT District.
d. Residential Transitional Urban (RTU) District shall correspond to the RS District.
e. Multifamily Residential High Density (RH) District shall correspond to the RM District.
f. Specialized Commercial High (CSH) and Specialized Commercial (CS) District shall correspond to the Commercial High Office District (CHO) District.
2. Where the corresponding district for a parcel is consistent with its FLU designation, a rezoning shall not be required, provided that any development is consistent with the

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EXHIBIT S

WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

requirements of the corresponding district. Any application that requires Public Hearing, excluding Status Reports and Variance applications, approval shall be accompanied by an application to a current Zoning district.

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Redevelopment Area overlay WCRAO RPA 12-9-10.docx

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Board of County Commissioners

Karen T. Marcus, Chair
Shelley Vana, Vice Chair
Paulette Burdick
Steven Abrams
Burt Aaronson
Jess Santamaria
Priscilla A. Taylor



County Administrator
Robert Weisman

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

**TITLE: REQUEST FOR PERMISSION TO ADVERTISE
UNIFIED LAND DEVELOPMENT CODE (ULDC) TO ARTICLE 15, HEALTH
REGULATIONS**

SUMMARY: The proposed ordinances will account for minor revisions, scrivener's errors, and omitted text from the Unified Land Development Code (ULDC), as well as several specific amendments.

- Ordinance Title
- Exhibit A Article 15 – Health Regulations

LDRAB/LDRC: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on October 27, 2010 and the Land Development Regulation Commission (LDRC) on November 17, 2010. All proposed ULDC amendments were found to be consistent with the Plan.

MOTION: To approve on preliminary reading and advertise for First Reading on January 6, 2011 at 9:30 A.M.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD,, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-068, AS AMENDED, AS FOLLOWS: **ARTICLE 15 – HEALTH REGULATIONS;** CHAPTER A, (ENVIRONMENTAL CONTROL RULE I) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS); CHAPTER B, (ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS; PROVIDING FOR: REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INTERPRETATION OF CAPTIONS; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE..

ORDINANCE 2010 _____

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-068, AS AMENDED, AS FOLLOWS: **ARTICLE 15 – HEALTH REGULATIONS**; CHAPTER A, (ENVIRONMENTAL CONTROL RULE I) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS); CHAPTER B, (ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS; PROVIDING FOR: REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INTERPRETATION OF CAPTIONS; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

WHEREAS, the Palm Beach County Environmental Control Act, Chapter 77-616, Laws of Florida, as amended, authorized the Palm Beach County Board of County Commissioners to sit as the Palm Beach County Environmental Control Board to adopt, amend, or repeal various Environmental Control Rules; and

WHEREAS, pursuant to its authority, the Environmental Control Board adopted Environmental Control Rule I, concerning Onsite Sewage Treatment and Disposal Systems, and Environmental Control Rule II, concerning Drinking Water Supply Systems; and

WHEREAS, pursuant to Section 163.3202, Florida Statutes, the Board of County Commissioners sitting as the Environmental Control Board codified these rules into the Unified Land Development Code, Ordinance 03-068, as amended from time to time; and

WHEREAS, the County has received public participation and input regarding these Environmental Control Rules through the Land Development Regulation Advisory Board; and

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

WHEREAS, public hearings have been held in conformance with the requirements set forth in Section 125.66, Florida Statutes, and the Palm Beach County Environmental Control Act.

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

Section 1. Adoption

The amendments set forth in Exhibit A, attached hereto and made a part hereof, are hereby adopted.

Section 2. Providing for Repeal of Laws in Conflict

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

1 **Section 3. Severability**

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

6
7 **Section 4. Providing for a Savings Clause**

8 All development orders, permits, enforcement orders, ongoing enforcement actions, and
9 all other actions of the Board of County Commissioners, the Environmental Control Hearing
10 Board, the Environmental Appeals Board, all other County decision-making, enforcement, and
11 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued
12 pursuant to the regulations and procedures established by prior Palm Beach County land
13 development regulations, shall remain in full force and effect. Ordinances 2006-004, Exhibit R
14 and 2007-13, Exhibit K are hereby ratified and readopted as if set forth in full herein.

15
16 **Section 5. Interpretation of Captions**

17 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
18 Ordinance are intended for the convenience of usage only and have no effect on the
19 interpretations of the provisions of this Ordinance and may be renumbered or re-lettered to
20 effectuate the codification of this Ordinance.

21
22 **Section 6. Inclusion in the Unified Land Development Code**

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

26
27 **Section 7. Providing for an Effective Date**

28 The provisions of this Ordinance shall become effective upon filing with the Department
29 of State.

1 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
2 County, Florida, on this the _____ day of _____, 20_____.

SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Karen T. Marcus, Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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EFFECTIVE DATE: Filed with the Department of State on the _____ day of
_____, 20_____.

EXHIBIT A

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

1
2 **Part 1. ULDC Art. 15.A.1, Purpose [Related to Onsite Sewage Treatment and Disposal System]**
3 **(page 3 of 23), is hereby amended as follows:**
4

Reason for amendments: [Health Dept.] 1) Amend to reflect updates to Chapters 381, 386, and 403 of the Florida Statutes and Chapter 64E-6, Florida Administrative Code; and, 2) To address the increase in allowable sewage flow from 5,000 to 10,000 gallons per day.

5 **CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND**
6 **DISPOSAL SYSTEMS (OSTDS)**

7 **Section 1 Purpose**

8 The provisions of this Article ~~prescribe the minimum standards for OSTDS used for treatment and~~
9 ~~disposal of domestic sewage flows of 5,000 gallons per day and less shall apply to the following Onsite~~
10 ~~Sewage Treatment and Disposal Systems (OSTDS) and Private Collection and Transmission Systems~~
11 ~~(PCTS):~~

- 12 ~~A. An OSTDS regulated under F.S.§ 381.0065, as amended, that serves a residence or~~
13 ~~establishment with an estimated domestic sewage flow of 10,000 gallons or less per day based~~
14 ~~on Table I of Chapter 64E-6, Florida Administrative Code (F.A.C.), which is not currently~~
15 ~~regulated under F.S.§ 403;~~
- 16 ~~B. An OSTDS regulated under F.S.§ 381.0065, that serves an establishment with an estimated~~
17 ~~commercial sewage flow of 5,000 gallons or less per day, based on Table I of Chapter 64E-6,~~
18 ~~F.A.C, which is not currently regulated under F.S.§ 403; and,~~
- 19 ~~C. An OSTDS which has received variances from the FDEP from the requirements of F.S.§ 403, and~~
20 ~~from the Florida Department of Health (FDOH) from the jurisdictional flow limits of F.S.§ 381,~~

21
22
23 **Part 2. ULDC Art. 15.A.3, General Provisions: OSTDS [Related to Onsite Sewage Treatment**
24 **and Disposal Systems] (page 3 of 23), is hereby amended as follows:**
25

Reason for amendments: [Health Dept.] 1) Amend to reflect updates to Chapters 381, 386, and 403 of the Florida Statutes and Chapter 64E-6, Florida Administrative Code; and, 2) To eliminate the requirement to have a centrally collected system.

26 **CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND**
27 **DISPOSAL SYSTEMS (OSTDS)**

28 **Section 3 General Provisions: OSTDS**

29 A. No OSTDS shall be installed, modified, abandoned or repaired without ~~first obtaining~~ a valid
30 permit, or used without obtaining final approval ~~or release~~ from the Health Department.

31
32 C. Buildings used or intended for human occupancy, employment or service to the public and
33 locations where persons congregate shall provide toilets connected to an approved sewage
34 waste disposal system. Also, property or location where persons congregate and are employed,
35 or where property is used by the public for temporary and short periods of duration, such as
36 construction sites, fairs, carnivals, revivals, field locations of agricultural workers, encampments
37 or other use, shall be provided with portable toilets or other approved toilet facilities. The number
38 of toilet facilities to be provided shall be in accordance with the local plumbing code, other
39 applicable local regulations and the F.A.C. Establishments with permanent structures shall not
40 rely upon systems designed for temporary use as the primary means of wastewater treatment
41 and disposal ~~unless a temporary approval is issued by the Health Department.~~

42
43 ~~F. Total waste flow from any one establishment, whether a single structure or group of structures,~~
44 ~~shall be centrally collected for treatment and disposal.~~

45 ~~G.~~ Wastewater generated by industrial or commercial establishments shall not be discharged into an
46 OSTDS if the characteristics of the waste are such that it would cause malfunctioning of the
47 OSTDS and/or contamination of the ground water. Wastewater from such establishments shall be
48 treated and disposed of in accordance with the ~~Florida Department of Environmental Protection~~
49 ~~(FDEP)~~ requirements.

50 ~~H.~~ Treatment and disposal of the wastewater from a building or establishment shall be in compliance
51 with FDEP standards and rules when any one of the following conditions exist:

52
53 ~~I. Any existing and previously approved system which remains in satisfactory operating condition~~
54 ~~shall remain valid for use under the terms of the rule and permit under which it was approved. If~~
55 ~~the use of a building is changed or if additions or alterations to a building are made which will~~

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EXHIBIT A

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

~~increase sewage flow or change sewage characteristic, any OSTDS serving such building shall be upgraded to comply with the provisions and requirements of Rule 64E-6, F.A.C.~~
[Renumber accordingly]

Part 3. ULDC Art. 15.A.4, Permit Conditions and Approvals [Related to Related to Onsite Sewage Treatment and Disposal Systems] (page 4 of 23), is hereby amended as follows:

Reason for amendments: [Health Dept.] 1) Amend to reflect updates to Chapters 381, 386, and 403 of the Florida Statutes and Chapter 64E-6, Florida Administrative Code; and, 2) To simplify the regulations.

CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS)

Section 4 Permit Conditions and Approvals

A. An OSTDS shall not be installed, modified, abandoned or repaired until a valid permit has been obtained from the Health Department. ~~Permits issued for new construction shall expire after 18 months from the date of issuance if the system has not been installed. However, if building construction has commenced, the system construction permit shall be extended 90 days beyond the 18 month date.~~ Permits for system repairs shall be issued in accordance with Rule 64E-6, F.A.C.

....

C. The OSTDS shall not be used or covered with earth before it has passed an inspection by the Health Department and a notice of approval has been issued. Should the installer or general contractor fail to notify the Health Department prior to covering the system, the Health Department shall require that the system be uncovered for inspection. If the system is approved, the Health Department shall issue a notice of approval to the owner ~~and, when appropriate, to the Building Department.~~ Any new A building or structure shall not be occupied until a notice of approval has been issued by the Health Department. ~~System inspection requirements as specified in Rule 64E-6, F.A.C. shall be adhered to.~~

Part 4. ULDC Art. 15.B.4.B, Maximum Contaminant Levels for Secondary Inorganic Contaminant Levels [Related to Drinking Water Supply] (page 10 of 23), is hereby amended as follows:

Reason for amendments: [Health Dept.] Amend scrivener's error to remove redundant word.

CHAPTER B (ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS
This Article shall be designated as "PBC Environmental Control Rule II Drinking Water Supply Systems."

Section 4 Water Quality Requirements

B. **Maximum Contaminant Levels for Secondary Inorganic Contaminant Levels**
The maximum contaminant levels for secondary inorganic contaminants are applicable to community water systems only and are as specified in Chapter 62-550, F.A.C.

Part 5. ULDC Art. 15.B.7, Notification Requirements [Related to Drinking Water Supply] (page 11 of 23), is hereby amended as follows:

Reason for amendments: [Health Dept.] Amend to remove redundant passages or letters.

CHAPTER B (ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS

Section 7 Notification Requirements

A. The supplier of water of any community, non-community, non-transient or ~~non~~-transient non-community water system shall comply with the notification requirements as defined in Chapter 62-560, F.A.C.

....

C. In case of ~~breakdown in purification or protective equipment~~, breaks in water mains, transmission lines, ~~loss of a drop in~~ water pressure at the point of entry or anywhere in the distribution system below 20 p.s.i., abnormal taste or odor, ~~change in treatment, or~~ any interruption of water service to users, or any circumstances which could affect the quality of the drinking water, it shall be the

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EXHIBIT A

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

duty of the water supplier to notify the Health Department within one hour of the occurrence. Notification shall include the following information:

1. Description of the problem;
2. Area affected;
3. Number of connections or users affected;
4. Estimated duration of problem;
5. Method of notification to users; and
6. Such information shall also be provided in writing on the monthly operation report.

D. If any of the conditions listed in Art. 15.B.7.C, above, ~~or in the Department of Health's "Guidelines for the Issuance of Precautionary Boil Water Notices" as adopted in Rule 62-555.335, F.A.C.~~ should occur, the water supplier is required to obtain two consecutive days of satisfactory bacteriological sample results from the affected area. If it is determined that a notification of the interruption of water service and/or the necessity to boil water is required, then notification shall be given immediately to the users either by written notice (ex. door hangers, flyers, locally posted signs), a reverse 911 calling system through the media of newspaper, radio, or television, or a combination of these methods as needed to properly contact the service population. The Department of Health's "Guidelines for the Issuance of Precautionary Boil Water Notices" as adopted in Rule 62- 550, F.A.C. shall be used to determine if and when a boil water notification is necessary and how to issue/rescind said boil water notification. ~~If issued, the~~ notice to boil water shall remain in effect until at least one day of satisfactory bacteriological sample results have been obtained from the affected area, and after consultation and approval of the Health Department. If only one day of precautionary boil water is utilized, then sufficient evidence must be provided to the Health Department to confirm that no contamination has occurred, ex. extensive bacteriological test data, system pressure data, detailed explanation of repair process to confirm lack of potential for contamination, etc. If unsatisfactory bacteriological levels are detected following the one day initial sampling, or if the system cannot adequately justify to the Health Department that no contamination has occurred, then the water system shall provide a minimum of two consecutive days of satisfactory sample results prior to rescinding the boil notice. Samples shall be taken 24 hours apart. The Health Department shall notify the water supplier when ~~the a system-wide~~ boil water notice may be rescinded. [Ord. 2005 – 003]

....

Part 6. ULDC Art. 15.B.8.A, Design Criteria [Related to Drinking Water Supply] (page 11-12 of 23), is hereby amended as follows:

Reason for amendments: [Health Dept.] Amend to clarify intent and the disinfection procedures for well systems.

CHAPTER B (ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS

Section 8 Construction and Design Requirements

A. Design Criteria

Approval for construction, extension, expansion or use of any community, ~~or non-transient~~ non-community, ~~non-transient~~ non-community and limited use water supply system shall be based on the criteria below, in addition to the design criteria specified in Chapters 62-532, 62-555, 64E-8, F.A.C., and the standards considered as modern engineering practices. Criteria in the references listed below are incorporated into this Code. If any differences in design criteria exist, the more stringent standard shall be used.

....

18. All community, non-transient non-community, and ~~non-transient~~ non-community systems, including limited use systems where applicable, shall maintain a minimum reserve supply of chlorine for emergency conditions. Such reserve shall be figured for 14 days consumption for systems using gas chlorine and seven days consumption for systems using hypochlorite solution. The consumption shall be based, as a minimum on 50 percent of design capacity.

19. Disinfection

....

d. Booster chlorination facilities shall be provided in the distribution systems of community water systems as necessary to maintain the disinfection requirements of Art. 15.B.8.A.19, above, to consecutive systems.

....

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EXHIBIT A

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

1 Part 7. ULDC Art. 15.B.9 Connection Required [Related to Drinking Water Supply] (page 14 of
2 23), is hereby amended as follows:
3

Reason for amendments: [Health Dept.] 1) Clarification of intent, removal of redundant passages or letters; and, 2) To clarify the connection requirements.

4 CHAPTER B (ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS

5 Section 9 Connection Required

- 6 A. All existing buildings served by non-transient non-community, ~~non~~-transient non-community and
7 limited use water systems or new limited use and new private water systems shall connect to an
8 approved community water system where such a system has an available water main within 100
9 feet in a public R-O-W or easement abutting the property on which the building(s) are located.
10 Connection to an approved community water system shall be completed within six months of
11 being notified by the Health Department. Connection to an approved community water system
12 shall not be required:
 - 13 1. If connection requires an extension of the main; or
 - 14 2. If the main is located across four or more lanes of paved roadway; or
 - 15 3. If the utility is unable to provide water.
- 16 B. Notwithstanding the provisions of Art. 15.B.9.A, if the Health Department determines that there is
17 an existing or potential health threat on the property served by a non-transient non-community,
18 ~~non~~-transient non-community, or limited use water system, then the connection shall be made as
19 required under Art. 15.B.9.C, below.
- 20 C. Establishments or buildings that utilize a non-transient non-community, or ~~non~~-transient non-
21 community or limited use water system and are being constructed, modified, expanded or
22 changed in operation shall connect to an approved community water supply system when said
23 system is available within 1,000 feet by existing R-O-W or easement to the property. Each foot of
24 water crossing, paved roadway, or sidewalk shall be considered as two feet; the proposed supply
25 shall not be required to cross interstate highway or railroad systems. Property owners connecting
26 to community water supply systems under this Subsection shall be required to extend the water
27 main along their public R-O-W utility easements, which abut the property. Connection to an
28 approved community water system shall be completed within six months of being notified by the
29 Health Department.

32 Part 8. ULDC Art. 15.B.11.C Approval for Use [Related to Permit Approvals for Drinking Water
33 Supply Systems] (page 13-14 of 23), is hereby amended as follows:
34

Reason for amendments: [Health Dept.] 1) Amend to clarify intent, removal of redundant passages or letters; and 2) To establish the procedure for connection to an existing water supply system.

35 CHAPTER B (ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS

36 Section 11 Permits/ Approvals

37 C. Approval for Use

- 38
- 39 6. The connection of new water mains to existing mains shall not be completed until after the
40 new mains have passed their pressure and leakage tests and completed the disinfection and
41 bacteriological clearance procedures. During construction partial releases may be given by
42 the Department. However, the pressure and leakage tests and the disinfection and
43 bacteriological procedures shall be followed in all cases. No water supply system or facility,
44 including any well, plant, tank, pump station, distribution system, or other pipes, equipment or
45 structure through which water is delivered to the consumer for drinking or household
46 purposes, except certain community water supply service connections not requiring a permit,
47 shall be put into service or used until such facility has been effectively disinfected and
48 bacteriologically cleared. Sample results shall be submitted to the Health Department as
49 follows:
50
- 51 b. For a community, non-transient non-community, or ~~non~~-transient non-community well
52 clearance, a minimum of 20 consecutive workday acceptable samples are required with
53 no more than two samples taken daily. Samples shall be taken at least six hours apart.
54

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EXHIBIT A

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/14/10)

1 Part 9. ULDC Art. 15.B.12.A, Related to Sampling/Analytical Methods (page 15 of 23), is hereby
2 amended as follows:
3

Reason for amendments: [Health Dept] 1) Amend to clarify intent; and 2) To clarify the regulations for the sampling of wells.

4 CHAPTER B (ENVIRONMENTAL CONTROL RULE II) DRINKING WATER SUPPLY SYSTEMS

5 Section 12 Sampling/Analytical Methods

6 A. All water samples required under this Article for community, non-transient non-community, and
7 ~~non~~-transient non- community, water systems, including community water well and water main
8 clearance shall be taken by an employee of a laboratory certified to perform drinking water
9 analysis by the Health Department in accordance with F.S.§ 403.863 and Chapter 64E-1, F.A.C.,
10 or an operator certified under Chapter 62-602, F.A.C., or an employee of the Health Department.
11 Water samples for other public and private water well clearance shall be taken by the licensed
12 well contractor that installed the well.

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63 Regulations RPA 12-9-10.docx

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