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**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**



Agenda Item # **D30**

**UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2007-01 – SECOND READING/ADOPTION**

**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, including:

- Exhibit A Article 1 – General Provisions
- Exhibit B Article 2 – Development Review Process
- Exhibit C Article 3 – Overlays and Zoning Districts
- Exhibit D Article 4 – Use Regulations
- Exhibit E Article 5 – Supplementary Standards
- Exhibit F Article 6 – Parking
- Exhibit G Article 7 - Landscaping
- Exhibit H Article 8 – Signage
- Exhibit I Traffic Performance Standards
- Exhibit J Article 14 – Environmental Standards
- Exhibit K Article 15 – Health Regulations
- Exhibit L Article 17 – Decision Making Bodies
- Exhibit M Facilities, Development & Operations
- Exhibit N WCRAO, Westgate Community Redevelopment Area Overlay

**LDRAB/LDRC:** The proposed Code Amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) and Land Development Regulation Commission (LDRC) on April 25, 2007, May 23, 2007 and June 27, 2007. All proposed ULDC amendments were found to be consistent with the Plan.

**BCC Public Hearings:** June 28, 2007 – Request for Permission to Advertise for First Reading on July 26, 2007: Approved, 7- 0.  
July 26, 2007 – 1<sup>st</sup> Reading: Approved as amended, 5 - 0.  
August 23, 2007 – 2<sup>nd</sup> Reading/Adoption.

**Motion:** STAFF RECOMMENDS A MOTION TO ADOPT: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067 AND 03-068, AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS;** CHAPTER E - PRIOR APPROVALS; CHAPTER F - NONCONFORMITIES; CHAPTER I - DEFINITIONS AND ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCESS;** CHAPTER A - GENERAL; CHAPTER B - PUBLIC HEARING PROCEDURES; CHAPTER D - ADMINISTRATIVE PROCESS; CHAPTER E - MONITORING; **ARTICLE 3 - OVERLAYS & ZONING DISTRICTS;** CHAPTER B - OVERLAYS; CHAPTER C - STANDARD DISTRICTS; CHAPTER D - PROPERTY DEVELOPMENT REGULATIONS (PDRS); 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; **ARTICLE 5 - SUPPLEMENTARY STANDARDS;** CHAPTER A - GENERAL; CHAPTER B - ACCESSORY AND TEMPORARY USES; CHAPTER C - DESIGN STANDARDS; CHAPTER G - DENSITY BONUS PROGRAM; **ARTICLE 6 - PARKING;** CHAPTER A - PARKING; CHAPTER C - DRIVEWAYS AND ACCESS; **ARTICLE 7 - LANDSCAPING;** CHAPTER A - GENERAL; CHAPTER C - MGTS TIER COMPLIANCE; CHAPTER E - INSTALLATION, MAINTENANCE, PRUNING, AND IRRIGATION; CHAPTER F - PERIMETER BUFFER LANDSCAPE REQUIREMENTS; **ARTICLE 8 - SIGNAGE;** CHAPTER C - PROHIBITIONS; CHAPTER D - TEMPORARY SIGNS REQUIRING SPECIAL PERMIT; CHAPTER G - STANDARDS FOR SPECIFIC SIGN TYPES; **ARTICLE 11 - SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS;** CHAPTER A - GENERAL REQUIREMENTS; CHAPTER B - SUBDIVISION REQUIREMENTS; CHAPTER E - REQUIRED IMPROVEMENTS; **ARTICLE 12 - TRAFFIC PERFORMANCE STANDARDS;** CHAPTER A - GENERAL; CHAPTER B - STANDARD; CHAPTER C -

1 TRAFFIC IMPACT STUDIES; CHAPTER D - PROCEDURE; **ARTICLE 14** -  
2 ENVIRONMENTAL STANDARDS; CHAPTER B - WELLFIELD PROTECTION; CHAPTER  
3 C - VEGETATION PRESERVATION AND PROTECTION; **ARTICLE 15** - HEALTH  
4 REGULATIONS; CHAPTER A - (ENVIRONMENTAL CONTROL RULE I) - ONSITE  
5 SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS); **ARTICLE 17** - DECISION  
6 MAKING BODIES; CHAPTER A - BOARD OF COUNTY COMMISSIONERS; CHAPTER C -  
7 APPOINTED BODIES; CHAPTER D - STAFF OFFICIALS; PROVIDING FOR:  
8 INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY;  
9 A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND  
10 AN EFFECTIVE DATE.  
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2 **ORDINANCE 2007** \_\_\_\_\_  
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5 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH  
6 COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE  
7 03-067 AND 03-068, AS AMENDED, AS FOLLOWS: **ARTICLE 1** - GENERAL PROVISIONS;  
8 CHAPTER E - PRIOR APPROVALS; CHAPTER F - NONCONFORMITIES; CHAPTER I -  
9 DEFINITIONS AND ACRONYMS; **ARTICLE 2** - DEVELOPMENT REVIEW PROCESS;  
10 CHAPTER A - GENERAL; CHAPTER B - PUBLIC HEARING PROCEDURES; CHAPTER D -  
11 ADMINISTRATIVE PROCESS; CHAPTER E - MONITORING; **ARTICLE 3** - OVERLAYS &  
12 ZONING DISTRICTS; CHAPTER B - OVERLAYS; CHAPTER C - STANDARD DISTRICTS;  
13 CHAPTER D - PROPERTY DEVELOPMENT REGULATIONS (PDRS); CHAPTER E -  
14 PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F - TRADITIONAL  
15 DEVELOPMENT DISTRICTS (TDDS); **ARTICLE 4** - USE REGULATIONS; CHAPTER A - USE  
16 CLASSIFICATION; CHAPTER B - SUPPLEMENTARY USE STANDARDS; **ARTICLE 5** -  
17 SUPPLEMENTARY STANDARDS; CHAPTER A - GENERAL; CHAPTER B - ACCESSORY  
18 AND TEMPORARY USES; CHAPTER C - DESIGN STANDARDS; CHAPTER G - DENSITY  
19 BONUS PROGRAM; **ARTICLE 6** - PARKING; CHAPTER A - PARKING; CHAPTER C -  
20 DRIVEWAYS AND ACCESS; **ARTICLE 7** - LANDSCAPING; CHAPTER A - GENERAL;  
21 CHAPTER C - MGTS TIER COMPLIANCE; CHAPTER E - INSTALLATION, MAINTENANCE,  
22 PRUNING, AND IRRIGATION; CHAPTER F - PERIMETER BUFFER LANDSCAPE  
23 REQUIREMENTS; **ARTICLE 8** - SIGNAGE; CHAPTER C - PROHIBITIONS; CHAPTER D -  
24 TEMPORARY SIGNS REQUIRING SPECIAL PERMIT; CHAPTER G - STANDARDS FOR  
25 SPECIFIC SIGN TYPES; **ARTICLE 11** - SUBDIVISION, PLATTING AND REQUIRED  
26 IMPROVEMENTS; CHAPTER A - GENERAL REQUIREMENTS; CHAPTER B - SUBDIVISION  
27 REQUIREMENTS; CHAPTER E - REQUIRED IMPROVEMENTS; **ARTICLE 12** - TRAFFIC  
28 PERFORMANCE STANDARDS; CHAPTER A - GENERAL; CHAPTER B - STANDARD;  
29 CHAPTER C - TRAFFIC IMPACT STUDIES; CHAPTER D - PROCEDURE; **ARTICLE 14** -  
30 ENVIRONMENTAL STANDARDS; CHAPTER B - WELLFIELD PROTECTION; CHAPTER C -  
31 VEGETATION PRESERVATION AND PROTECTION; **ARTICLE 15** - HEALTH  
32 REGULATIONS; CHAPTER A - (ENVIRONMENTAL CONTROL RULE I) - ONSITE SEWAGE  
33 TREATMENT AND DISPOSAL SYSTEMS (OSTDS); **ARTICLE 17** - DECISION MAKING  
34 BODIES; CHAPTER A - BOARD OF COUNTY COMMISSIONERS; CHAPTER C -  
35 APPOINTED BODIES; CHAPTER D - STAFF OFFICIALS; PROVIDING FOR:  
36 INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A  
37 SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN  
38 EFFECTIVE DATE.

39  
40 **WHEREAS**, Section 163.3202, Florida Statutes, mandates the County compile Land  
41 Development Regulations consistent with its Comprehensive Plan into a single Land  
42 Development Code; and

43 **WHEREAS**, pursuant to this statute the Palm Beach County Board of County  
44 Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-  
45 067, as amended from time to time; and

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

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

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

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

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

4  
5       **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
6 **PALM BEACH COUNTY, FLORIDA, as follows:**

7  
8       **Section 1. Adoption**

9       The amendments set forth in Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, and N attached  
10 hereto and made a part hereof, are hereby adopted.

11       **Section 2. Interpretation of Captions**

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

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

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

17       **Section 4. Severability**

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

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

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

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

30       The provisions of this Ordinance shall be codified in the Unified Land Development Code  
31 and may be reorganized, renumbered or relettered to effectuate the codification of this  
32 Ordinance.

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

34       The provisions of this Ordinance shall become effective upon filing with the Department of  
35 State.

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**APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach

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: \_\_\_\_\_  
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_.

EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

1  
2 Part 1. ULDC, Art. 1.E.1.C.2, Structural Renovations and Additions [Related to Previous  
3 Approvals] (page 15 of 104), is hereby amended as follows:  
4

5 CHAPTER E PRIOR APPROVALS

6 Section 1 General

7 C. Previous Approvals

8 2. Structural Renovations and Additions

9 Interior or exterior renovations or additions to existing buildings and structures that are in  
10 excess of 35 percent of the current Property Appraiser's value of the structure shall comply  
11 with Art. 5.E.4.E, Outdoor Lighting, Art. 6, Parking, Art. 7, Landscaping, and Art. 8.G.1,  
12 Building Mounted Signs, to the greatest extent possible. Renovations or additions in excess  
13 of 75 percent or more of the current assessed value of the structure shall comply with Art.  
14 5.C, Design Standards, and Art. 5.B.1.A.18, Permanent Generators. Renovations shall be  
15 cumulative over the most recent five-year period. [Ord.2005-041]  
16  
17

18 Part 2. ULDC, Art. 1.F.3, Non Conforming Structure (page 18 of 104), is hereby amended as  
19 follows:  
20

21 CHAPTER F NONCONFORMITIES

22 Section 3 Nonconforming Structure

23 A nonconforming structure may continue to exist in accordance with this Section. Public utility facilities  
24 with nonconforming structures on existing utility sites shall be exempt from the maintenance, renovation  
25 and repair limitations in this section. The maximum percent allowed within a 12 consecutive month period  
26 may include one or a combination of maintenance, renovation, or damage restoration to a nonconforming  
27 structure but shall not mean one of each term.

28 The value of a nonconforming structure shall be determined by taking 125 percent of the most recent  
29 assessed value of the structure, as determined by the PBC Property Appraiser. This Section shall apply  
30 to the cumulative changes in total value as a nonconforming structure is renovated and repaired over the  
31 previous seven years. In determining the value of an improvement necessary to reconstruct a damaged  
32 structure, the "aggregate cost approach" as outlined in the most current building valuation data in  
33 "Southern Building" published by the Southern Building Code Congress International or other comparable  
34 guidelines adopted in law or accepted in practice by the Building Director, shall be used as the sole basis  
35 for calculation.  
36  
37

38 Part 3. ULDC, Art. 1.I.2.A.23.j, Commercial Gain [Related to Adult Entertainment Definitions]  
39 (page 28 of 104), is hereby amended as follows:  
40

41 CHAPTER I DEFINITIONS & ACRONYMS

42 Section 2 Definitions

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

44 23. Adult Entertainment Definitions – for the purposes of Art. 4.B.I.A.2.

45 ....

46 j. Commercial Gain - operated for pecuniary gain, which shall be presumed for any  
47 establishment which has received an ~~occupational license~~ business tax receipt. For the  
48 purpose of this Code, commercial or pecuniary gain shall not depend on actual profit or  
49 loss.

50 ....  
51  
52

53 Part 4. ULDC, Art. 1.I.2, Definitions (pages 37, and 41 of 104), are hereby amended as follows:  
54

55 CHAPTER I DEFINITIONS & ACRONYMS

56 Section 2 Definitions

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

58 53. Building -

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 A

ARTICLE 1 – GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

a. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. For purposes of this Code, tanks (including but not limited to water, gas and other types of storage tanks) and water towers will not be considered buildings.

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

32. Membrane BioReactor Systems – Facilities that treat raw sewage to tertiary levels for reuse water (irrigation quality water) or for discharge (ground or surface water recharge). These systems are enclosed within buildings and utilize hollow fiber or flat plate membranes and combine clarification, aeration and filtration to produce consistent, high quality effluent suitable for any discharge or reuse application. On-site storage tanks, distribution pumps and electrical equipment may also be associated with these facilities.

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

8. Reclamation, Water – Water treated to tertiary standards considered suitable for storage, distribution and application as irrigation water under FDEP guidelines.

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

7. Water Reclamation Production Facility – These facilities can either treat raw wastewater to irrigation quality water or treat secondary effluent to tertiary standards for use as irrigation water. These facilities can be accessory to a Wastewater Treatment Plant or can be stand-alone facilities. They are comprised of pump and filtration systems, storage tanks, electrical sheds and other facilities as necessary to process, store and distribute irrigation quality water to an identified and reasonably proximate service area.

78. **Water or Treatment Plant** - for the purposes of Art. 4, a facility designed for treatment and disposal of more than 5,000 gallons per day of water or wastewater.

a. Water Treatment Plant, Open Process – These are also known as “conventional” water treatment plants and use a series of unenclosed tanks without roof structures to treat raw water to drinking water standards.

b. Water Treatment Plant, Closed Treatment – These plants treat raw water to drinking water standards within the confines of one or more relatively small, fully enclosed buildings.

....

Part 5. **ULDC, Art. 1.1.2.L, [Related to Definitions and Acronyms], (page 59 of 104), is hereby amended as follows:**

CHAPTER I **DEFINITIONS & ACRONYMS**

Section 2 **Definitions**

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

....  
22. Large Scale Development – any large single tenant retail use, with or without accessory tenants, in a single building, occupying 65,000 gross square feet or more.  
[Renumber accordingly.]

....

Part 6. **ULDC, Art. 1.1.2.S, [Related to Definitions and Acronyms], (page 85 of 104), is hereby amended as follows:**

CHAPTER I **DEFINITIONS & ACRONYMS**

Section 2 **Definitions**

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

....  
52. Single Room Occupancy – A residential property that includes multiple single room dwelling units. Each unit is for occupancy by a single individual. The unit need not, but may, contain food preparation or sanitary facilities, or both.

[Renumber accordingly.]

....

**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 A

ARTICLE 1 – GENERAL PROVISIONS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

1 Part 7. ULDC, Art. 1.1.2.V, [Related to Definitions and Acronyms], (page 97 of 104), is hereby  
2 amended as follows:  
3

4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

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

8 ....  
9 14. Vessel – Synonymous with boat as referenced in s.1.(b), Art. VII of the Florida Constitution  
10 and includes every description of watercraft, barge and airboat, other than a seaplane on the  
11 water, used or capable of being used as a means of transportation on water. The term  
12 "floating structure" is expressly excluded from the definition of a vessel.  
13 [Renumber accordingly.]  
14 ....

15  
16 Part 8. ULDC, Art. 1.1.3, Abbreviations and Acronyms [Related to Expedited DRO Application]  
17 (page 101 of 104), is hereby amended as follows:  
18

19 CHAPTER I DEFINITIONS & ACRONYMS

20 Section 3 Abbreviations and Acronyms

21 ....  
22 EDA Expedited DRO Applications  
23 ....  
24 SRO Single Room Occupancy  
25 ....  
26 TDD Traditional Development District  
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**Notes:**  
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Relocated language is shown as *italicized* with reference in parenthesis.



EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

1  
2 Part 1. ULDC, Art. 2.A [Related to Development Review Procedures] (page 7 of 50), is hereby  
3 amended as follows:  
4

5 CHAPTER A GENERAL

6 Section 1 Authority

7 1.b.5) The ZC is also granted the authority to consider, take action, and make decisions  
8 on applications for Type II variances. The ZC is not authorized to grant variances  
9 from the following Articles of the ULDC: [Ord. 2006-036]  
10 a) Art. 1, General Provisions;  
11 b) Art. 2, Development Review Procedures;  
12 c) Art. 3.B.3, COZ, Conditional Overlay Zone;  
13 d) Art. 4, Use Regulations (excluding provisions in Art. 4.D.5.C, Type IA  
14 Excavation, and Art. 4.D.5.D, Type IB Excavation and Art. 4.B.1.A.134  
15 and 139, Minor Utilities and Water or Wastewater Treatment Plant).  
16  
17

18 Part 2. ULDC, Art. 2.B.1.B, Standards, [Related to Conditional Uses, Requested Uses and  
19 Development Order Amendments] (page 16 of 50), is hereby amended as follows:  
20

21 CHAPTER A GENERAL

22 Section 2 Conditional Uses, Requested Uses and Development Order Amendments

23 B. Standards

24 ....  
25 9. Mobile Home Parks  
26 Any rezoning of property having an existing mobile home park shall comply with the  
27 requirements of F.S. Chapter 723.083, Governmental Action Affecting Removal of Mobile  
28 Home Owners.  
29  
30

31 Part 3. ULDC, Art. 2.D.2.A, Purpose [Related to Special Permit] (page 28 of 50), is hereby  
32 amended as follows:  
33

34 CHAPTER D ADMINISTRATIVE PROCESS

35 Section 2 Special Permit

36 A. Purpose

37 To create standards and an approval process for certain uses, which are generally temporary in  
38 nature, but require monitoring for compliance with Code requirements to ensure compatibility with  
39 surrounding land uses. These uses shall require approval of a special permit by the Zoning  
40 Division prior to issuance of a CO, ~~occupational license~~ business tax receipt, building permit, or  
41 commencement of activity.  
42  
43

44 Part 4. ULDC, Art. 2.D.2.C.1, Contents of Application [Related to Procedure] (page 28 of 50), is  
45 hereby amended as follows:  
46

47 CHAPTER D ADMINISTRATIVE PROCESS

48 Section 2 Special Permit

49 C. Procedure

50 1. Contents of Application

51 The application shall be submitted in a form established by the Zoning Director and made  
52 available to the public. An ~~occupational license~~ business tax receipt must be obtained and all  
53 permits must be posted on the site prior to commencement of operation. If a survey is  
54 required, the survey shall indicate:  
55  
56

57 Part 5. ULDC, Art. 2.E.1.B.2.a, [Related to Applicability and Monitoring] (page 32 of 50), is  
58 hereby amended as follows:  
59

Notes:

Underlined language indicates proposed new language.  
Language ~~erased-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 B

ARTICLE 2 – DEVELOPMENT REVIEW PROCESS  
SUMMARY OF AMENDMENTS

(Updated 07/27/07)

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CHAPTER E MONITORING

Section 1 General

B. Applicability

2. The following are exempt from this Article:

- a. ~~Any development order for rezoning to the Public Ownership District (PO) or publicly owned land in the Conservation District (CON) which does not have an approved conditional use, in whole or in part, that applies to lands that are owned by a unit of local, state, and/or federal government, provided that the development order is utilized for buildings or facilities that are owned by a government entity and support customary government operations and/or delivery of public services;~~

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**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 C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS  
SUMMARY OF AMENDMENTS  
(Updated 07/26/07)

Part 1. ULDC, Table 3.C.1.A-15, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts, (page 48 of 146), is hereby amended as follows:

Table 3.C.1.A-15 Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts

Zoning District						
<b>Agriculture/Conservation</b>						
AP						
AGR						
CON						
SA						
<b>Residential</b>						
RR-20						
RR-10		CRE <sup>4</sup>				
RR-5						
RR-2.5						
LR-1	AR	RE	RT	RS	RM <sup>6</sup>	
LR-2	AR	RE	RT			
LR-3	AR	RE	RT			
MR-5	AR	RE	RT	RS	RM <sup>6</sup>	
HR-8	AR	RE	RT	RS	RM	
HR-12	AR	RE	RT	RS	RM	
HR-18	AR	RE	RT	RS	RM	
<b>Commercial</b>						
CL-O						
CL						
CH-O						
CH						
CR						
<b>Industrial</b>						
IND			CRE <sup>7</sup>			
EDC						
<b>Institutional/Civic</b>						
INST		PO				
PARK						
U/T						
<b>[Ord. 2006-004]</b>						
<b>Notes:</b>						
Any application for a conditional use and/or subdivision of property shall require the subject site be rezoned to a highlighted district.						

- 1 The PO District is consistent with all FLU designations.
- 2 The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only.
- 3 The AGR District is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2005-002]
- 4 The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan
- 5 The AP District is consistent with the LR-1 designation in the Glades Tier only for legal lots of record located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point. [Ord. 2005 - 002]
- 6 The RM District is consistent with the MR-5 designation only for those areas already zoned RM.
- 7 Curtain use in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards.

Part 2. ULDC, Art. 3.C.1.C.1, Agricultural Production District [Related to Agricultural Districts] (page 48 of 146), is hereby amended as follows:

CHAPTER C STANDARD DISTRICTS

Section 1 Districts

C. Agricultural Districts

1. AP, Agricultural Production District

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

a. Exempted Residential Uses

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

**Notes:**

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS  
SUMMARY OF AMENDMENTS  
(Updated 07/26/07)

1 Part 3. ULDC, Table 3.E.1.B-21, PDD Use Matrix (page 69 of 146), is hereby amended as  
2 follows:  
3

Table 3.E.1.B-21 - PDD Use Matrix

Use Type	PDD					MUPD							MXPD				PDD			Notes										
	Footprint					Land Use Designation							Land Use Designation				Use Zone													
	R	C	F	C	A	C	C	C	C	C	T	T	C	C	C	C	L	C	L		M	H								
....																														
Restaurant, Type II	<u>DR</u>					R	D	R	R	R						R	D	R	R				R							140 111
....																														

Notes:  
 P Permitted by right  
 D Permitted subject to approval by the DRO  
 S Permitted in the district only if approved by Special Permit  
 R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.

4  
5  
6 Part 4. ULDC, Art. 3.E.1.I.4, Architectural Guidelines (page 82 of 146), is hereby amended as  
7 follows:  
8

9 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

10 Section 1 General

11 I. Unified Control

12 ....  
13 4. Architectural Guidelines

14 All buildings and signage shall maintain architectural consistency between all building,  
15 signage and project identification. Consistency shall include, a minimum, on overall unified  
16 image and character created by the use of common elements such as building and roofing  
17 materials, rooflines, muted colors, fenestration, architectural features, and architectural  
18 elements. Infrastructure, such as minor utilities, water and wastewater treatment plants  
19 which are approved for construction in a PDD prior to the approval of other buildings will not  
20 be used to set the architectural standards for a PDD.  
21

22  
23 Part 5. ULDC, Art. 3.E.3.C, Thresholds [Related to Multiple Use Planned Development (MUPD)]  
24 (page 97 of 146), is hereby amended as follows:  
25

26 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

27 Section 3 Multiple Use Planned Development (MUPD)

28 C. Thresholds

29 Projects that meet or exceed the square footage threshold indicated in Table 3.E.3.C-30, MUPD  
30 Thresholds or the requirements of Table 3.E.3.D-31, MUPD Property Development Regulations,  
31 in addition to all other minimum MUPD requirements, shall may be submitted and reviewed as a  
32 MUPD. [Ord. 2006-004]  
33

34  
35 Part 6. ULDC, Art. 3.E.4.C.1, Thresholds [Related to Mixed Use Planned Development (MXPD)]  
36 (page 99 of 146), is hereby amended as follows:  
37

38 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

39 Section 4 Mixed Use Planned Development (MXPD)

Notes:

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**EXHIBIT C**

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS  
SUMMARY OF AMENDMENTS  
(Updated 07/26/07)**

**C. Thresholds**

**1. Thresholds**

Projects that meet or exceed the square footage thresholds indicated in Table 3.E.4.C-34, MXPD Thresholds or the requirements of Table 3.E.3.D-36, MXPD Property Development Regulations, in addition to all other minimum MXPD requirements, shall may be submitted and reviewed as an MXPD. [Ord. 2006-004]

**Part 7. ULDC, Table 3.E.6.D-40, MHPD Property Development Regulations (page 106 of 146), is hereby amended as follows:**

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

**Section 6 Mobile Home Planned Development District (MHPD)**

**D. Property Development Regulations (PDRs)**

The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.6.D-40, MHPD Property Development Regulations, unless otherwise stated

**Table 3.E.6.D-40 - MHPD Property Development Regulations**

Pod	Minimum Lot Dimensions				FAR	Maximum Building Coverage	Minimum Building Setback or Spacing			
	Size	Width and Frontage	Depth	Corner			Front	Side Street	Side	Rear
Mobile Home	4,200	40'	70'	55'		50%	20'	20'	5'	10'
Recreational	--	<u>65'</u>	<u>75'</u>	--	<u>.35</u>	<u>30-40%</u>	25'	25'	20' C 40' R	20' C 40' R
Private Civic	<u>0.5 ac</u>	100'	<u>100'</u>	35'	<u>.35</u>	<u>-30%</u>	25'	25'	20' C 40' R	20' C 40' R
Public Civic	1 ac		<u>200'</u>							
Commercial	1 ac	100'	200'	25'	<u>.25</u>	<u>-20%</u>	25'	25'	20' C 40' R	20' C 40' R

**Notes:**

**C-** Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod. [Ord. 2005-002]

**R-** Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.

**\*** Indicates that the regulation is flexible and may be modified by complying with Art. 6.8.A.4, Regulating plan. Land uses that abut a lake, canal, or preserve area which is greater than or equal to 40 feet in width along the boundary of the land use, may substitute a 20 feet side interior or rear setback if a 40 feet setback is required. Setbacks shall be measured from the inside edge of perimeter landscape areas and internal road R-O-Ws for recreation, civic and commercial uses. Setbacks shall be measured from individual lot lines, rental lines and from condominium lines. [Ord. 2005-002]

U:\zoning\CODEREV\2007\BCC Hearings\2007-01 Round\2nd Reading-Adoption\Exhibit C - Article 3.doc

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

1  
2 Part 1. ULDC, Art. 4.B.1.A.2.b.10, Commercial Gain [Related to Adult Entertainment] (page 21  
3 of 149), is hereby amended as follows:

4  
5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 2. Adult Entertainment

9 b. Definitions, Adult Entertainment Establishment

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

12 10) Commercial Gain

13 Operated for pecuniary gain, which shall be presumed for any establishment which  
14 has received an ~~occupational license~~ business tax receipt. For the purpose of this  
15 Code, commercial or pecuniary gain shall not depend on actual profit or loss. [Ord.  
16 2004-051]

17  
18  
19 Part 2. ULDC, Art. 4.B.1.A.2.k.1 Establishment of Nonconformity [Related to Adult  
20 Entertainment] (page 24 of 149), is hereby amended as follows:

21  
22 CHAPTER B SUPPLEMENTARY USE STANDARDS

23 Section 1 USES

24 A. Definitions and Supplementary Standards for Specific Uses

25 2. Adult Entertainment

26 k. Nonconformity

27 1) Establishment of Nonconformity

28 Any adult entertainment use shall be deemed a nonconforming use and the  
29 standards of this Section shall not apply if the adult entertainment use on November  
30 28, 1988: [Ord. 2004-051]

31 b) ~~Occupational License Business Tax Receipt~~

32 Possessed a valid and current ~~occupational license~~ business tax receipt  
33 authorizing the general type of use, which would correspond to the adult  
34 entertainment use being claimed as nonconforming on November 28, 1988; and  
35 [Ord. 2004-051]

36  
37  
38 Part 3. ULDC, Art. 4.B.1.A.14.a.20)h), [Related to Redevelopment and Revitalization Overlay  
39 and Assembly, Nonprofit Institutional] (page 32 of 149), is hereby amended as follows:

40  
41 CHAPTER B SUPPLEMENTARY USE STANDARDS

42 Section 1 Uses

43 A. Definitions and Supplementary Standards for Specific Uses

44 14. Assembly, Nonprofit Institutional

45 a. Frontage and Access

46 2) Redevelopment and Revitalization Overlay

47 The use may be located on a local residential street, subject to the following criteria:  
48 [Ord. 2006-013]

49 h) Prior to the issuance of an ~~occupational license~~ business tax receipt, the building  
50 shall comply with all applicable Health and Building Code requirements; and  
51 [Ord. 2006-013]

52  
53  
54 Part 4. ULDC, Art. 4.B.1.A.20.d, Health Department and Building Code [Related to Bed and  
55 Breakfast] (page 35 of 149), is hereby amended as follows:

56  
57 CHAPTER B SUPPLEMENTARY USE STANDARDS

58 Section 1 Uses

Notes:

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**EXHIBIT D**

**ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)**

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

**20. Bed and Breakfast**

**d. Health Department and Building Code**

Prior to the issuance of an occupational license business tax receipt, the dwelling shall be modified to comply with all applicable Health Department and Building Code requirements.

**Part 5. ULDC, Art. 4.B.1.A.55, Financial Institution (page 48 of 149), is hereby amended as follows:**

**CHAPTER B SUPPLEMENTARY USE STANDARDS**

**Section 1 Uses**

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

**55. Financial Institution**

An establishment engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions, including outdoor automated teller machines and drive-thru only facilities.

**a. Development Thresholds and Approval Process**

A financial institution shall comply with the Development Thresholds and required approval processes of Table 4.B.1.A-5, Development Thresholds and Approval Process.

**Table 4.B.1.A-5 –Development Threshold and Approval Process**

<u>CN and CLO</u>	<u>5,000 s.f. max</u>	<u>and</u>	<u>Not permitted</u>	<u>DRO</u>
<u>CC, CHO, and CG; CL, CH, CLO and CHO PDDs; COM Pod of PUD; PIPD COM Use Zone; and TDDs</u>	<u>5,000 s.f. max</u>	<u>and</u>	<u>No drive thru lanes</u>	<u>Permitted by Right</u>
<u>CC; and, CL and CLO PDDs</u>	<u>5,000 s.f. max</u>	<u>and</u>	<u>≤ 3 drive thru lanes</u>	<u>DRO</u>
<u>CG; CH and CHO PDDs; COM Pod of PIPD; and, TDDs</u>	<u>5,000 s.f. max</u>	<u>and</u>	<u>≤ 3 drive thru lanes</u>	<u>Permitted by Right</u>
<u>CC, CHO and CG; CH and CHO PDDs; and TDDs</u>	<u>&gt; 5,000 s.f.</u>	<u>or</u>	<u>&gt; 3 drive thru lanes</u>	<u>Class A or Requested Use</u>

**Notes:**

1. An ATM lane shall not be considered a drive through lane for purposes of development thresholds.

**[Renumber all sequential Tables accordingly]**

**a. CN and CLO Districts**

~~A financial institution use shall not consist of more than 5,000 square foot of GFA or have a drive thru facility.~~

**b. CC, CG, CHO Districts and PDDs**

~~A financial institution of up to 5,000 square foot of GFA without a drive thru facility shall be a permitted use.~~

**c. Floor Area**

~~A financial institution shall not consist of more than 5,000 square foot of GFA or have more than three drive thru facilities, unless approved as a Class A conditional use or requested use.~~

**da. TMD District**

Drive-up teller units shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a Main Street.

**Part 6. ULDC, Art. 4.B.1.A.70.e, Occupational License [Related to Home Occupation] (page 53 of 149), is hereby amended as follows:**

**CHAPTER B SUPPLEMENTARY USE STANDARDS**

**Section 1 Uses**

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

**70. Home Occupation**

**e. Occupation License Business Tax Receipt**

**Notes:**

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS

(Updated 07/27/07)

1 Shall be operated pursuant to a valid ~~occupational license~~ business tax receipt for the  
2 use conducted by the resident of the dwelling. More than one home occupation may be  
3 permitted on a residential lot  
4

5  
6 Part 7. ULDC, Art. 4.B.1.A.70.h.7, Resident [Related to Instructional Services] (page 53 of 149),  
7 is hereby amended as follows:  
8

9 CHAPTER B SUPPLEMENTARY USE STANDARDS

10 Section 1 Uses

11 A. Definitions and Supplementary Standards for Specific Uses

12 70. Home Occupation

13 h. Instructional Services

14 7) Resident

15 The instruction must be conducted by a resident of the dwelling where lessons are  
16 provided. Only one instructor shall be permitted to provide instruction. The  
17 ~~occupational license~~ business tax receipt shall be issued to the instructor.  
18  
19

20 Part 8. ULDC, Art. 4.B.1.A.70.k, Violations or Hazard [Related to Home Occupation] (page 52 of  
21 149), is hereby amended as follows:  
22

23 CHAPTER B SUPPLEMENTARY USE STANDARDS

24 Section 1 Uses

25 A. Definitions and Supplementary Standards for Specific Uses

26 70. Home Occupation

27 k. Violations or Hazard

28 If any of the above requirements are violated, or if the use, or any part thereof, is  
29 determined by the Zoning Director to create a health or safety hazard, then the  
30 ~~occupational license~~ business tax receipt may be revoked.  
31  
32

33 Part 9. ULDC, Art. 4.B.1.A.77, Landscape Service (page 57 of 149), is hereby amended as  
34 follows:  
35

36 CHAPTER B SUPPLEMENTAL USE STANDARDS

37 Section 1 Uses

38 A. Definitions and Supplementary Standards for Specific Uses

39 77. Landscape Service

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

43 a. AR District in RSA

44 A landscape service as a principal use shall be located on a collector or arterial street.  
45 The on a minimum lot size shall be of three acres.

46 b. **AGR District**

47 Shall be permitted subject to DRO approval as an accessory use only in conjunction with  
48 a retail or wholesale nursery, excluding those that meet the limitations of a home  
49 occupation.

50 c. **Landscape Buffer**

51 An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE  
52 REQUIREMENTS, may be waived if the use is adjacent to farm worker quarters or  
53 mobile home accessory to a bona fide agriculture use.

54 d. **Storage**

55 Outdoor storage of debris shall be prohibited.

56 e. **Accessory Use**

57 May be allowed as an accessory use to a retail or wholesale nursery on a minimum of  
58 three acres.  
59

Notes:

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

f. Home Occupation

A landscape service, not including landscape installation services, may be approved as a home occupation subject to the requirements of Article 4.B.1.A.70, Home Occupation and this section, subject to the following exemptions or requirements:

1) Buffers

The use shall be exempt from incompatibility buffer requirements.

2) AR District in RSA

A landscape service may be permitted subject to the limitations of Art. 4.B.1.A.70, Home Occupation, except that parcels three acres or more in size may shall also be eligible for the following:

a) A maximum of three persons living outside of the home may be employed under the home occupation.

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

c) Storage areas shall be screened from view from any R-O-W or residential parcel through the use of existing or newly planted native vegetation provided the material provides an opaque screen within one year of the issuance of the occupational license. No additional vegetation shall be required where equipment is screened from view behind permitted fences or other structures.

Part 10. **ULDC, Art. 4.B.1.A.101.b.4, Existing Stands [Related to Temporary Stands] (page 67 of 149), is hereby amended as follows:**

**CHAPTER B SUPPLEMENTARY USE STANDARDS**

**Section 1 Uses**

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

**101.Produce Stand**

**b. Temporary Stands**

**4) Special Regulations**

**e) Existing Stands**

All stands with a valid permit in effect on July 11, 1995, and which have been operating continually with a valid ~~occupational license~~ business tax receipt since issuance of the valid permit, shall be considered conforming uses. These operations may continue in the configuration as existed on July 11, 1995 in accordance with the laws and ordinances of PBC, Florida, and as provided herein:

Part 11. **ULDC, Art. 4.B.1.A.109.c.1), Approval Process Exceptions [Related to DRO Approval] (page 74 of 149), is hereby amended as follows:**

**CHAPTER B SUPPLEMENTARY USE STANDARDS**

**Section 1 Uses**

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

**109.Restaurant, Type I**

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for take out who place orders through a window or remote transmission device; or sales to patrons for take out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments. Traffic generation rates are normally in the range of 130 to 500 trips per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and Engineering. [Ord. 2006-004]

....

**c. Approval Process Exceptions**

**1) DRO Approval**

**Notes:**

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

~~a) A Type I restaurant without a drive-through may be approved by the DRO in a district where the use is permitted by Table 3.E.1.B-21, PDD Use Matrix, Table 3.F.1.F-32, Traditional Development Permitted Use Schedule, or Table 4.A.3.A-1, Use Matrix, provided GFA including outdoor dining areas does not exceed 5,000 square feet; and the use is not located in an out parcel or freestanding building. or in an MUPD with a CL FLU designation, subject to the following:~~

- a) GFA including outdoor dining areas does not exceed 5,000 square feet; and
- b) The use is not located in an out parcel or freestanding building.

Part 12. ULDC, Art. 4.B.1.A.111.b.1), DRO Approval [Related to Type II Restaurant] (page 75 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

111. Restaurant, Type II

b. Use Limitations and Approval Process

1) DRO Approval

a) ~~CLO and CHO Districts~~; PDDs with a CLO or CHO FLU; and, TNDc NC

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

b) ~~CHO District~~; and PDDs with a CHO FLU

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

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

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

Part 13. ULDC, Art. 4.B.1.A.134, Utility, Minor [Related to Uses] (page 87 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

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]

a. Floor Area

1) Residential Districts [Ord. 2004-040]

A maximum of 3,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied accessory facilities).

2) Non-residential Districts

A maximum of 10,000 square feet of gross enclosed floor area of buildings. Square footage calculations shall not include tanks and unoccupied accessory facilities. [Ord. 2004-040]

3) A minor utility exceeding either standard above may be approved as a Class A Conditional Use or a Requested Use. [Ord. 2004-040]

b. Buffer

A minor utility shall be located and buffered to ensure compatibility with surrounding land uses. Increased setbacks, screening, and buffering around the utility may be required to ensure compatibility. [Ord. 2004-040]

c. Lift Station

Notes:

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

1) **New Subdivisions**

Facilities located in new subdivisions shall be subject to DRO approval concurrent with the subdivision approval.

2) **Streets**

Facilities located within streets or utility easements shall not be subject to DRO approval.

**d. Electric Distribution Substations**

For the purposes of this section, shall be defined in accordance with F.S. 163.3208, as an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one of more distribution lines less than 69 kilowatts in size. An electrical distribution substation shall comply with the following:

**1) Exemptions**

Electrical substations are exempt from the floor area limitations.

**2) Landscape Buffering in Residential Areas**

Where located in and adjacent to parcels with residential uses or a FLU designation landscape buffering shall be upgraded as follows:

a) An eight-foot wall or fence shall be installed around the substation where equipment or structures are setback less than 50 feet. Landscaping materials shall be native.

b) An open green space shall be maintained between required perimeter buffers and security fencing, equipment or structures, by installing native landscaping, including trees and shrub material, around the substation where equipment or structures are setback between 50 and 100 feet. Required green spaces shall be planted with double the amount of interior trees and shrubs required by Table 7.C.3.1, Minimum Tier Requirements, in addition to normal interior landscaping requirements

**3) Landscape Buffering – General**

Required perimeter buffers or landscape material located under overhead lines to the substation equipment shall not exceed 14 feet of height.

**de. States of Emergency**

The PZ&B Executive Director may request a waiver from the review timeframes for each case of a declared emergency that directly affects the permitting activities of the local Government.

Part 14. ULDC, Art. 4.B.1.A.139, Water or Treatment Plant (page 92 of 149), is hereby amended as follows:

**CHAPTER B SUPPLEMENTARY USE STANDARDS**

**Section 1 Uses**

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

**139. Water or Treatment Plant**

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

**a. Location**

**b. Odor**

**c. Compatibility**

For purpose of this Section, the AR district is not considered a residential district. Required setbacks, screening and buffering are as follows:

**Notes:**

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

Table 4.B.1.A-12 - Wastewater Treatment Facility Setbacks

Day Capacity	Type of Facility	Setback from Front, Side and Rear	Setback from Neighboring and Non-Commercial District
Wastewater treatment facilities over one million gallons per day capacity:	Head works, clarifiers, sludge treatment & handling facilities without odor control	750 feet	500 feet
	Head works, clarifiers, sludge treatment & handling facilities with odor control	300 feet <sup>2</sup>	200 feet <sup>1</sup>
	Chemical storage facilities	300 feet	200 feet
	Accessory facilities	200 feet	100 feet
Wastewater treatment facilities up to one million gallons per day capacity including package treatment facilities	Treatment units without odor control	150 feet	150 feet
	Treatment units with odor control	100 feet <sup>1</sup>	100 feet <sup>1</sup>
	Chemical storage facilities	100 feet	100 feet
	Accessory facilities	100 feet	100 feet
<u>Water Reclamation Production Facility (any capacity stand alone facility larger than a minor utility which is filtering already treated wastewater (secondary effluent) <sup>3,4</sup></u>	<u>Storage Tanks, Filtration System, Hypochlorite tanks, Office/Lab/Generator buildings, and accessory facilities</u>	<u>50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater</u>	<u>50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater</u>
<u>Membrane Bio-Reactor (MBR) System<sup>3</sup></u>	<u>Storage tanks, enclosed reinforced hollow fiber or flat plate membranes, clarification, aeration and filtration of wastewater for discharge or reuse applications</u>	<u>50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater</u>	<u>50 feet front; 15 feet side; 25 feet side street; and 20 feet rear or the minimum district setback, whichever is greater</u>
Notes:			
1. Minimum lot dimensions shall be governed by the regulations above or the most recent standards adopted by the District and shall apply only to new schools. The District shall forward any changes in the standards to the Department within 20 days of School Board adoption. Minimum lot dimensions shall include, if applicable, sufficient room for any onsite retention.			
2. Tertiary filters do not require odor control.			
3. <u>If an existing utility site is being redeveloped into a water reclamation production facility or MBR, the setbacks established for the original use will be utilized for the water reclamation facility or MBR unless they are more restrictive than the setbacks noted in this table. If the reclamation or MBR facility qualifies as a minor utility those regulations will apply instead of this table.</u>			
4. <u>A Water Reclamation Production Facility treating raw wastewater to tertiary levels must meet the setback requirements for a Wastewater Treatment Plant of similar capacity unless it qualifies as a minor utility, in which case, those regulations will apply.</u>			

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Part 15. ULDC, Table 4.B.1.A-13, Wastewater Treatment Facility Setbacks, (page 93 of 149), is hereby amended as follows:

Notes:

Underlined language indicates proposed new language.

~~Language crossed-out~~ indicates language proposed to be deleted.

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Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT D

ARTICLE 4 – USE REGULATIONS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

Table 4.B.1.A-13 - Water Treatment Facility Setbacks For Open Treatment Process

Capacity	Type of Facility	Setback
Water treatment facilities over two millions gallons per day capacity.	Treatment units and chemical storage	200 feet
	Units which cause airborne sulfides	500 feet <sup>21</sup>
	Accessory facilities	100 feet
Water treatment facilities up to two million gallons per day capacity, including package treatment facilities	Treatment units and chemical storage	100 feet
	Units which cause airborne sulfides	250 feet <sup>22</sup>
	Accessory units	100 feet

[Ord. 2004-054]  
Notes:  
1. Setbacks may be reduced by fifty percent for facilities using enclosed membrane treatment process without Chlorine gas, along property lines adjacent to parcels with a PO zoning district and INST FLU designation, or AP zoning district and FLU designation. [Ord. 2004 – 054]  
2. Odor Control. Unless treatment for removal of sulfides for odor control is included. [Ord. 2004 – 054]  
3. Maximum Building Height. Structures Buildings not including storage tanks and water towers higher than 35 feet are allowed provided the following setbacks are met: [Ord. 2004 – 054]  
a. minimum yard setback of this section; and  
b. an additional foot setback for each one foot of height exceeding 35 feet.

Part 16. ULDC, Table 4.B.1.A-14, Wastewater Treatment Facility Setbacks, (page 93 of 149), is hereby amended as follows:

Table 4.B.1.A-13(a) - Water Treatment Facility Setbacks For Enclosed Treatment Process without Gas Chlorine

Capacity	Side	Setback
Water treatment facilities over two million gallons per day capacity.	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	200 feet <sup>1</sup>
Water treatment facilities up to two million gallons per day capacity, including package treatment facilities	Front	80 feet
	Side	50 feet
	Rear	50 feet
	Chemical Storage	100 feet

Notes:  
1. Chemical storage setbacks may be reduced by fifty percent for facilities using enclosed treatment process without Chlorine gas, along property lines adjacent to parcels with a PO Zoning district and INST FLU, or AP zoning district and FLU designations.

- 1) **Buffer**  
Perimeter landscape buffers shall have a minimum width of 25 feet or be equal to the setback requirements if less than 25 feet.
- 2) **Trees**  
A ~~double~~ single row of trees shall be planted in all landscape buffers at a ratio of one ~~12~~ 14 foot tall tree for each ~~30~~ 25 linear feet.
- 3) **Screening**  
Screening consisting of a hedge, berm, or fence or wall which will present a solid visual screen at least six feet in height ~~upon~~ within one year of installation shall be provided around the perimeter of the site.

....  
e. **Effect on Previously Approved Facilities**

Water and wastewater treatment facilities approved prior to the effective date of this Code shall be considered conforming uses. Expansion or redevelopment of existing facilities or an existing utility site to the same or a different utility use or treatment technology may be allowed with setbacks lower than those listed in this Section of the Code provided the expansion or redevelopment is reviewed and approved by the DRO and odor control is provided if applicable.

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Notes:

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS  
SUMMARY OF AMENDMENTS  
(Updated 07/02/2007)

1  
2 Part 1. ULDC, Art. 5.B.1.A.2.h, Exceptions [Related to Wastewater Treatment Plants] (page 11  
3 of 68), is hereby amended as follows:  
4

5 CHAPTER B ACCESSORY AND TEMPORARY USES

6 Section 1 Supplementary Regulations

7 A. Accessory Uses and Structures

8 2. Fences, Walls and Hedges

9 h. Exceptions

10 ....

11 4) DRO may approve increased fence heights and modify allowable locations for fences  
12 with and without barbed wire for minor utilities, water and wastewater treatment  
13 plants.  
14

15  
16 Part 2. ULDC, Art. 5.B.1.A.18.a, Applicability [Related to Permanent Generators] (pages 23 and  
17 24 of 68), is hereby amended as follows:  
18

19 CHAPTER B ACCESSORY AND TEMPORARY USES

20 Section 1 Supplementary Regulations

21 A. Accessory Uses and Structures

22 18. Permanent Generators

23 a. Applicability

24 1) Permitted Use

25 Use of permanent generators shall be permitted during periods of electrical power  
26 outages in utility systems maintained by the utility service provider or when the BCC  
27 declares a state of emergency. [Ord. 2006-004]

28 2) Type II and III CLF, Club Houses and Nursing or Convalescent Facility

29 A permanent emergency generator shall be required for all Type II and III CLFs,  
30 Nursing or Convalescent Facilities, and PDD or TDD clubhouses 2,500 ~~20,000~~  
31 square feet, or greater. [Ord. 2006-004]

32 a) Exceptions

33 (1) Developments that have a BCC or DRO approved plan that graphically  
34 indicates a clubhouse(s) shall be exempt from the generator requirement  
35 except for projects that exceed 75 percent or more of the assessed value as  
36 stated below.

37 (2) Renovations or additions that do not exceed 75 percent or more of the  
38 current assessed value may be exempt in accordance with Art. 1.E.1.C.2,  
39 Structural Renovations and Additions.

40 (3) A PDD or TDD clubhouse located in the Coastal High Hazard Area as  
41 defined by the Plan, shall be exempt from this requirement.

42 (4) A PDD or TDD that has one or more clubhouses with a generator meeting  
43 the requirements of this Section, shall be exempt for any other remaining  
44 clubhouses within the development.  
45

46 ....

47  
48 Part 3. ULDC, Art. 5.C.1.C, Exemptions, [Related to Architectural Guidelines] (page 28 of 68),  
49 is hereby amended as follows:  
50

51 CHAPTER C DESIGN STANDARDS

52 Section 1 Architectural Guidelines

53 C. Exemptions

54 ....

55 5. Palm Beach County Water Utility Facilities which are not visible from a public street or  
56 residential zoning district or are limited access, high security facilities not open to the general  
57 public.

58 6. All of the uses/features (except for parapet screening of mechanical equipment noted in the  
59 height exceptions in Article 3, Chapter D, Section 1.E.4.a are also exempt from architectural  
60 requirements. These uses/features include:

61 a. Tanks;

Notes:

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**EXHIBIT E**

**ARTICLE 5 – SUPPLEMENTARY STANDARDS  
SUMMARY OF AMENDMENTS  
(Updated 07/02/2007)**

- b. Water towers;
- c. Cooling towers;
- d. Miscellaneous, unoccupied utility support structures of 1,000 SF or less (proposed addition to list).

**Part 4. ULDC, Table 5.G.1.B-17 Workforce Housing Program (page 54 of 68), is hereby amended as follows:**

**Table 5.G.1.B-17 - Workforce Housing Program**

Area (2006-055)		
Location:	Threshold	Required > or= to 10 residential dwelling units
	Tier or Overlay	U/S (including SCO), Exurban and Rural Tiers
	FLU (1)	RR-20, RR-10, RR-5, RR-2.5, LR-1, LR-2, LR-3, MR-5, HR-8, HR-12, HR-18
Density Bonus (2006-055)		
RR-20 thru LR-3		0 – 30%
MR-5 thru HR-18 (2)		0 – 100%
Density Bonus (2006-055)		
Standard Density		6%
Maximum Density		20%
WHP Density Bonus		40%
Required Affordability Ranges (2006-055)		
Low (60-80%)		25%
Moderate 1 (> 80-100%)		25%
Moderate 2 (>100-120%)		25%
Middle (>120-or ≤ 150%)		25%
Provision of Units (2006-055)		
On-site (5) (6)		Minimum 25% of Required Workforce Units
Off site		Maximum 75% of any combination of options
	Option 1	Construct units off site
	Option 2	Purchase existing market rate units and deed to the County or sell to eligible households and deed restrict.
	Option 3	Donate build-able land acceptable to the County in an amount = or > than the buyout cost.
	Option 4	In-lieu Payment – 50% of unit maximum
Notes (2006-055)		
<p>1. Shall also apply to mixed use projects with applicable underlying FLU designations for Commercial and Industrial Mixed Use Development. [Ord. 2006-055]</p> <p>2. A density bonus of &gt;30% shall be permitted subject to meeting the additional standards of Art. 5.G.1.F, Additional Requirements for &gt;30% Density Bonus. [Ord. 2006-055]</p> <p>3. Percentages shall be rounded up to the nearest whole number. [Ord. 2006-055]</p> <p>4. Based on County Median Income. Where assigning units to a category, priority may be given to middle income first, proceeding downward to low income (i.e. where 3 units are required, the first shall be middle [&gt;120-&lt; or =150%]; the 2<sup>nd</sup> Moderate 2 [&gt;100-120%]; and, the 3<sup>rd</sup> Moderate 1 [&gt;80-100%]). This does not prohibit allowing higher numbers of lower income units. [Ord. 2006-055]</p> <p>5. Applicants may choose to opt out of the required middle income affordability range. Where applicable, the required distribution would be equal among the low, moderate 1 and moderate 2 ranges.</p> <p>6. a. The DRO may waive the minimum 25% on-site requirement where mandatory workforce units total ten units or less; or [Ord. 2006-055]</p> <p>b. If the homes in a development are valued at 200% or more of the median County home value (as updated by HCD). [Ord. 2006-055]</p> <p>Note: This provision does not reduce the requirement to provide WHP units, and all units not located on site shall comply with options 1 through 4 for 100% of all mandatory Workforce housing units. [Ord. 2006-055]</p>		

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**EXHIBIT F**  
**ARTICLE 6 – PARKING**  
**SUMMARY OF AMENDMENTS**  
(Updated 07/02/07)

1  
2 **Part 1. ULDC, Art. 6.A.1.D.12.a, Grass Parking (page 16 of 35), is hereby amended as follows:**

3  
4 **CHAPTER A PARKING**

5 **Section 1 General**

6 **D. Off-Street Parking**

7 **12. Grass Parking**

8 Grass parking is permitted, subject to approval by the DRO, pursuant to the following  
9 procedures and standards:

10 **a. Application**

11 In addition to the application requirements for a site plan/final subdivision plan, the  
12 applicant shall submit the following:

- 13 1) a site plan showing the area proposed for grassed parking;  
14 2) the proposed method of traffic control to direct vehicular flow and parking;  
15 3) description of the method to ensure that the grassed parking surface will be  
16 maintained in its entirety with a viable turf cover; and  
17 4) a conceptual drainage plan for the entire parking area; and  
18 5) a written statement that the area proposed for grass parking shall be used for parking  
19 on an average of no more than (3) days or nights each week.

20 **b. Standards**

21 The following standards shall apply to grass parking:

- 22 1) only parking spaces provided for peak demand may be allowed as grass parking.  
23 ~~Paved parking shall be provided for average daily traffic, including weekday~~  
24 ~~employees and visitors;~~  
25 2) ~~Paved parking shall be provided for average daily traffic, including weekday~~  
26 ~~employees and visitors; [Relocated from above]~~  
27 23) a grass parking area shall not include any existing or proposed landscaped area,  
28 surface water management area or easement, other than a utility easement;  
29 34) handicap parking shall not be located in a grass parking area;  
30 45) grass parking areas shall meet the landscape requirements in Article 7,  
31 LANDSCAPING. ~~No~~ Grass parking areas shall not be counted toward meeting  
32 minimum landscape or open space standards; and  
33 56) all access aisles or lanes shall either:  
34 a) be paved and meet the same substructural and surface standards required for  
35 paved parking surfaces; or  
36 b) be surfaced with paver block or other semi-pervious coverage approved by the  
37 DRO and County Engineer; or  
38 c) be stabilized with sub-base underlayment subject to approval by Land  
39 Development.  
40 7) Grass parking shall be located a minimum of 100 feet from the overland flow prior to  
41 entering into a body of water or water systems.  
42 8) Materials utilized in the construction of grass parking shall be drought tolerant and  
43 subject to approval by Land Development.

44 **c. Permit**

45 If at any time it is determined that a grass parking area does not meet the standards  
46 established in this Section, the Zoning Director shall require the restoration of the grass  
47 surface or the paving of the grass for parking.  
48  
49

50 **Part 2. ULDC, Art. 6.A.1.D.19, Parking of Vehicles, Boats and Trailers in Residential Districts,**  
51 **(page 26 of 35), is hereby amended as follows:**

52  
53 **CHAPTER A PARKING**

54 **Section 1 General**

55 **D. Off-Street Parking**

56 **19. Parking of Equipment, Vehicles, and Boats or Vessels and Trailers in Residential**  
57 **Districts**

58 The following standards shall apply to the parking of equipment, (including construction  
59 equipment), vehicles, recreational vehicles, sports vehicles, boats or vessels and trailers on  
60 residential parcels or adjacent streets in residential districts. For the purposes of this Section,  
61 the AR district in lands designated Rural Residential in the Plan shall not be considered a  
62 residential district.

63 **a. General Prohibition**

64 **1) On-Street**

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**EXHIBIT F**  
**ARTICLE 6 – PARKING**  
**SUMMARY OF AMENDMENTS**  
(Updated 07/02/07)

1 No person shall park, store, or keep equipment, a commercial vehicle, recreational  
2 vehicle, ~~boat, vessel, trailer~~, sports vehicle such as dune buggy, jet skis, racing  
3 vehicle, off-road vehicle, air boat, canoe or paddleboat, ~~boat or trailer~~, on any public  
4 street, or other thoroughfare or any R-O-W within a residential district for a period  
5 exceeding one ~~two~~ hours in any 24 hour period, each such period commencing at the  
6 time of first stopping or parking.

7 **2) Off-Street**

8 It shall be unlawful for any owner of land in any residential district to park on, cause  
9 to be parked on, or allow to be parked on residentially zoned land any unlicensed or  
10 unregistered vehicle, or equipment a commercial vehicle, sports vehicle, recreational  
11 vehicle, boat vessel or trailer for a period exceeding one ~~two~~ hours in any 24 hour  
12 period, each such period commencing at the time of first stopping or parking, ~~except~~  
13 ~~that one vehicle which is unregistered or unlicensed may be kept on site provided the~~  
14 ~~vehicle is completely screened from view from adjacent roads and lots.~~

15 **3) Vacant Lot Prohibitions**

16 Parking shall be prohibited on all vacant properties in residential districts.

17 **b. Exemptions**

18 The following exemptions shall apply to parcels in residential districts, unless the parcel is  
19 vacant.

20 **1) Commercial Vehicle**

21 One commercial vehicle of not over one ton rated capacity may be parked per  
22 dwelling unit, providing all of the following conditions are met: vehicle is registered or  
23 licensed; used by a resident of the premises; gross vehicle weight rating (gvwr) does  
24 not exceed 12,500 pounds; height does not exceed nine feet, including any load,  
25 bed, or box; and total vehicle length does not exceed 26 feet. [Ord. 2005-041]

26 **2) Construction Vehicles**

27 The general prohibitions above shall not apply to the temporary parking of  
28 construction vehicles or equipment engaged in work on private land in residential  
29 districts where construction is underway, for which a current and valid building permit  
30 has been issued by the Building Director and the building permit is displayed on the  
31 premises.

32 **3) Delivery and Service Vehicles**

33 The general prohibitions above two hour parking restriction set out above in Article  
34 6.A.1.D.19.a, General Prohibition, shall not apply to routine deliveries by tradesmen,  
35 or the use of trucks in making service calls, provided that time in excess of one ~~two~~  
36 hours is due to business deliveries or servicing.

37 **4) Emergency Repairs**

38 The general prohibitions above shall not apply to a situation where a motor vehicle  
39 becomes disabled and, as a result of such emergency, is required to be parked in a  
40 residential district longer than two hours. Any prohibited motor vehicle shall be  
41 removed from the residential district within 24 hours, regardless of the nature of the  
42 emergency.

43 **5) Outdoor Storage**

44 A maximum of one recreational vehicle and any two of the following, or a maximum  
45 of three of any of the following, may be parked outdoors on a residential parcel with a  
46 residential unit: One RV, plus sports vehicles or, boat or vessel with accompanying  
47 trailers, and trailers may be parked outdoors on a residential in a residential district  
48 provided that the vehicles are:

- 49 a) owned and used by a resident of the premises;
- 50 b) not parked in a required front setback or other area between the structure and  
51 the street, or on street except for the purpose of loading or unloading during a  
52 period not to exceed two hours in any 24 hour period;
- 53 c) located in the side or rear yard and are screened from surrounding property and  
54 streets with an opaque wall, fence or hedge a minimum of six feet in height;
- 55 d) not used for living, sleeping or housekeeping purposes; and
- 56 e) operative and currently registered or licensed, as required by state or federal law.
- 57 f) vehicles, boats or vessels on navigable waterways are exempt; and
- 58 g) one vehicle which does not meet the requirements above may be approved by  
59 Special Permit upon demonstration that:

- 60 (1) The property owner, family member or legal tenant has a physical disability  
61 which requires a vehicle which cannot meet these requirements.

62 **6) Indoor Storage**

63 Vehicles, boats, vessels and related trailers used for non-commercial purposes,  
64 whether licensed and operational or not, located in a fully enclosed garage or  
65 permitted roofed structure.

66 **7) Unregistered or Unlicensed Vehicles**

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**EXHIBIT F**  
**ARTICLE 6 – PARKING**  
**SUMMARY OF AMENDMENTS**  
(Updated 07/02/07)

In addition to the indoor storage exception above, one vehicle which is unregistered or unlicensed may be kept on site provided the vehicle is completely screened from view from adjacent roads and lots.

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EXHIBIT G

ARTICLE 7 – LANDSCAPING  
SUMMARY OF AMENDMENTS

(Updated 7/27/07)

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Part 1. ULDC, Art. 7.F.3. Walls and Fences [, page 36 of 55, is hereby amended as follows:

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 3 Walls and Fences

If a wall or fence is used, the following shall apply: a minimum of 75 percent of the required trees shall be located between the exterior of the wall or fence along the R-O-W or facing adjacent property. Shrubs or hedges shall be installed on both sides of the wall or fence. [Ord. 2007-01]

**A. Location of Wall or Fence**

It is recommended that walls and fences collocated in a buffer with a berm be located at the top of berm. Walls and fences with a continuous footer shall be setback a minimum of ten feet from the edge of the property line. Fences may be permitted adjacent to a property line only when used in compatibility buffers. [Ord. 2007-01]

**B. Location of Planting**

A minimum of 75 percent of required trees shall be located between the exterior of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. Shrubs or hedges shall be installed on both sides of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line.

**C. Conflict with Easements**

If the placement of the wall or fence conflicts with an easement, the wall or fence shall not encroach upon the easement unless consistent with Article 3.D, PROPERTY DEVELOPMENT REGULATIONS (PDRS). [Ord. 2007-01]

**D. Architectural Treatment**

If a wall is used in a compatibility or incompatibility buffer, both sides of a wall shall be given a finished architectural treatment that is compatible and harmonious with adjacent development. [Ord. 2007-01]

**E. Chain Link Fences**

Vinyl coated chain link fences are permitted only if used in the R-O-W buffer, installed behind an opaque six foot high hedge or approved by the BCC or ZC. [Ord. 2007-01]

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**Notes:**

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**EXHIBIT H**

**ARTICLE 8 – SIGNAGE  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)**

1  
2 **Part 1. ULDC, Art. 8.C.1, Banners, Streamers or Pennants (page 10 of 37), is hereby amended**  
3 **as follows:**

4  
5 **CHAPTER C PROHIBITIONS**

6 **Section 1 Banners, Streamers, or Pennants**

7 Banners, streamers, pennants, and other signs made of lightweight fabric or similar material, except  
8 grand opening banners with a valid special permit, ~~mounted to a pole or building, except or~~ where  
9 otherwise stated in this Section. [Ord. 2007-01]

10  
11  
12 **Part 2. ULDC, Art. 8.D.1.A.3, Cold Air Balloon Installation Permit [Related to Permit**  
13 **Requirements] (page 12 of 37), is hereby amended as follows:**

14  
15 **CHAPTER D TEMPORARY SIGNS REQUIRING SPECIAL PERMIT**

16 **Section 1 Balloon Type Signs**

17 **A. Permit Requirements**

18 ....  
19 3. Cold air balloon installation ~~occupational license~~ business tax receipt;  
20 ....

21  
22  
23 **Part 3. ULDC, Table 8.G.2.A-8, Freestanding Signs: Maximum Heights (page 26 of 37), is**  
24 **hereby amended as follows:**

**Table 8.G.2.A-8 - Freestanding Signs: Maximum Heights**

	C/C <sup>1</sup>		C/R <sup>2</sup>		R <sup>3</sup>	
	S <sup>4</sup>	PDD <sup>5</sup>	S <sup>4</sup>	PDD <sup>5</sup>	S <sup>4</sup>	PDD <sup>5</sup>
≥ 110 ft. or greater	20	15	15	12	10	10
≥ 80 or ≤ 110 ft.	15	10	10	8	8	8
< 80 ft. or less	10	8	8	6	6	6

Notes:

1. C/C = commercial, industrial, or non-residentially zoned parcels adjacent to commercial, industrial or non-residentially zoned parcels.
2. C/R = commercial industrial or non-residentially zoned parcels adjacent to any residentially zoned parcel.
3. R = residentially zoned parcel
4. S = Standard Development
5. PDD = Planned Development

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TRAFFIC PERFORMANCE STANDARDS  
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1  
2 Part 1. ULDC, Art. 1.1.2, Definitions (pages 38, and 41 of 104), are hereby amended as follows:

3  
4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

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

7 68. **Buildout Period** – for the purposes of Art. 12, the anticipated time between the issuance of  
8 the Specified Development Order and December 31<sup>st</sup> of the year of completion of a proposed  
9 Project as assumed in the Traffic Impact Study and approved by the County Engineer in  
10 accordance with the standards set forth in Art.12.C.1.B.3, Projected Buildout Period, of this  
11 Section. For the purpose of preparing and reviewing traffic studies, e Completion of a project  
12 shall mean the issuance of the final certificates of occupancy (CO) for buildings in a project.  
13 In the case of a non-residential project, final CO for interior tenant improvements for 80  
14 percent of the gross leasable area shall be the completion of the proposed project for  
15 purposes of this Article. In the case of a residential project, the completion of the proposed  
16 project shall be the issuance of building permits for 80 percent of the units as set forth in the  
17 master plan or site plan as applicable. [Ord. 2005-002] [Text relocated to Art.  
18 12.C.1.B.3.b.1]

19 ....

20  
21  
22 Part 2. ULDC, Art. 1.1.2, Definitions (pages 38, and 41 of 104), are hereby amended as follows:

23  
24 CHAPTER I DEFINITIONS & ACRONYMS

25 Section 2 Definitions

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

27 21. Five-Year Analysis Period

28 a. For the purposes of Art. 12, the period of time between the submittal of a Traffic Impact  
29 Study and the end of the fifth year of the Florida Department of Transportation Five-Year  
30 Transportation Improvement Program in effect at the time of Traffic Impact Study  
31 submittal.

32 [Renumber accordingly]

33  
34  
35 Part 3. ULDC, Art. 1.1.2, Definitions (pages 38, and 41 of 104), are hereby amended as follows:

36  
37 CHAPTER I DEFINITIONS & ACRONYMS

38 Section 2 Definitions

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

40 48. Previously Captured Project - for the purposes of Art. 12, a Project approved after May 21,  
41 1987 in the Unincorporated Area or after February 1, 1990 in the incorporated Area.

42 [Renumber accordingly]

43  
44  
45 Part 4. ULDC, Art. 1.1.2, Definitions (pages 38, and 41 of 104), are hereby amended as follows:

46  
47 CHAPTER I DEFINITIONS & ACRONYMS

48 Section 2 Definitions

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

50 20. **Test 2 Radius of Development Influence** – for the purposes of Art. 12, the radius of  
51 development influence used in Test 2 as set forth in Table ~~42.B.2.D-10-4B: Test 2~~ 12.B.2.D-  
52 7 3A– Radius Development Influence. The distance shall be measured in road miles from the  
53 point at which the Proposed Project's traffic enters the first Link, not as a geometric radius.  
54 [Ord. 2006-043]

55  
56  
57 Part 5. ULDC, Art. 3.F.4.D.2.a.1, Design Exception, [Related to Traditional Marketplace  
58 Development (TMD)] (page 134 of 146), is hereby amended as follows:

59  

---

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1  
2 CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

3 Section 4 Traditional Marketplace Development (TMD)

4 D. Development Standards for all TMDs

5  
6 2. Street Designations and Configurations

7  
8 a. Mainstreet

9  
10 1) Design Exception

11 Main streets designed as an access way or non-residential parking lot may increase  
12 the overall width to provide for angled parking, not to exceed a 70 degree angle, as  
13 indicated in Figure 3.F.4.D-29, Typical Example of TMD Commercial Street with  
14 Angled Parking. The required width of travel lanes shall be as approved by the  
15 County Engineer based upon such factors as anticipated average daily traffic and  
16 overlap of back-out maneuvers. Parking stall dimensions shall be in accordance with  
17 Table 6.A.1.D-3, Minimum Parking Dimensions for Non-residential Uses and  
18 Residential Uses with Shared Parking Lots. [Ord. 2005 – 002]

19  
20  
21 Part 6. ULDC, Art. 6.C.1 Driveways and Access, (page 34 of 35), is hereby amended as  
22 follows:

23 CHAPTER C DRIVEWAYS AND ACCESS

24 Section 1 Standards and Access

25  
26 A. Driveways Access Connections

27 For the purposes of this section, an access connection means the point or points at which a  
28 proposed development's traffic meets the existing right-of-way system. Access connections  
29 Driveways shall be subject to the following standards:

30 1. Spacing

31 a. Local or Residential Access Streets

32 ~~Lots located on local or residential access streets shall have a maximum of two~~  
33 ~~accessways.~~ Access connections Driveways for lots located on local or residential access  
34 streets shall maintain a minimum set back from a side or rear lot line as follows:

- 35 1) Single-family or Multi-family 2 feet
- 36 2) Zero Lot Line 1 foot
- 37 3) Townhouse 1 foot

38 b. Arterial and Collector Streets

39 Access connection ~~Driveway~~ locations and spacing shall be in accordance with the PBC  
40 Access Management Standards ~~standards for street connections along arterial and~~  
41 ~~collector roads.~~ Provided, however, that access driveway connections to any street  
42 which is part of the State Highway System, as defined in F.S. §334.03, shall meet the  
43 permit requirements of FDOT for street connections, pursuant to F.S. Chapter 335.

44 2. Construction

45 Access Driveways connections to streets under the jurisdiction of PBC shall be constructed in  
46 accordance with the standards established by the DEPW.

47 3. Number of Access Connections

48 a. Local or Residential Access Streets

49 Lots located on local or residential access streets shall have a maximum of two access  
50 connections.

51 b. Arterial and Collector Streets

52 The number of access connections to serve a site shall be kept to a minimum. The  
53 County Engineer may restrict the number of access points or require construction of an  
54 additional access point(s) based upon the following criteria:

- 55 1) Proposed development frontage on roadways shown on the Thoroughfare Right of  
56 Way Identification Map;
- 57 2) The projected daily and peak hour traffic impacts of the development;
- 58 3) Proposed land use;
- 59 4) Traffic operations and safety on the major roadway network;
- 60 5) Existing or anticipated traffic volume along adjoining R-O-W;
- 61 6) Access connections on contiguous land or land on the opposite side of the street;
- 62 7) Median opening locations; and
- 63 8) Safe sight distance.

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EXHIBIT I

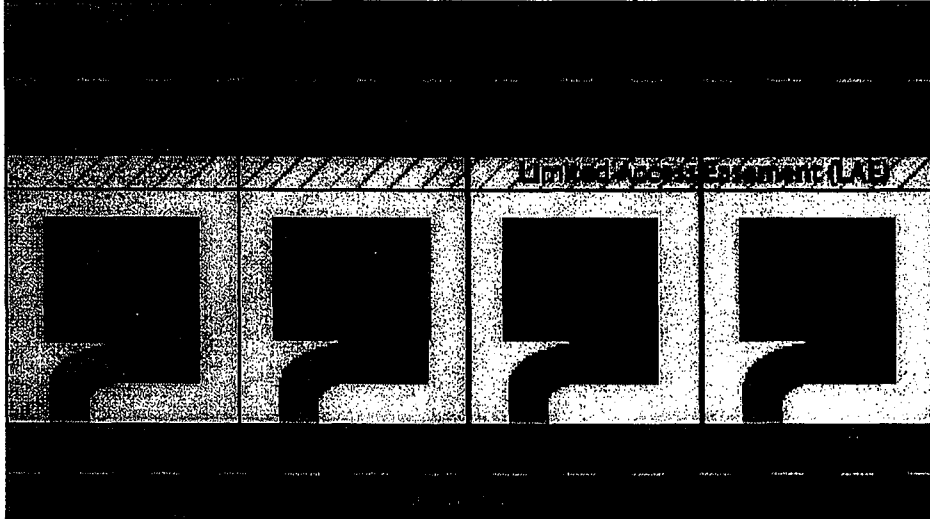
TRAFFIC PERFORMANCE STANDARDS  
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B. Double Frontage Lots and Corner Lots

1. Double Frontage Lots

The number of access connections serving a double frontage lot shall be governed by provisions of Article 11.E.2.A.4 and the following. When a double frontage residential lot is located adjacent to a collector or an arterial road, it shall also be required to front and have access on a local or residential access street. A limited access easement shall be placed along the property line that abuts either the collector or arterial road.

Figure 6.C.1.B-19- Double Frontage Lots



2. Corner Lots

The number of access connections serving a corner lot shall be governed by the provisions of this Article and Section 300 of the Land Development Design Standards Manual.

Part 7. ULDC, Art. 12.A.3.B, Credits Against Project Traffic (page 8 of 57), is hereby amended as follows:

CHAPTER A GENERAL

Section 3 Applicability

B. Credits Against Project Traffic

This Section establishes a method for calculating credits against Project Traffic that may apply when seeking to amend a Previously Approved Development Order, or when applying for a Site Specific Development Order on property, which has an existing use. The burden shall be on the applicant to demonstrate the eligibility and the amount of credit for a proposed Project.

- ....
- 3. A Project shall be eligible for a 100 percent credit against Project Traffic if the Previously Approved or Previously Captured non-residential Project has received CO for interior tenant improvements for at least 80 percent of the gross leasable area for more than five years or a the Previously Approved or Previously Captured residential Project has received building permits for shall be deemed completely built when 80 percent of the units as set forth in the master plan or site plan as applicable have been issued building permits.
- 4. An urban redevelopment project located within a defined and mapped existing urban service area shall not be subject to the standards of Chapter B of this Article ~~this Section~~, for up to 110 percent of the traffic generation of the previously existing development. The credit shall be calculated by applying current trip generation rates and pass-by rates that would be generated by the most recent existing use at the time of application. The credit shall be adjusted as necessary to account for changes in traffic distribution as a result of the proposed Project. A proposed Project shall not be eligible for an existing use credit if the structure or land on the property has been discontinued or abandoned for more than five years prior to the time of application.

Part 8. ULDC, Art. 12.B.1, General, (page 11 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 1 General

Notes:

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1 There is hereby established a TPS for all Major Thoroughfares within PBC. Except as specifically  
2 provided in this Article, no Site Specific Development Order shall be issued for a proposed Project which  
3 would violate this standard. This standard consists of two tests. The first test relates to the Buildout  
4 Period of the Project and requires that the Project not add Traffic in the Radius of Development  
5 Influence which would have Total Traffic exceeding the Adopted LOS at the end of the Project Buildout  
6 Period. The second test relates to the evaluation of traffic five years in the future and requires that the  
7 Project not add Traffic in the Radius of Development Influence which would have Total Traffic exceeding  
8 the Adopted LOS at the end of the Five-Year Analysis Period. Total Traffic for Test 2 is based in part  
9 upon Background Traffic information from the TPS Database. Where a CRALLS service volume has  
10 been adopted, those volumes shall apply. Where a CRALLS service volume has been adopted for the  
11 LINK only, the allowable service volume for the intersections at both ends of the CRALLS links shall be  
12 calculated as follows: Allowable CRALLS intersection volume = CRALLS Link volume/LINK LOS D  
13 volume x 1400. Where CRALLS service volumes have been adopted for contiguous links that meet at a  
14 common intersection, the allowable service volume for the intersection shall be calculated as follows:  
15 Allowable CRALLS intersection volume = the average of the two CRALLS Link volumes/Link LOS D  
16 volume x 1400. For Test 2 purposes, LOS E volumes and a 1500 critical sum shall be used in the  
17 preceding formulas for determination of the allowable CRALLS intersection volumes ~~The second test~~  
18 ~~relates to the evaluation of traffic five years in the future based upon information compiled in the TPS~~  
19 ~~Database. It requires that Total TPS Database Traffic not exceed the Adopted LOS on any Link or~~  
20 ~~intersection. [Ord. 2006-043]~~  
21  
22

23 **Part 9. ULDC, Art. 12.B.2.A.1, Part One – Intersections, (page 11 of 57), is hereby amended as**  
24 **follows:**  
25

26 **CHAPTER B STANDARD**

27 **Section 2 Project Buildout/Five Year Standard**

28 **A. Buildout Test - Test 1- Part One and Two**

29  
30 **1. Part One – Intersections**

31 This Part requires analysis of Major Intersections, within or beyond the Radius of  
32 Development Influence, where a Project's traffic is significant on a Link within the Radius of  
33 Development of Influence. For purposes of this Part One, Major Intersections also includes  
34 intersections of a Major Thoroughfare and a non-thoroughfare road or other point of access  
35 where: 1) the intersection is signalized or where projected traffic volumes warrant a signal;  
36 and 2) the non-thoroughfare approach is projected to carry at least 200 two-way, peak hour  
37 trips and, 3) the non-thoroughfare approach represents 20 percent or more of the intersection  
38 critical sum volume. **[Ord. 2005-002]**

39 a. The following major intersections shall be analyzed:

40 1) ~~At the~~ The Major Intersections in each direction nearest to the point at which the  
41 proposed Project's Traffic enters each Project Accessed Link, and where the Project  
42 Traffic entering and exiting the intersection is significant. ~~Analyze the Major~~  
43 ~~Intersections using the Highway Capacity Manual (HCM) 1985 Planning Methodology~~  
44 ~~(CMA). The intersections analyzed shall not exceed two intersections per Project~~  
45 ~~Accessed Link.~~

46 2) The Single Point Urban Interchange(s) on Southern Blvd. where it is the nearest  
47 Major Intersection to the point at which the Project's Traffic enters the Project  
48 Accessed Link and where the Project Traffic entering and exiting the intersection is  
49 significant. For purposes of determining significance of the traffic entering and exiting  
50 the intersection, the traffic entering and exiting the ramps shall be considered against  
51 the combined LOS D capacity of the ramps, which shall be 4,200 vehicles per hour.

52 b3) ~~At all~~ All Major Intersections where the Project Traffic comprises ten percent or more  
53 of the Total Traffic on at least one approach, the applicant shall conduct a CMA  
54 analysis .

55 eb) For intersections that are not part of the SIS, SIS Connectors, FIHS, or TRIP funded  
56 facilities, analyze the Major Intersections using the Highway Capacity Manual (HCM)  
57 1985 Planning Methodology (CMA). The intersections shall operate below the threshold  
58 of 1,400 vehicles per hour as a Critical Volume using CMA, or the Project shall fail Test  
59 One. In the event that one or more intersections exceed the 1,400 threshold or the  
60 intersections are part of the SIS, SIS Connectors, FIHS, or TRIP funded facilities, the  
61 applicant shall may elect to conduct the intersection analysis of those intersections using  
62 the HCM Operational Analysis using the most recent version of the HCM.

63 ec) ~~#~~ The HCM Operational Analysis is selected, the analysis will shall comply with the  
64 default input values published by the County Engineer no more frequently than twice per  
65 year. Revisions to the input values may be made subject to approval by the County

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Engineer to reflect actual or projected field conditions where substantial differences from the default published values can be demonstrated. If the intersection average total delay or the Critical Volume is at or below the thresholds identified in Table 12.B.2.C-2 1B, the Project passes Part One of Test One and continues with the Part Two – Link Analysis. If the intersection average total delay or the Critical Volume exceeds the thresholds identified in Table 12.B.2.C-2 1B, the Project fails Part One of Test One.

~~e. For the projects on or having a directly accessed link to Southern Boulevard, the single Point Urban Interchange shall be treated as one of the nearest Major Intersections. For purposes of determining significance of the traffic entering and exiting the intersection, the traffic entering and exiting the ramps shall be considered against the combined LOS D capacity of the ramps, which shall be 4,200 vehicles per hour. [Ord. 2005 – 002]~~

Part 10. ULDC, Art. 12.B.2.A.2, [Part Two-Links], (page 11 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

A. Buildout Test - Test 1- Part One and Two

....

2. Part Two-Links

This Part requires analysis of Links and Major Intersections as necessary within or beyond the Radius of Development Influence, where a Project's traffic is significant on a Link within the Radius of Development influence. The Total Traffic in the peak hour on the Link shall be compared to thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Peak Hour Traffic; two-way volume threshold. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test One. If the Total Traffic is higher than the threshold, then the Project fails Part Two. If the Project fails, the applicant may elect to complete a more detailed analysis as outlined below, to demonstrate compliance with Part Two. [Ord. 2005 – 002]

a. Optional Analysis i., On all Links where the peak hour Total Traffic two-way volume exceeds the Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Peak Hour Traffic two-way volume thresholds, the Peak Hour directional traffic volumes on each Link shall be compared to the thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Class II. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test One. If the peak hour Total Traffic is higher than the threshold, then the Project fails. If the Project fails, optional analysis ii may be completed as outlined below, to demonstrate compliance with Part Two.

b. Optional Analysis ii, On all Links where the Total Traffic peak hour directional volumes exceed the thresholds in Table 12.B.2.C-1, 1A: LOS D Link Service Volumes, Class II, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-1 1A: LOS D Link Service Volumes, Class I and the Major Intersections on each end of the failing Link shall be analyzed ~~using the CMA analysis~~. If the project is on Southern Boulevard, the intersection created by the Single Point Urban Interchange shall not be considered the intersection at the end of the link since the intersection is actually not on Southern Boulevard. The pProject should include the next intersection with Southern Boulevard for analysis. and compliance. ~~If these intersections exceed the 1,400 Critical Volume, these intersections must meet LOS D using the HCM Operational analysis. The Project shall pass Part Two of Test One if:~~ [Ord. 2005 – 002]

1) the Total Traffic peak hour directional volume on the Link is less than the thresholds in Table 12.B.2.C-1, 1A: LOS D. Link Service Volumes Class I; and

2) and the intersections are below the 1,400 Critical Volume or below the Delay Threshold in Table 12.B.2.C-2, 1B: LOS D Intersection Thresholds.

If the Project fails Part Two of Test One using optional analysis ii but the intersections at the end of the failing link are below the 1,400 Critical Volume or below the Delay Threshold in Table 12.B.2.C-2,1B a more detailed analysis as outlined in Optional Analysis iii may be completed to demonstrate compliance with Part Two. [Ord. 2005 – 002]

c. Optional Analysis iii, On all Links where the Total Traffic peak hour; two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, but the intersections at the end of the Link did not exceed the 1,400 Critical Volume or the LOS D Intersection Threshold;

1) ~~t~~The HCM Arterial Analysis Operational methodology shall be conducted if the Buildout period is five years or fewer and the traffic signals projected to be in place on the Link during the Buildout Period of the Traffic Impact Study are less than or equal to 2 miles apart. For these Links, the Project shall demonstrate that the Total

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Traffic peak hour, directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS D as defined in Table 12.B.2.C-3, 1C: LOS D. Speed Thresholds. If the speed is lower than LOS D then the Project fails Part Two of Test One. If the speed is equal to or higher than the LOS D speed threshold, then the Project shall pass Part Two of Test One. [Ord. 2005-002]

2) If traffic signals projected to be in place on the Link during the Buildout Period of the Traffic Impact Study are more than 2 miles apart, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-1 1A: LOS D Link Service Volumes, Uninterrupted Flow. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Part Two of Test One. If the Total Traffic is higher than the threshold, then the Project fails.

3) If the Buildout Period is greater than five years, the traffic signals projected to be in place on the Link during the Buildout Period of the Traffic Impact Study are less than or equal to 2 miles apart, and the Total Traffic peak hour, two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, then the Project fails Part Two of Test One.

....

Part 11. ULDC, Art. 12.B.2.B, Five Year Analysis – Test 2, (page 13 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

B. Five Year Analysis - Test 2

b. Optional Analysis ii. On all links where the Total Traffic peak hour directional volumes exceed the thresholds in Table 12.B.2.C-4 2A, Class II, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-4 2A, Class I, and the Major Intersections on each end of the failing Link shall be analyzed, ~~using the CMA analysis. If these intersections exceed the 1400 Critical Volume, these intersections must meet LOS E using the HCM Operational Analysis.~~ The Project shall pass Test Two using this Optional Analysis if: [Ord. 2006-043]

c. Optional Analysis iii. On all links where the Total Traffic peak hour two-way and directional volumes exceeded the allowable thresholds in Optional Analysis ii, but the intersections at the end of a link did not exceed the 1500 Critical Volume or the LOS E Intersection Threshold:

1) ~~The HCM Arterial Analysis Operational methodology shall be conducted. If the traffic signals projected to be in place on the Link during the Five Year Analysis Period are less than or equal to 2 miles apart.~~ For these links, the project shall demonstrate that the Total Traffic peak hour directional volumes do not result in an average speed on the Segment that is lower than the speed thresholds for LOS E as defined in Table 12.B.2.C-6 2C. If the speed is lower than LOS E, then the project fails Test Two. If the speed is equal to or higher than the LOS E speed threshold, then the project shall pass Test Two. [Ord. 2006-043]

2) If traffic signals projected to be in place on the Link during the Five Year Analysis Period are more than 2 miles apart, the Total Traffic peak hour directional volumes shall be compared to the thresholds in Table 12.B.2.C-4 2A: LOS E Link Service Volumes, Uninterrupted Flow. If the Total Traffic is equal to or lower than the thresholds, the Project shall pass Test Two. If the Total Traffic is higher than the threshold, then the Project fails.

Part 12. ULDC, Art. 12.B.2.C, Level of Service Standard, (page 14 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

C. Level of Service Standard

....

3. For roads on the SIS, SIS Connectors, FIHS, and TRIP-funded facilities, the LOS standard shall be LOS D in Urban Areas, and LOS C in Transitioning Urban Areas, Urban Areas, or Communities; and, LOS B in Rural Areas as adopted by the FDOT. This standard must be

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met for roadways on a peak hour/peak direction basis, in accordance with the methodologies specified in FDOT Rule 14-94. ~~Numeric values for this standard, for planning purposes, are shown in Table 4-7 in FDOTs "LOS Manual." For more specific capacity determinations, numeric calculations of this standard shall be in accordance with the methodologies for roadway capacity, (Chapter 11) contained within the Highway Capacity Manual, Special Report 209, Third Edition, as published by the Transportation Research Board or the FDOTs "Level of Service Manual" (1995 or as amended), using "ART-Plan". For Projects with impacts on the FHHS roadways the LOS standard shall be established and met for each Project phase, and at Project completion.~~

a. ~~A Project with traffic impacts on roads on the FHHS, that received a Development Order prior to the implementation of the methodology described above, may readdress its traffic impacts on the FHHS based on the methodology described in Article 12.B.2.C.3, above using updated traffic information.~~

4. A different service volume may be adopted for a specific road or intersection as part of the Plan as a CRALLS. A required roadway improvement that is the subject of a development order condition may not be necessary due to the adoption of a CRALLS. An applicant with a Project that has a development order condition for a roadway improvement or is phased to the unnecessary roadway improvement may request the appropriate governing body to remove the applicable roadway phasing condition. The application may be approved provided that the concurrency reservation (for unincorporated Projects) or determination of the County Engineer (for municipal Projects) has been amended to delete the applicable roadway phasing condition.

Table 12.B.2.C-1 1A: LOS D Link Service Volumes

Roadway Type	Lanes	Total Service Volume	Peak Hour Volume	Peak Hour Service Volume		Uninterrupted Flow
				(Class I)	(Class II)	
2 lanes undivided <sup>1</sup>	2L	12,300	1,170	690	650	1030
2 lanes one-way	2LO	19,600	1,870	2,230	2,050	
3 lanes two-way	3L	15,400	1,460	860	810	
3 lanes one-way	3LO	29,500	2,810	3,350	3,080	
4 lanes undivided <sup>1</sup>	4L	24,500	2,330	1,400	1,280	3490
4 lanes divided	4LD	32,700	3,110	1,860	1,710	3490
5 lanes two-way	5L	32,700	3,110	1,860	1,710	
6 lanes divided	6LD	49,200	4,680	2,790	2,570	5230
8 lanes divided	8LD	63,800	6,060	3,540	3,330	
4 lanes expressway	4LX	67,200	6,250	3,440	3,440	
6 lanes expressway	6LX	105,800	9,840	5,410	5,410	
8 lanes expressway	8LX	144,300	13,420	7,380	7,380	
10 lanes expressway	10LX	182,600	16,980	9,340	9,340	

[Ord. 2005 - 002]

Based on the FDOT Quality/ LOS Manual, 2002 edition.

<sup>1</sup>Service volumes for "undivided" roadways assume no left turn lanes are available. [Ord. 2005 - 002]

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**TRAFFIC PERFORMANCE STANDARDS  
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**Table 12.B.2.C-4 2A: LOS E- Link Service Volumes**

				Class I	Class II	(Uninterrupted Flow)
2 lanes undivided <sup>1</sup>	2L	13,000	1,240	710	680	1410
2 lanes one-way	2LO	20,700	1,960	2,230	2,160	
3 lanes two-way	3L	16,300	1,550	890	850	
3 lanes one-way	3LO	31,100	2,950	3,350	3,250	
4 lanes undivided <sup>1</sup>	4L	25,900	2,450	1,400	1,350	3970
4 lanes divided	4LD	34,500	3,270	1,860	1,800	3970
5 lanes two-way	5L	34,500	3,270	1,860	1,800	
6 lanes divided	6LD	51,800	4,920	2,790	2,710	5960
8 lanes divided	8LD	67,000	6,360	3,540	3,500	
4 lanes expressway	4LX	76,500	7,110	3,910	3,910	
6 lanes expressway	6LX	120,200	11,180	6,150	6,150	
8 lanes expressway	8LX	163,900	15,240	8,380	8,380	
10 lanes expressway	10LX	207,600	19,310	10,620	10,620	

[Ord. 2005 - 002]

Based on the FDOT Quality/LOS Manual, 2002 edition

<sup>1</sup>Service volumes for "undivided" roadways assume no left turn lanes are available. [Ord. 2005 - 002]

**Part 13. ULDC, Art. 12.B.2.D, Radius of Development Influence/Project Significance (page 16 of 57), is hereby amended as follows:**

**CHAPTER B STANDARD**

**Section 2 Project Buildout/Five Year Standard**

**D Radius of Development/Project Significance**

Table 12.B.2.D-7, 3A and Table 12.B.2.D-8, 3B represent the Radius of Development Influence (Test One) and Radius of Development Influence (Test Two) for the specific volume of the proposed Project's Net Trips. [Ord. 2006-043]

**Table 12.B.2.D-7 3A: Test One - Maximum Radius of Development Influence**

Net Trips	Radius
1 thru 20	Directly accessed link(s) of first accessed major thoroughfare(s)
21 thru 50	0.5 miles
51 thru 100	1 mile
101 thru 500	2 miles
501 thru 1,000	3 miles
1,001 thru 2,000	4 miles
2,001 thru Up	5 miles

[Ord. 2005 - 002] [Ord. 2006-043]

**Table 12.B.2.D-8 3B: Test Two - Model Test - Maximum Radius of Development Influence**

Net Trips	Radius
1 - 50	Need not address any Link under Test 2
51 - 1,000	Only address Project-Accessed Link on first accessed major thoroughfare.
1,001 - 4,000	1 mile
4,001 - 8,000	2 miles
8,001 - 12,000	3 miles
12,001 - 20,000	4 miles
20,001 - up	5 miles

[Ord. 2006-043]

- For Test One, a Project must address those Links within the Radius of Development Influence on which its Net Trips are greater than one percent of the LOS D of the Link affected on a peak hour basis AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS D of the Link affected on a peak hour two-way basis up to the limits set forth in Table 12.B.2.C-1 1A: LOS D Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS D of the Link affected on a peak hour basis up to the limits set forth in Table 12.B.2.C-1 1A: LOS D Link Service Volumes. [Ord. 2006-043]
- For Test Two, a Project must address only those Links within the Radius of Development Influence on which its Net Trips are greater than three percent of the LOS E of the Link

**Notes:**

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EXHIBIT I

TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 07/27/07)

affected on a peak hour two-way basis up to the limits set forth in Table 12.B.2.C-4, 2A: LOS E Link Service Volumes AND those Links outside the Radius of Development Influence on which its Net Trips are greater than five percent of the LOS D E of the Link affected on a peak hour two-way basis up to the limits set forth in Table 12.B.2.C-4, 2A: LOS E Link Service Volumes. Provided, in all cases, I-95 and Florida's Turnpike shall be addressed only if Net Trips on these facilities are greater than five percent of the LOS E of the Link affected on an Peak Hour basis up to the limits set forth in Table 12.B.2.C-4, 2A: LOS E Link Service Volumes. [Ord. 2006-043]

Table 12.B.2.D-9-3B identifies the thresholds for the purposes of defining project significance for Test One. The LOS D thresholds shall mean those peak hour two-way volumes listed in Table 12.B.2.c-1 1A. Table 12.B.2.D-10-4B identifies the Significance thresholds for Test Two. The LOS E thresholds shall be those Peak Hour volumes listed in Table 12.B.2.C-4, 2A. [Ord. 2006-043]

Part 14. ULDC, Table 12.B.2.D-9.3C, Test One Levels of Significance and Table 12.B.2.D-10 3D Test Two Levels of Significance, (page 17 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

D Radius of Development/Project Significance

Table 12.B.2.D-9 3C - Test One Levels of Significance

Table with 3 columns: Significance Level, one percent LOS D within Radius, five percent LOS D outside Radius, five percent LOS D

[Ord. 2006-043]

Table 12.B.2.D-10 3D - Test Two Levels of Significance

Table with 3 columns: Significance Level, three percent LOS E within Radius, five percent LOS E outside Radius, five percent LOS E

[Ord. 2006- 043]

Pursuant to section 163.3180(6), Florida Statutes, any Project which is below the Significance level identified in Tables 12.B.2.D-9 3C on a Link within its Radius of Development Influence that has been identified as ineligible for de minimis exception by the Florida Department of Community Affairs (DCA) must still meet the requirements of Test 1 for that Link. This subsection shall not apply to a Project that consists of one single family home on an existing lot.

Part 15. ULDC, Art. 12.B.2.E, Phasing, (page 17 of 57), is hereby amended as follows:

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

E Phasing

Phasing may be utilized by the Applicant to establish compliance with this standard if all of the following conditions are met:

- 5. For any Assured Construction which is to be completed by the Applicant as to the Unincorporated Area, the Applicant must agree in writing prior to approval of the Traffic Impact Study the application being accepted that a condition of approval must be imposed or an Agreement executed and sufficient Performance Security must be required; and as to the Incorporated Area either an Agreement must be executed by all parties prior to or concurrent with the issuance of the Site Specific Development Order, or the Site Specific Development Order must have as a condition the completion of the Assured Construction and timely posting of Performance Security.

Part 16. ULDC, Art. 12.B.2.F, Reliance on Assured Road Construction, (page 18 of 57), is hereby amended as follows:

Notes:

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EXHIBIT I

TRAFFIC PERFORMANCE STANDARDS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

1 CHAPTER B STANDARD

2 Section 2 Project Buildout/Five Year Standard

3 F Reliance on Assured Road Construction

4 Phasing may be utilized by the Applicant to establish compliance with this standard if all of the  
5 following conditions are met:

- 6 ....
- 7 2. If the Assured Construction is in ~~the first three years of PBCs Five Year Road Program~~
- 8 ~~Ordinance as construction, or the first three years of the FDOT Adopted Work Program for~~
- 9 ~~construction, and was relied upon for the issuance of the Site Specific Development Order~~
- 10 ~~and the construction is subsequently deleted from the PBC Five Year Road Program~~
- 11 ~~Ordinance, or the FDOTs Adopted Work Program, Building Permits for development that was~~
- 12 ~~phased to that Assured construction shall be issued, but not sooner than the end of the fiscal~~
- 13 ~~year construction was to commence. For purposes of this paragraph, "deleted" shall mean~~
- 14 ~~the elimination of the construction project, the material reduction in the scope of construction~~
- 15 ~~work or funding thereof (as it affects the construction project), the postponement of the~~
- 16 ~~construction project for more than two years (one year for projects approved prior to June 16,~~
- 17 ~~1992) beyond the year the construction was originally programmed in the first three years of~~
- 18 ~~PBCs Five-Year Road Program or the first three years of the FDOTs Adopted Work Program.~~

21 Part 17. ULDC, Art. 12.C.1, Traffic Impact Study, (page 18 of 57), is hereby amended as follows:

22 CHAPTER C TRAFFIC IMPACT STUDIES

23 Section 1 Traffic Impact Study

24 A. Scope

25 A Traffic Impact Study shall be required for any ~~Proposed~~ Project, except as set forth in Article  
26 12.E.1.C, No Study Needed. It shall be presented concisely using maps whenever practicable;  
27 and shall state all assumptions and sources of information.

28 B. Criteria

29 The following criteria shall be addressed:

30 ....  
31 2. Radii of Development Influence

32 The traffic study shall use the Radius ~~Of~~ Development Influence for Test One and Test Two.

33 3. Projected Buildout Period

34 a. Assumption

35 The ~~Projected~~ Buildout Period of the Project shall be set forth in the Traffic Impact Study  
36 study and shall be subject to the review and approval of the County Engineer, based on  
37 the following criteria.

- 38 a.1) The size, type and location of the proposed Project.
- 39 b.2) Customary Buildout Periods for Projects of similar size, type, and location.
- 40 e.3) Any other factors or conditions relevant to the specific Project, including special
- 41 market conditions and schedules of Assured Construction.

42 b. Enforcement

43 For enforcement purposes, the Buildout Period of the Project shall be deemed complete  
44 if any of the following are true:

- 45 1) In the case of a non-residential project, final COs have been issued for interior tenant
- 46 improvements for 80 percent of the gross leasable area.
- 47 2) In the case of residential projects with a Development Order issued on or before
- 48 August 23, 2007, the completion of the proposed project shall be the issuance of
- 49 building permits for 50% + 1 of the units as set forth in the master plan or site plan as
- 50 applicable. In the case of residential projects with a Development Order issued after
- 51 August 23, 2007, the completion of the proposed project shall be the issuance of
- 52 building permits for 80% or the units as set forth in the master plan or site plan as
- 53 applicable.. [Text relocated from Art. 1.I.2.B.68]

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55  
56  
57 Part 18. ULDC, Art.12.C.1.C Traffic Impact Study, (page 18 of 57), is hereby amended as  
58 follows:

59 CHAPTER C TRAFFIC IMPACT STUDIES

60 Section 1 Traffic Impact Study

61 Notes:

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EXHIBIT I

TRAFFIC PERFORMANCE STANDARDS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

C. Traffic Volume Components

The traffic impact study shall address the Total Traffic volumes at the Project Buildout Year and ~~at a five year time horizon~~ the Five Year Analysis Period as outlined for Test One and Test Two. [Ord. 2006-043]

1. Existing Traffic - (Peak Season Peak Hour Traffic)

Peak Hour Traffic, two-way and directional shall be counted by PBC during the Peak Season as defined in this Article. Where current data (collected no more than 30 months prior to submittal of the Traffic Impact Study) are not available the Project shall conduct counts or upon approval by the County Engineer may establish the Peak Hour Traffic using approved K and D factors.

b. Factors

Where a Peak Season, Off-Peak Season or directional traffic count is not readily available, the count for the Link or Intersection ~~which is unavailable~~ may be established using factors established by the County Engineer for various areas of PBC based on the best available data and generally accepted traffic engineering principles.

4. Background Traffic

b. Historical Growth Tables

Using the Historical Traffic Growth Tables of the County Engineer, the study shall forecast the change in traffic volumes based on Background Traffic within the proposed Project's Radius of Development Influence during the Buildout Period of the proposed Project. The Historical Growth Tables shall be based on historical daily traffic volumes. However, ~~this~~ change shall be applied on an average peak hour basis and a Peak Season, Peak Hours-Peak direction basis if optional analyses are selected. The effect of residential and non-residential projects shall be considered in projecting the increase or decrease in traffic volumes so as to ensure that there is no double counting or omission in Background Traffic. In using the historical growth tables, engineering judgment shall be used to take into account special circumstances such as the opening of a parallel road or a high traffic generation that may distort the growth trend. For Projects with a lengthy buildout time (five years or more) an area wide growth rate using a number of locations in the tables may be appropriate. No growth rate less than zero percent may be used without approval of the County Engineer when the growth rate is a negative. Zero percent shall be used unless approved by the County Engineer. [Ord. 2006-043]

5. Assured Construction

Assured Construction shall be considered completed as scheduled at the time of submittal of the Traffic Impact Study for the purpose of preparation of the study. Whether it is in fact Assured Construction and the timing of the Assured Construction shall be subject to the confirmation of the County Engineer. The Traffic Impact Study shall specifically identify the need for phasing based on Assured Construction.

Part 19. ULDC, Art. 12.D, Procedure, (page 22 of 57), is hereby amended as follows:

CHAPTER D PROCEDURE

Section 1 Required Submission of Impact Study

A. Application Procedure

Prior to acceptance of any application for a Site Specific Development Order in the unincorporated area, or issuance of a Site Specific Development Order in the incorporated area, a non-refundable application fee established by the BCC from time to time to defray the actual cost for processing the application, shall be submitted along with the Traffic Impact Study or documentation sufficient to establish that the application is not subject to the standards of this Article.

In order to receive a time extension pursuant to Article 2.E, MONITORING, the applicant shall be required to submit either:

- 1. ~~a~~ A new Traffic Impact Study that meets the standards of this Article in effect at the time the extension is requested, or
- 2. ~~d~~ Documentation sufficient to establish that the Project with the additional time provided by the extension meets the standards of this Article in effect at the time the extension is requested granted.

Section 3 Approval of Traffic Impact Study

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EXHIBIT I

TRAFFIC PERFORMANCE STANDARDS  
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(Updated 07/27/07)

1 When the County Engineer has found the proposed Traffic Impact Study to comply with the requirements  
2 of this Article, the County Engineer shall issue an approval letter to the applicant with copies to the  
3 appropriate local governing bodies. This approval letter shall contain, at a minimum, a summary of the  
4 project, its impacts on the surrounding roadway network, and any conditions of approval necessary to  
5 ensure compliance with this Article.

6  
7  
8 **Part 20. ULDC, Art. 12.R, Corridor Master Plans, is hereby added as follows:**

9  
10 **CHAPTER R CORRIDOR MASTER PLANS**

11 **Section 1 General**

12 The County and affected municipalities shall develop individual corridor master plans to address each  
13 projected corridor failure in corridors identified in the Comprehensive Plan Transportation Element Policy  
14 1.1n, where the adopted Level of Service may not be achieved pursuant to the 2025 Transportation  
15 System for Palm Beach County, Highway Component, prepared by the Metropolitan Planning  
16 Organization (hereinafter referred to as the "MPO Model"). Once a Corridor Master Plan (hereinafter  
17 referred to as "CMP") has been adopted by the County and any affected municipality for a particular  
18 corridor, no project which is Significant on that corridor shall be approved for development by the County  
19 or affected municipality unless the project meets the requirements of that Corridor Master Plan.

20 **A. Corridor Identification.**

21 A corridor subject to CMP shall consist of a series of continuous Major Thoroughfare Links, two or  
22 more of which exceed a volume to capacity ratio of 1.0 as projected by the MPO model. All  
23 corridors subject to this section are identified in the Comprehensive Plan.

24 **B. Development and Implementation.**

25 Corridor Master Plans shall initially be prepared by designated representatives of the County and  
26 any affected municipalities. Corridor Master Plans shall be based generally upon the following  
27 Outline:

- 28 1. Overview of the Study Process
  - 29 a. Study Purpose and objectives
  - 30 b. Identification of study area
  - 31 c. Corridor History
  - 32 d. Agency Coordination
  - 33 e. Public notice and participation of affected property owners
  - 34 f. Decision chronology
- 35 2. Corridor problems and needs
- 36 3. Evaluation Criteria and Methodology
- 37 4. Development and Analysis of Detailed Alternatives
- 38 5. Financial Analysis to determine the Preferred Alternative
- 39 6. Action Plan

40 **C. Adoption by the County and Affected Municipalities.**

- 41 1. The Corridor Master Plan must be adopted and implemented by the County and any affected  
42 municipalities in order for the terms of the Plan to be enforceable within their respective  
43 jurisdictions. If there are outstanding issues that the County and municipal representatives  
44 not agree to in the initial draft of the CMP, these issues shall be documented by setting forth  
45 the areas of disagreement, the positions of the representatives participating, and any  
46 alternatives and compromises offered
- 47 2. The draft Corridor Master Plan will be presented to the governing body of the County and  
48 each affected municipality for review and comment. If there are also outstanding issues  
49 identified by the staffs, the areas of disagreement will also be presented to the respective  
50 elected Boards/Commissions for input on how the disagreement should be resolved. If there  
51 are remaining unresolved issues identified pursuant to sections C.1., C.2., or C.5, the elected  
52 officials shall appoint a negotiator to speak for that local government.
- 53 3. The designated negotiators shall meet in an attempt to resolve those issues. If agreement is  
54 reached, the Corridor Master Plan shall be finalized and presented to the local governments  
55 for adoption pursuant to section C.5.
- 56 4. If outstanding issues remain after the negotiators meet, the parties will schedule a joint  
57 mediation meeting of the elected bodies to attempt to resolve those issues. A  
58 facilitator/mediator shall chair the meeting. If the parties cannot agree to a  
59 facilitator/mediator, the parties will request that the Treasure Coast Regional Planning  
60 Council either assist them in selecting a facilitator/mediator or actually select the  
61 facilitator/mediator.
- 62 5. The Corridor Master Plan shall be finalized to include all the items agreed upon by the  
63 parties. The Corridor Master Plan shall be presented to the County and each affected  
64 municipality for adoption. If any additional areas of disagreement are identified in the  
65 adoption process, the local government raising the issue shall present a written report to the

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EXHIBIT I

TRAFFIC PERFORMANCE STANDARDS  
SUMMARY OF AMENDMENTS

(Updated 07/27/07)

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other jurisdictions detailing the area of disagreement and reasons for the disagreement. If this occurs, the report will be presented to the other parties. If all of the other parties do not agree to the requested change to the Corridor Master Plan, each local government shall appoint a negotiator as set forth in section C.3. to resolve the issue.

6. The Corridor Master Plans shall become effective upon adoption by all of the appropriate local governments.

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EXHIBIT J

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

1  
2 Part 1. ULDC, Art. 14.B.3.B, Review and Permitting Procedures [Related to Applicability] (page  
3 12 of 56), is hereby amended as follows:  
4

5 CHAPTER B WELLFIELD PROTECTION

6 Section 3 Applicability

7 ....

8 B. Review and Permitting Procedures  
9 No building permit or ~~occupational license~~ business tax receipt for any nonresidential activity shall  
10 be issued by PBC or any city located within PBC that would allow development or construction in  
11 Zones 1, 2, 3, or 4 that is contrary to the restrictions and provisions provided in this Chapter.  
12 Permits or ~~occupational licenses~~ business tax receipts issued in violation of this Chapter confirm  
13 no right or privilege on the grantee and such invalid permit or licenses will not vest rights.  
14  
15

16 Part 2. ULDC, Art. 14.B.4.A, Effective Date] (page 13 of 56), is hereby amended as follows:  
17

18 CHAPTER B WELLFIELD PROTECTION

19 Section 4 Effective Date

20 A. Effective Date  
21 The requirements and provisions of this Chapter shall apply immediately upon and after March 7,  
22 1988 to all new nonresidential activities. An existing activity is one for which a building permit or  
23 ~~occupational license~~ business tax receipt had been issued by the appropriate jurisdiction prior to  
24 March 7, 1988 and which had not expired on or before March 7, 1988, or for which a completed  
25 building permit or ~~occupational license~~ business tax receipt application had been filed and  
26 accepted with the appropriate jurisdiction prior to March 7, 1988. All other activities shall be  
27 deemed "new."  
28  
29

30 Part 3. ULDC, Art. 14.B.4.C, Certification of Compliance [Related to Effective Date] (page 13 of  
31 56), is hereby amended as follows:  
32

33 CHAPTER B WELLFIELD PROTECTION

34 Section 4 Effective Date

35 ....

36 C. Certification of Compliance  
37 Any application submitted for an ~~occupational license~~ business tax receipt for any use within  
38 Zones 1, 2, 3, or 4 of an incorporated or unincorporated area shall require certification by ERM  
39 that the use meets the applicable requirements of this Article.  
40  
41

42  
43 Part 4. ULDC, Art. 14.B.4.D, Screening of Occupational License [Related to Effective Date]  
44 (page 13 of 56), is hereby amended as follows:  
45

46 CHAPTER B WELLFIELD PROTECTION

47 Section 4 Effective Date

48 ....

49 D. Screening of Occupational License  
50 It shall be the duty of each local agency to screen all applications for Zones 1, 2, 3, or 4  
51 ~~occupational licenses~~ business tax receipts.  
52  
53

54  
55 Part 5. ULDC, Art. 14.C.11.B.4, Establishing Native Upland Preserves [Related to Technical  
56 Requirements for a Standard Permit] (page 38 of 56), is hereby amended as follows:  
57

Notes:

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EXHIBIT J

ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

1 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

2 Section 11 Standard Permit

3 ....  
4 B. Technical Requirements for a Standard Permit

5 ....  
6 4. Establishing Native Upland Preserves

7 All standard permits for parcels equal to or greater than four acres shall be evaluated by ERM  
8 for the establishment of a native upland preserve. Parcels owners that have significant or  
9 unique areas of native upland vegetation, regardless of parcel size shall be required to  
10 designate a native upland preserve equivalent to at least 25 percent of the total native upland  
11 vegetation on site or otherwise comply with this Chapter. ERM encourages upland preserve  
12 areas greater than one half acre in size. New public park facilities constructed on parcels 20  
13 acres in size or less shall be exempt from the preserve requirements of this Chapter.

14  
15 Factors that will determine if a parcel has significant or unique areas of native vegetation  
16 include, but are not limited to the quality of the native ecosystem, overall quality of its  
17 biological diversity, the presence of listed species, the wildlife habitat, value grouping of  
18 native vegetation, and the compactness of the preserve and its proximity to other natural  
19 preserve areas and corridors.

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EXHIBIT K

ARTICLE 15 – HEALTH REGULATIONS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

1  
2 Part 1. ULDC, Art. 15.A.3.B, General Provisions [Related to Permits] (page 3 of 23), is hereby  
3 amended as follows:

4  
5 CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND  
6 DISPOSAL SYSTEMS (OSTDS)

7 Section 3 General Provisions: OSTDS

8 B. No municipality or political subdivision of the State of Florida, including PBC, shall issue a  
9 building or plumbing permit for any building requiring the use of an OSTDS unless the owner or  
10 builder has received a permit for such system from the Department. No municipality or political  
11 subdivision of the State of Florida should issue an ~~occupational license~~ business tax receipt to an  
12 owner or tenant of a building or otherwise allow an individual or business to relocate into or within  
13 an area zoned or used for industrial or manufacturing purposes or its equivalent until the owner or  
14 tenant has received written approval from the Department. Approval shall state that the OSTDS  
15 serving the business has been evaluated, is not expected to receive toxic or hazardous waste  
16 and is adequately designed to meet the sewage treatment and disposal needs of the business.  
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EXHIBIT L

ARTICLE 17 – DECISION MAKING BODIES  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

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Part 1. ULDC, Art. 17.A.1.C, Powers and Duties [Related to Applications for Voluntary Density Bonus Programs] (page 6 of 25), is hereby amended as follows:

CHAPTER A BOARD OF COUNTY COMMISSIONERS

Section 1 Powers and Duties

In addition to any authority granted to the Board of County Commissioners (BCC) by general or special law, the BCC shall have the following powers and duties under the provisions of this Code:

- C. to initiate, hear, consider and approve, approve with conditions, or deny applications for Transfer of Development Rights (TDRs) and ~~Voluntary Density Bonus (VDB)~~ Workforce Housing Program (WHP) Programs;

Part 2. ULDC, Art. 17.C.3.B.2, Appeals from Decisions of the Planning Director on Applications [Related to Powers and Duties] (page 11 of 25), is hereby amended as follows:

CHAPTER C APPOINTED BODIES

Section 3 Development Review Appeals Board

B. Powers and Duties

The DRAB shall have the following powers and duties under the provisions of this Code:

- 2. to hear, consider and decide appeals from decisions of the Planning Director on applications for Entitlement Density, and ~~VDB~~ WHP; and

U:\zoning\CODEREV\2007\BCC Hearings\2007-01 Round\2nd Reading-Adoption\Exhibit L - Article 17.doc

**Notes:**

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EXHIBIT M

FACILITIES, DEVELOPMENT & OPERATIONS  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

1  
2 Part 1. ULDC, Art. 1.1.2, [Related to Definitions and Acronyms], (page 46 of 104), is hereby  
3 amended as follows:  
4

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

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

8 ....  
9 32. **Development Order** –  
10 a. Any order granting or granting with conditions an application for a development permit.  
11 b. For the purposes of Art. 2.F, any Concurrency Reservation that applies to lands that are  
12 owned by a unit of local, state, or federal government and utilized for buildings or facilities  
13 that are owned by a government entity and support government services or delivery of  
14 public services.  
15 bc. For the purposes of Art. 9 and Art. 12, as defined in F. S. § 163.3164.  
16 [Renumber accordingly.]

17 ....  
18 39. **Deviation(s) Subject To BCC Approval** - An abatement of the requirements of Articles 5, 6,  
19 and 7 of the ULDC for development supporting government facilities within the PO Zoning  
20 District, subject to approval by the BCC.

21 40. **Deviation(s) Subject To County Engineer Approval** - An abatement of the requirements of  
22 Article 11 of the ULDC for development supporting government facilities within the PO Zoning  
23 District, subject to approval by the County Engineer.  
24 [Renumber accordingly.]

25 ....  
26 G. Terms defined herein or referenced Article shall have the following meanings:

27 ....  
28 9. **Government Facilities** – lands that are owned by a unit of local, state, or federal  
29 government, that support government services, customary government operations, or  
30 delivery of public services.  
31 [Renumber accordingly.]  
32 ....

33  
34  
35 Part 2. ULDC, Art. 2.A.1.D.1.a, Board of County Commissioners (BCC), [Related to Deviations  
36 in the PO Zoning Districts] (page 7 of 50), is hereby amended as follows:  
37

38 CHAPTER A GENERAL

39 Section 1 Applicability

40 D. Authority  
41 1. Processes  
42 For the purposes of this Article, the authority of the BCC, ZC, DRO and Zoning Director shall  
43 be limited to the development order applications specified below. [Ord. 2006-036]  
44 a. **Board of County Commissioners (BCC)**  
45 The BCC, in accordance with the procedures, standards and limitations of this Article  
46 shall consider the following types of development order applications:  
47 1) Official Zoning Map Amendment (Rezoning);  
48 2) Class A conditional use;  
49 3) Requested use;  
50 4) Development Order Amendment (DOA);  
51 5) Abandonment; and  
52 6) Status Report; and  
53 7) Deviation(s) from Articles 5, 6, and 7 of the ULDC for development supporting  
54 government facilities within the PO Zoning District.

55  
56  
57 Part 3. ULDC, Art. 3.D.1.E.2, Multifamily, Nonresidential Districts and PDDs, Related to  
58 Building Height] (page 57 of 146), is hereby amended as follows:  
59

60 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

61 Section 1 PDRs for Standard Zoning Districts

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Notes:  
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EXHIBIT M

FACILITIES, DEVELOPMENT & OPERATIONS  
SUMMARY OF AMENDMENTS

(Updated 07/27/07)

1 E. Building Height

2 The maximum height for buildings and structures in all districts shall be 35 feet, unless otherwise  
3 stated. [Ord. 2005-002]

4 2. Multifamily, Nonresidential Districts and PDDs

5 In the RM, CLO, CHO, CG, IL, IG, and PDD districts, buildings may exceed 35 feet in height  
6 as follows: Buildings over 35 feet in height shall be setback in accordance with Table  
7 3.D.1.A-17, Property Development Regulations, with one additional foot of setback to be  
8 provided in addition to the required setback for each one foot in height, or fraction thereof,  
9 over 35 feet. In the PO District, buildings over 35 feet in height shall provide one foot of  
10 setback, in addition to required perimeter landscape buffers, for each additional one foot in  
11 height or fraction thereof over 35 feet. This regulation shall have no effect on any existing  
12 structure within the PO District that is conforming as of the effective date of this Code. [Ord.  
13 2005-002]

14  
15  
16 Part 4. ULDC, Art. 3.E.1.A.5, Thresholds (page 65 of 146), is hereby amended as follows:

17 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

18 Section 1 General

19 A. General

20 5. Thresholds

21 PDDs approved after the effective date of this Code shall meet or exceed the minimum  
22 threshold requirements of the applicable PDD. The minimum thresholds shall not apply to  
23 previously approved planned developments.

24 a. Government Facilities

25 A parcel of land in any FLU category that supports government facilities shall be exempt  
26 from the PDD threshold provisions.

27  
28  
29 Part 5. ULDC, Art. 3.F.4.E.8.c, Preserve Areas [Related to AGR TMDs] (page 142 of 146), is  
30 hereby amended as follows:

31 CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

32 Section 4 Traditional Marketplace Development (TMD)

33 E. Standards Applicable to AGR Tier

34 8. Preserve Area and Open Space Requirements

35 c. Preserve Areas

36 An AGR preserve area shall comply with the requirements of Art. 3.E.2.F.3, Preservation  
37 Area; Table 3.F.1.F-44, Traditional Development Permitted Use Schedule; Article 4.B.,  
38 Supplementary Use Standards; all other development regulations that are applicable to  
39 the AGR Tier and proposed use(s); and policies under Objective 1.5 of the FLUE of the  
40 Plan. Nothing herein shall be misconstrued as requiring a Preserve Area to conform to  
41 Article 3.F.4.D, Development Standards for all TMDs. [Ord. 2005-002] [Ord. 2006-004]

42  
43  
44 Part 6. ULDC, Art. 4.A.4.A, General (page 19 of 149), is hereby amended as follows:

45 CHAPTER A USE CLASSIFICATION

46 Section 4 Development Thresholds

47 A. General

48 Any amendment to an existing development, or new construction of residential, commercial or  
49 industrial projects that meets or exceeds either the maximum square footage or units, or  
50 maximum acreage of Table 4.A.3.A-3, Thresholds for Projects Requiring Board of County  
51 Commission Approval, shall be reviewed and approved as a PDD or TDD in accordance with Art.  
52 2.B.1, Official Zoning Map Amendment (Rezoning). Projects located in the PO Zoning District or  
53 that propose to rezone to the PO district, that support existing or proposed government facilities,  
54 shall be exempt from this requirement. Projects that meet or exceed the thresholds of this table  
55 that do not meet the access and dimension requirements of a PDD or TDD; are not allowed to be  
56 a PDD or TDD by the Plan; or for non-residential projects, consist of only one use, shall be  
57 approved as a Class A Conditional Use. [Ord. 2006-004]

58 Notes:

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EXHIBIT M

FACILITIES, DEVELOPMENT & OPERATIONS  
SUMMARY OF AMENDMENTS

(Updated 07/27/07)

1  
2 Part 7. ULDC, Art. 5.A, Applicability to the PO Zoning Districts (page 7 of 68), is hereby  
3 amended as follows:  
4

5 CHAPTER A GENERAL

6 Section 3 Deviations for the PO Zoning District

7 Deviation(s) from the provisions of this Article may be permitted for development supporting government  
8 facilities within the PO Zoning District, subject to an application established by the Executive Director of  
9 PZB and approval by the BCC utilizing the following standards:

- 10 A. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding  
11 and in the vicinity of the land proposed for development;
- 12 B. adverse effects on adjacent uses and lands, including but not limited to visual impact, are  
13 determined to be minimal or otherwise negligible upon review and consideration of surrounding  
14 lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions;
- 15 C. special or unique circumstances or factors exist that are applicable to the proposed use,  
16 structure, feature, or land proposed for development;
- 17 D. the proposed deviation(s) allows for reasonable or practical use of the land proposed for  
18 development;
- 19 E. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the  
20 Plan and this Code; and,
- 21 F. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to  
22 public health, safety, and general welfare.

23  
24  
25 Part 8. ULDC, Art. 6.A.1.B, Applicability, (page 3 of 35), is hereby amended as follows:  
26

27 CHAPTER A PARKING

28 Section 1 General

29 B. Applicability

30 4. Deviations for the PO Zoning District

31 Deviation(s) from the provisions of this Article may be permitted for development supporting  
32 government facilities within the PO Zoning District, subject to approval by the BCC utilizing  
33 the following standards:

- 34 a. the proposed deviation(s) maintains compatibility with the uses and character of land  
35 surrounding and in the vicinity of the land proposed for development;
- 36 b. adverse effects on adjacent uses and lands, including but not limited to visual impact, are  
37 determined to be minimal or otherwise negligible upon review and consideration of  
38 surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting  
39 conditions;
- 40 c. special or unique circumstances or factors exist that are applicable to the proposed use,  
41 structure, feature, or land proposed for development;
- 42 d. the proposed deviation(s) allows for reasonable or practical use of the land proposed for  
43 development;
- 44 e. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives  
45 of the Plan and this Code; and,
- 46 f. approval of the deviation(s) is not injurious to the surrounding area or otherwise  
47 detrimental to public health, safety, and general welfare.

48  
49  
50 Part 9. ULDC, Art. 7.A.1.F, Deviations (page 12 of 55), is hereby amended as follows:  
51

52 CHAPTER A GENERAL

53 Section 1 Landscape and Buffering

54 F. Deviations

55 Deviations to the minimum standards of this Article may be permitted for:

- 56 1. PBC parks, as specified in Art. 5.D.2.G., County Park Landscape Standards; and,
- 57 2. Development supporting government facilities within the PO Zoning District, subject to  
58 approval by the BCC. [Ord. 2006-004]

59  
60  

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EXHIBIT M

FACILITIES, DEVELOPMENT & OPERATIONS  
SUMMARY OF AMENDMENTS

(Updated 07/27/07)

1 Part 10. ULDC, Art. 7.E.3.B.2, Other Developments [Related to Installation] (page 30 of 55), is  
2 hereby amended as follows:

3  
4 CHAPTER E INSTALLATION, MAINTENANCE, PRUNING AND IRRIGATION

5 Section 3 Installation

6 B. Phasing

7 Required landscaping may be installed in phases, if designated on the approved site plan, as  
8 follows:

9 ....

10 2. Other Developments

11 The entire perimeter landscaping shall be installed prior to the issuance of the first Certificate  
12 of Occupancy (CO) or in accordance with a phasing plan approved by the DRO.

13 a. PO Zoning District and Public Civic Pods of a PUD

14 Installation of a proportionate share of required materials shall be permitted subject to  
15 Signature Only approval of a phasing plan. The phasing plan shall indicate the affected  
16 area of each building permit application and general location of plant material that will be  
17 installed.

18  
19  
20 Part 11. ULDC, Art. 11.A.1.A, Applicability (page 7 of 46), is hereby amended as follows:

21  
22 CHAPTER A GENERAL REQUIREMENTS

23 Section 1 General Provisions

24 A. Applicability

25 The regulations set forth in this Article shall be applicable to all subdivision of land in  
26 unincorporated PBC, Florida, or as hereafter established. Deviations from the provisions of this  
27 Article may be permitted for development supporting government facilities within the PO Zoning  
28 District, subject to approval by the County Engineer utilizing the following standards:

- 29 1. the proposed deviation(s) creates no hindrances, restraints, or incompatibilities for the uses,  
30 structures, and lands surrounding and in the vicinity of the land proposed for development;  
31 2. the proposed deviation(s) maintains proper and adequate access to the land proposed for  
32 development;  
33 3. the proposed deviation(s) allows for development in a logical, timely, and functionally  
34 adequate manner;  
35 4. special or unique circumstances or factors exist that are applicable to the land proposed for  
36 development;  
37 5. the proposed deviation(s) allows for reasonable or practical use of the land proposed for  
38 development;  
39 6. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of  
40 the Plan and this Code; and,  
41 7. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental  
42 to public health, safety, and general welfare.

43  
44  
45 Part 12. ULDC, Art. 11.B.7.B, Time of Completion of Required Improvements (page 21 of 46), is  
46 hereby amended as follows:

47  
48 CHAPTER B SUBDIVISION REQUIREMENTS

49 Section 7 Construction of Required Improvements

50 B. Time of Completion of Required Improvements

- 51 1. The time of completion of all required improvements shall not exceed 21 months from the  
52 date of issuance of the Land Development Permit unless an extension is granted pursuant to  
53 this Section. For government facilities within the Public Ownership (PO) Zoning District, the  
54 completion of required improvements shall be permitted to:  
55 a. coincide with a Certification of Occupancy (CO) for the first building on a parcel of land  
56 that adjoins a required street improvement; or,  
57 b. be phased to coincide with a Certification of Occupancy (CO) for the first building within  
58 each phase of development that is accessed by a required street improvement.  
59  
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EXHIBIT M

FACILITIES, DEVELOPMENT & OPERATIONS  
SUMMARY OF AMENDMENTS

(Updated 07/27/07)

1 Part 13. ULDC, Art. 17.A.1, Powers and Duties [Related to Deviations for PO Zoning Districts]  
2 (page 6 of 25), is hereby amended as follows:  
3

4 CHAPTER A BOARD OF COUNTY COMMISSIONERS

5 Section 1 Powers and Duties

6 In addition to any authority granted to the Board of County Commissioners (BCC) by general or special  
7 law, the BCC shall have the following powers and duties under the provisions of this Code:

- 8 ....
- 9 N. to appoint other advisory boards that are determined necessary to assist in the implementation of
- 10 this Code or the Plan;
- 11 O. to review, hear, consider, and approve, approve with conditions, or deny requests for deviations
- 12 from Articles 5, 6, and 7 for development supporting government facilities within the PO Zoning
- 13 District.
- 14
- 15

16 Part 14. ULDC, Art. 17.D.5.B, Jurisdiction, Authority and Duties [Related to County Engineer]  
17 (page 21 of 25), is hereby amended as follows:  
18

19 CHAPTER D STAFF OFFICIALS

20 Section 5 County Engineer

21 B. Jurisdiction, Authority and Duties

22 In addition to the jurisdiction, authority and duties which may be conferred upon County Engineer  
23 by other provisions of PBC Code and PBC Charter, County Engineer shall have the following  
24 jurisdictions, authority and duties under this Code:

- 25 ....
- 26 5. to review and approve or deny applications for development permits for Final Plats of
- 27 subdivisions, including replats of lands within record plats previously approved for recording
- 28 by Resolution of the BCC, and approve such plats on behalf of PBC for recordation in the
- 29 public records. Said approval authority may be delegated only as follows:
- 30 a. to either the Deputy County Engineer or the Assistant County Engineer during a
- 31 prearranged absence of County Engineer, such as for vacation or seminar attendance,
- 32 for a period of five or more consecutive days, provided that said delegation shall be in
- 33 writing and signed by County Engineer; or
- 34 b. to the Deputy County Engineer in the event that County Engineer is absent or otherwise
- 35 incapacitated for a period of five or more days due to an emergency or other unforeseen
- 36 circumstances, provided that said delegation shall be in writing and signed by County
- 37 Administrator.
- 38 The Clerk of the Circuit Court shall be notified of each incident of delegation made
- 39 pursuant to the above, and said delegation shall terminate upon County Engineer's return
- 40 to normal duty; and
- 41 6. to review, consider, and approve, approve with conditions, or deny requests for deviations
- 42 from Article 11 within the PO Zoning District; and
- 43 67. to accept maintenance responsibility on behalf of PBC for those streets dedicated to the BCC
- 44 on a duly approved plat of record and constructed pursuant to a Land Development Permit
- 45 for subdivision required improvements.
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EXHIBIT N

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY  
SUMMARY OF AMENDMENTS

(Updated 07/27/07)

1  
2 Part 1. ULDC, Art 3.B.15.D.1, WCRA Recommendation [Related] (page 36 of 146), is hereby  
3 amended as follows:

4  
5 CHAPTER B OVERLAYS

6 Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

7 D. Development Review Procedures

8 1. WCRA Recommendation

9 Applicants must obtain a recommendation from the WCRA, prior to submittal of any  
10 application for the development of single-family or duplex residential structures on a non-  
11 conforming lot, or application outlined under Art. 2, Development Review Procedures, for the  
12 following: Official Zoning Map Amendments, Conditional Uses, Requested Uses,  
13 Development Order Amendments, Plan Amendments, Density Bonuses, Variances and  
14 projects requiring DRO approval. An application for a WCRA recommendation must be made  
15 in accordance with the following: [Ord. 2006-004]

16 a. Application Requirements

17 The form and application requirements for a WCRA recommendation shall be submitted  
18 as specified by the WCRA; however, in no case shall supporting documents required by  
19 the WCRA exceed the requirements of the Development Review Procedures listed  
20 above. [Ord. 2006-004]

21 b. Timeframe for Response

22 WCRA staff shall determine whether or not the application is sufficient or insufficient  
23 within ten working days. Any amendment to an application shall require the timeframe for  
24 response to restart. [Ord. 2006-004]

25 1) Sufficiency and Recommendation

26 If the application is determined to be sufficient, a recommendation shall be mailed to  
27 the applicant within 30 days of application submittal. If a recommendation is not  
28 made within this timeframe, the application shall be considered to have received a  
29 recommendation for approval, and the WCRA shall provide a letter indicating such.  
30 [Ord. 2006-004]

31 2) Insufficiency

32 If an application is determined to be insufficient, WCRA staff shall provide a written  
33 notice specifying the deficiencies to the applicant, to be mailed within ten days of  
34 receipt of the application. No further action shall be taken until the applicant  
35 remedies the deficiencies. If the deficiencies are not remedied within 20 days of the  
36 date of the written notice, the application shall be considered to have a  
37 recommendation for denial. If amended and determined to be sufficient, the  
38 application shall be processed in accordance with Art. 3.B.15.D.b.1, Sufficiency and  
39 Recommendation. [Ord. 2006-004]

40  
41  
42 Part 2 ULDC Table 3.B.15.E-7, WCRAO Sub-area Use Regulations (page 38 of 146), is hereby  
43 amended as follows:

44  
45 CHAPTER B OVERLAYS

46 Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

47 E. Use Regulations

48 2. Sub-area Use Regulations

49 a. Use Regulations

50 In addition to the requirements of Table 3.E.1.B-21, Table 3.F.I-44, and Table 4.A.3.A-1  
51 the following uses shall be prohibited or permitted in the WCRAO Sub-areas: [Ord.  
52 2006-004]  
53

Notes:

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EXHIBIT N

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)

Table 3.B.15.E-7 – WCRAO Sub-area Use Regulations

	NC	NG	NC	UG	UH	UH	UH	
Revised/Updated								
Multi-family	X	-	-	-	-	-	-	87
Current/Original								
Adult entertainment <sup>2</sup>	X	X	X	X	X	X	X	2
Auto Service Station	X	X	X	-	-	-	-	18
Convenience Store with Gas Sales	X	X	X	-	-	-	-	37
Day Labor Employment Serv.	X	X	X	X	X	X	X	41
Repair and Maintenance, General	X	X	X	-	-	-	-	107
Self-service Storage	X	X	X	X	-	-	-	120
Vehicle Sales and Rental	X	X	X	-	-	-	-	135
Office Warehouse	X	X	X	X	A <sup>1</sup>	A <sup>1</sup>	A <sup>1</sup>	138
Work/Live Space	X	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	141
Current/Original								
Warehouse	X	X	X	X				138
X	Prohibited in Sub-area.							
-	Subject to Use Regulations of zoning district.							
A	Class A Conditional or Requested Use.							
P	Permitted by Right.							
1. Limited to lots with a CH or IND FLU Designation and corresponding zoning district. [Ord. 2006-004] 2. A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use. [Ord. 2006-004] 3. Adult entertainment shall also be prohibited as an accessory use to other principal uses within the sub-areas. 4. Limited to lots with a CH or CL FLU Designation and corresponding zoning district.								

Part 3. ULDC, Art.3.B.15.H.1.a, WCRA Recommendation [Related to Density Bonus Pool] (page 45 of 146), is hereby amended as follows:

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

H. Density Bonus Programs

1. Density Bonus Pool

Notwithstanding the provisions of Art. 5.G, Density Bonus Programs, an additional 1,300 residential units are available in the WCRAO in accordance with Plan Policy 1.2.4-b, and the following: [Ord. 2006-004]

Table 3.B.15.H-12 – WCRAO Density Bonus Pool Limits

	NC	NG	NC	UG	UH	UH
Max WCRAO Density Bonus Per Acre	n/a	20	30	50	150	150
Notes:						
1) Additional Density Bonus Pool Units are only permitted where a project utilizes all allowed density as indicated by FLU designation and the Plan. [Ord. 2006-004]						

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 3.B.15.D.1.b, Timeframe for Response. A project that meets three, for the UH and UG Sub-areas, and four for the NRM, NG, and NC Sub-areas, of the following six factors shall receive a recommendation for approval from the WCRA: [Ord. 2006-004]

- 1) The proposed project meets the minimum building frontage requirements of Table 3.B.15.F-9, WCRAO Sub-area PDRs. [Ord. 2006-004]
- 2) The proposed project includes sufficient land area to and a rear lot line abutting a R-O-W to ensure that vehicular access is limited to a rear, in accordance with Art. 3.B.15.I.1.a.1). [Ord. 2006-004]

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**EXHIBIT N**

**WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY  
SUMMARY OF AMENDMENTS  
(Updated 07/27/07)**

- 1           3) Where permitted, the proposed project includes mixed use with a minimum of ten  
2           percent and a maximum of 50 percent of the GFA dedicated to non-residential uses.  
3           **[Ord. 2006-004]**
- 4           4) A minimum of five percent of the gross lot area is set aside for open space with a  
5           public amenity or a public plaza, with a minimum size of 800 square feet and 25 feet  
6           in width, including but not limited to public art (not depicting any advertising);  
7           fountains of at least eight feet in height and 16 feet in diameter; pergolas; bell or  
8           clock tower; and public seating areas (not in conjunction with any restaurant seating).  
9           **[Ord. 2006-004]**
- 10          5) A minimum of 40 percent of the projects allowed density is reserved for affordable  
11          housing meeting the requirements of Art. 3.B.15.H.1.c, Affordability Standards. **[Ord.**  
12          **2006-004]**
- 13          6) Preferred uses: **[Ord. 2006-004]**
- 14           a) NRM Sub-area: business or professional office, medical or dental office,  
15           personal services, and townhouses. **[Ord. 2006-004]**
- 16           b) NG Sub-area: business or professional office, medical or dental office, personal  
17           services, printing and copying services, Type I restaurants that meet the  
18           requirements of Art. 4.B.1.A.109.c.2), Permitted By Right, and Type II  
19           restaurants. **[Ord. 2006-004]**
- 20           c) NC, UG and UH Sub-areas: business or professional office, personal services,  
21           printing and copying services, Type I restaurants that meet the requirements of  
22           Art. 4.B.1.A.109.c.2), Permitted By Right, and Type II restaurants. **[Ord. 2006-**  
23           **004]**
- 24          **b. Approval Process**
- 25          The review process for a WCRAO Density Bonus Pool approval is based on the density  
26          bonus requested in accordance with Table 3.B.15.H-13, WCRA Density Bonus Pool  
27          Approval. Notice of all proposed projects shall be forwarded to the BCC by the Division  
28          responsible for reviewing the application. **[Ord. 2006-004]**
- 29

**Table 3.B.15.H-13 – WCRAO Density Bonus Pool Approval**

Approval Process Required	Range of Bonus Units per Acre	Min. % of Density Bonus Units Required to be Affordable
Permitted by Right	0.1 – 1.99 4'	40%
DRO Approval	2 4.01 – 3.99 22	
BCC Approval	4 22.01 or more	

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- c. Affordability Standards**
- ~~Units required to be affordable shall comply with the standards for WHP units, as follows: Art. 5.G.1.G.2.b, Design Standards; Art. 5.G.1.G.2, Management Plan, Art. 5.G.1.G.4, Mix of Units, Art. 5.G.1.G.5, Assurance of Affordability; and, Art. 5.G.1.G.6, Limitation on Restrictions. **[Ord. 2006-004]**~~
- Where required by Table 3.B.15. H-13, 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 and low income households. For the purposes of this section and in accordance with Plan TE Policy 1.2-r, very-low and low income shall be defined as less than or equal to 50 percent, and more than 50 percent but less than or equal to 80 percent County's Area Medium Income (AMI), respectively. 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

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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 and low 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.

4) **Monitoring and Compliance**

Shall be in accordance with the monitoring and compliance requirements of Art. 5.G.1, Workforce Housing Program.

5) **Enforcement**

Shall be in accordance with the enforcement requirements of Art. 5.G.1, Workforce Housing Program.

6) **Limitations on Restrictions**

Shall be in accordance with the limitations and restriction requirements of Art. 5.G.1, Workforce Housing Program.

Part 4. **ULDC, Art. 3.B.15.I, Parking and Streets, (pages 46 and 47 of 146), is hereby amended as follows:**

CHAPTER B OVERLAYS

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

I. Parking and Streets

1. Parking

a. General

- 1) Parking in the NRM, NG, NC and UG Sub-areas shall be accessed from the rear from a street or alleyway, when available. [Ord. 2006-004]
- 2) Reserved parking, including spaces reserved for valet parking, shall be prohibited except for parking provided above the minimum required, or for individual garages for residential units. [Ord. 2006-004]

b. Parking Exemption in the NC Sub area

Projects on lots less than 10,000 square feet in size shall be exempt from on site parking requirements if fronting on a street with on-street parking. [Ord. 2006-004]

c. Allowable Reductions in Required On-site Parking

The required amount of on-site parking may be reduced in accordance with any of the following provisions. These provisions may be applied cumulatively. [Ord. 2006-004]

1) **UG, UH, NRM, NG and NC Deviations**

Deviations in the required parking may be reduced in Table 6.A.1.B-1, Minimum Off Street Parking and Loading Requirements shall be permitted for mixed-use or residential projects in the UG, UH, NRM, NG, or NC Sub-areas as specified in Table 3.B.15.I-14, WCRAO Mixed-use Parking Deviations. [Ord. 2006-004]

2) **Curbside Parking**

On street parking available along the frontage, side or rear lot lines that directly abuts the subject lot may be applied toward the parking requirements of the uses on the lot. Applicable spaces shall be calculated by taking the total linear distance of parking spaces and abutting the site's lot lines and dividing ~~but~~ by the average length of spaces. [Ord. 2006-004]

3) **Connections to Adjacent Parking**

Parking areas connecting to adjoining or future adjoining lots shall be granted a five percent reduction in the amount of required parking. This five percent reduction shall be deducted from the final calculated parking requirement, after all other eligible reductions are taken into consideration. [Ord. 2006-004]

2. **Redevelopment Loading Option**

To further development of WCRAO smaller parcels in the NRM, NG, NC, UG or UI sub-areas that promote the form based code principles of the WCRA Plan, the WCRA Executive Director may authorize the use of access aisles or other similar location on a site with structures less than 25,000 square feet in size, to also be used as loading areas, subject to the following:

a) **Application**

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**EXHIBIT N**

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An application shall be submitted to the WCRA in a form established by the Executive Director of the WCRA. The application shall include a loading demand study that addresses the minimum standards of this section.

**b) Standards**

The following standards shall apply to any shared location for a required loading zone:

- 1) Demonstrate that site constraints or the benefits of an alternate loading zone is needed to allow for the development, including efforts to maximize potential FAR or density;
- 2) Identify the size and types of uses that will be using the alternate loading zone, to include turnover rates and peak loading hours;
- 3) Demonstrate that the proposed alternate loading zone will not adversely impact required vehicle stacking at entrances, block building entrances, emergency vehicle access, or parked vehicles;
- 4) Identify the dimensions and types of vehicles that will use the alternate loading zone;
- 5) Incorporate other available data, including but not limited to: traffic engineering or other Planning studies demonstrating the feasibility of the request;
- 6) The use of the site may be limited to the size and types of uses indicated in the approved loading zone study;
- 7) The site design shall provide sufficient maneuvering area and turning radii for proposed delivery vehicles; and,
- 8) If located in an access aisle, a minimum ten-foot wide by-pass shall be maintained along the entire length of the designed alternative loading area.

**d) Approval Letter and Documentation**

The WCRA Executive Director shall recommend approval or denial of the application within the timeframes established under Art. 3.B.15.D.1.d, Timeframe for Response. The WCRA Executive Director shall issue a letter to the applicant indicating their recommendation.

**[Renumber accordingly]**

**32. Access and Circulation System**

**a. Construction in Existing R-O-W**

The County Engineer may approve alternatives to PBC standard design sections for local street construction, where streets are maintained by PBC, in order to accommodate construction or reconstruction of paving and drainage improvements to an existing public local street, or segment thereof. The eligible R-O-Ws shall have a width of less than 50 feet. The alternative design(s) shall provide for paved travel-way widths, structural sections, drainage, pedestrian access, dead-end turnarounds, and safe sight corners as prescribed by PBC standards for local streets, or as deemed equivalent by the County Engineer. All required treatment and discharge control of storm-water runoff to the street drainage system shall be provided by secondary storm-water management facilities located outside the street R-O-W, permitted and constructed in accordance with applicable regulations of all agencies having jurisdiction over the receiving waters at the point of legal positive outfall. [Ord. 2006-004]

**Part 5. ULDC, Table 3.B.15.I-14, WCRAO Mixed Use Parking Deviations (page 46 of 146), is hereby amended as follows:**

**Table 3.B.15.I-14 – WCRAO Mixed Use Parking Deviations**

		Parking
Multi-family Residential	1 Bedroom	1 per unit plus required guest parking
	2 Bedroom	1.5 per unit plus required guest parking
	3 or more bedrooms	2 spaces per unit plus required guest parking <sup>2</sup>
Hotel or Motel (other areas calculated separately)		1.25 per room
Office, Business or Professional and Medical or Dental		2.5 per 1,000 sq. ft.
Commercial Uses		2.5 per 1,000 sq. ft.
Commercial, General Retail Sales		3 per 1,000 sq. ft.
Restaurant, Bar Cocktail Lounge		1 per 4 seats
1. <u>Unless stated otherwise in this section, parking and loading Loading shall be in accordance with Table 6.A.1.B-1, Minimum Off Street Parking and Loading Requirements Requirements. [Ord. 2006-004]</u>		
2. <u>A parking ration of 1.5 spaces per unit plus required guest parking shall also be permitted for any unit required to be deed restricted for very-low and low income households.</u>		

**Part 6. ULDC Art 4.B.1.A.141, Work/Live Space (page 95 of 149), is hereby amended as follows:**

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(Updated 07/27/07)

1 CHAPTER B SUPPLEMENTARY USE STANDARDS

2 Section 1 Uses

3 A. Definitions and Supplementary Standards for Specific Uses

4 141. Work/Live Space

5 A space within a building that is used jointly for residential, commercial and/or industrial  
6 purposes, where the residential space is accessory to the primary use as a place of work.  
7 Work/Live Space shall be counted as non-residential square footage.

8 a. Floor Area

9 Shall not exceed 1,000 square feet of living area.

10 ab. Office Space

11 A minimum of ten percent of the living area shall be designated as office space.

12 b. ~~TDDs/PDDs~~

13 ~~Shall be counted as non-residential square footage.~~

14 c. WCRAO

15 Shall be permitted in accordance with Table 3.B.15.E-7 – WCRAO Sub-area Use  
16 Regulations.

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