

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

**TITLE: UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2016-02:
FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING**

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

- Ordinance Title
- Exhibit A AGR Tier - Previously Approved and Non-conforming Uses
- Exhibit B AGR Tier - Planned Development Districts
- Exhibit C Art. 3.B.20, Urban Redevelopment Area Overlay (URAO)
- Exhibit D Reasonable Accommodation Expiration
- Exhibit E Art. 3.E.2.F.3.c.1), PDRs for AGR Preserves and Farm Residences
- Exhibit F Art. 3.B.14, Westgate Community Redevelopment Area Overlay (WRAO)
- Exhibit G Table 6.A.1.D, Minimum Parking Lot Dimensions
- Exhibit H Table 8.G.3.B, Electronic Message Sign Types and Approval Process
- Exhibit I Definition for Addition
- Exhibit J Administrative Inquiry
- Exhibit K Art. 3.D.1.D.1, Base Building Line
- Exhibit L Regulating Plans

Staff Recommendation: Staff recommends approval of First Reading and to Advertise for Adoption Hearing on January 26, 2017.

Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulation Commission (LDRC) Determination: Recommended approval of the proposed amendments by multiple votes on October 26, 2016, November 16, 2016, and November 30, 2016. Sitting as the Land Development Regulation Commission (LDRC) on November 16, 2016, and November 30, 2016, all proposed ULDC amendments were found to be consistent with the Comprehensive Plan.

BCC Public Hearings: December 7, 2016, Request for Permission to Advertise for First Reading on January 5, 2017: Approved, 5-0.

MOTION: To approve on First Reading and Advertise for Adoption Hearing on January 26, 2017: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS:** CHAPTER I, DEFINITIONS & ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES:** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS:** CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDR's); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD's); **ARTICLE 4 - USE REGULATIONS:** CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; **ARTICLE 5 - SUPPLEMENTARY STANDARDS:** CHAPTER F, LEGAL DOCUMENTS; **ARTICLE 6 - PARKING:** CHAPTER A, PARKING; **ARTICLE 8 - SIGNAGE:** CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

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EXHIBIT A – AGR Tier - Previously Approved and Non-conforming Uses

General Background and Summary:

When the Agricultural Reserve (AGR) was first established in 1995, the Comprehensive Plan (Plan) and Unified Land Development Code (ULDC) included provisions to recognize non-conforming commercial and institutional uses that were to be accommodated and allowed to continue. However, as owners sought to expand, modify or add new uses, it became increasingly difficult for applicants and staff to ascertain if these changes were consistent with the intent of the Plan or ULDC.

Subsequently, this topic was one of the issues included in the recent Agricultural Reserve Round Table process and BCC Workshops pertaining to the regulation of the Agricultural Reserve. In *“January of 2016, the BCC adopted an amendment that”* clarified or *“expanded this language to provide greater specificity to these ... properties to continue and expand as conforming uses. It also allowed these properties to be assigned Commercial Low and Institutional and Public Facilities future land use designations.”* The Plan amendment includes but is not limited to:

- Clarifying that the following *“commercial sites...are conforming uses under the Agricultural Reserve (AGR) future land use (FLU) designation”*: 1. **4 Points Market**, 2. **Stop and Shop**, 3. **3 Amigos Convenience Store**, 4. **Fina Gas Station Hey 4 U Trucking**, 5. **Dells Suburban Market**, 6. **West Boynton Center**, 7. **Delray Growers**, and 8. **PF at West Boynton**;
- Clarifying that the following *“...Institutional uses...shall be considered as conforming uses”*: 1. **Eternal Light Cemetery**, 2. **Faith Farm Ministries**, and 3. **Caridad Clinic**;
- Identifying the maximum development potential of eligible commercial or institutional parcels with AGR FLU and zoning; or
- Allowing owners of eligible parcels east of SR7 to *“apply for Commercial Low FLU and Commercial zoning”* or otherwise implies the same for eligible institutional parcels; and,

The County also initiated Future Land Use Atlas (FLUA) amendments for eligible parcels east of SR7, several of which were approved concurrent with the Plan amendments, with others seeking to include additional land area were approved on April 27, 2016. Stop and Shop, which is west of SR7 applied for and received BCC approval for CL FLU.

NOTE: *Once an eligible parcel has been assigned a Commercial or Institutional FLU designation, no additional ULDC standards for previously existing uses will be required for that site, with exception to Faith Farm Ministries, which includes uses that are not fully accommodated under the INST FLU designation.*

The County also initiated the rezoning for those parcels with staff initiated FLUA amendments. Parcels seeking FLUA amendments for additional land area may trip the thresholds requiring submittal of a rezoning application to the Multiple Use Planned Development (MUPD) district, which will be subject to additional standards established in the Plan.

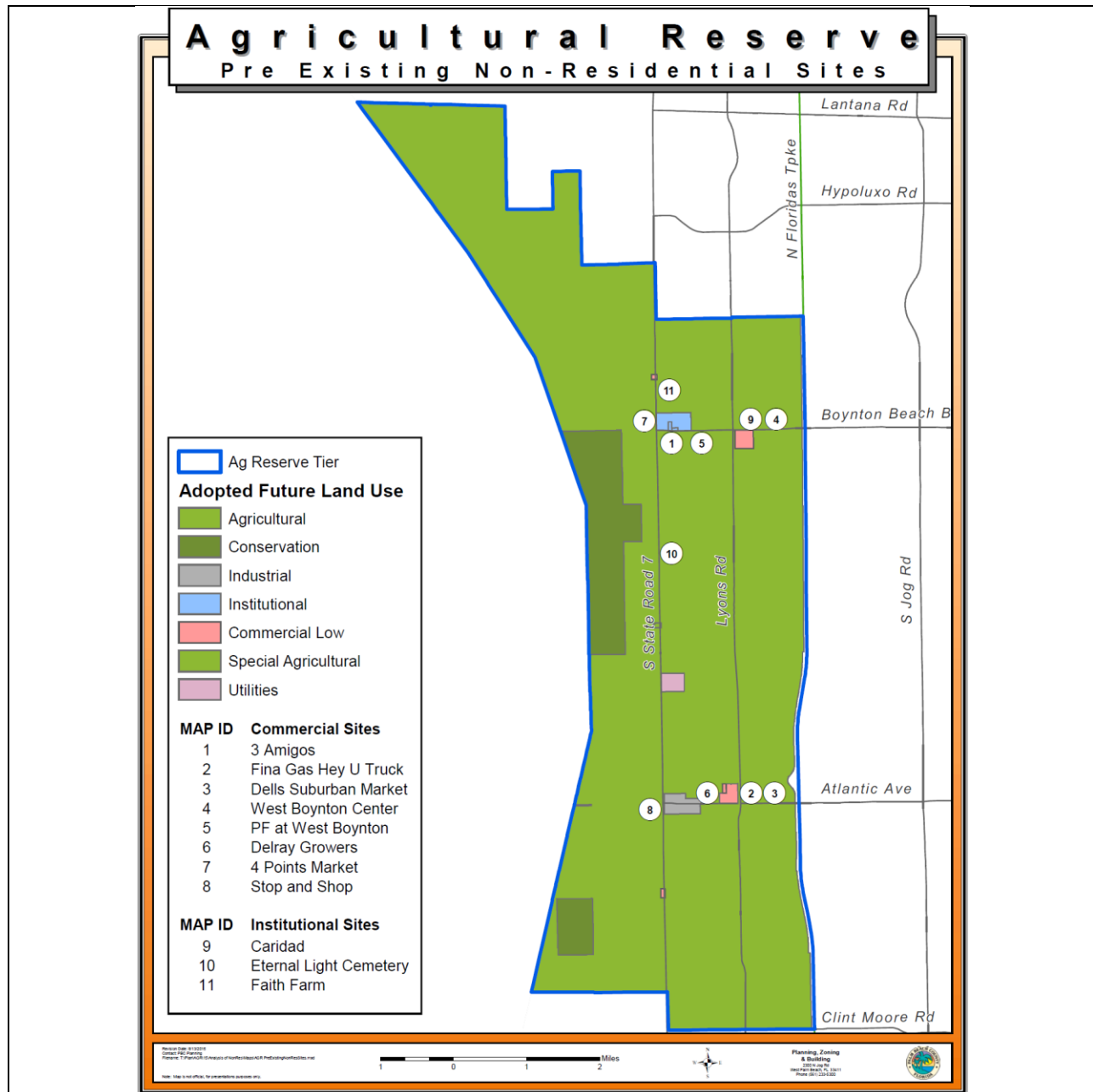
For additional information regarding adopted Plan and FLUA amendments, see the following:

January 27, 2016 Adoption Hearing for Agricultural Reserve Pre-existing Sites Text [Related to Commercial and Institutional Uses]: http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/jan/3-C-1_16-A-AGR-Pre-Existing-Text-Rpt.pdf

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Status of Commercial and Institutional Sites Noted in Above Map.

Commercial Sites:


1. Three Amigos (**January 27, 2016 FLUA Amendment Adoption Hearing**)
 - http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/jan/3-C-3-d_16-A-AGRComFLUA-Rpt-CL-ThreeAmigos.pdf
2. Fina Station (**January 27, 2016 FLUA Amendment Adoption Hearing**)
 - http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/jan/3-C-3-b_16-A-AGRComFLUA-Rpt-CL-Fina.pdf
3. Dells Market (**January 27, 2016 FLUA Amendment Adoption Hearing**)
 - http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/jan/3-C-3-a_16-A-AGRComFLUA-Rpt-CL-Dells.pdf
4. West Boynton Center (**October 26, 2016 FLUA Amendment Adoption Hearing – Includes Additional Land Area**)
 - <http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/aug/3-A-2-16-C-SmigielFLUA-text-rpt.pdf>
5. PF West Boynton (**January 27, 2016 FLUA Amendment Adoption Hearing**)
 - http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/jan/3-C-3-c_16-A-AGRComFLUA-Rpt-CL-PFWestBoynton.pdf
6. Delray Growers (**April 27, 2016 FLUA Amendment Adoption Hearing – Includes Additional Land Area**)
 - http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/april27/3-C-6_16-B-AGRPreExist-DG-FLUA-rpt.pdf
7. 4-Points Market (**N/A, West of SR7 – NO FLUA amendment at this time, will default to the Commercial Uses permitted under FLUE Policy 1.5-k, which recognizes: “2.56 acres allowed up to 5,000 square feet of commercial uses consistent with the Commercial Low FLU and 9 fuel pumps...”**)
8. Stop and Shop (**West of SR7 - October 26, 2016 FLUA Amendment Adoption Hearing**)
 - http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/oct/3-B-2_16-D-StopandShop-rpt.pdf

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Status of Commercial and Institutional Sites Noted in Above Map.

Institutional Sites:	
9. Caridad Clinic	<ul style="list-style-type: none"> • January 27, 2016 FLUA Amendment Adoption Hearing: http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/jan/3-C-2-a_16-A-AGRComFLUA-Rpt-INST-Caridad.pdf • October 27, 2016 Rezoning: http://discover.pbcgov.org/pzb/zoning/Hearings-Meetings-BCC/2016-10-27-8.pdf
10. Eternal Light	<ul style="list-style-type: none"> • January 27, 2016 FLUA Amendment Adoption Hearing http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/jan/3-C-2-b_16-A-AGRComFLUA-Rpt-INST-EternalLight.pdf • October 27, 2016 Rezoning: http://discover.pbcgov.org/pzb/zoning/Hearings-Meetings-BCC/2016-10-27-9.pdf
11. Faith Farm Ministries)	<ul style="list-style-type: none"> • January 27, 2016 FLUA Amendment Adoption Hearing: http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/jan/3-C-2-c_16-A-AGRComFLUA-Rpt-INST-FaithFarm.pdf • October 27, 2016 Rezoning: http://discover.pbcgov.org/pzb/zoning/Hearings-Meetings-BCC/2016-10-27-10.pdf

Part	Article	Reasons
1.	ULDC Art. 3.C.1.A, Previously Approved and Non-conforming Uses (pages 122 – 123 of 234)	<p>1. Delete provisions for specific non-conforming developments with AGR Zoning superseded by recent Comprehensive Plan or future land use atlas (FLUA) amendments outlined above. Only one previously identified site, 4-Points Market remains in the AGR Zoning district, and Plan amendments included additional guidance on the scope of permitted development.</p> <p>2. In addition to the aforementioned, three additional “Exempted” uses cited in ULDC provisions to be deleted include the following: The Soup Kitchen: Previously located at 9850 Boynton Beach Boulevard, has relocated to the Caridad Clinic at 8645 Boynton Beach Boulevard.</p>  <p>Our Lady Queen of Peace: Includes approvals as a Place of Worship and accessory uses, which are permitted in the AGR district, as evidenced by subsequent Development Order Amendments to the original approvals (Control # 1994-087).</p> <p>Sunshine Meadows: No longer located in the AGR Zoning district under which the subject provisions apply. Sunshine Meadows was rezoned to the AGR-PUD Zoning district and designated as an AGR Preserve as part of the Oaks at Boca Raton, formerly known as Fox Hill Estates and Rainbow PUD (Control # 1997-104).</p>
2.	ULDC Art. 3.C.1. (page 125 of 234),	<p>[Zoning] As noted above, Faith Farm Ministries was previously identified as one of the Institutional “Exempted Uses” in the AGR district, which was recently amended to the Institutional (INST) FLU designation and corresponding Institutional and Public Facilities (IPF) Zoning district. As further outlined in the Comprehensive Plan amendment, Faith Farm Ministries is a well known religious ministry established in 1964, providing long term residential treatment, a recovery program and related support uses.</p> <p>While the majority of existing uses identified on the approved Final Site Plan</p>

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		(Control # 94f-073) are permitted in the IPF district, several support uses would not meet the criteria to be permitted as an accessory use and would continue to be considered non-conforming uses. Hence, this amendment recognizes the recent Comprehensive Plan and FLU amendments, and the need to relocate and clarify standards regarding modification or expansion to non-conforming uses.

EXHIBIT B– AGR Tier - Planned Development Districts

General Background and Summary:

As part of the recent Agricultural Reserve Round Table process and BCC Workshops pertaining to the regulation of the Agricultural Reserve, several revisions to the Comprehensive Plan were adopted in response to changes allowing for additional commercial development within the Tier. Subsequently, on April 27, 2016, the BCC adopted changes to Future Land Use Element (FLUE) Objective 1.5, Agricultural Reserve Tier, including but not limited to:

- Eliminating requirement that all new commercial development be in the form of a Traditional Marketplace Development (TMD), and adding language to allow for Multiple Use Planned Developments (MUPDs);
- Adding language to allow for residential uses in MUPDs;
- Adding language to require new commercial development greater than 16 acres to provide Preserve Areas; and,
- Establishing general design standards for all new commercial or mixed use development.

Note that several of these updates were necessary to recognize that the previously approved Canyons TMD would be processing an amendment to rezone to the newly established AGR MUPD, which necessitated establishing standards to recognize certain design elements or residential uses that were specified in the conceptual designs submitted to the BCC on April 6, 2005. Hence, additional AGR Tier specific revisions are required to establish ULDC standards for mixed use, which is not otherwise provided for under the current MUPD development standards.

Additional amendments that do not require subsequent amendments to the ULDC include clarifying standards for where applications for commercial future land use atlas (FLUA) amendments will be permitted, revising the maximum overall square footage for new commercial in the Tier, and establishing the maximum FAR for an MUPD in the Tier, among other general updates related to BCC direction regarding changes adopted to accommodate Tier serving commercial uses.

For additional information regarding the adopted Comprehensive Plan amendments, see the following Planning Division staff report for the April 27, 2016 BCC Adoption Hearing:

http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/april27/3-C-2_16-B-AGR-Commerical-Text-Edit-NoStrikeout-PCN-AddResPolicy.pdf

Part	Article	Reasons
1.	ULDC Art. 3.E.3, Multiple Use Planned Development District (MUPD) (pages 174-176 of 234)	1. New FLUE Policy 1.5.1-q, AGR-Multiple Use Planned Development, requires any new AGR-MUPD greater than 16 acres to provide a Preserve Area, subject to the standards for an AGR TMD Preserve Area. The general development standards and requirements for a Preserve Area are contained within the AGR PUD provisions of the ULDC, and can be accommodated with a simple clarification of the 60/40 option and a cross reference. However, other existing FLUE Policies and implementing ULDC Use Regulations implement slightly different lists of permitted Preserve Area uses in an AGR PUD versus an AGR TMD, so a separate reference to the latter is required for consistency with the new AGR MUPD Policy.
		2. As summarized above, new FLUE Policy 1.5.1-r, AGR Tier Design Elements, were adopted "In order to maintain the character of the Tier and quality of life for farm workers and residents." Since these standards are general in nature, implementation will be through reference to the Plan, which will enable Planning to develop any Conditions of Approval as part of the Development Review certification or approval processes.
		3. Revised FLUE Policy 1.5-m [Related to Residential], establishes provisions to allow for residential uses in the AGR MUPD. This provision was necessary to recognize existing residential uses delineated on the two previously approved AGR TMD's, in the event either sought to utilize the AGR MUPD alternative. As noted above, the Canyons TMD was subsequently rezoned to AGR MUPD after the adoption of these revised policies. The ULDC amendment below recognizes the need to establish regulations to identify which residential uses and development standards are to be utilized in the aforementioned scenario, or where new AGR MUPDs are proposed.

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Part	Article	Reasons
2.	ULDC Art. 3.F.4, Traditional Marketplace Development (pages 220 and 231 of 234).	<ol style="list-style-type: none"> [Zoning] Establish a cross reference to new AGR Tier Design Elements, as outlined in Part 1 above. [Zoning] Update to reflect recent Plan amendments outlined above. [Zoning] Establish a cross reference to new AGR Tier Design Elements, as outlined in Part 1 above.
3.	ULDC Table 4.A.4, Development Thresholds (page 19 of 171)	[Zoning] Establish a cross reference to new AGR Tier Design Elements, as outlined in Part 1 above.

EXHIBIT C – Art. 3.B.16, Urban Redevelopment Area Overlay (URAO)

General Background and Summary:

The BCC adopted several Comprehensive Plan amendments to the Comprehensive Plan Future Land Use Element (FLUE) Urban Redevelopment Area (URA) Objectives and Policies on August 22, 2016, which responds to various industry and internal staff feedback regarding obstacles to intended redevelopment efforts within the URA. The 2007 Treasure Coast Regional Planning Council (TCRPC) concepts originally envisioned for the URA were intended to incentivize redevelopment through increased options for administrative approvals subject to compliance with a specified mixed use development pattern that fostered a multi-modal or pedestrian friendly form of development sorely lacking along key commercial corridors of the URA. However, as implemented, several of the desired development standards were often perceived as being too rigid, which resulted in a number of property owners to opt out of the County initiated Urban Center (UC) or Urban Infill (UI) future land use atlas (FLUA) and Rezoning, or otherwise seek BCC approval of Waivers.

The recently adopted Plan amendments seek to redress several of these shortcomings through elimination of certain mandatory URA development requirements, or by establishing a mechanism to allow property owners to utilize the FLU and Zoning existing prior to the adoption of the URA. Note, while the UC and UI districts are currently defined as primarily residential or mixed use districts, nearly all applications for development submitted have been for non-residential development. That said, it's important to note that a number of former residential properties were converted to UC or UI, and under the proposed reversion clause would revert back to the former residential designations.

Other key changes include but are not limited to:

- Clarifying that the UI FLU designation may allow for residential “and/or” non-residential uses, by deleting language implying that the district was residential with some non-residential “...encouraged in the first story.”
- Deleting the minimum two-story requirement for both the UC and UI FLU designations. To date, nearly every Zoning application sought Waiver relief from this requirement, and while desirable has resulted in an obstacle to desired redevelopment.
- Clarifying a longstanding Planning and Zoning interpretation that allowed for parking and outdoor uses such as gas station fuel pumps and canopies along the side of buildings after compliance with the minimum building frontage percentages for the district. Note that this was implemented with the original adoption of ULDC provisions for the URAO, where Art. 3.B.16.E.4.c, Drive Through Uses and Gasoline Service Facilities, or Art. 3.B.16.F.9, Parking and Loading Standards, allowed for such uses to be placed behind buildings, a “street wall” (emphasis added), or when integrated into the building. Provisions allowing for Type I Waiver relief to allow for deviations from required street walls for pedestrian and vehicular access points, or Type II Waiver relief if applicable, further supported this interpretation and requires no further revision. However, the Plan amendment goes a step further by expanding opportunities to allow parking in front of buildings “as determined to be appropriate during the development review process” which will be implemented through the expansion of Type I Waiver provisions.

For additional background and information regarding the adopted Comprehensive Plan amendments, see the following Planning Division staff report for the August 22, 2016 BCC Adoption Hearing:

http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/aug/3-B-1_16-C-URA-Rpt.pdf

Part	Article	Reasons
1.	ULDC Art. 3.A.3.B.1, (page 18 of 234),	[Zoning] Establish new exception to recognize new Comprehensive Plan Future Land Use Element (FLUE) Policy 1.2.2-m, Alternative Future Land Use and Zoning, which will be located within Art. 3.B.16, Urban Redevelopment Area Overlay (URAO). While most exceptions are fully implemented in this area of the ULDC, additional clarification is best located where the bulk of the URAO regulations are located, for ease of use.

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Part	Article	Reasons
2.	ULDC Art. 3.B.16, Urban Redevelopment Area Overlay (URAO) (pages 88-115 of 234),	<ol style="list-style-type: none"> 1. Expand references to key Plan amendments related to the creation or revision of policies which guide implementing ULDC regulations, to provide additional context and history. 2. Implement new FLUE Policy 1.2.2-m, Alternative Future Land Use and Zoning, and clarify that any requests to utilize this new option will be subject to a Pre-Application meeting with both Zoning and Planning staff, prior to approval. If the alternative Zoning and FLU are found to be inconsistent, establishes that the property owner may elect to rezone to a consistent district. However, if the alternative FLU designation does not support the desired Zoning district, the property owner may elect to retain the original UC or UI district, or otherwise seek a land use amendment to a FLU designation which supports the desired Zoning district.
	ULDC Art. 3.B.16, F, PRA Design and Development Standards	[Zoning] Block design requirements stemmed from FLUE Policy 1.2.2-b for both the UC and UI FLU designations, which was deleted with the August 22, 2016 Plan amendments. While the amendment allows for the deletion of the ULDC minimum 5 acre threshold requiring compliance with block structure, the standards may still be required to ensure compliance with language retained, including but not limited to certain design characteristics such as “An interconnected pedestrian friendly street network...” and “Vehicular and pedestrian connections to adjacent parcels and roadways. Buildings located along the sidewalk...”, among others. Such goals are consistent with broader efforts to improve pedestrian safety, including Walkable Communities (http://www.walkable.org/), recent Federal and State Department of Transportation revisions to street design guidelines, among many others.
	ULDC Art. 3.B.16, F.5, PRA Design and Development Standards	[Zoning] The parallel alley requirement was mandated FLUE Policy 1.2.2-b for both the UC and UI FLU designations, which was deleted with the August 22, 2016 Plan amendments. The provision has been retained as optional, and requisite provisions related to compliance with interconnectivity standards has been relocated accordingly
	ULDC Art. 3.B.16, F.6, Building Standards	[Zoning] Revise minimum Building Frontage requirements for Block Buildings to recognize expansion of existing provisions allowing for parking our outdoor uses along the side of buildings, as similarly expanded upon with recent clarification of FLUE Policy 1.2.2-d.
	ULDC Art. 3.B.16, F.6.c, Building Height and Floors	[Zoning] The minimum two story requirement was mandated by FLUE Policy 1.2.2-b (applicable to parcels with UC and UI FLU and Zoning within the URAO), which was deleted with the August 22, 2016 Plan amendments. While well intentioned, this mandatory Plan requirement became one of the primary obstacles to expediting redevelopment, as evidenced by the consistent use of Waivers, which required BCC approval.
	ULDC Art. 3.B.16, F.7, Streetscape Standards	[Zoning] Address longstanding glitch where requirements for “concrete” likely to be in locations also required to provide “pervious/porous materials” only allowed for pervious concrete, which might not meet Engineering standards, or was otherwise found overly restrictive by some Landscape Architects who sought to use alternative materials.
	ULDC Art. 3.B.16, F.7.b Streetscape Components	<ol style="list-style-type: none"> 1. [Zoning] Address longstanding glitch which required an excessive number of benches. 2. [Zoning] Continued from above, address longstanding glitch that precluded the use of pervious or other acceptable sidewalk materials. This is accomplished here by deleting the redundant requirement which is addressed above where Engineering approval is required.
	Table 3.B.16.G - Type I and II URAO Waivers	[Zoning] Expand existing provisions allowing for Waiver relief to recognize deletions or need to expand flexibility for several of the above amendments.
3.	ULDC Art. 3.C.1.E, Priority Redevelopment Area Districts	[Zoning] As noted under General Background and Summary, FLUE Policy 1.2.2-b was amended to clarify that the UC and UI districts allow for either or both residential or non-residential uses. The former language incorrectly implied that the UI district would be primarily residential with some supporting non-residential uses limited to the first floor. While this may have been appropriate for residential properties that gained the ability to development mixed use, this inadvertently impacted existing development rights for non-residential properties that were converted to the UI FLU designation.

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EXHIBIT D – Reasonable Accommodation Time Limitation

Part	Article	Reasons
1.	ULDC Art. 2.D.7, Reasonable Accommodation, (pages 46 – 48 of 87).	[Zoning] The ULDC generally establishes time limitations for Development Orders to ensure that public facilities are available and in place to accommodate proposed development, minimize the artificial inventory of specific uses or services, or to ensure that such approvals are not inconsistent with changed circumstances that may occur over time, among others. However, a Determination granting a Reasonable Accommodation is not a Development Order. The adoption of provisions to allow for the evaluation of requests for Reasonable Accommodations for persons with disabilities was based on the need to recognize the specific needs or provision of services for disabled persons or groups, based on a proposed development, program or service. Hence, this amendment serves to establish a reasonable timeframe to apply for a related Development Order, which would in turn establish a time limitation, or otherwise one year. Note that Palm Beach County does not currently charge a fee for a request for Reasonable Accommodation, however should a Determination expire, a revised application may be required to demonstrate that there have been no changed circumstances since the original request was submitted.

EXHIBIT E – Art. 3.E.2.F.3.c.1), PDRs for AGR Preserves and Farm Residences

General:

Summary: The proposed amendments serve to implement recent revisions to the Future Land Use Element (FLUE) of the Plan, and related updates to existing ULDC requirements for Agricultural Reserve (AGR) Planned Development District (PDD) Preserve Parcels, as follows:

- Allow agricultural property with an existing or planned Farm Residence to sell development rights from all but one acre for the house;
- Clarify applicability of Property Development Regulations for parcels with partial AGR PDD Preserve designation; and,
- Correct minor glitches and scrivener's errors.

Background and Summary:

The following is an excerpt from the April 27, 2016 Planning Division staff report to the Board of County Commissioners, which clearly summarizes the purpose and intent of the proposed ULDC Amendments. The full report can be viewed on the Planning Division webpage under BCC Hearings, April 27, 2016 Round 16-B Agenda Item (note link broke at time of publication due to recent webpage updates. Staff is working to resolve).

*“**Summary:** This proposed amendment would revise the Future Land Use Element (FLUE) Agricultural Reserve (AGR) policies, to allow an agricultural property with an existing or planned residence to sell development rights from all but 1 acre for the house. Currently, a minimum of 5 acres is required for a residence/dwelling unit (or less if a legal lot of record).*

***Assessment:** The proposed amendment implements Board of County Commissioners’ (BCC) direction to address concerns raised by owners residing on small agricultural properties in the AGR, who cannot sell development rights from the 5 acres needed to meet the density requirement for the home. Based on BCC discussions, the proposed amendment establishes this option only for properties that can demonstrate an active agricultural use. The proposed policy provides for these properties to obtain a letter of determination from the Planning Director, valid for three years, which allows for the sale of development rights. As with other preserve properties, the transfer of development rights would occur at a rate of one per acre, but would exclude the acreage associated with the existing or planned residence and any other uses not permitted in preserve areas (a minimum of one acre). The proposed amendment also includes provisions to prevent the parceling of existing and future preserves for the purposes of accommodating residences. Staff’s assessment is that the proposed amendment would accomplish the Board’s intent to accommodate the sale of development rights from residential properties with active agricultural uses. For reasons outlined in this report, staff does not support this amendment.*

Unified Land Development Code (ULDC) changes will be required.”

The full BCC Planning Division staff report, can be found here: http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/april27/3-C-1_16-B-AGRFarmResText-rpt2.pdf.

Additional ULDC Background:

The ULDC implements the AGR Planned Unit Development (PUD) or Traditional Marketplace Development (TMD) Preserve Area Policies of the Plan, through the establishment of Property Development Regulations (PDRs), and standards for location, configuration, and uses permitted, among other development standards for Preserve Areas.

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Prior to the above referenced Plan amendment, excluding the Development Area of a PUD or TMD, a minimum of five-acres was required for a residence, which generally corresponded with the minimum property development regulations (PDRs) for the AGR Zoning district. ULDC Art. 3.E.2.F.3.c.1) Property Development Regulations [Related to Configuration of Preserve Areas], establishes that “A Preserve Area and any remaining portion of a lot used to create a Preserve Area shall meet the minimum PDRs of the AGR district...” which effectively establishes the minimum five acre requirement for both the Preserve Area.

With the reduction to a minimum of one-acre for an eligible Farm Residence, ULDC amendments are required to reduce the minimum PDRs for the Farm Residence portion that will retain AGR zoning. Staff also recognizes the need to clarify that PDRs should only apply to the subdivision of land, rather than scenario’s where an existing AGR zoned parcel is encumbered with a partial AGR-TMD or AGR-PUD Preserve designation (commonly referred to as split zoning). This clarification will include standards such as minimum setbacks for a Farm Residence from the Preserve Area designated on the subject parcel, to ensure that residential uses don’t adversely impact the operation of farm, open space, conservation or other permitted Preserve Area uses.

Staff’s recommendations for Farm Residence PDRs located on parcels with split zoning is based on the ULDC definition of Farm Residence: “A dwelling unit, other than a mobile home, located on a parcel of land used for a bona fide agricultural use and occupied by the owner or occupant of the farm operation.”

The use of the Preserve Area requires the owner or lessee of the agricultural use to reside in the Farm Residence. Staff is recommending the following standards for parcels with partial AGR PDD Preserve Area designation:

- Subdivision shall be prohibited unless proposed lots meet all requisite PDRs for the AGR or AGR PUD Preserve Area (both are the same), emphasis on minimum lot frontage and access to a street. Revised PDRs can only be justified where there remains a symbiotic relationship between the Farm Residence and Preserve Area use.
- The area set-aside for an AGR PDD Preserve shall be in one reasonably compact and contiguous location on the subject parcel. This addresses a number of functional issues, namely the need to ensure that accessory residential uses such as Accessory Dwellings, Guest Cottages, detached garages, swimming pools or other similar recreational amenities, are not situated in a manner adverse to desired agricultural preservation.
- Minimum five-foot setback from Preserve Area. This de minimis setback establishes a clear distinction between residential and agricultural uses, precludes roof overhangs or other encroachments into the Preserve Area, while reinforcing that the farm owner or operator is best qualified to judge the need for any additional setback based on the nature of the agricultural use in the Preserve Area.
- Clarification that designation of a Farm Residence and AGR Preserve Area on a single lot does not result in subdivision, nor can either function independent of the other, therefore no additional access is required for either use.

Additional amendments serve to recognize new future land use element (FLUE) Policy 1.5.1-j, which establishes the parameters used by the Planning Director to confirm eligibility of Farm Residence parcels for potential inclusion as Preserve Areas in a 60/40 AGR PUD. This form of PUD requires that a minimum of 60 percent of the gross land area be set-aside as Preserve Area, with any permitted density limited to the remaining “Development Area.” See page Exhibit 1, page E-1, of the April 27, 2016 Planning Division staff report for specific details.

Part	Article	Reasons
1.	Art. 3.E.2.F, AGR PUD	1. Correct minor scrivener or grammatical errors, including deletion of redundant reference to “Conflict” which is addressed under Art 3.E.2.A.3, Conflicts, misuse of pluralized term designation when referring to a single future land use, established standard of spelling out numbers one through ten, etc.
		2. Correct wording referencing ERM Preserve Management Plans to: a) reference the Conservation Easement required by FLUE Policy 1.5.1-j of the Plan; and, b) clarify that neither may include uses not otherwise permitted in the district, but may otherwise be more restrictive.
		3. Expand applicability to recognize parcels with split zoning (AGR Zoning and AGR PUD Preserve Areas). Further, clarify that this split zoning cannot be subdivided unless each newly subdivided lot meets the minimum PDRs for the AGR district.
		4. Establish minimum standards for those portions of a parcel identified in an AGR Letter of Determination, intended to allow for a Farm Residence, or otherwise prohibited from inclusion in an AGR PUD Preserve Area.
		5. Clarify standards for parcels with split AGR and AGR-TMD or AGR-

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Updated 12-16-16

Part	Article	Reasons
		PUD Preserve Area zoning, to ensure any non-preserve areas located on the subject parcel do not adversely impact the intended agricultural, open space, water retention, or conservation use intended within the designated Preserve Area.

EXHIBIT F – Art. 3.B.14, Westgate Community Redevelopment Area Overlay (WCRAO)

Part	Article	Reasons
1.	Art. 3.B.14.C, WCRAO	<p>[ZONING-WCRA] The Westgate Community Redevelopment Agency (WCRA) has identified the need to amend certain standards and regulations in its Overlay to better facilitate the objective of eliminating slum and blight in the Westgate community redevelopment area. In summary, the reasons for these amendments are:</p> <ol style="list-style-type: none"> To clarify and amend the language of certain standards and review processes pertaining to Build to Lines and Minimum Frontage requirements in Sub-area property development regulations; To clarify and amend the language of certain standards and review processes pertaining to Build to Lines and Minimum Frontage requirements in Sub-area property development regulations; To create consistency between regulation language and table title for mixed use and residential parking deviations <p>Note: ULDC provisions related to WCRAO Boundaries are included herein to provide backup and context to subsequent amendments. No amendments to WCRAO Boundaries are proposed.</p>
	Art. 3.B.14.E, Use Regulations	[ZONING - WCRA] Per Table 4.A.3.A – Use Matrix, residential uses such as Multi-family and Townhouses are only permitted in residential zoning districts or on sites zoned IPF, not in commercial zoning districts. Mixed use is preferred in the NRM and NG Sub-areas of the WCRAO and is required in the NC Sub-area. This amendment is to clarify that residential uses such as Multi-family and Townhouses are permitted in commercial zoning districts in certain WCRAO Sub-areas where mixed use is preferred or required.
	Art. 3.B.14.F, WCRAO Sub-area PDRs	<ol style="list-style-type: none"> Building placement, and its relationship to adjacent structures, can significantly influence the character of redevelopment. Build to line and minimum frontage, where required in WCRAO Sub-areas, is intended to promote better building presence and massing and to facilitate walk-ability by encouraging parking and access, where possible, to be located to the rear of a structure. The UI Sub-area is the WCRA's northeast light industrial/heavy commercial quadrant where many parcels have a CH/IND FLU and are zoned either CG or IL. In amending the build to line requirement and minimum frontage requirement in the WCRAO UI Sub-area to include industrial uses, consistency in building placement is provided for as existing properties redevelop. To provide clarity to dimensional requirements for plazas and squares and to clarify that these dimensional requirements must be met only when applied as an exception to the build to line requirement.
	Art. 3.B.14.F.2, Build to Line and Frontage	[ZONING - WCRA] Build to Lines are required in all WCRAO Sub-areas except the UH. For projects that are permitted by right in WCRAO Sub-areas and the corresponding standard Zoning district, an adjustment to the Build to Line requirement such as increased R-O-W buffers due to the location of existing utility easements can only be made by the DRO, thereby adding an unnecessary layer to the approvals process where DRO review is not required. The WCRA has found that many projects are unable to meet the build to line requirement. This is particularly true of smaller mixed use infill redevelopment projects with a limited lot size fronting Westgate Avenue in the NC Sub-area where the Build to Line requirement is 10 feet. By allowing an adjustment to the Build to Line to be made during Building Permit review for projects not requiring DRO approval, the entitlement process becomes more streamlined while allowing the intent of the Build to Line to remain intact.
	Figure 3.B.14.F, WCRAO Sub-Area Building Configurations and Lot Placement	[ZONING - WCRA] Amend illustration to delineate applicability of Frontage and Build to Line requirements for consistency with amendments to Table 3.B.14.F - WCRAO Sub-area PDRs above.
	Art. 3.B.14.G, WCRAO Supplementary Standards by Sub Area	[ZONING] Typically individual parcels along Westgate Avenue in the NC Sub-area range from between 75'-125' in width. While some developers assemble lots to create a larger site, the WCRA has found that many infill redevelopment projects are generally smaller in scale. The requirement for arcades and galleries fronting Westgate Avenue is a strict application

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Updated 12-16-16

Part	Article	Reasons
		of form based design that can be too cost prohibitive at construction for many redevelopers to achieve; more often than not a Variance is requested from this requirement. By exempting lots that are 100' or less from the Arcade and Gallery requirement, a small scale redeveloper has more flexibility in building design. Other architectural features such as awnings can be utilized to create a similar effect.
	Table 3.B.14.I, WCRAO Mixed Use and Residential Parking Deviations	[ZONING] Added to clarify that those projects in the UG, UH, NRM, NG, and NC permitted to deviate from required parking specified in Table 6.A.1.B, Minimum Off Street Parking and Loading Requirements includes residential projects as stated in Article. 3.B.14.I.1.c.1), UG, UH, NRM, NG and NC Deviations).

Exhibit G – Table 6.A.1.D, Minimum Parking Lot Dimensions

Part	Article	Reasons
1	ULDC Table 6.A.1.D, Minimum Parking Dimensions for Nonresidential Uses and Residential Uses with Shared Parking Lots	[Zoning] Recognize previously approved and potential future requests for reduced Drive Aisle Width where a wider parking stall is utilized. Whereas, the required Space Width is the minimum required, and utilization of a wider than required space allows for increased vehicle maneuverability within the parking stall, thus reducing the minimum required Drive Aisle Width. The recent deletion of the rarely used minimum parking dimensions for “Retail” spaces inadvertently removed this existing alternative dimension for Aisle Width and by extension, the overall Module Width.

EXHIBIT H Table 8.G.3.B, Electronic Message Sign Types and Approval Process

Part	Article	Reasons
1.	ULDC Art. 8.G.3.B, Electronic Message Signs	[Zoning] The ULDC was amended in 2014 (Ord. 2015-025), to recognize the industry trend towards the use of Electronic Message Signs for the display of motor vehicle fuel prices, subject to a number of standards intended to mitigate adverse impacts to the public or residential uses. To ensure that the introduction of this new sign allowance went smoothly, it was determined that Development Review Officer (DRO) approval review would be required prior to submittal of a Building Permit. While there are a number of Zoning specific regulations, including minimum setbacks from residential or existing Conditions of Approval, among others, which may preclude conversion or installation of electronic fuel price signage, staff has determined that applicable standards are clear enough for applicants to understand without the need for initial Zoning oversight. Zoning staff will evaluate electronic sign conversions as part of the Building Permit review process, and Zoning will also evaluate any new signs, as the sale of motor vehicle fuels requires DRO or BCC approval.

EXHIBIT I – Definition for Addition

Part	Article	Reasons
2.	ULDC Art. 1.1.2, Definitions	[Zoning] Clarify the type of construction that constitutes an addition to an existing structure. In addition, “Adaptive Use” is being relocated to reflect the correct alphabetic order.

EXHIBIT J – Administrative Inquiry

Part	Article	Reasons
1.	ULDC Art. 1.1.23, Administrative Inquiry	[Zoning] Clarify Administrative Inquiry definition by indicating that it may also be presented to the BCC to provide status of a Development Permit for a specific site not covered by the provisions in Art. 2.E, Monitoring, including violations of conditions of approval or conditions requiring presentation of project status to the BCC via Administrative Inquiry.
2.	ULDC Art. 2.A.1.J., Procedures	[Zoning] Relocate and consolidate Courtesy Notice requirements applicable to Administrative Inquiries (AI) currently contained in the procedural standard for AI's in Art. 2.D.4, and consolidate with similar notification provisions in Article 2, Development Review Procedures. Administrative Inquiries (AI) related to a parcel with a legal description is required to comply with Courtesy Notices.
3.	ULDC Art. 2.D.4.C, Procedures	[Zoning] Clarify that Administrative Inquiries (AI) related to parcels with a legal description shall be subject to courtesy notices. The amendment also deletes duplicated language already contained in Art. 2.A.1.J.3.c, Notice Content.

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ULDC AMENDMENT ROUND 2016-02
REASONS FOR AMENDMENTS SUMMARY
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Updated 12-16-16

EXHIBIT K – Art. 3.D.1.D.1, Base Building Line

Part	Article	Reasons
1.	ULDC Art. 3.D.1.D.1, Base Building Line	<ol style="list-style-type: none"> 1. [Zoning] Delete reference suggesting that temporary auto display areas may be permitted within the base building line, as this use would conflict with requirements for landscaping. 2. [Zoning] Clarify that the placement of required parking or landscaping shall be prohibited in the area between the base building line and the existing right of way (or easement). Installation of such elements would result in a poorly configured or landscaped area when future roadway or relocated utility easements are constructed in these areas.

EXHIBIT L – Regulating Plans

Part	Article	Reasons
1	ULDC Art.2.A.1.G.3.g, Regulating Plans	<ol style="list-style-type: none"> 1. [Zoning] Revise Plan Requirements to indicate that the Regulating Plans are no longer a submittal requirement. Oftentimes, Regulating Plans are redundant whereas design details such as landscaping or signs are already shown on other required documents, such as Landscape Plans and Sign Plans. However, Staff may recommend or the Applicants may choose to submit Regulating Plans depicting design details to garner support from the Approving Authority. 2. [Zoning] Delete requirements specific to Regulating Plans under the Public Hearing and Administrative Approval Process since these requirements (e.g. Tabular Data format) are located in the Zoning Technical Manual. 3. [Zoning] Delete Architectural Elevations, Signs and Alternative Landscape from the Regulating Plans since these design and technical elements should be submitted under other Types of Plans. Example, Architectural Elevation Plans, Sign Plans or Programs and Alternative Landscape Plans.

ORDINANCE 2017 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS:** CHAPTER I, DEFINITIONS & ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES:** CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS:** CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDR's); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD's); **ARTICLE 4 - USE REGULATIONS:** CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; **ARTICLE 5 - SUPPLEMENTARY STANDARDS:** CHAPTER F, LEGAL DOCUMENTS; **ARTICLE 6 - PARKING:** CHAPTER A, PARKING; **ARTICLE 8 - SIGNAGE:** CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section 1. Adoption

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

- 1 ▪ Ordinance Title
- 2 ▪ Exhibit A AGR Tier - Previously Approved and Non-conforming Uses
- 3 ▪ Exhibit B AGR Tier - Planned Development Districts
- 4 ▪ Exhibit C Art. 3.B.20, Urban Redevelopment Area Overlay (URAO)
- 5 ▪ Exhibit D Reasonable Accommodation Expiration
- 6 ▪ Exhibit E Art. 3.E.2.F.3.c.1), PDRs for AGR Preserves and Farm Residences
- 7 ▪ Exhibit F Art. 3.B.14, Westgate Community Redevelopment Area Overlay (WRAO)
- 8 ▪ Exhibit G Table 6.A.1.D, Minimum Parking Lot Dimensions
- 9 ▪ Exhibit H Table 8.G.3.B, Electronic Message Sign Types and Approval Process
- 10 ▪ Exhibit I Definition for Addition
- 11 ▪ Exhibit J Administrative Inquiry
- 12 ▪ Exhibit K Art. 3.D.1.D.1, Base Building Line
- 13 ▪ Exhibit L Regulating Plans

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Section 2. Interpretation of Captions

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

19

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

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

23

24 **Section 4. Severability**

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

29

30 **Section 5. Savings Clause**

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

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

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

41

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

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

4

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

7

SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Paulette Burdick, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

8

9

10 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of

11 _____, 20____.

EXHIBIT A

AGRICULTURE RESERVE (AGR) TIER PREVIOUSLY APPROVED AND NON-CONFORMING USES SUMMARY OF AMENDMENTS (Updated 11-10-16)

1
2 Part 1. ULDC Art. 3.C.1.A, Previously Approved and Non-conforming Uses [Related to AGR
3 District] (pages 122 – 123 of 234), is hereby amended as follows:

4 CHAPTER C STANDARD DISTRICTS

5 Section 1 General

6 A. Agricultural Districts

7 2. AGR, Agricultural Reserve District

8 b. Previously Approved ~~and Nonconforming~~ Uses

9 All uses that are existing and were legally established or requested before the effective
10 date of Ord. 2001-061, but are not permitted by the provisions of the AGR district, shall
11 be considered exempted ~~uses or non-conforming~~ uses as set forth below:

12 1) Exempted Uses - ~~4 Points Market~~

13 ~~May be developed in accordance with FLUE Policy 1.5-I, Pre-Existing Commercial~~
14 ~~Sites (1. 4 Points Market).~~

15 ~~The following non-residential developments, may continue to exist and are to be~~
16 ~~accommodated as part of the continuation of the AG Reserve Tier: Eternal Light~~
17 ~~Cemetery, 11520 SR-7, Boynton Beach; Faith Farm Ministry, 9538 Hwy 441,~~
18 ~~Boynton Beach; Our Lady Queen of Peace Church and service complex, W. Atlantic~~
19 ~~Ave; Caridad Clinic, West Boynton Beach Blvd; Soup Kitchen, 9850 Boynton Beach~~
20 ~~Blvd; 4 Points Market; 3 Amigos Convenience Store; Fina Gas Station Hwy 4 U~~
21 ~~trucking; and Sunshine Meadows. [Ord. 2006-004] [Partially relocated below (4-~~
22 ~~Points Market) and to new Art. 4.C.1.G.1.a, AGR Tier – Faith Farm Ministries~~
23 ~~(Related to IPF District)]~~

24 2) Existing Nonconforming Uses

25 ~~Replacement, relocation or expansion of nonconforming uses shall be subject to~~
26 ~~Class A conditional use approval and the following:~~

27 a) ~~Existing uses eliminated due to R-O-W acquisition by eminent domain, and~~
28 ~~relocation of the use on site is not feasible, may be relocated to an adjacent site.~~

29 b) ~~Existing Nonconforming uses may expand up to 50 percent of the building~~
30 ~~square footage. If a use is on less than one acre of property, the land area is~~
31 ~~permitted to be expanded up to a total of one acre.~~

32 c) ~~PDRs:~~

33 ~~(1) Maximum FAR: .35~~

34 ~~(2) Maximum Building Coverage: 25 percent~~

35 ~~(3) Minimum Building setbacks: 30 feet on all sides.~~

36 **[Renumber Accordingly]**

37
38
39 Part 2. ULDC Art. 3.C.1. (pages 125 of 234), is hereby amended as follows:

40 CHAPTER C STANDARD DISTRICTS

41 Section 1 General

42 G. Public and Institutional Districts

43 1. IPF, Institutional and Public Facilities District

44 The IPF district is to provide land in appropriate locations for a variety of regional and
45 community uses that are either publicly or privately operated.

46 a. AGR Tier – Faith Farm Ministries

47 1) Approved Uses

48 Uses not permitted in the IPF district, but otherwise delineated on the approved Final
49 Site Plan for Faith Farm Ministries, Control # 94-073, dated February 13, 2008, as
50 amended, may continue to exist and are to be accommodated as part of the
51 continuation of the AG Reserve Tier. The modification or expansion of any identified
52 uses that exceed the limits of Art. 2.D.1.G, Modifications to Prior Development
53 Orders, may be allowed subject to BCC approval as a Class A Conditional Use,
54 provided such facilities and uses are owned by and directly related to the existing
55 Faith Farm Ministries program, and provide training opportunities and financial
56 support for Faith Farms Ministries.

57 2) Exception from Development Thresholds

Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to:]** or **[Partially relocated to:]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from:]**.
- A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT A
AGRICULTURE RESERVE (AGR) TIER
PREVIOUSLY APPROVED AND NON-CONFORMING USES
SUMMARY OF AMENDMENTS
(Updated 11-10-16)

The 87.28 acre Faith Farm Ministries development shall be exempt from Table 4.A.4.A, Thresholds for Projects Requiring Board of County Commission Approval.

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Notes:

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EXHIBIT B

AGR TIER - PLANNED DEVELOPMENT DISTRICTS SUMMARY OF AMENDMENTS

(Updated 11/16/16)

1
2 Part 1. ULDC Art. 3.E.3, Multiple Use Planned Development District (MUPD) (pages 174-176 of
3 234), is hereby amended as follows:
4

5 ARTICLE 3 OVERLAYS & ZONING DISTRICTS

6 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

7 Section 3 Multiple Use Planned Development (MUPD)

8 E. AGR MUPD

9 The following standards shall apply to MUPDs in the AGR Tier.

10 1. Conflict with Other Applicable Regulations

11 If a conflict exists between provisions for an AGR MUPD and other Articles of this Code, the
12 AGR MUPD provisions shall prevail except where superseded by State or Federal laws.

13 2. 60/40 Preserve/Development Requirements

14 New applications for an MUPD in the AGR Tier greater than 16 acres in size as of January 1,
15 2016, as determined by FLUE Policy 1.5.1-# of the Plan, shall consist of two areas, the
16 Preservation Area and the Development Area. Both areas shall be rezoned to the MUPD
17 district and comply with the following:

18 a) Preserve Area

19 1) Minimum Land Area

20 A minimum of 60 percent of the gross acreage, less roadways identified on the
21 thoroughfare identification map, shall be designated as an AGR Preserve Area.

22 2) Standards and Requirements

23 (a) Use Regulations

24 Permitted uses shall be the same as those permitted in the Preserve Area of an
25 AGR TMD.

26 (b) Requirements

27 The Preserve Area shall comply with the requirements of Art. 3.E.2.F.3,
28 Preservation Area, with exception to the following:

29 (1) References to residential development or PUD shall be considered
30 synonymous with residential or non-residential development or MUPD,
31 respectively;

32 (2) Art. 3.E.2.F.3.b, Uses; and

33 (3) Art. 3.E.3.F.3.d, 80/20 Contiguity Requirement.

34 b. Development Area

35 The remaining land area, not to exceed 40 percent of the gross acreage less right-of-way as
36 shown on the Thoroughfare Identification Map, may be developed as an MUPD, subject to
37 the following:

38 1) Agriculture Reserve Design Elements

39 The Development Area shall comply with FLUE Policy 1.5.1-r, Ag Reserve Design
40 Elements.

41 2) Residential Mixed Use

42 Residential uses shall be permitted in accordance with the standards for residential uses
43 in an AGR-TMD.
44
45

46 Part 2. ULDC Art. 3.F.4, Traditional Marketplace Development (pages 220 and 231 of 234), is
47 hereby amended as follows:
48

49 ARTICLE 3 OVERLAYS & ZONING DISTRICTS

50 CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

51 Section 4 Traditional Marketplace Development (TMD)

52 53 **B. Purpose of the TMD District in the AGR Tier (AGR-TMD)**

54 In addition to the above, the purpose of the AGR-TMD is to: **[Ord. 2005–041]**

55 1. Promote the preservation of agriculture by providing for compact commercial areas and
56 preserved agricultural land; **[Ord. 2005 – 002]**

57 2. Provide for commercial uses serving AGR residents at accessible locations on major
58 arterials; and **[Ord. 2005 – 002]**

Notes:

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

EXHIBIT B

AGR TIER - PLANNED DEVELOPMENT DISTRICTS SUMMARY OF AMENDMENTS

(Updated 11/16/16)

- 1 3. Encourage design that is compatible with the surrounding agricultural or rural area; [Ord.
2 2005 – 002]
3 4. Implement the conceptual designs that submitted to the BCC on April 6, 2005; and [Ord.
4 2005-041]
5 5. Implement the requirements of FLUE Policy 1.5-m, 1.5.1-m, 1.5.1-n, and 2.4-c of the Plan
6 plan, as amended, and FLUE Policy 1.5.1r, Ag Reserve Design Elements, adopted in 2016.
7 [Ord. 2005-041]
8

9 **E. Standards Applicable to AGR Tier**

- 10
11 **11. Agriculture Reserve Design Elements**
12 Shall comply with FLUE Policy 1.5.1-r, Ag Reserve Design Elements.
13
14

15 Part 3. ULDC Table 4.A.4, Development Thresholds (page19 of 171), is hereby amended as
16 follows:
17

18 ARTICLE 4 USE REGULATIONS

19 CHAPTER A USE CLASSIFICATION

20 Section 4 Development Thresholds

- 21
22 **b. Agriculture Reserve Design Elements**
23 The Development Area shall comply with FLUE Policy 1.5.1-r, Ag Reserve Design Elements.
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Notes:

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

EXHIBIT C

URBAN REDEVELOPMENT AREA OVERLAY (URAO) SUMMARY OF AMENDMENTS (Updated 12/8/16)

1
2 Part 1. ULDC Art. (page 18 of 234), is hereby amended as follows:
3

4 ARTICLE 3 OVERLAYS & ZONING DISTRICTS

5 CHAPTER A GENERAL

6 Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)

7 B. Standard Districts

8 1. Standard District Exceptions and Limitations

9

10 m. The UC or UI Zoning Districts may be permitted to utilize the FLU designation and zoning
11 district in place prior to the adoption of the Urban Redevelopment Area Overlay (URAO),
12 in accordance with Art. 3.B.16.B.5.b, Alternative Future Land Use and Zoning.
13

14
15 Part 2. ULDC Art. 3.B.16, Urban Redevelopment Area Overlay (URAO) (pages 88-115 of 234), is
16 hereby amended as follows:
17

18 ARTICLE 3 OVERLAYS & ZONING DISTRICTS

19 CHAPTER B OVERLAYS

20 Section 16 Urban Redevelopment Area Overlay (URAO)

21 A. Purpose and Intent

22 The purpose and intent of the Urban Redevelopment Area Overlay (URAO) is as follows: **[Ord.**
23 **2010-022]**

- 24 1. Implement the concepts of the July 2007 Palm Beach County Urban Redevelopment Area
25 Planning Study and Corridor Master Plan, prepared by the Treasure Coast Regional Planning
26 Council, inclusive of the 2009 Planning Division addendum, and the 2016 amendments to the
27 Plan (Ord. 2016-037), URA Alternative Revisions; [Ord. 2010-022]
28

29

30 B. Applicability

31

32 5. Zoning District Requirements

33 The Zoning districts permitted within the PRAs are as follows:

34 a. **Urban Center (UC) and Urban Infill (UI)**

35 ~~Urban Center (UC) and Urban Infill (UI).~~ As of August 2010, all parcels that have a UC or
36 UI FLU designation, were rezoned to the corresponding UC and UI districts (Zoning
37 applications 2010-00667 and 00668, respectively). Rezoning applications shall only be
38 required for parcels which initially opted out of the PRA and are applying for a concurrent
39 FLU amendment to the UC or UI FLU designation. **[Ord. 2010-022] [Ord. 2011-016]**

40 b. **Alternative Future Land Use and Zoning**

41 On August 22, 2016, the BCC adopted Plan amendments (Ordinance 2016-037), which
42 may allow flexibility for property owners to utilize the FLU designations and Zoning
43 districts that were in place prior to the adoption of rezoning to the UC or UI Zoning
44 districts.

45 1) **Mandatory Pre-Application Meeting**

46 A Pre-Application meeting with Zoning and Planning staff is required to review any
47 requests for this option, prior to confirmation of eligibility and final determination of
48 the applicable FLU designation and Zoning district that may be utilized

49 2) **Decision**

50 If the alternative zoning district is found to be consistent with the alternative FLU
51 designation, as specified in Art. 3.A.3, Zoning District Consistency with the Future
52 Land Use Atlas (FLUA), then the property may be developed in accordance with the
53 standards for the alternative Zoning district. If inconsistent, the applicant may be
54 required to rezone the property to a consistent zoning district.

55

56 F. PRA Design and Development Standards

57

58 3. Block Standards Design

59 Where applicable, blocks ~~Blocks~~ shall be created by utilizing streets and alleys to provide
continuous pedestrian and vehicular circulation, interconnectivity and accessibility in PRA

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EXHIBIT C

URBAN REDEVELOPMENT AREA OVERLAY (URAO) SUMMARY OF AMENDMENTS (Updated 12/8/16)

1 projects. Cul-de-sacs and other dead-end streets shall not be permitted unless it can be
2 demonstrated that physical constraints prohibit practical alternatives. Any new blocks shall
3 comply with the following: [Ord. 2010-022]

4 **a. Applicability**

5 Blocks ~~may be~~ are required ~~for projects five or more acres in size, or where the~~
6 ~~subdivision of when subdividing land is proposed in order to meet the minimum frontage~~
7 ~~required for new parcels, or when additional buildings internal to the site must comply~~
8 ~~with Art. 3.B.16.F.6, Building Standards excluding lot recombination.~~ [Ord. 2010-022]

9 **b. Minimum Dimensions**

10 **Table 3.B.16.F - Block Dimension Requirements (1)**

Transect Zone	Block Face (2)		Block Perimeter	
	Average	Maximum	Average	Maximum
UC	300 – 500 ft.	600 ft.	1,500 – 1,800 ft.	2,500 ft.
UI			1,200 – 1,500 ft.	1,800 ft.
[Ord. 2010-022] [Ord. 2011-016]				
Notes:				
1. Exceptions may be permitted only where PBC DEPW requirements preclude required vehicular access points necessary to complete the block structure.				
2. A block face greater than 400 ft. shall provide for an alley, lobby, or other mid-block pedestrian pass through connecting to another street, alley, parking structure or other internal block use.				
Deviations shall be prohibited.				

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12
13 **5. Interconnectivity Standards**

14 Interconnectivity to adjacent residential parcels is encouraged, but not required.
15 Interconnectivity shall be required between similar uses. *In the event the adjacent parcel is undeveloped, a stub out shall be provided to accommodate future connections.* In addition,
16 the following shall apply. [Ord. 2010-022] [Ord. 2011-016] [Partially relocated from below]

17 **a. Street Connections**

18 Parcels required to or proposing to establish a block structure, shall provide
19 interconnectivity where any new internal intersections abut adjacent parcels. [Ord.
20 2010-022]

21 **b. Optional Parallel Alley**

22 Applicants are encouraged to develop All parcels with that have frontage on a
23 commercial corridor ~~with shall provide~~ an alley running parallel to the corridor. The alley
24 ~~may shall~~ be generally located along the rear property line, or at a point that allows
25 interconnectivity to shallower abutting lots. Where new blocks are not required or
26 proposed, alleys may be incorporated as drive aisles within parking lots. ~~In the event the adjacent parcel is undeveloped, a stub out shall be provided to accommodate future connections.~~ [Ord. 2010-022] [Partially relocated above]

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31 **e. Small Parcel Exemptions**

32 Legal lots of record of less than one acre in size prior to the adoption of the URAO, may
33 be exempt from interconnectivity standards, by complying with any of the following
34 standards: [Ord. 2011-016]

- 35 1) Interconnectivity has been provided to adjacent parcels establishing or allowing for a future cross access point parallel alley; or, [Ord. 2011-016]
- 36 2) Applicant can demonstrate that interconnectivity requirements, ~~other than those allowing for the establishment of a parallel alley,~~ would adversely impact the
37 development potential of the project. [Ord. 2011-016]

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40 **6. Building Standards**

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EXHIBIT C

URBAN REDEVELOPMENT AREA OVERLAY (URAO) SUMMARY OF AMENDMENTS (Updated 12/8/16)

1

Table 3.B.16.F. - PRA Block Building PDRs

Building Placement		Min.	Max. (1)
A.	Slip Street Frontage	45 ft.	50 ft.
	Primary Frontage	20 ft.	25 ft.
	Secondary Frontage (8)	10 ft.	20 ft.
B.	Non-Residential (9)	6 ft. (2)	N/A
C.	Residential (PRA) (4)	6 ft. (2)	N/A
	Residential (non PRA) (5) (9)	30 ft.	N/A
D.	Between parking and alley	5 ft. (3)	N/A
Building Frontage % (6)		Min.	Max.
G.	Slip Street and Primary	65 50%	100%
Individual Building Length		Min.	Max.
G.		N/A	300 ft.
Courtyard % of Footprint (Optional)		Min.	Max.
H.		N/A	25%
Courtyard Dimensions (Optional)		Min.	Max.
H.		30 ft.	N/A
Pedestrian Pass Thru (6)(7)		Min.	Max.
I.	Separation	100 ft.	300 ft.
	Width	10 ft.	N/A



Notes:

9. Setbacks for Single-family Residential units shall be 7.5 feet for side setbacks and 15 feet for rear setbacks. Accessory Structures to Single-family Residential may be allowed in accordance with Art. 5, Supplementary Standards. [Ord. 2012-027]

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....
c. Building Height and Floors

1) Building Floors

~~a) Minimum Floors Required~~

All buildings shall be a minimum of two stories, except for legal lots of record in the UI district that are less than one acre in size and existing prior to the adoption of the URAO. [Ord. 2011-016]

~~ab) Maximum Floors~~

The maximum number of floors permitted in any building shall be determined by the parcels Zoning District and Transect Zone, as indicated in the following table:
[Ord. 2011-016]

Table 3.B.16.F - Maximum Building Floors

Zoning/ Transect Zone	Floor #							
	<u>1</u>	2	3	4	5	6	7	8
UC 1	<u>P</u>	P	P	P	P	P (1)	P (1)	(1) (2)
UC 2	<u>P</u>	P	P	P	P	P (1)	(1)	-
UC 3	<u>P</u>	P	P	P	P	-	-	-
UI 1	<u>P</u>	P	P	P	P (1)	(1)	-	-
UI 2	<u>P</u>	P	P	P	P (1)	-	-	-

[Ord. 2011-016]

Notes:

P Permitted
- Not permitted.

1. LEED Silver or equivalent: Building floor only permitted where in compliance with Green Building Incentive Program.
2. LEED Gold or equivalent: Building floor only permitted where in compliance with Green Building Incentive Program.

2) Exterior Height

....
b) Maximum building height shall be in accordance with Table 3.B.16.F, Maximum Building Floors, Table 3.B.16.F, Maximum Building Height, and the following:
[Ord. 2010-022] [Ord. 2011-016]

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EXHIBIT C

URBAN REDEVELOPMENT AREA OVERLAY (URAO) SUMMARY OF AMENDMENTS (Updated 12/8/16)

1

Table 3.B.16.F - Maximum Building Height

Floor #	1 or 2	3	4	5	6	7	8
Maximum Height	35 ft.	45 ft.	60 ft.	75 ft.	90 ft.	105 ft.	120 ft.
[Ord. 2010-022]							

2

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7. Streetscape Standards

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a. General Standards

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- 3) All paving materials for the pedestrian sidewalks shall be compliant with ADA accessibility standards, ~~and shall be constructed of concrete acceptable to the Engineering Department;~~ [Ord. 2010-022]

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12

- 8) All paving materials in planting/amenity and pedestrian circulation zones shall be constructed entirely of pervious/porous materials, allowing some storm-water to percolate into the underlying soil and promote healthy street tree growth; and, [Ord. 2010-022] [Ord. 2011-016]

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b. Streetscape Components

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1) Planting/Amenity Zone

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- d) A minimum of one ~~One~~ bench shall be provided along each streetscape, or one bench for every 150 linear feet of street frontage, whichever is greater. Signage or advertising is prohibited on benches. [Ord. 2010-022]

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2) Pedestrian Circulation Zone

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The pedestrian circulation zone is a continuous unobstructed space reserved for pedestrian movement typically located adjacent to the planting/amenity zone. Minimum width shall be eight feet for slip street and primary frontages, and five feet for secondary frontages. [Ord. 2010-022]

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- ~~a) The surface shall be constructed entirely of plain poured concrete. [Ord. 2010-022]~~

32

[Renumber accordingly]

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EXHIBIT C
URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 12/8/16)

1

Table 3.B.16.G - Type I and II URAO Waivers (1)

Art./Table Reference and Title	Type I Waivers Limitations/Criteria	Type II Waiver Limitations/Criteria
....
Frontage Classifications and Street Standards		
Art. 3.B.16.F.4.a.1), Slip Street Frontage	<u>The minimum frontage requirement may be waived where the Slip Street is used to provide cross access to one or more abutting properties where the vehicular lane aligns with a Slip Street, parking lot Aisle, or Access Way on the abutting property.</u> No-Waiver	Waiver Permitted
....
Art. 3.B.16.F.4.c, Alleys	> <u>Drive isles within parking lots may be used to meet alley requirements; or,</u> > <u>Alleys shall not be required where Type II Waiver relief is approved for parking in front of buildings where drive isles for such parking provides cross access to adjacent properties.</u> No-Waiver	Waiver Permitted.
....
Building Standards		
....
Table 3.B.16.F, PRA Block Building PDRs	<u>Build to Line may be reduced commensurate with a concurrent request for a Type I or II Waiver to Art. 3.B.16.F.9, Parking and Loading Standards, to allow for parking in front of a building.</u> No-Waiver	Waiver Permitted
Table 3.B.16.F, PRA Liner Building PDRs	<u>Build to Line may be reduced commensurate with a concurrent request for a Type I or II Waiver to Art. 3.B.16.F.9, Parking and Loading Standards, to allow for parking in front of buildings.</u> No-Waiver	Waiver Permitted
Building Standards		
....
Art. 3.B.16.F.6.c.1), Building Floors	No-Waiver	Limited Waiver permitted from minimum number of floors required.
Table 3.B.16.F, Maximum Building Floors	No Waiver	Waiver Permitted Limited Waiver permitted from minimum number of floors required.
....
Art. 3.B.16.F.6.c.3), Green Building Incentive Program	Allow deviations for different certifying standards as may be approved by the County.	<u>Waiver Permitted</u> No-Waiver
....
Parking and Loading Standards		
Art. 3.B.16.F.9, Parking and Loading Standards	<u>A maximum of one row of parking may be permitted in front of a building in the form of a parking lot for parcels that do not qualify to use the Slip Street Frontage option, subject to the following:</u> > <u>Compliance with the requirements for the Slip Street Planting Amenity Zone; and,</u> > <u>Either:</u> 1) <u>Modification to Art. 3.B.16.F.4.a.1), Slip Street Frontage and related Build to Line requirements, is required to allow for vehicular cross access with existing parking lots on adjacent parcels; or</u> 2) <u>The parcel is exempt from interconnectivity requirements and allowing limited parking in front of the building is consistent with existing parking placement and building setbacks for one or more adjacent parcels.</u> No-Waiver	Limited Waiver Permitted for location of parking only
Art. 3.B.16.F.9.a.1), On Street Parking	<u>As needed to accommodate a concurrent request for a Type I or II Waiver to Art. 3.B.16.F.9, Parking and Loading Standards, to allow for parking in front of a building. Only where required to allow a Waiver approved in the row above.</u> No-Waiver	Waiver Permitted
Art. 3.B.16.F.9.a.2), Parking Lots	<u>As needed to accommodate a concurrent request for a Type I or II Waiver to Art. 3.B.16.F.9, Parking and Loading Standards, to allow for parking in front of a building.</u> No-Waiver	Waiver Permitted
....
[Ord. 2011- 016]		
Notes:		
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EXHIBIT C

URBAN REDEVELOPMENT AREA OVERLAY (URAO) SUMMARY OF AMENDMENTS (Updated 12/8/16)

1
2 Part 3. ULDC Art. 3.C.1.E, Priority Redevelopment Area Districts (page 125 of 234), is hereby
3 amended as follows:
4

5 ARTICLE 3 OVERLAYS & ZONING DISTRICTS

6 CHAPTER C STANDARD DISTRICTS

7 Section 1 General

8 E. PRA, Priority Redevelopment Area Districts

9 PRA districts shall be subject to the requirements of Art. 3.B.16, Urban Redevelopment Area
10 Overlay. [Ord. 2010-022]

11 1. UC, Urban Center District

12 The UC district is the most intense PRA district, typically comprised of larger interconnected
13 commercial subareas with buildings containing either residential, non-residential or a well-
14 balanced mix of residential, commercial, civic and recreational uses. [Ord. 2010-022]

15 2. UI, Urban Infill District

16 The UI district accommodates either residential, non-residential or mixed use redevelopment
17 along the corridors, while providing a transition to the adjacent, existing residential
18 neighborhoods. ~~The UI consists primarily of residential uses, with non-residential uses
19 encouraged on the 1st story of buildings.~~ [Ord. 2010-022]
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62 (URAO).docx

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EXHIBIT D

REASONABLE ACCOMMODATION – TIME LIMITATION
SUMMARY OF AMENDMENTS
(Updated 11/16/16)

1
2 Part 1. ULDC Art. 2.D.7, Reasonable Accommodation, (pages 46 – 48 of 87), is hereby
3 amended as follows:

4 CHAPTER D ADMINISTRATIVE PROCESS

5 Section 7 Reasonable Accommodation

6
7 **10. Time Limitation**
8 A Determination granting, partially granting, or granting with conditions, a Reasonable
9 Accommodation, may remain valid either for one-year from the date of issuance, or by the
10 date specified in a Development Order or associated Condition of Approval, otherwise it shall
11 become null and void. This provision shall retroactively apply to all prior Determinations for a
12 Reasonable Accommodation prior to the effective date of this Ordinance.
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61 Limitation.docx

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EXHIBIT E

PDRS FOR AGR PRESERVES AND FARM RESIDENCES SUMMARY OF AMENDMENTS (Updated 10-26-16)

1
2 Part 1. ULDC Art. 3.E.2.F, AGR PUD (pages 166-169 of 234), is hereby amended as follows:
3

4 ARTICLE 3, OVERLAYS & ZONING DISTRICTS

5 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

6 Section 2 Planned Unit Development (PUD)

7 F. AGR PUD

8 1. General

9 The following regulations have been created to fulfill goals, policies and objectives in the
10 AGR FLU designations.

11 a. Purpose and Intent

12 In addition to provision in Article 3.E.2.A.1, Purpose and Intent, a PUD is permitted in the
13 AGR FLU designations in order to accommodate low-density residential development in
14 conjunction with the preservation of agriculture, wetlands or other significant open space
15 areas. It is the intent of a PUD in this land use designations to provide for the residential
16 development of land in a manner compatible with agriculture, wetlands or other
17 significant open space, ~~and~~ which does not detract from the protection and perpetuation
18 of such uses in the area.

19 b. Applicability

20 ~~AGR This Section shall apply to~~ PUDs ~~and with in the~~ AGR FLU designations, unless
21 noted otherwise.

22 ~~c. Conflicts~~

23 ~~If this Section conflicts with another Section of the Code, the provisions of this Section~~
24 ~~shall apply to the extent of the conflict.~~

25 2. Development Options.

26 a. Options

27 The following two options are allowed with in the AGR FLU designations: 80/20 and
28 60/40.

29 1) Minimum Land Area

30 The minimum gross land area (GLA) for the 80/20 option is 40 acres, and 250 acres
31 for the 60/40 option.

32 2) Areas

33 Each PUD shall consist of two areas, the Preservation Area and the Development
34 Area. Both areas shall be rezoned to the AGR-PUD district.

35 b. Density

36 The maximum density for both options shall be based on the total GLA of the PUD
37 calculated at one 4 du/ac. The residential density in the Development Area is not
38 restricted, except as necessary to meet applicable development standards and to assure
39 compatibility with adjacent land uses.

40 c. Land Use Mix

41 The land area allocated for the Preservation Area and the Development Area shall be
42 based on the ratio specified for each development option as described below.

43 1) 80/20 Option

44 A minimum of 80 percent of the GLA of the PUD shall be designated as Preservation
45 Area on the master plan. The remaining land area (20 percent) may be designated
46 on the master plan as residential, civic, commercial, recreation, or open space in
47 accordance with Table 3.E.2.C, PUD Land Use Mix.

48 a) Exception

49 Up to an additional five percent of the GLA of the PUD may be allocated to the
50 Development Area where the allocation can be accounted for as R-O-W for
51 streets or water retention areas. In no event shall the Development Area,
52 including R-O-W and water retention areas, exceed 25 percent of the GLA.

53 2) 60/40 Option

54 A minimum of 60 percent of the gross land area of the PUD shall be designated as a
55 Preservation Area on the master plan. The remaining land area (40 percent) may be
56 designated on the master plan as residential, civic, commercial, recreation, or open
57 space in accordance with Table 3.E.2.C, PUD Land Use Mix.

58 3) Both Options

59 Credit shall not be given that would reduce the size of the Preservation Area for
60 encroachment of R-O-W, water retention, open space, landscape buffers, or natural
61 habitats preserved in the Development Area. Native vegetation required to be set-
62 aside in a Development Area by Article 14.C, VEGETATION PRESERVATION AND

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EXHIBIT E

PDRS FOR AGR PRESERVES AND FARM RESIDENCES SUMMARY OF AMENDMENTS (Updated 10-26-16)

PROTECTION, shall not be credited toward satisfying the minimum Preservation Area requirement.

3. Preserve Area

A Preserve Area is intended to support bona fide agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be compatible with a Preserve Area and shall not detract from its operation or function. [Ord. 2015-047]

a. Location and Access

A Preserve Area ~~which~~ may be situated anywhere in the AGR Tier on a legal lot of record with an AGR FLU designations, provided it is ~~they are~~ accessible by a street. [Ord. 2015-047]

b. Uses

Uses allowed in a Preserve Area are indicated in Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F, Traditional Development District Permitted Use Schedule, or where stated within Art. 4, Use Regulations, and specified as may be further restricted by the Conservation Easement or Preserve Management Plan, as approved by ERM. [Ord. 2006-004] [Ord. 2012-027] [Ord. 2015-047]

c. Configuration

1) Property Development Regulations

A Preserve Area and any remaining portion of a lot used to create a Preserve Area shall meet the minimum PDRs ~~of for~~ the AGR district, inclusive of Table 3.D.1.A, Property Development Regulations, with exception to the following: [Ord. 2006-004]

a) General Exceptions

The minimum width of an AGR PUD Preserve Area may be reduced as follows:

(1a) lot width may be reduced to 100 feet for a Rural Parkway, as defined in the Plan; or, [Ord. 2006-004] [Ord. 2015-047]

(2b) for an equestrian use that meanders through a 60/40 development area; or, [Ord. 2006-004] [Ord. 2015-047]

be) Non-conforming Legal Lot of Record

a Legal Lot of Record ~~legal lot of record~~ that does not meet the minimum acreage or dimensions of the AGR district may be used as a preserve area if in compliance with all other requirements of this Section; or, - [Ord. 2006-004]

c) Split Zoning

In cases of split zoning, where a Legal Lot of Record is partially zoned AGR and AGR PUD Preserve Area where permitted in accordance with FLUE Policy 1.5.1-j, the following shall apply:

(a) Subdivision shall be prohibited unless each newly subdivided parcel meets the minimum PDRs for the AGR district;

(b) The Preserve Area shall be configured in one reasonably compact contiguous location within the subject parcel;

(c) That portion of the lot not designated as a Preserve Area, shall be configured as one reasonably compact and contiguous area;

(d) Access to either zoning district may be through the designated Preserve Area on the subject parcel, or vice-versa;

(e) Where applicable, setbacks shall be measured from the perimeter of the subject parcel, unless stated otherwise herein; and,

(f) A Farm Residence and all Accessory Structures accessory to the Farm Residence, excluding fences or walls, shall be setback a minimum of five feet from an AGR-PUD Preserve Area located on the same lot.

2) General

Preserve Areas shall be arranged so as to maximize the purpose, function, and perpetuation of the preserve use. This shall be accomplished, in part, through the following: [Ord. 2015-047]

a) Agriculture

Agricultural areas shall have boundaries that allow for efficient agricultural operation, and shall not be encroached upon by a Development Area. [Ord. 2006-004]

b) Wetlands

The boundary of preserved wetlands shall be determined by the ecological function of the viable area,

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Notes:

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EXHIBIT F

**ART. 3.B.14, WESTGATE COMMUNITY DEVELOPMENT AREA
OVERLAY (WCRAO)
SUMMARY OF AMENDMENTS
(Updated 10/26/16)**

1
2 Part 1. ULDC Art. 3.B.14, WCRAO (pages 41 to 59), is hereby amended as follows:
3

4 **ARTICLE 3 OVERLAYS & ZONING DISTRICTS**

5 **CHAPTER B OVERLAYS**

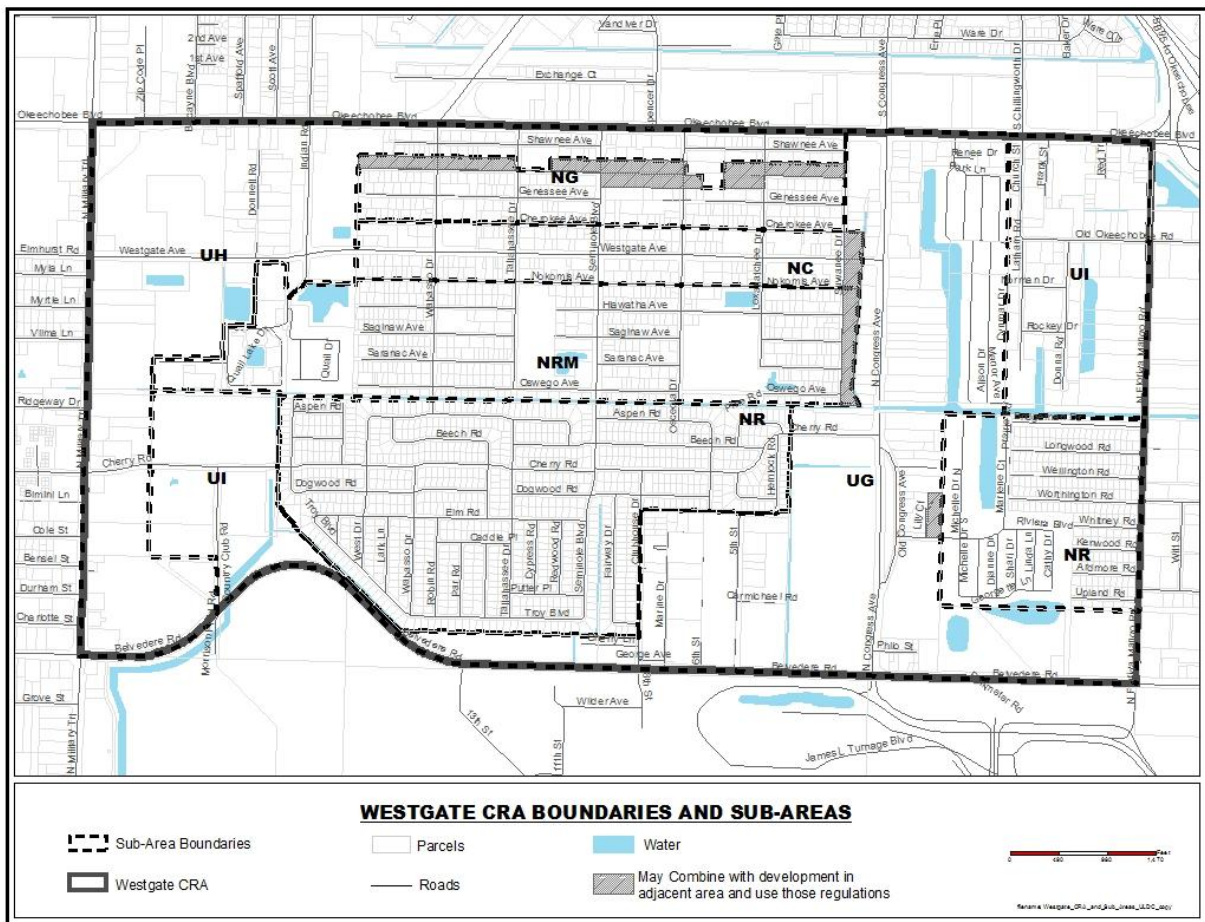
6 **Section 14 WCRAO, Westgate Community Redevelopment Area Overlay**

7
8 **C. Boundaries**

9 **1. WCRAO Boundaries**

10 The WCRAO consists of those lands within unincorporated PBC bounded by Okeechobee
11 Boulevard on the north, Belvedere Road on the south, Florida Mango Road on the east, and
12 Military Trail on the west. See Figure 3.B.14.C-1 – Map of WCRAO Boundaries and Sub-
13 areas. [Ord. 2006-004]
14

Figure 3.B.14.C-1 – Map of WCRAO Boundaries and Sub-areas



15
16 **2. Sub-area Boundaries and Descriptions**
17 To implement the WCRAO Plan, Sub-areas are hereby established to identify additional use
18 regulations, PDRs, and supplemental standards that may differentiate from related
19 requirements of the ULDC. Unless expressly stated herein, development shall comply with
20 the requirements of a site's zoning district and FLU designation. Sub-area boundaries are
21 based on the WCRAO Plan and the need for special protective measures, additional design
22 standards, and redevelopment incentives within specific geographic areas. See Figure
23 3.B.14.C-1 – Map of WCRAO Boundaries and Sub-areas, for the location of each Sub-area.
24 [Ord. 2006-004]
25 **a. NR, Neighborhood Residential**
26 Intended to maintain and encourage the redevelopment of existing single-family
27 residential dwellings. [Ord. 2006-004]
28 **b. NRM, Neighborhood Residential – Medium Density**

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EXHIBIT F

ART. 3.B.14, WESTGATE COMMUNITY DEVELOPMENT AREA OVERLAY (WCRAO) SUMMARY OF AMENDMENTS (Updated 10/26/16)

- 1 Intended to encourage mixed use development based on CL neighborhood based uses
2 and single-family, townhouse and multi-family dwelling units. [Ord. 2006-004]
- 3 **c. NG, Neighborhood General**
- 4 Intended to encourage mixed use development, including more intense commercial uses,
5 and townhouse and multi-family dwelling units. [Ord. 2006-004]
- 6 **d. NC, Neighborhood Commercial**
- 7 Intended to be the key focal point of the redevelopment area, with provisions allowing for
8 or requiring mixed use development with more intense commercial uses. [Ord. 2006-004]
- 9 **e. UG, Urban General**
- 10 Additional redevelopment area allowing for mixed use development with more intense
11 commercial and residential uses, including multi-story towers where feasible. [Ord. 2006-
12 004]
- 13 **f. UH, Urban Highway**
- 14 Existing commercially developed corridors with little or no changes proposed to current
15 Zoning PDRs or use regulations. [Ord. 2006-004]
- 16 **g. UI, Urban Industrial**
- 17 Existing commercial and industrial areas that will be encouraged to be redeveloped by
18 the recent adoption of FLU amendments allowing CH or IND development. [Ord. 2006-
19 004]
- 20
- 21 **.....**
- 22 **E. Use Regulations**
- 23 **2. Sub-area Use Regulations**
- 24 **a. Use Regulations**
- 25 **.....**

Table 3.B.14.E - WCRAO Sub-area Use Regulations

Sub-areas	NR	NRM	NG	NC	UG	UH	UI	NOTE (2)
Residential Uses								
Multi-family	X	<u>(5)</u>	<u>(5)</u>	<u>(5)</u>	<u>(5)</u>	<u>(5)</u>	-	<u>87</u>
Townhouse	-	<u>(5)</u>	<u>(5)</u>	<u>(5)</u>	<u>(5)</u>	<u>(5)</u>	-	<u>132</u>
.....								
[Ord. 2006-004] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-007]								
Notes:								
.....								
5. <u>Multi-family and Townhouse units may be Permitted by Right in non-residential districts where Mixed Use is required or permitted in accordance with Table 3.B.14.E. WCRAO Mixed Use.</u>								
Key:								
X	Prohibited in Sub-area.							
-	Subject to Use Regulations of zoning district.							
P	Permitted by Right. [Ord. 2007-013] [2009-040]							
A	Class A Conditional or Requested Use							

26 **.....**
27

Table 3.B.14.F - WCRAO Sub-area PDRs

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
.....							
Build to Line/Setbacks:							
Front or Side Street Build to Line (1, 3) (8)	-	Build to Line: - 15'	Build to Line: -15'	Build to Line: -10'	Build to Line - C/MU: 10- 25'	-	Build to Line - C/IND: 10' - 25'
Minimum Side (1)	-	10' (4)	10' (4)	10' (4)	15'	15'	15'
Minimum Rear (1, 4)	-	25'	25'	25'	25'	25'	25'
Minimum Building Frontage							
Minimum Frontage (1) (9)	-	60%	60%	80%	60%	-	C/IND: 60%
Plazas and Squares							
Build to Line Exception (1, 5, 10)	-	Maximum 50% of Building Frontage frontage, minimum length or frontage of width: 20'; and a maximum depth of 25'				-	-
.....							
[Ord.2006-004] [Ord. 2010-022] [Ord. 2015-031]							
Key							
.....							
Notes:							
.....							
10. <u>Dimensions for Plazas and Squares shall be met when applied as an exception to Build to Line in accordance with Art. 3.B.14.F.2.a. Build to Line.</u>							

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EXHIBIT F

ART. 3.B.14, WESTGATE COMMUNITY DEVELOPMENT AREA OVERLAY (WCRAO) SUMMARY OF AMENDMENTS (Updated 10/26/16)

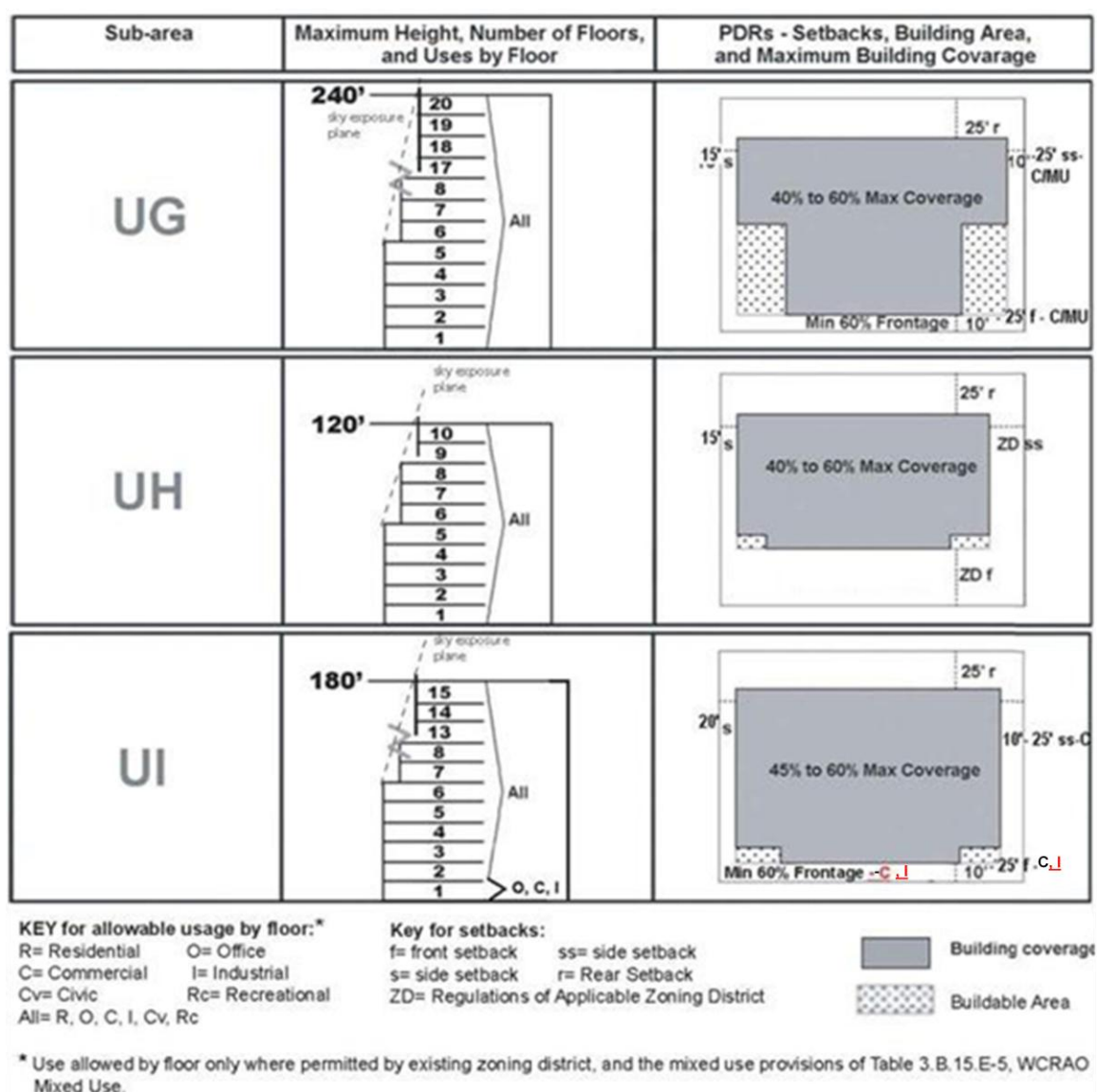
2. **Build to Line and Frontages**

a. **Build to Line**

The build to line may be adjusted by the DRO, or at Building Permit review for projects Permitted by Right, to accommodate requirements such as, increased R-O-W buffers due to location of existing utility easements, or required corner clips. The first three floors of all main structures, excluding parking garages, shall be constructed at the build to line, unless specified otherwise. An additional ten or 12 foot setback is permitted where a gallery is used in lieu of an arcade. Up to 25 percent of the building frontage or footprint that is required to be on the build to line may be either setback or projected beyond the build to line to accommodate requirements for balconies, stoops, porches, or other architectural features designed to enhance the pedestrian streetscape environment, provided that ground floor improvements do not conflict with the placement of street trees. Recesses and projections of the building façade up to a maximum of three feet shall be permitted. Maximum encroachments for balconies, and entryways shall comply with Table 3.B.14.G – WCRAO Supplementary Standards by Sub-Area. **[Ord. 2006-004]** **[Ord. 2011-001]**

....

Figure 3.B.14.F - WCRAO Sub-area Building Configurations and Lot Placements (Continued)



[Ord. 2006-004] [Ord. 2009-040]

G. **Supplementary Standards**

In addition to the requirements of Art. 5, Supplementary Standards, and Table 3.B.14.G, WCRAO Supplementary Standards by Sub-Area, the following shall apply: **[Ord. 2006-004]**

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EXHIBIT F

ART. 3.B.14, WESTGATE COMMUNITY DEVELOPMENT AREA OVERLAY (WCRAO) SUMMARY OF AMENDMENTS (Updated 10/26/16)

1

Table 3.B.14.G - WCRAO Supplementary Standards by Sub-Area

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
.....							
Architectural Features:							
Arcades and Galleries (1)	-	-	-	Required - Westgate Avenue (11)	-	-	-
.....							
Key							
- Subject to the supplementary standards of the lot's zoning district							
[Ord. 2006-004] [Ord. 2009-040] [Ord. 2015-031]							
Notes:							
.....							
11. <u>Lots with 100 feet or less of frontage may be exempt from this requirement.</u>							

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I. Parking and Streets
1. Parking

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 specified in Table 6.A.1.B, 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.14.I, WCRAO Mixed Use Parking Deviations. [Ord. 2006-004] [Ord. 2007-013]

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 by the average length of spaces. [Ord. 2006-004] [Ord. 2007-013]

Table 3.B.14.I - WCRAO Mixed Use and Residential Parking Deviations

Use	Parking
Multi-family	1 per unit plus required guest parking
Residential	1.5 per unit plus required guest parking
Residential	2 spaces per unit plus required guest parking (2)
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, Cocktail Lounge	1 per 4 seats
[Ord. 2006-004] [Ord. 2007-013]	
Notes:	
1. Unless stated otherwise in this section, parking and loading shall be in accordance with Table 6.A.1.B-1, Minimum Off Street Parking and Loading Requirements. [Ord. 2006-004] [Ord. 2007-013]	
2. A parking ratio 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. [Ord. 2007-013]	

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EXHIBIT G

TABLE 6.A.1.D, MINIMUM PARKING DIMENSIONS SUMMARY OF AMENDMENTS (Updated 10/26/16)

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Part 1. ULDC Table 6.A.1.D, Minimum Parking Dimensions for Nonresidential Uses and Residential Uses with Shared Parking Lots (page 19 of 39), is hereby amended as follows:

**Table 6.A.1.D - Minimum Parking Dimensions
For Nonresidential Uses and Residential Uses
with Shared Parking Lots**

A Angle	Use (1)	B Space Width (feet)	C Space Depth (feet)	D (3) Aisle Width (feet)	E Curb Length (feet)	F Module Width (feet)
45	General	9.0	17.5	12.0	12.5	47.0
	Accessible *	12.0	17.5	12.0	17.0	47.0
60	General	9.0	19.0	16.0	10.5	54.0
		<u>9.5</u>	<u>19.0</u>	<u>15.0</u>	<u>10.5</u>	<u>53.0</u>
60	Accessible *	12.0	19.0	14.0	14.0	52.0
		<u>9.5</u>	<u>19.5</u>	<u>18.0</u>	<u>9.5</u>	<u>57.0</u>
70	General	9.0	19.5	19.0	9.5	58.0
		<u>9.5</u>	<u>19.5</u>	<u>18.0</u>	<u>9.5</u>	<u>57.0</u>
70	Accessible *	12.0	19.5	17.0	12.5	56.0
		<u>9.5</u>	<u>19.5</u>	<u>22.0</u>	<u>9.5</u>	<u>61.0</u>
75	General	9.0	19.5	23.0	9.5	62.0
		<u>9.5</u>	<u>19.5</u>	<u>21.0</u>	<u>12.5</u>	<u>60.0</u>
75	Accessible *	12.0	19.5	21.0	12.5	60.0
		<u>9.5</u>	<u>19.5</u>	<u>23.0</u>	<u>9.0</u>	<u>63.0</u>
80	General	9.0	19.5	24.0	9.0	63.0
		<u>9.5</u>	<u>19.5</u>	<u>23.0</u>	<u>9.0</u>	<u>62.0</u>
80	Accessible *	12.0	19.5	22.0	12.0	61.0
		<u>9.5</u>	<u>18.5</u>	<u>25.0</u>	<u>9.0</u>	<u>63.0</u>
90	General	9.0	18.5	26.0	9.0	63.0
		<u>9.5</u>	<u>18.5</u>	<u>24.0</u>	<u>12.0</u>	<u>61.0</u>
90	Accessible *	12.0	18.5	24.0	12.0	61.0
	Low Speed Electric Vehicle (LSEV)	Min. 6.0 Max. 7.0	Min. 12.0 Max. 13.0	Min. 15.0 Max. 17.0 (2)	Min. 6.0 Max. 7.0	Min. 39.0 Max. 43.0 (2)

[Ord. 2005-002] [Ord. 2012-027]

Notes:

* Accessible applies to parking for persons who have disabilities.

1. Use – See Art. 6.A.1.D.14, Design and Construction Standards.

2. Where drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.

3. Angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90 degree parking stalls, or unless stated otherwise herein. **[Ord. 2012-027]**

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- Notes:**
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EXHIBIT H

ART. 8.G.3.B, ELECTRONIC MESSAGE SIGN TYPES AND APPROVAL PROCESS SUMMARY OF AMENDMENTS (Updated 10-19-16)

1
2 Part 1. ULDC Art. 8.G.3.B, Electronic Message Signs, (pages 29 - 34 of 42), is hereby amended
3 as follows:

4 CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

5 Section 3 Other Sign Types

6 B. Electronic Message Signs

7 1. Applicability and Approval Process

8 Electronic message signs shall only be allowed as follows: [Ord. 2015-031]
9

Table 8.G.3.B, Electronic Message Sign Types and Approval Process

Sign Type	Permitted Content	Approval Process
Type 1	At regional facilities, facilities with serial performances, and, specialized attractions that, by their operating characteristics, have unique sign requirements	Class A Conditional Use or Requested Use approval (1)
Type 2	Electronic Changeable Copy Message Sign (PRA Pilot Program)	Building Permit
Type 3	Time and temperature	Building Permit
Type 3	Fuel prices	Building Permit DRO
Type 3	Informational signs within residential Planned Unit Development (PUD)	DRO

[Ord. 2010-022] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-020]

Notes:
1. Unless exempt under Article 8 B, EXEMPTIONS.

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48 and Approval Process.docx

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EXHIBIT I

DEFINITION FOR ADDITION SUMMARY OF AMENDMENTS

(Updated 10/19/2016)

1
2 Part 1. ULDC Art. 1.1.2.A.19, Definitions (page 31 of 119), is hereby amended as follows:
3

4 ARTICLE 1, GENERAL PROVISIONS

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

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

8
9 ~~2019~~. **Adaptive Use** - for the purposes of Art. 9, the process of converting a building to a use
10 other than that which it was originally designed. **[Relocated from Art. 1.1.2.A.20]**

11 ~~1920~~. **Addition** ~~(to an existing structure) – for the purposes of Art. 18, (to an existing building)~~
12 means any walled and roofed expansion to the perimeter of a building ~~in~~ which ~~the addition~~ is
13 connected ~~by~~ to a common load-bearing wall, pursuant to the Florida Building Code, other
14 than a firewall. Any walled and roofed expansion, which is connected by a firewall or is
15 separated by independent perimeter load-bearing walls, is new construction, not an addition.
16 **[Ord. 2004-013]**
17

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Notes:

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EXHIBIT J

**ADMINISTRATIVE INQUIRY
SUMMARY OF AMENDMENTS**

(Updated 10/26/16)

1
2 Part 1. ULDC Art. 1.I.23, Administrative Inquiry [Related to Definitions and Acronyms] (page
3 31 of 119), is hereby amended as follows:
4

5 **ARTICLE 1, GENERAL PROVISIONS**

6 **CHAPTER I DEFINITIONS & ACRONYMS**

7 **Section 2 Definitions**

8 A. Terms defined herein or referenced in this Article shall have the following meanings:
9 23. **Administrative Inquiry** - a request by PBC Officials to the Board of County Commissioners
10 (BCC) for direction on procedural matters or to resolve inconsistencies in a Development
11 Order; or to provide status or an inquiry of a specific site when the Monitoring provisions of
12 Art. 2.E are not applicable. [Ord. 2011-016]
13
14

15 Part 2. ULDC Art. 2.A.1.J., Procedures (page 17-18 of 87), is hereby amended as follows:
16

17 **ART. 2, DEVELOPMENT REVIEW PROCEDURES**

18 **CHAPTER A GENERAL**

19 **Section 1 Applicability**

20 **J. Notification**

21 **1. Applicability**

22 Applications subject to Public Hearing or Type 1B Variance processes, ~~and~~ corrective
23 resolutions, or Administrative Inquiries, shall require notification to the public, in accordance
24 with the following table: [Ord. 2011-016] [Ord. 2015-031]
25

Table 2.A.1.J – Notification Applicability

Process	Newspaper Publication	Courtesy Notice	Signs
Development Order Abandonment (ABN) (1)	Yes	N/A	N/A
Corrective Resolution	Yes	N/A	N/A
Type 1B Variance	N/A (2)	Yes	Yes
Type II Variance	Yes	Yes	Yes
Other Public Hearing (Rezoning, CA, CB, Requested Use, DOA, Unique Structure, Waiver)	Yes	Yes	Yes
<u>Administrative Inquiry (3)</u>	<u>N/A</u>	<u>Yes</u>	<u>N/A</u>
[Ord. 2015-031]			
Notes:			
1. Applies to Administrative and Public Hearing Abandonments, excluding: Development Orders advertised and abandoned simultaneously as part of a subsequent Development Order; and, Development Orders advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring.			
2. Reasonable notice shall be required in compliance with F.S. 286.011.			
3 <u>Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic.</u>			

26
27 **2. Newspaper Publication**

28 Notice shall be published in a newspaper of general circulation in PBC in accordance with
29 F.S. §125.66. [Ord. 2011-016] [Ord. 2015-031]

30 **3. Courtesy Notice**

31 **a. Applicability and Mailing Boundary**

32 Courtesy notices shall be mailed to all property owners, interested parties or other
33 entities identified in Table 2.A.1.J, Courtesy Notice Requirements. [Ord. 2006-036] [Ord.
34 2008-003] [Ord. 2011-016] [Ord. 2015-031]
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Notes:

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EXHIBIT J

ADMINISTRATIVE INQUIRY SUMMARY OF AMENDMENTS

(Updated 10/26/16)

1

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

Process	Recipients and Boundaries			
	Certified Mail 0 to 300 feet (1)(5)	Regular Mail 301 to 500 feet (1)(5)	<u>Regular Mail</u> <u>0 to 500 feet</u>	Regular Mail within One Mile (1)
Type 1B Variance		NA	N/A	Counties and Municipalities (4)
Type II Variance	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	NA	N/A	
Other Public Hearing (Rezoning, CA, CB, Requested Use, DOA, Unique Structure, Waiver)		All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	N/A	
<u>Administrative Inquiry</u> <u>(Site Specific) (6)</u>	N/A	N/A	<u>All owners of real</u> <u>property (2)</u>	N/A
[Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031] [Ord. 2016-016]				
Notes:				
1. Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the 300 or 500 foot notification boundary shall be extended from these parcels. A larger notification boundary of 1,000 feet is required for properties located in the Exurban or Rural Tiers. [Ord. 2012-003]				
2. Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser.				
3. Includes condominium associations and all real property owners when real property consists of a condominium.				
4. Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map				
5. The applicant shall provide the list of all Condominium Associations, POAs, HOAs or equivalent within the boundaries. [Ord. 2016-016]				
6. <i>Shall be mailed a minimum of ten days prior to the date of the AI by the applicant submitting the inquiry.</i> [Partially relocated from Art. 2.D.4.C, Procedures]				

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b. Notice Content

Courtesy notices shall include the following information: **[Ord. 2011-016]**

1) A general summary of the application; **[Ord. 2011-016]**

2) A date, time and place for the Public Hearing(s); **[Ord. 2011-016]**

3) A general location map of the subject property; and, **[Ord. 2011-016]**

4) A statement indicating that interested parties may appear at the Public Hearing and be heard regarding the request. **[Ord. 2011-016]**

c. Failure to Receive Courtesy Notice

Failure to receive a notice shall not be deemed a failure to comply with Art. 2.A.1.J, Notification, or be grounds to challenge the validity of any decision made by the approving authority. **[Ord. 2011-016] [Ord. 2015-031]**

....

Part 3. ULDC Art. 2.D.4.C, Procedures (page 45 of 87), is hereby amended as follows:

ART. 2, DEVELOPMENT REVIEW PROCEDURES

CHAPTER D ADMINISTRATIVE PROCESS

Section 4 Administrative Inquiry (AI)

C. Procedures

An AI may be made ~~only~~ by a public agency through the Zoning Director using forms and procedures established by the Zoning Division. The AI shall be placed on the BCC agenda by the Zoning Division for the date the inquiry is intended to be presented. Courtesy Notice pursuant to Art. 2.A.1.J, Notifications, is required for an AI applicable to a parcel for a specific inquiry or to provide development status not monitored by the provisions in Art. 2.E, Monitoring. ~~shall be mailed by regular mail a minimum of ten days prior to the date of the AI, to include the applicant or property owner, and property owners within 500 feet of the subject property. Notices shall be mailed by the PBC Official submitting the inquiry, and shall include a general summary of the AI, the date, time and place, and a general location map of the subject property. Failure to receive a notice shall not be deemed a failure to comply with this requirement.~~ **[Ord. 2011-016] [Partially relocated to Table 2.A.1.J, Courtesy Notice Requirements footnote 6.]**

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Notes:

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

EXHIBIT K

ART. 3.D.1.D.1, BASE BUILDING LINE SUMMARY OF AMENDMENTS (Updated 11-17-16)

1
2 Part 1. ULDC Art. 3.D.1.D.1, Base Building Line (pages 128 - 129 of 234), is hereby amended as
3 follows:
4

5 ARTICLE 3 OVERLAYS & ZONING DISTRICTS

6 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

7 Section 1 PDRs for Standard Zoning Districts

8 D. Setbacks

9 1. Base Building Line

10 11 d. Permitted Encroachments

12 Pursuant to approval by the County Engineer, temporary, removable, and non-habitable
13 structures such as signs, ~~and~~ fences, ~~and auto display areas~~, may be located between a
14 street and the base building line. Approval shall be subject to a removal agreement with
15 the DEPW. Setbacks shall be measured from the existing street boundaries and the
16 affected area shall be landscaped in accordance with Article 7, LANDSCAPING.

17 e. Landscaping and Parking

18 In the event the County Engineer does not waive the base building line requirement,
19 Required required landscaping and parking shall ~~not~~ be ~~prohibited~~ ~~located~~ in the area
20 between a street and the base building line.
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Notes:

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EXHIBIT L

REGULATING PLANS SUMMARY OF AMENDMENTS (Updated 11/21/16)

1
2 Part 1. ULDC Art. 2.A.1.G.3.g, Regulating Plans, related to Application Procedures (page 15-16
3 of 87), is hereby amended as follows:
4

5 ART. 2, DEVELOPMENT REVIEW PROCEDURES

6 CHAPTER A GENERAL

7 Section 1 Applicability

8 G. Application Procedures

9 3. Plan Requirements

10 All applications or applicants submitting for a Public Hearing or an Administrative Approval
11 ~~administrative approval~~ process, excluding FLU Amendments, shall submit Plan(s) a plan to
12 the DRO or Zoning Director, except where indicated otherwise. The type of plan shall be
13 based upon the type of application request(s), and shall be prepared to include graphics and
14 tabular data consistent with the Technical Manual requirements and standards. The Plan
15 ~~plan~~ shall provide sufficient information for County Agencies to review in order to render
16 comments on the project for compliance with applicable standards of the Code pursuant to
17 Art.2.B.1.B, Standards, Art.2.B.2.B, Standards, or Art.2.D.1.E, Standards for Administrative
18 Approval. In addition, the plan shall be prepared in compliance with the following: **[2009-
19 040] [2015-006]**

20

21 g. Regulating Plans - Optional

22 When applicable, Regulating Plans shall provide a comprehensive graphic and written
23 description of the project.

24 1) Thresholds

25 Regulating Plan(s) may be submitted to the Zoning Division for review or for approval
26 under the following circumstances:

- 27 a) The Applicant may choose to provide design details to demonstrate the intent of
28 the requests or the requests are in compliance with the Standards of the Code;
29 b) Staff may recommend the submittal of the Regulating Plans due to the size and
30 complexity of the application and site design; or
31 c) By a ZC or BCC Condition of Approval.

32 2) Submittal Requirements

33 If submitted, the Plans shall be prepared in accordance with the Submittal
34 Requirements, and consistent with the format requirements pursuant to the Technical
35 Manual. Regulating Plans shall be drawn to scale or labeled with notes,
36 specifications and dimension, and shall include where applicable, the following:
37 **[Partially Relocated from below]**

- 38 a) Street cross sections, including sidewalks, bike lanes, street trees, on street
39 parking and lighting; [Ord. 2009-040] [Relocated from below]
40 b) Typical lot layouts for each housing type, including building envelope, screen
41 enclosure/pool setbacks, and driveway access; [Ord. 2009-040] [Relocated
42 from below]
43 c) Landscape buffer details (plan view and cross section); [Ord. 2009-040]
44 **[Relocated from below]**
45 d) Median landscape detail; [Ord. 2009-040] [Relocated from below]
46 e) Pedestrian circulation plan in accordance with Art. 3.E, Planned Development
47 Districts (PDDS); [Ord. 2009-040] [Relocated from below]
48 f) Phasing pursuant to Art. 2.E, Monitoring; [Ord. 2009-040] [Ord. 2010-005]
49 **[Relocated from below]**
50 g) Screening details; and [Ord. 2009-040] [Relocated from below]
51 h) Neighborhood parks. [Ord. 2009-040] [Relocated from below]

52 ~~The regulating plan shall reflect the necessary tabular and graphic information required in~~
53 ~~the Technical Manual, which provides a comprehensive graphic and written description of~~
54 ~~the project and shall include but not be limited to: lot layout for housing type, street cross~~
55 ~~sections, design details of site elements, etc. Each element of the regulating plan shall be~~
56 ~~drawn to scale or labeled with notes, specifications and dimensions. [Ord. 2009-040]~~
57 **[Partially relocated above]**

58 1) Preliminary Regulating Plan (PRP) for Public Hearing Approval

59 ~~The DRO shall review and certify a PRP for all requests that are subject to the Public~~
60 ~~Hearing approval process. The BCC shall approve a PRP for: Conditional Uses,~~
61 ~~Requested Uses, rezoning to a PDD, the affected area of modifications to previously~~

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EXHIBIT L
REGULATING PLANS
SUMMARY OF AMENDMENTS
(Updated 11/21/16)

- 1 approved PDDs, and shall include, at a minimum, the following elements: ~~[Ord.~~
2 ~~2009-040]~~
- 3 a) Focal points; ~~[Ord. 2009-040]~~
- 4 b) Exemplary features; ~~[Ord. 2009-040]~~
- 5 c) Public amenities; and, ~~[Ord. 2009-040]~~
- 6 d) Preliminary Master Sign Plan or Program. ~~[Ord. 2009-040]~~
- 7 **2) Final Regulating Plan (FRP) for Public Hearing Approval or Administrative**
8 **Approval**
- 9 a) After a PRP is approved by the BCC or ZC, the applicant shall submit a FRP to
10 the DRO for final review and approval. The FRP shall be consistent with the
11 BCC or ZC approved PRP. All modifications to the plan must be approved by the
12 BCC or ZC unless the proposed changes are required to meet conditions of
13 approval, are not in conflict with the BCC or ZC approval or are in accordance
14 with the ULDC. ~~[Ord. 2009-040]~~
- 15 b) The DRO shall review and approve a FRP for any requests for uses that have a
16 "D" in any Use Matrix in Art. 3.B, Overlays, or Table 4.A.3.A, Use Matrix; or any
17 requests subject to Table 4.A.3.A, Thresholds for Project Requiring DRO
18 Approval. ~~[Ord. 2009-040] [Ord. 2011-016]~~
- 19 c) In addition to the requirements indicated in Art. 2.A.1.G.3.g.1, Preliminary
20 Regulating Plan (PRP) for Public Hearing Approval, the following items shall be
21 shown on the FRP, as applicable: ~~[Ord. 2009-040]~~
- 22 (1) ~~Street cross sections, including sidewalks, bike lanes, street trees, on street~~
23 ~~parking and lighting; [Ord. 2009-040] [Relocated above]~~
- 24 (2) ~~Typical lot layouts for each housing type, including building envelope, screen~~
25 ~~enclosure/pool setbacks, and driveway access; [Ord. 2009-040]~~
26 ~~[Relocated above]~~
- 27 (3) ~~Landscape buffer details (plan view and cross section); [Ord. 2009-040]~~
28 ~~[Relocated above]~~
- 29 (4) ~~Median landscape detail; [Ord. 2009-040] [Relocated above]~~
- 30 (5) ~~Master Sign Plan; [Ord. 2009-040]~~
- 31 (6) ~~Elevations, if submitted pursuant to Art. 5.C, Design Standards; [Ord. 2009-~~
32 ~~040]~~
- 33 (7) ~~Pedestrian circulation plan in accordance with Art. 3.E, Planned~~
34 ~~Development Districts (PDDS); [Ord. 2009-040] [Relocated above]~~
- 35 (8) ~~Phasing pursuant to Art. 2.E, Monitoring; [Ord. 2009-040] [Ord. 2010-005]~~
36 ~~[Relocated above]~~
- 37 (9) ~~Screening details; [Ord. 2009-040] [Relocated above]~~
- 38 (10) ~~Neighborhood parks.; and, [Ord. 2009-040] [Relocated above]~~
- 39 (11) ~~Alternative Landscape Plan (ALP) or Alternative Sign Plan (ASP). [Ord.~~
40 ~~2009-040]~~

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