

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
MARCH 26, 2014 MEETING

AMENDMENTS TO THE AGENDA  
(Updated 3/25/14)

1

# 1	Exhibit B – Article 11, Subdivision, Platting and Improvements - Part 1, Page 9 of 39 (line 9)
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2  
3 a. Is depicted on either a plat of record, affidavit of exemption, ~~or~~ affidavit of waiver, plat

4

# 2	Exhibit B – Article 11, Subdivision, Platting and Improvements - Part 6, Page 11 of 39 (line 15) Reason for amendments: [Land Development] To delete language that is covered in other Code chapters or under the authority of County departments other than Engineering. <u>Specifically, ULDC Article 2.E Monitoring covers suspension of development orders and Article 2.G.4.G DRO covers the authority of the DRO to review development order applications.</u>
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5

# 3	Exhibit B – Article 11, Subdivision, Platting and Improvements - Part 8, Page 12 of 39 (lines 4 and 8) Reason for amendments: [Land Development] To clarify requirements for phased platting and to delete language that is covered in other Code chapters or under the authority of other County departments. <u>Specifically, ULDC Article 2.E Monitoring covers project phasing controls and time limitations.</u>
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6  
7 The property encompassed by a Master Plan and/or Final Subdivision Plan may be developed in

8

# 4	Exhibit B – Article 11, Subdivision, Platting and Improvements - Part 10, Page 15 of 39 (line 56)
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9  
10 ~~Within five days of receipt of a complete application, the~~ The County Engineer shall forward

11

# 5	Exhibit B – Article 11, Subdivision, Platting and Improvements - Part 10, Page 16 of 39 (lines 19 and 53)
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12  
13 2. The amount of guarantee guaranty for the construction of required improvements,  
14 ....  
15 has either installed the improvements or has guaranteed guaranteed the installation of the

16

# 6	Exhibit B - Article 11, Subdivision, Platting and Improvements - Part 10, Page 17 of 39 (lines 20 - 21 and 27 - 28)
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17  
18 be accompanied by a guarantee guaranty for completion of required improvements, pursuant  
19 to Article 11.E.1.A, Minimum Required Improvements for All Subdivisions. Said guarantee  
20 guaranty shall meet  
21 ....  
22 initial guarantee guaranty shall be in an amount equal to 110 percent of the construction cost  
23 of the required improvements. The guarantee guaranty shall be in one of the following types:

24

# 7	Exhibit B – Article 11, Subdivision, Platting and Improvements - Part 10, Page 18 of 39 (lines 35, 50, 51, 53, 60, 61, and 63)
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25  
26 guarantee guaranty will remain in place for the duration of the extension, not less than two  
27 ....  
28 2. Amount of Reductions in Guarantee Guaranty  
29 The County Engineer shall not reduce the amount of any guarantee guaranty below 20  
30 ....  
31 of the guarantee guaranty shall be made unless sufficient funds will remain to complete the  
32 ....  
33 3. Release of Guarantee Guaranty  
34 The guarantee guaranty shall only be released upon acknowledgment of completion of the  
35 ....  
36 Maintenance of Required Improvements. Two weeks prior to the release of the guarantee  
37 guaranty, the

Notes:

Double underlined indicates new text or previously stricken text to remain.

~~Double Stricken~~ indicates text to be ~~deleted~~.

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

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

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
MARCH 26, 2014 MEETING

AMENDMENTS TO THE AGENDA  
(Updated 3/25/14)

1

# 8	Exhibit B – Article 11, Subdivision, Platting and Improvements - Part 10, Page 19 of 39 (lines 3, 36, 44 – 45, and 49)
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2 available under the [guarantee guaranty](#) to secure satisfactory completion of the required

3  
4 ....  
5 2. Acknowledgment of Completion by County Engineer; Release of [Guarantee Guaranty](#)

6  
7 completion of the required improvements and, when a [guarantee guaranty](#) has been posted,  
8 release the [guarantee guaranty](#) in accordance with the following:

9  
10 ....  
11 [guarantee guaranty](#) shall relieve the developer of his obligations for construction of

12

# 9	Exhibit B – Article 11, Subdivision, Platting and Improvements – Part 12, Page 20 of 39 (line 30) Reason for amendments: [Land Development] To delete requirements covered by other code sections, to clarify design requirements and to correct inconsistencies between code language and County practices. <a href="#">Specifically, Parks &amp; Recreation regulations are covered by ULDC Article 5.D. Further, parking lot tracts are no longer accepted as legal access to a subdivision lot.</a>
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13

# 10	Exhibit B – Article 11, Subdivision, Platting and Improvements - Part 12, Page 20 of 39 (line 40)
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14 corresponding plat or certified boundary survey unless the developer furnishes a [guarantee](#)  
15 [guaranty](#)

16

# 11	Exhibit B – Article 11, Subdivision, Platting and Improvements - Part 12, Page 21 of 39 (line 34)
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17 with centerline offsets of less than 125 feet are prohibited, [unless the offset is to allow](#)  
18 [through lanes to align and is approved by the County Engineer.](#)

19

# 12	Exhibit B – Article 11, Subdivision, Platting and Improvements - Part 12, Page 22 of 39 (line 1)
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20  
21  
22 [adequate safe sight distance is provided as prescribed in the most recent FDOT or the](#)  
23 [Florida "Green Book".](#) Reverse curves shall be prohibited. Reversals in

24

# 13	Exhibit B – Article 11, Subdivision, Platting and Improvements - Part 12, Page 25 of 39 (line 23)
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25  
26 considering such factors [such](#) as but not limited to, lot size, the ADT, number of through

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49 U:\Zoning\CODEREV\2014\LDRAB\Meetings\3-26-14\4 Final Packet\0 - Amendments to the Agenda.docx

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



March 21, 2014

**Department of Planning,  
Zoning & Building**

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

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



**Palm Beach County  
Board of County  
Commissioners**

Priscilla A. Taylor, Mayor  
Paulette Burdick, Vice Mayor  
  
Hal R. Valeche  
Shelley Vana  
  
Steven L. Abrams  
Mary Lou Berger  
Jess R. Santamaria

**County Administrator**

Robert Weisman

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

**RE: March 26, 2014 LDRAB Meeting**

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRRC hearing on Wednesday, March 26, 2014.

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

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

Sincerely,

William Cross, AICP  
Principal Site Planner, Zoning Division

Attachments: March 26, 2014 LDRAB Agenda

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

# PALM BEACH COUNTY

## LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

**MARCH 26, 2014**

### BOARD MEMBERS

**Wesley Blackman, AICP, Chair** (PBC Planning Congress)

**David Carpenter, RLA, Vice Chair** (District 2)

**Richard S. Kozell, III** (District 1)

**Barbara Katz** (District 3)

**Jim Knight** (District 4)

**Lori Vinikoor** (District 5)

**Mike Zimmerman** (District 6)

**Henry D. Studstill,** (District 7)

**James M. Brake** (Member at Large/Alternate)

**Leo Plevy** (Member at Large/Alternate)

**Raymond Puzitiello** (Florida Atlantic Builders Assoc.)

**Joni Brinkman** (Palm Beach League of Cities)

**Terrence N. Bailey** (Florida Engineering Society)

**Jerome I. Baumoehl** (American Institute of Architects)

**Edward E. Tedtmann** (Environmental Organization)

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

**Gary Rayman** (Fl. Surveying and Mapping Society)

**Vacant** (Condominium Association)

**Vacant** (Association Gen. Cont. of America)

### Board of County Commissioners

**Priscilla A. Taylor, Mayor, District 7**

**Paulette Burdick, Vice Mayor, District 2**

**Hal R. Valeche**  
Commissioner, District 1

**Shelley Vana**  
Commissioner, District 3

**Steven L. Abrams,**  
Commissioner, District 4

**Mary Lou Berger**  
Commissioner, District 5

**Jess R. Santamaria**  
Commissioner, District 6

**Robert Weisman**  
County Administrator



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



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
WEDNESDAY, MARCH 26, 2014 AGENDA  
2300 NORTH JOG ROAD  
1<sup>ST</sup> FLOOR KENNETH S. ROGERS HEARING ROOM (VC-1W-47), 2:00 P.M.**

**A. CALL TO ORDER/CONVENE AS LDRAB**

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of February 26, 2014 Minutes (Exhibit A)

**B. ULDC AMENDMENTS**

1. Exhibit B - Art. 11, Subdivision, Platting and Improvements
2. Exhibit C - Art. 12, Traffic Performance Standards
3. Exhibit D - Art. 15, Health Regulations

**C. PRIVATELY INITIATED ULDC AMENDMENT APPLICATIONS**

1. Exhibit E – PIA 2014-376 Bay Door Orientation

**D. PUBLIC COMMENTS**

**E. STAFF COMMENTS**

1. Subcommittee Status

**F. ADJOURN**

**EXHIBIT A**

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

**Minutes of February 26, 2014 Meeting**

On Wednesday, February 26, 2014 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

**A. Call to Order/Convene as LDRAB**

**1. Roll Call**

Chair Wes Blackman called the meeting to order at 2:02 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

**Members Present: 14**

Wesley Blackman (PBC Planning Congress)  
Richard Kozell (District 1)  
Barbara Katz (District 3)  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Michael Zimmerman (District 6)  
Henry Studstill (District 7)\*  
Raymond Puzzitiello (Gold Coast Build. Assoc.)  
Joni Brinkman (League of Cities)  
Terrence Bailey (Florida Eng. Society)  
Jerome Baumoehl (AIA)  
Edward Tedtmann, Environmental Organization)  
Gary Rayman (Fl. Surveying & Mapping Society)  
Leo Plevy (Member at Large, Alt.)

**Members Absent: 3**

David Carpenter (District 2)  
Frank Gulisano (PBC Board of Realtors)  
James Brake (Member At Large, Alt.)

**Vacancies: 1**

(Assoc. General Contractors of America)

**County Staff Present:**

Rebecca D. Caldwell, Executive Director, PZ&B  
Jon MacGillis, ASLA, Zoning Director  
Mary Ann Kwok, Chief Planner  
Lenny Berger, Chief Land Use County Attorney  
John Rupertus, Senior Planner, Planning  
Monica Cantor, Senior Site Planner  
Lauren Dennis, Site Planner II  
Scott Rodriguez, Site Planner II, Zoning  
David Nearing, AICP, Site Planner I, Zoning  
Zona Case, Zoning Technician, Zoning

**2. Additions, Substitutions, and Deletions**

Chair Blackman noted two items to be included in the agenda: the amendments to the agenda hand out; and, the Palm Beach County Charter booklet.

**3. Motion to Adopt Agenda**

Motion to adopt by Ms. Vinikoor, seconded by Mr. Puzzitiello. Motion passed (13 - 0)\*.

**4. Annual Election of Chair and Vice-Chair**

Motion to re-elect Wes Blackman as Chair by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (13 - 0)\*. Motion by Ms. Vinikoor to re-elect David Carpenter as Vice-Chair, in absentia, seconded by Mr. Puzzitiello. Motion passed (13 - 0)\*.

**5. Adoption of October 23, 2013 Minutes (Exhibit A)**

Mr. Tedtmann stated that he was satisfied with the changes he requested at the November 13, 2013 review. Motion to adopt by Mr. Puzzitiello, seconded by Ms. Katz. Motion passed (13-0)\*.

\* Henry Studstill arrived at 2:06 p.m.

**6. Adoption of November 13, 2013 Minutes (Exhibit B)**

Motion to adopt by Mr. Puzzitiello, seconded by Ms. Vinikoor. Motion passed (14- 0).

**B. ANNUAL ORGANIZATION DISCUSSION**

Ms. Cantor provided a brief overview on the following:

- Internet links to LDRAB/LDRC rules and regulations applicable to members;
- 2013 LDRAB members attendance report;
- Summary of ULDC amendments adopted in Rounds 2013-01 and 2013-02;
- Current LDRAB members list and schedule of 2014 LDRAB meeting dates (including a special meeting on June 25);
- Zoning Director's memo on deadlines for agencies and privately initiated amendments;
- Proposed amendments for Round 2014-01; and,
- Update on active subcommittees.

Mr. Tedtmann inquired if the Inland Logistics Center and Minto West Amendments would be reviewed by the BCC. Mr. MacGillis said that Inland Logistics Center is in preliminary discussions with staff and will require amendments before submitting an application to rezone. Minto West is in the Public Hearing process and will also require amendments concurrent with

**EXHIBIT A**

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

**Minutes of February 26, 2014 Meeting**

a rezoning application. All amendments will be presented to the LDRAB prior to going before the BCC.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Puzzitiello. Motion passed (14 – 0).

**C. ULDC AMENDMENTS**

**1. Exhibit C – Additional Amendments to Recycling Plant Use** (Industrial Uses presented on October 23, 2013 to LDRAB)

Ms. Brinkman advised she would be recusing herself from any discussion or vote on this exhibit, and provided Voting Conflict Form 8B.

Ms. Cantor advised that the previously reviewed amendments were revised in response to feedback from industry and recycling plant owners who pointed out minor issues related to collocated Chipping and Mulching uses. A Recycling Plant will most likely be revisited when Chipping and Mulching is reviewed under Utilities Uses. Ms. Cantor responded to a question from Mr. Knight by stating that recycling of building materials on site related to construction is not covered by the Recycling Plant amendments.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Puzzitiello. Motion passed (13 – 0).

**2. Exhibit D – Recreation Uses**

Mr. Cross outlined how the Use Regulations Project amendments would be presented by staff.

Ms. Brinkman advised that she would be recusing herself from discussions on Campgrounds and Recreational Vehicle Planned Development District (RVPD), and provided Voting Conflict Form 8B.

Staff presented all recreation uses and LDRAB discussed the following:

- **Campground** - Mr. Baumoehl asked for clarification on "180 days" (Page 33, Line 12). Mr. Nearing explained that Florida Statutes allow a unit on site indefinitely and "180 days" refers to the occupant and not the unit. Mr. Cross agreed with Mr. Baumoehl that the language could be misconstrued and suggested deletion of "other than caretakers". In addition, Mr. Baumoehl expressed the view that 500 sq. ft. seems excessive for a porte cochere on a camping cabin (Page 34, line 8). Staff advised that this standard was developed at the time of Lion Country Safari RVPD and that changing would create non-conformities. No action was taken on this issue.
- **Fitness Center** – Mr. Kozell made the observation that the change in the approval process (Page 37, Line 20 to 22) will make it harder for properties in the Community Commercial (CC) Zoning District. The previous language permitted by right up to 15,000 sq ft, and the change in the text has lowered the square footage to 8,000 sq. ft. Ms. Cantor clarified that the deletion of 15,000 sq. ft. was made for consistency between the minimum SF permitted in the CC Zoning District before it is subject to DRO approval as contained in the DRO Thresholds table in Article 4 of the Code. Mr. Cross agreed that the change inadvertently precludes uses previously permitted. Changes will be made to reflect that parcels in the CC Zoning District with less than 15,000 sq. ft. will be subject to DRO approval. Mr. Kozell requested change of the Use Matrix to show permitted use under CC in the light of the discussion. Ms. Cantor clarified that the Use Matrix must show the most restrictive approval process in order to avoid confusion.
- **Golf Course** - Ms. Vinikoor spoke of her concern about the use of pesticides on golf courses which could be detrimental to bees and wash into waterways, negatively impacting best management practices on farms. Ms. Caldwell added that the Palm Beach County Fertilizer Ordinance includes requirements for commercial and personal applications of fertilizer and addresses the main purpose of preserving water quality directly through the Agricultural Extension Office. She continued by clarifying that there is both local and state authority. Palm Beach County Code Enforcement staff is responsible for citing and their thorough training process is performed by the Agricultural Extension Office, so the County and others have the authority to cite in addition to the Department of Environmental Protection (DEP). The fertilizer issues are covered and while more needs to be done to protect the bees, this is not the vehicle to accomplish it.
- **Outdoor Shooting Range** - (Page 43) the Chairman expressed curiosity about the separation distance of 1320 ft. Mr. Rodriguez said it is a quarter of a mile and was







## APPOINTED OFFICERS (continued)

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

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

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

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joni Brinkman, hereby disclose that on February 26, 20 14 :

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

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

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

Exhibit C - Recycle Plant Revisions

Exhibit D - Campground and RVPD Revisions Only

Our company is currently processing a RVPD application and subsequent to the first LDRAB meeting on Recycle Plants, assisted a client

and coordinated with Zoning in regard to the proposed revisions.

2-26-14

Date Filed

Joni Brinkman  
Signature

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

EXHIBIT B

ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS  
SUMMARY OF AMENDMENTS  
(Updated 02/27/2014)

1 Part 1. ULDC Art. 1.F.2.A.2, Legal Lot of Record (page 18 of 119), is hereby amended as  
2 follows:  
3

Reason for amendments: [Land Development] To include the additional methods to create a legal lot that are currently permitted by code.

4 CHAPTER F NONCONFORMITIES

5 Section 2 Nonconforming Lot

6 A. Applicability

7 2. Legal Lot of Record

8 The lot complies with one of the following: [Ord. 2008-037] [Ord. 2010-005]

9 a. Is depicted on either a plat of record, affidavit of exemption, or affidavit of waiver, or plat  
10 waiver, or lot combination; or [Ord. 2008-037] [Ord. 2010-005]

11 ....  
12  
13

14 Part 2. ULDC Art. 1.I.2., Definitions (page 55, 75 of 119), is hereby amended as follows:  
15

Reason for amendments: [Land Development] To add a definition for Ditch and to allow for the definitions of Master Plan and Swale to apply to Article 11 requirements for subdivision approval as well.

16 CHAPTER I DEFINITIONS & ACRONYMS

17 Section 2 Definitions

18 ....

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

20 ....

21 48. Ditch – For the purposes of Art. 11, a swale that is three feet or greater in depth from the top  
22 of bank to the invert.

23 [Renumber Accordingly]  
24 ....

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

26 21. Master Plan or Site Plan

27 ....

28 b. For the purposes of Art. 11 and 12, a Master Plan or Site Plan shows how parcels and  
29 uses in a mixed-use development will integrate with one another. The Master or Site  
30 Plan dictates access, mitigation strategies, the build-out timeframe and shall be the  
31 controlling document for a mixed-use development. Approval of a Master Plan or Site  
32 Plan shall be binding upon the landowners subject to the Development Order, their  
33 successors and assigns, and shall constitute development regulations for the land.  
34 Development of the land shall be limited to the uses, intensities, access, configuration,  
35 mitigation strategies, and all other elements and conditions set forth in the Master Plan or  
36 Site Plan. Requirements for the submittal of a preliminary master or site plan and a final  
37 master or site plan to the Zoning Division are indicated in Art. 2 pursuant to the type of  
38 zoning application being submitted. [Ord. 2006-036] [Ord. 2009-040]

39 ....

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

41 136. Swale – for the purpose of Art. 11 and 15, a stabilized and graded depression designed to  
42 convey stormwater runoff and retain water for only a brief period following a rainfall event.

43 ....  
44  
45  
46

(This space intentionally left blank)

47  
48

Notes:

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EXHIBIT B

ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS  
SUMMARY OF AMENDMENTS  
(Updated 02/27/2014)

1  
2 Part 3. ULDC Art. 11.A.1.B, Purpose and Intent [Related to Article 11 General Provisions]  
3 (page 7 of 47), is hereby amended as follows:  
4

**Reason for amendments:** [Land Development] Public and private parks are not considered required improvements in Article 11 and are instead governed by the County’s Comprehensive Plan and the Parks and Recreation Department. Since compliance is not confirmed by the County Engineer, this section should be deleted from Article 11.

5 CHAPTER A GENERAL REQUIREMENTS

6 Section 1 General Provisions

7 B. Purpose and Intent

8 The specific provisions of this article shall be applied and interpreted in a manner consistent with  
9 PBC’s purpose and intent to:

10 ....

11 8. ~~Ensure provision of public and private parks and recreation areas to accommodate the~~  
12 ~~additional population of new subdivisions in accordance with the objectives of the Recreation~~  
13 ~~Open Space Element of the Plan;~~  
14 [Renumber Accordingly]

15  
16  
17 Part 4. ULDC Art. 11.A.3.B, Required Improvements Installation Requirement (page 8 of 47), is  
18 hereby amended as follows:  
19

**Reason for amendments:** [Land Development] To remove language for facilities not required by Article 11 or confirmed for compliance by the County Engineer.

20 CHAPTER A GENERAL REQUIREMENTS

21 Section 3 General Requirements

22 B. Required Improvements Installation Requirement

23 The adequacy of necessary public or private facilities and services for traffic and pedestrian  
24 access and circulation, ~~public schools~~, solid waste, wastewater disposal, potable water supply,  
25 stormwater management, ~~fire-rescue, parks and recreation~~ and similar facilities and services, and  
26 potential adverse impacts on adjacent land uses and facilities shall be considered in the review of  
27 all development proposals.  
28

29  
30 Part 5. ULDC Art. 11.A.4, Application of Ordinance (page 9 of 47), is hereby amended as  
31 follows:  
32

**Reason for amendments:** [Land Development] To clarify that land resulting from a subdivision of property shall be legally created in accordance with Article 11 unless such land is a lot over 40 acres or is covered by a DRO approved Master Plan. Also to clarify which building permits may be issued prior to plat recordation.

33 CHAPTER A GENERAL REQUIREMENTS

34 Section 4 Application of Ordinance

35 A. General Application

36 No person shall create a subdivision or develop any lot within a subdivision in unincorporated  
37 PBC except in conformity with this Article. No Final Plat or certified boundary survey of any  
38 subdivision shall be recorded unless such subdivision meets all applicable provisions of this  
39 Article, the provisions of other applicable PBC ordinances, and the applicable laws of the State of  
40 Florida. ~~Provided, however, that~~ the subdivision of contiguous lands *shall not be subject to*  
41 *compliance with the provisions of this Article where the lands are* under single ownership *with*  
42 *where* none of the resulting lots *being are* less than 40 acres *or where the remaining land is part*  
43 *of a development being platted in phases in accordance with a Master Plan approved by the DRO*  
44 *shall not be subject to compliance with the provisions of this Article*, unless such compliance is  
45 required as a specific condition of a development order for a conditional use or special use  
46 approved pursuant to Article 2.C, FLU PLAN AMENDMENTS. [Ord. 2011-016]

47 B. Building Permits and Other Approvals

48 1. Except as provided in this Section *or elsewhere in the Code*, no building permit shall be  
49 issued for any structure on any lot created by subdivision of land in violation of this Article

Notes:

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

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EXHIBIT B

ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS  
SUMMARY OF AMENDMENTS  
(Updated 02/27/2014)

1 unless and until such lot is shown on a plat ~~of record~~ or certified boundary survey, as  
2 applicable, recorded in the manner prescribed in this Article. [Ord. 2011-016]  
3 2. Temporary structures, permanent structures having a temporary use, model homes and  
4 ancillary structures such as fences, buffer walls, and guardhouses may receive a building  
5 permit prior to recordation of the Final Plat for the property only when the use and location  
6 have been approved by the DRO and shown on the approved Final Subdivision Plan. Such  
7 approval, however, shall not in any way relieve the developer from the obligation to correct  
8 any and all nonconforming setbacks, separations, or encroachments due to inconsistencies  
9 between the location of said structures and lot, street, or easement boundaries as  
10 established by the applicable recorded plat.

11  
12  
13 **Part 6. ULDC Art. 11.A.5.A, Active Subdivision Development (page 9 of 47), is hereby amended**  
14 **as follows:**  
15

**Reason for amendments:** [Land Development] To delete language that is covered in other Code chapters or under the authority of County departments other than Engineering.

16 **CHAPTER A GENERAL REQUIREMENTS**

17 **Section 5 Previously Approved or Platted Subdivisions**

18 **A. Active Subdivision Development**

19 All active subdivision developments and all modifications to previously platted subdivisions shall  
20 be subject to the requirements of this Article in accordance with the provisions of Article 1.E,  
21 PRIOR APPROVALS.

22 ....

23 ~~**3. Abandonment of Active Subdivision Plan or Preliminary Plat**~~

24 ~~When the developer fails to seek subsequent approvals and permits within the time frames~~  
25 ~~required by this Article, such failure shall be evidence that the active subdivision plan or~~  
26 ~~preliminary plat has been abandoned and all approvals granted for the subdivision plan,~~  
27 ~~construction plans, or preliminary plat, as applicable, shall be deemed void.~~

28 ~~**4. Authority of the Development Review Officer (DRO)**~~

29 ~~The DRO shall have the authority to review any previously approved subdivision~~  
30 ~~development which does not meet the strict requirements of this Article and to declare the~~  
31 ~~preliminary and final subdivision plan, preliminary or final site plan (and accompanying~~  
32 ~~construction plans), site plan, as applicable, to be an active approval when the DRO finds~~  
33 ~~that such declaration would be in accordance with the purpose and intent of this Article and in~~  
34 ~~the best interest of the general public. Such review shall be made upon application by either~~  
35 ~~the developer or the County Engineer, which application shall be on a form prescribed by the~~  
36 ~~DRO.~~

37 [ReNUMBER Accordingly]

38  
39  
40 **Part 7. ULDC Art. 11.A.6.B., Subdivision of Commercial and Industrial Building Sites (page 11**  
41 **of 47), is hereby amended as follows:**  
42

**Reason for amendments:** [Land Development] To clarify application of the subdivision exemption.

43 **CHAPTER A GENERAL REQUIREMENTS**

44 **Section 6 Planned Developments**

45 **B. Subdivision of Commercial and Industrial Building Sites**

46 A building site which constitutes all or a portion of a pod designated for commercial or industrial  
47 use ~~within on the preliminary development plan of~~ a planned development, and for which the  
48 detailed development configuration and building permit issuance are subject to prior approval by  
49 the DRO of a final site plan, may be exempted by the County Engineer from the subdivision  
50 recordation requirement of Article 11.A.4.B.1, and may be subdivided by fee title conveyance of  
51 individual internal lots. Such exemption may be granted by the County Engineer provided that:  
52 ....

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58

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EXHIBIT B

ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS  
SUMMARY OF AMENDMENTS  
(Updated 02/27/2014)

1  
2 Part 8. ULDC Art. 11.A.7., Phased Developments (page 11 of 47), is hereby amended as  
3 follows:  
4

**Reason for amendments:** [Land Development] To clarify requirements for phased platting and to delete language that is covered in other Code chapters or under the authority of other County departments.

5 CHAPTER A GENERAL REQUIREMENTS

6 Section 7 Phased Developments

7 A. Phasing Plan

8 The property encompassed by a Master Plan and/or Final Subdivision Plan may be developed in  
9 two or more ~~phases increments~~ pursuant to the terms of this Section and applicable phasing  
10 provisions of Article 2.E.3, Supplementary Regulations for Classes of Development Orders. ~~A~~  
11 ~~Final Subdivision Plan showing the proposed phasing plan must be approved by the DRO prior to~~  
12 ~~submission of the first plat.~~ Construction plans and preliminary plats shall coincide with their  
13 respective phases as shown on the Final Subdivision Plan or Master Plan. ~~Construction plans or~~  
14 ~~a preliminary plat for a partial phase shall not be accepted.~~

15 B. Improvements

16 The improvements of each phase shall be capable of operating independently of any  
17 unconstructed phase with respect to drainage, access, utilities, and other required improvements,  
18 except as provided herein. A dependent phase may be platted only if the foundation phase plat  
19 has been recorded and required improvements have been completed or are under construction  
20 pursuant to a land development permit and are secured pursuant to a guaranty posted for  
21 completion of required improvements. A dependent phase shall not be acknowledged as  
22 completed until the improvements in the foundation phase are acknowledged as completed;  
23 provided, however, that such acknowledgment of completion may occur simultaneously and  
24 provided that the County Engineer may permit the posting of a guaranty to ensure the installation  
25 at a later time of those required improvements which are not deemed necessary to provide  
26 drainage, access, or utilities to such dependent phases.

27 ~~C. Phasing Controls~~

28 ~~The phasing plan and all phased construction shall be completed in accordance with any phasing~~  
29 ~~controls and time frames required by this Code which are applicable to the development.~~

30 ~~D. Time Limitation~~

31 ~~When the Preliminary Subdivision Plan is approved for development in phases requiring more~~  
32 ~~than one final plat, the duration of said approval shall be as specified by and subject to those~~  
33 ~~provisions of Article 2.E, MONITORING, applicable to the development or phase thereof.~~

34 [Renumbered Accordingly]

35  
36  
37 Part 9. ULDC Art. 11.A.8, Exceptions to General Requirement (page 12-14 of 47), is hereby  
38 amended as follows:  
39

**Reason for amendments:** [Land Development] To allow an abstracted boundary survey to be submitted for a proposed subdivision. To allow for a boundary survey to be submitted with a plat waiver application and to change the Code to be consistent with County practices to allow plat waivers in areas adjacent to or including previously platted properties. To update the Effect of Approval section and to eliminate the prohibition on interior easements for lot combinations. To delete review factors not considered by the County Engineer in the review process.

40 CHAPTER A GENERAL REQUIREMENTS

41 Section 8 Exceptions to General Requirements

42 A. Authority

43 The County Engineer is hereby empowered to make certain exceptions to the platting  
44 requirement of Article 11.A.3.A, Platting Requirement, and required improvements installation  
45 requirement of Article 11.A.3.B, Required Improvements Installation Requirement, in accordance  
46 with the standards and procedures set forth in this Section.

47 **B. Certified Boundary Survey**

48 When approved by the County Engineer, a certified boundary survey may constitute the  
49 Subdivision Plan when such subdivision is for the purpose of combining lots to create a single lot  
50 and the subdivision is not encompassed by a Final Subdivision Plan approved pursuant to Article  
51 2.D.1, Development Review Officer.

52 **BC. Plat Waiver with Certified Boundary Survey**

53 If, after review of the preliminary subdivision plan, the County Engineer determines that the  
54 proposed subdivision meets one of the conditions specified in Article 11.A.8.B.1, Application for

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1 Plat Waiver, the requirement to file a plat may be waived and an abstracted boundary survey  
2 shall be recorded in lieu of a plat along with an affidavit documenting approval of said waiver and  
3 restrictive covenants applicable to the subdivision, as prescribed by this Article. [Ord. 2011-016]

4 **1. Application for Plat Waiver**

5 In order to determine whether platting may be waived, the developer shall submit a certified  
6 boundary survey or preliminary subdivision plan ~~in accordance with the requirements of~~  
7 ~~Article 11.B.1, Preliminary Subdivision Plan~~, together with a statement demonstrating that the  
8 subdivision meets at least one of the following conditions:

9 a. The division is for the purpose of constructing not more than one townhouse building in  
10 compliance with applicable use regulations and standards pursuant to Article 3.C,  
11 STANDARD DISTRICTS;

12 b. The division is to create no more than three contiguous lots and all of the following  
13 circumstances apply:

14 ~~1) The land concerned is isolated or removed in its relationship to platted lands;~~

15 2) Dedications or reservations are not required for the installation or maintenance of the  
16 required improvements; and

17 3) The improvements and dedications existing on the land are substantially in  
18 accordance with the requirements of this Article.

19 ....

20 **3. Effect of Approval**

21 ~~The approved abstracted boundary survey shall constitute the approved Final Subdivision~~  
22 ~~Plan for the subdivision when such subdivision is not encompassed by a Final Subdivision~~  
23 ~~Plan approved pursuant to Article 2.D.1, Development Review Officer.~~ The granting of a plat  
24 waiver in no manner reduces or waives the requirements of Article 11.B.13, Technical  
25 Compliance through Article 11.B.57, Construction of Required Improvements, governing  
26 construction plan approval, land development permit issuance, and installation of the required  
27 improvements. Failure by the applicant to submit all documents required for the recordation  
28 of the affidavit of waiver within six months of approval by the County Engineer shall void said  
29 approval. [Ord. 2011-016]

30 **CD. Lot Combination with Abandoned Right of Way and Combination of Lots**

31 Right of way abandoned by Resolution of the BCC may be combined into an adjoining lot of  
32 record. A lot may also be combined with an adjoining lot or lots resulting in an overall decrease in  
33 the number of lots provided that there are no interior easements along the common lot line(s) that  
34 prevent the combination of the lots and that the new lot configuration decreases any existing non-  
35 conformities. The revised single lot of record may be created by one of the following: [Ord.  
36 2010-022]

37 ....

38 **DE. Exceptions to Installation of Improvements Requirement**

39 If, after review of the preliminary subdivision plan, the County Engineer determines that certain  
40 improvements already existing on the proposed subdivision site are adequate to meet the intent  
41 of the required improvements requirement of this Article, the installation of those required  
42 improvements may be waived.

43 **1. Application for Required Improvement Installation Waiver**

44 The developer shall submit a Preliminary Subdivision Plan, or when approved a certified  
45 boundary survey, in accordance with the requirements of Article 11.B.1, Preliminary  
46 Subdivision Plan, together with a statement demonstrating that the applicable  
47 improvement(s) and associated dedications existing on the land and serving the proposed  
48 lot(s) are substantially in accordance with the requirements of this Article.

49 **2. Effect of Approval**

50 The granting of a required improvement(s) installation waiver in no manner reduces or waives  
51 the requirement of this Article to file a plat and to comply with applicable provisions of Article  
52 11.B.13, Technical Compliance, through Article 11.B.57, Construction of Required  
53 Improvements, with regard to all required improvements not specifically waived.

54 **EF. Contents of Applications**

55 Applications made pursuant to this Article shall be submitted in a form established by the County  
56 Engineer, prescribed in the Land Development Forms Manual, and made available to the public.  
57 ~~Contents of said applications shall include the submittal requirements for preliminary subdivision~~  
58 ~~plans contained in Article 11.B.1, Preliminary Subdivision Plan.~~

59 **FG. Administration of Exceptions to General Requirements**

60 The County Engineer shall review and act on applications for exceptions to this Article pursuant  
61 to Article 11.A.8, Exceptions to General Requirements. Such authority shall include the power to:

62 1. Waive compliance with the procedures of Article 11.B.13, Technical Compliance, through  
63 Article 11.B.57, Construction of Required Improvements, when the County Engineer finds  
64 that compliance with such procedures is unnecessary because:

65 ....

66 4. Upon determining the facts of each application, determine whether: *the proposal makes*  
67 *adequate provisions for public requirements, including safe and convenient vehicular and*

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ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS  
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*pedestrian circulation, access, stormwater management, utilities, water supply and wastewater disposal. [Relocated from Art. 11.A.8.F.4.b below]*

*a. The proposal would be in harmony and compatible with present and future development of the area as contemplated under the Plan, and*

*b. The proposal makes adequate provisions for public requirements, including safe and convenient vehicular and pedestrian circulation, access, stormwater management, utilities, water supply and wastewater disposal. [Relocated to Art. 11.A.8.G.4. above]*

Part 10. ULDC Art. 11.B., Subdivision Requirements (page 15 – 26 of 47), is hereby amended as follows:

Reason for amendments: [Land Development] To update submittal requirements and remove instructions for subdivision plan approval since this process is covered by a separate Code article.

CHAPTER B SUBDIVISION REQUIREMENTS

Section 1 Preliminary Subdivision Plan

~~A. Purpose of Preliminary Subdivision Plan~~

~~The purpose of the preliminary subdivision plan is to provide adequate and necessary descriptive information regarding proposed subdivision layout and improvements for review of applications made under Article 11.A.8, Exceptions to General Requirements, for plat waivers and for required improvement(s) installation waivers.~~

~~B. Professional Services Required~~

~~The developer shall retain the services of an engineer or surveyor and mapper to prepare the preliminary subdivision plan. The subdivision plan shall be coordinated with the major utility suppliers involved with providing services. Where septic tanks are proposed, a satisfactory subdivision analysis for septic tanks from the PBCHD shall be required. [Ord. 2010-022]~~

~~C. Contents of Application~~

~~The developer shall submit a written statement and drawing in the form established by the County Engineer, prescribed in the Land Development Forms Manual, and made available to the public.~~

Section 2 Final Subdivision Plan

~~A. Purpose~~

~~The purpose of the Final Subdivision Plan is to provide a multi-agency review at a level of detail adequate to identify and resolve basic errors, omissions, and conflicts in the proposed subdivision layout with respect to applicable agency concerns, code requirements, and surrounding land uses, prior to the preparation of the detailed preliminary plat(s) and associated construction plans for required improvements.~~

~~B. Applicability~~

~~Except as provided in Article 11.A.8.B, Plat Waiver with Certified Boundary Survey, the developer of every proposed subdivision shall be required to obtain approval of a Final Subdivision Plan from the DRO, pursuant to Article 2.D.1, Development Review Officer prior to submittal of a preliminary plat and construction plans for Technical Compliance approval pursuant to Article 11.B.3, Technical Compliance. [Ord. 2011-016]~~

~~C. Procedure~~

~~1. Application~~

~~Application for Final Subdivision Plan approval shall be made in accordance with Article 2.D.1, Development Review Officer.~~

~~2. Threshold Review Requirement~~

~~In order to be eligible to submit an application for Final Subdivision Plan review, the development shall have a currently valid certificate of threshold review, issued in accordance with and when required pursuant to Article 15.C, GENERAL THRESHOLD REVIEW. A copy of the currently valid certificate shall be attached to and made part of the application.~~

~~3. Contents of Application~~

~~The application shall be submitted in a form established by the Zoning Director, and made available to the public. Contents of said application shall include, but not necessarily be limited to:~~

~~a. A unified drawing describing existing site conditions, proposed streets, proposed lot layout, and other applicable development features in pictorial, note, or tabular form as appropriate;~~

~~b. An internal traffic circulation analysis prepared by a professional engineer, adequate for determining the required classification of streets, the number of lanes, the requirement for traffic lights and other traffic control devices, and the capacity of the street system proposed or affected by the development, as well as the phasing of improvements;~~

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~~c. A preliminary stormwater management plan outlining the conceptual tertiary and secondary stormwater management facilities proposed for proper development of the subdivision, and prepared by a registered professional authorized through licensure by the State of Florida to perform such conceptual level of design for said stormwater management system; and~~

~~d. A statement that all applicable utility providers have agreed to serve the subdivision, except that where septic tank systems are proposed, a satisfactory subdivision analysis for septic tanks from the PBCHD shall also be submitted.~~

~~4. Resubmittals~~

~~Final Subdivision Plan resubmittals required to address corrections or revisions requested by the DRO or for any modification by the developer shall be made in accordance with the applicable requirements of Article 2.D, ADMINISTRATIVE PROCESS.~~

~~D. Development Review Committee Action (DRO)~~

~~The DRO shall inform the developer that the plan and data as submitted do or do not meet the applicable provisions of this Article in accordance with the procedures established pursuant to Article 2.D, ADMINISTRATIVE PROCESS.~~

~~E. Duration of Final Subdivision Plan Approval~~

~~The duration of Final Subdivision Plan approval shall be as specified by and subject to those provisions of Article 2.E, MONITORING, applicable to the development.~~

**Section 13 Technical Compliance**

**A. Purpose**

The purpose of Technical Compliance is to provide a multi-agency review of the proposed subdivision plat and all applicable required improvement construction plans for conformance with technical and legal requirements of this Article, other applicable provisions of this Code, PBC Standards, and the approved Final Subdivision Plan or certified boundary survey when approved (including any special conditions of approval) prior to application by the developer for issuance of a Land Development Permit and submittal of the Final Plat for recordation.

**B. Application**

Prior to the expiration of the Final Subdivision Plan approval, where applicable, and prior to commencing construction of required improvements, the developer shall have prepared and shall submit to the County Engineer an application for Technical Compliance review, which shall be accompanied by the required fee and the required number, as established by the County Engineer, of the following documents and information, as applicable to the subdivision or approved phase thereof. Within three days of receipt of an initial application submittal for Technical Compliance, the County Engineer shall review the submittal for completeness and shall send written notification to the applicant if the submittal is determined to be incomplete. Failure by the applicant to complete the application submittal within 60 days of the date of said notification shall be considered an abandonment of the application and any subsequent submittal shall require a new Technical Compliance application.

**2. Certified Boundary Survey**

The developer shall submit a certified of a subdivision for which the requirement to plat has been waived pursuant to Article 11.A.8.B, Plat Waiver with Certified Boundary Survey, shall submit the applicable abstracted boundary survey meeting the requirements of Article 11.B.79, Requirements for Certified Boundary Survey. **[Ord. 2011-016]**

**3. Construction Plans and Supplemental Engineering Reports**

Except for those required improvements have been specifically waived pursuant to Art. 11.A.8.C, Exceptions to Installation of Improvements Requirement, construction plans and supporting design information for all the required improvements shall be submitted for each subdivision. Construction plans and required engineering reports shall comply with the requirements of Art. 11.B.46, Construction Plans and Supplemental Engineering Information. **[Ord. 2005 – 002]**

**C. Review of the Technical Compliance Submittal**

**1. Agency Comments**

Within five days of receipt of a complete application, the County Engineer shall forward copies of appropriate submittal documents to the following agencies for written comments regarding conformance with requirements of their respective regulations and program responsibilities:

- a. Director, Land Development Division of DEPW: construction plans and preliminary plat;
- b. Director, Traffic Division of DEPW: construction plans and preliminary plat;
- c. Director, Survey Section of DEPW: preliminary plat;
- d. Director, Zoning Division of PZB: preliminary plat;
- e. Addressing Section, Administration Division of PZB: preliminary plat;
- f. Director, Parks and Recreation Department: preliminary plat;

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- g. Director, Roadway Production Division of DEPW: construction plans and preliminary plat for Thoroughfare Plan streets;
- h. Director, Environmental Resources Management: preliminary plat;
- i. Florida Department of Transportation: preliminary plat for lands abutting State roads;
- j. Local water control district: preliminary plat for lands abutting water control district facilities, easements, or R-O-W;
- k. County Attorney: preliminary plat; and
- l. Director of Property and Real Estate Management: preliminary plat.

The County Engineer shall have up to 5 calendar days to forward the submittal to the review agencies. Said agencies shall be given up to 20 calendar days to forward comments to the County Engineer. Within five days of the end of this 20 day period, the County Engineer shall forward all comments to the developer in writing, with a copy to the developer's engineer, or other authorized agent.

....  
**D. Technical Compliance Approval**

The statement of Technical Compliance shall be in writing and furnished to the developer and the developer's engineer. The statement shall contain the following conditions and information:

- 1. The name of the documents reviewed;
- 2. The amount of guaranty for the construction of required improvements, established in accordance with Article 11.B.2 4.A.6, Guarantees Guaranties;
- 3. The amount of recording fees due for recordation of the final plat or certified boundary survey, which fees are payable to the Clerk of the Circuit Court of PBC; **[Ord. 2011-016]**
- 4. A requirement to submit with the Land Development Permit application a copy of all applicable property owners' association documents; and
- 5. Requirements for submittal of supplementary documentation deemed necessary by the County Engineer, such as deeds, easements, covenants and other recorded instruments creating rights or obligations for access, drainage, or utility services, which rights or obligations could not be established through dedications or reservations on the plat.

**E. Expiration of Technical Compliance**

The statement of Technical Compliance shall expire six months after its date of issuance. Failure to make a Land Development Permit application submittal prior to the expiration of the statement of Technical Compliance shall void the Technical Compliance approval and any subsequent submittal shall require a new Technical Compliance application unless the County Engineer has granted an extension to the Technical Compliance expiration.

**F. Effect of Changes to Final Subdivision Plan**

Any change to a Final Subdivision Plan, however approved, which would either increase or decrease the number of units in, or would, in the opinion of the County Engineer, cause a substantial change or revision to any preliminary plat or associated construction plans under review or approved for Technical Compliance, shall void any approvals issued for same pursuant to this article and shall require a new submittal and fee for such plat and construction plans, unless a modification to such plat and construction plans is approved by the County Engineer. ~~Such determination shall be in writing and forwarded within ten days to the Developer's Engineer, with a copy to the Zoning Director.~~

**Section 2 4 Land Development Permit**

**A. Land Development Permit Application Submittal**

A Land Development Permit shall be required prior to commencement of construction of any required improvement. The effective date of the Land Development Permit shall be the date the County Engineer signs it. The Land Development Permit shall expire not more than 21 months from the effective date, unless extended pursuant to Article 11.B.57.B, Time of Completion of Required Improvements. Except when the installation of all required improvements has been waived pursuant to Article 11.A.8.C, Exceptions to Installation of Improvements Requirement, the Final Plat or certified boundary survey, as applicable, shall not be recorded until the developer has either installed the improvements or has guarantied the installation of the improvements pursuant to the requirements of Article 11.B.2 4.A.6, Guarantees Guaranties, below. As the final step in the review procedures to obtain development approval under this Article, the developer shall have prepared and shall submit, prior to expiration of the Technical Compliance, an application for Land Development Permit. The application for Land Development Permit shall be accompanied by the required fee and the required number, as determined by the County Engineer, of the following documents applicable to the subdivision or approved phase thereof: **[Ord. 2011-016]**

....  
**2. Certified Boundary Survey**

The developer of a subdivision for which the requirement to plat has been waived pursuant to this Article shall submit a check payable to the Clerk of the Circuit Court of PBC for the recordation of the certified boundary survey. When construction plans are not required, the

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certified boundary survey may be recorded without further review, provided, however, that the County Engineer shall review any documents submitted in compliance with Article 11.B. 2 4.A.3, Maintenance and Use Documents. [Ord. 2011-016]

....  
**4. Construction Plans and Supplemental Engineering Information**

Construction plans shall conform to the plans which received Technical Compliance or, if modified, shall be accompanied by a written statement from the Developer's engineer which details, explains, and justifies the modifications. Construction plans shall comply with the requirements of Article 11.B.~~46~~, Construction Plans and Supplemental Engineering Information, and prior to issuance of a Land Development Permit, shall have received all applicable approvals of requisite governmental agencies.

**5. Developer's Acknowledgment of Responsibility for Construction of Required Improvements**

The application shall indicate whether the required improvements are to be constructed prior to recordation or after recordation of the plat or certified boundary survey. When the required improvements are to be constructed after recordation, the Developer shall submit a statement acknowledging responsibility for completion of said required improvements. The statement shall be in the form contained in the latest version of the Land Development Forms Manual and shall be executed by all owners shown on the applicable final plat. The statement shall be accompanied by a guaranty for completion of required improvements, pursuant to Article 11.E.1.A, Minimum Required Improvements for All Subdivisions. Said guaranty shall meet the applicable requirements of Article 11.B.2 4.A.6, ~~Guarantees~~ Guaranties. [Ord. 2011-016]

**6. Guarantees Guaranties**

All ~~guarantees~~guaranties required pursuant to ~~to~~ Article 11.E.1.A, Minimum Required Improvements for All Subdivisions, shall be in one of the forms prescribed in the Land Development Forms Manual or in an alternate form approved by the County Attorney. The initial guaranty shall be in an amount equal to 110 percent of the construction cost of the required improvements. The guaranty shall be in one of the following types:

....  
**Section ~~35~~ Substitution of Developers**

**A. Voluntary Substitution of Developers**

When there is a voluntary substitution of developers after the Land Development Permit has been issued but before PBC has acknowledged completion of the required improvements, it shall be the responsibility of both developers to transfer the rights and responsibilities from the original developer to the succeeding developer. The original and succeeding developers shall make a joint application to the County Engineer for a transfer of the original developer's Land Development Permit. If the original developer posted a guarantee with PBC for completion of required improvements, the succeeding developer must post a substitute guarantee in the current amount of the original developer's guarantee and in a form acceptable to PBC. The application for transfer shall include the executed acknowledgment of responsibility for completion of required improvements pursuant to Article 11.B.2 4.A.5, Developer's Acknowledgment of Responsibility for Construction of Required Improvements.

**B. Involuntary Substitution of Developers**

When a developer becomes the succeeding developer through foreclosure or some similar action and it is not possible to obtain the original developer's signature on a joint application for transfer of the Land Development Permit, the succeeding developer must comply with all provisions of Article 11.B.~~35~~.A, Voluntary Substitution of Developers, except that, in lieu of said original developer's signature, the succeeding developer shall submit a current certification of title, foreclosure judgment, or other proof of ownership of the lands encompassed by the plat referred to in the Land Development Permit.

**Section ~~46~~ Construction Plans and Supplemental Engineering Information**

....  
**B. Submittal Requirements**

Construction plans and supplemental engineering information shall be submitted under separate cover for each of the categories of improvements listed in this Section. Plan sets shall be submitted in the number required ~~by the County Engineer, as prescribed~~ in the Land Development Forms Manual.

....  
**2. Submittals for Other Improvements**

Construction plans shall be submitted for the following additional improvements which the developer may be required to install or otherwise elect to provide:

- a. Landscaping within streets;
- b. Guardhouse, gates, or other structures within streets;

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c. Landscaping or structures in lake maintenance easements: See Article 11.B.68.A, Construction and Landscaping in Lake Maintenance Easements and Water Management Tracts.

....  
F. Soils Report

The Technical Compliance application shall include a soils report describing soil profiles of the work site to such depth and extent necessary to determine special design or construction needs. In lieu of Article 11.B.46.F.4 and Article 11.B.46.F.5, the Developer may submit as part of the report a certified statement from an engineer that he has investigated the subsurface conditions of the site and has determined that such conditions are suitable for the work as shown on the construction plans. The soils report shall include:

1. A map, drawn to stated scale, showing boring, penetrometer, and/or test pit locations;
2. Results of each boring or other soil test, keyed to the map;
3. Soil profiles with horizons described according to the USDA, ASTM, or Unified standard soils classified system;
4. Location and extent of muck, hardpan, marl, or other deleterious materials which may require special consideration in design or construction; and
5. A description of groundwater conditions which may require special consideration in design or construction.

Section 57 Construction of Required Improvements

....  
B. Time of Completion of Required Improvements

1. The time of completion of all required improvements shall not exceed 21 months from the date of issuance of the Land Development Permit unless an extension is granted pursuant to this Section. For government facilities within the Public Ownership (PO) Zoning District, the completion of required improvements shall be permitted to: **[Ord. 2007-013]**
  - a. coincide with a Certification of Occupancy (CO) for the first building on a parcel of land that adjoins a required street improvement; or, **[Ord. 2007-013]**
  - b. be phased to coincide with a ~~Certification of Occupancy (CO)~~ for the first building within each phase of development that is accessed by a required street improvement. **[Ord. 2007-013]**
2. A one year time extension may be granted by the County Engineer after review of the written application for extension of the developer. The developer should submit the application for extension, including but not limited to a statement of justification and proof that an acceptable guaranty will remain in place for the duration of the extension, not less than two months prior to expiration of the Land Development Permit. ~~Applications submitted after expiration of the Land Development Permit shall not be accepted.~~ The County Engineer shall review and advise the developer in writing of his decision within ~~one month~~ 30 calendar days of receipt of the application.

C. Completion Prior to Plat Recordation

When the developer elects to complete required improvements prior to recording of the final plat or certified boundary survey, the following procedures shall apply, as applicable. **[Ord. 2011-016]**

1. Upon approval of the final plat and acknowledgment of completion of the required improvements pursuant to Article 11.B.57.G, Acknowledgment of Completion and Maintenance of Required Improvements, the plat shall be submitted to the Office of the Clerk of the Circuit Court for recordation.

....  
D. Completion After Plat Recordation

....  
2. Amount of Reductions in Guaranty

The County Engineer shall not reduce the amount of any guaranty below 20 percent of the original cost estimate amount. In addition to this limitation, no reduction in the dollar amount of the guaranty shall be made unless sufficient funds will remain to complete the remaining required improvements and the cost of required improvements installed equals or exceeds the amount of the request. To ensure that sufficient funds remain for completion of the remaining required improvements, the County Engineer shall release not more than 90 percent of the dollar amount of required improvements certified as completed during the period for which a reduction is requested, provided the amount is not reduced to less than 20 percent of the original cost estimate amount.

3. Release of Guaranty

The guaranty shall only be released upon acknowledgment of completion of the required improvements pursuant to Article 11.B.57.G, Acknowledgment of Completion and Maintenance of Required Improvements. Two weeks prior to the release of the guaranty, the County Engineer shall notify the appropriate District Commissioner of intent to release.

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- 1     **E. PBC Use of Funds; Failure of Developer to Complete**  
2     The County Engineer, as the authorized agent of the Board, shall have the right to any funds  
3     available under the guaranty to secure satisfactory completion of the required improvements in  
4     the event of default by the developer or failure of the developer to complete such improvements  
5     within the time required by Article 11.B.57.B, Time of Completion of Required Improvements. The  
6     County Engineer shall send the developer a courtesy written notice of PBC's intent to expend any  
7     drawn funds or demand performance, as applicable. Such notice shall be sent at least 30  
8     calendar days prior to said expenditure or demand, and shall be mailed to the last known address  
9     of the developer or his authorized agent according to the Land Development Permit records on  
10    file with the County Engineer.
- 11    **F. Administration of Construction**  
12    ....
- 13    **2. Inspections, Reports, and Stop Work Orders**  
14    The County Engineer shall be notified in advance of the date of commencement of  
15    construction pursuant to the Land Development Permit, and of such points during the  
16    progress of construction for which joint review by the County Engineer and developer's  
17    engineer are required.
- 18    a. Construction shall be performed under the surveillance of, and shall at all times be  
19    subject to, review by the County Engineer; however, this in no way shall relieve the  
20    developer of the responsibility for ensuring close field coordination and final compliance  
21    with the approved plans, specifications and the requirements of this Code.
- 22    b. The developer's engineer shall ~~provide~~ **require** progress reports of the construction of the  
23    required improvements ~~to from~~ the developer's ~~engineer~~. The developer's engineer may  
24    also be required to submit construction progress reports directly to and at points of  
25    progress prescribed by the County Engineer. The developer's engineer shall coordinate  
26    joint reviews of the construction with the County Engineer at points specified by the  
27    County Engineer.
- 28    c. The County Engineer and his or her designees shall have the right to enter upon the  
29    property for the purpose of reviewing the construction of required improvement during the  
30    progress of such construction. The County Engineer shall have the authority to stop the  
31    work upon failure of the developer or his engineer to coordinate the construction of the  
32    required improvements as required by this subsection.
- 33    ....
- 34    **G. Acknowledgment of Completion and Maintenance of Required Improvements**  
35    ....
- 36    **2. Acknowledgment of Completion by County Engineer; Release of Guaranty**  
37    Upon submittal of the documents and records required by Article 11.B.57.F.4, Engineer's  
38    Certificate of Completion, and Article 11.B.57.G.1, Developer's Warranty on Workmanship  
39    and Material, and recorded copies of the approved Maintenance and Use Covenants, the  
40    County Engineer shall determine the completeness of the required improvements in  
41    accordance with the provisions of this Article and the Land Development Permit. When the  
42    County Engineer determines that the required documentation is acceptable and the required  
43    improvements have been installed as required by this Article, he shall acknowledge  
44    completion of the required improvements and, when a guaranty has been posted, release the  
45    guaranty in accordance with the following:  
46    ....
- 47    **c. Effect of Release**  
48    Issuance of the statement acknowledging completion and, when applicable, releasing the  
49    guaranty shall relieve the developer of his obligations for construction of required  
50    improvements but shall not relieve the developer of his obligations under the warranty for  
51    required improvements required under Article 11.B.57.G.1, Developer's Warranty on  
52    Workmanship and Material.
- 53    ....
- 54    **5. Developer's Failure to Complete Improvements in Unrecorded Subdivisions**  
55    Where a developer has elected to install the required improvements prior to recordation of  
56    the plat and fails to complete such improvements within the time limits prescribed in Article  
57    11.B.57.B, Time of Completion of Required Improvements, all previous approvals applicable  
58    to the proposed subdivision shall be deemed void.

59    **Section 68 Supplemental Procedures**

- 60    **A. Construction and Landscaping in Lake Maintenance Easements and Water Management**  
61    **Tracts**  
62    ....
- 63    **4. Application Requirements for Structures or Plantings in LME**  
64    Persons desiring to place trees or shrubs or construct or place structures within a LME shall  
65    apply to the County Engineer. Approval by the County Engineer shall be required prior to

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1 installation when said planting or construction is to encroach a lake maintenance easement  
2 within a plat for which the associated required improvements have not been acknowledged  
3 as complete, pursuant to the applicable land development permit and Article 11.B.57.G,  
4 Acknowledgment of Completion and Maintenance of Required Improvements, or when the  
5 County Engineer determines that there is a continuing PBC or public beneficiary interest in  
6 said easement. Prior to granting such approval, the County Engineer shall ensure that  
7 adequate conditions are imposed, and appropriate documents are executed and, if  
8 appropriate, recorded to ensure compliance with the provisions of this Subsection and  
9 approvals granted pursuant to this Article.

10 ....

11 **Section 79 Requirements for Certified Boundary Survey**

12 ....  
13  
14

15 **Part 11. ULDC Art. 11.D.1.B., Final Plat (page 30 of 47), is hereby amended as follows:**  
16

**Reason for amendments:** [Land Development] To correct errors in final plat requirements and to allow more than one title page for a plat.

17 **CHAPTER D PLATTING**

18 **Section 1 Requirements for the Preliminary and Final Plat**

19 **B. Final Plat**

20 **15. Certification and Approvals**

21 The plat shall contain on ~~the any of the title face or first~~ page(s) the following certifications  
22 and approvals, acknowledged as required by law, all being in the form set forth below.  
23 However, the County Engineer's approval certification and seal shall be contained on the  
24 face or first page.

25 ....  
26  
27

28 **Part 12. ULDC Art. 11.E, Required Improvements (pages 33-39, 41, 43, and 45-46 of 47), is**  
29 **hereby amended as follows:**  
30

**Reason for amendments:** [Land Development] To delete requirements covered by other code sections, to clarify design requirements and to correct inconsistencies between code language and County practices.

31  
32 **CHAPTER E REQUIRED IMPROVEMENTS**

33 **Section 1 Required Improvements**

34 **A. Minimum Required Improvements for All Subdivisions**

35 Except when waived pursuant to Article 11.A.8.DC, Exceptions to Installation of Improvements  
36 Requirement, the improvements set out herein shall be the minimum required improvements for  
37 all subdivisions in order to provide the physical improvements necessary to implement certain  
38 performance standards, objectives and policies of the Capital Improvements Element and other  
39 elements of the Plan. These required improvements shall be installed prior to recordation of the  
40 corresponding plat or certified boundary survey unless the developer furnishes a guaranty  
41 assuring their installation in accordance with the provisions of this Article. Except as provided in  
42 this Section, the cost of all required improvements shall be guaranteed. **[Ord. 2011-016]**

43 ....

44 ~~**C. Parks and Recreation**~~

45 ~~The developer shall satisfy all applicable requirements for provision of parks, recreation areas,~~  
46 ~~and recreational facilities to serve residents of a proposed subdivision in accordance with Art.~~  
47 ~~5.D, Parks and Recreation – Rules and Recreation Standards. The means of complying with said~~  
48 ~~requirements shall be fully addressed on the Final Subdivision Plan. **[Ord. 2005 – 002]**~~

49 **Section 2 Access and Circulation Systems**

50 **A. Vehicular Circulation Systems**

51 ....

52 **2. Minimum Legal Access Requirement**

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There is hereby established a hierarchy of legal access as shown on Table 11.E.2.A-1, Chart of Access Hierarchy. Except as provided below, each lot shall abut a street of suitable classification to provide said lot with legal access consistent with the standards set forth in Table 11.E.2.A-2, Chart of Minor Streets.

~~a. When legal access to a lot is permitted by this Code to be by a common parking area which serves more than one lot, it shall be dimensioned and depicted on the construction plans and reserved on the plat as a "parking tract". Said tract shall be reserved for parking and access purposes to the property owners association having jurisdiction over the parking area and the abutting lots.~~

~~ab. A 32-foot Residential Access Street, common driveway may, with prior approval by the County Engineer, be utilized for legal access to a group of not more than four abutting lots situated adjacent to a curve on a residential access street where said lots would otherwise have no reasonable means of obtaining direct access to or required frontage on the an adjacent residential access street. Said residential access street driveway shall be delineated and reserved on the applicable plat for purposes of perpetual access to the lots served.~~

[ReNUMBER Accordingly]

....

4. Double Frontage Lots

Where a lot has two frontage lines, legal access to the lot shall be restricted as follows:

a. Residential Lots

Where a lot abuts both a street of non-plan collector or higher classification and a local street, access to said lot shall be by the local street. ~~The lot line(s) abutting any street of higher classification than a local street shall be buffered in accordance with the provisions of Article 11.E.9.B, Buffering.~~

....

6. Street Intersections and Street Jogs

The centerline intersections of local or residential access streets with non-plan or plan collector streets shall be spaced a minimum distance of 200 feet, as measured along the centerline of the collector street, or as otherwise required by the County Engineer. ~~Intersections which warrant traffic signalization shall be spaced a minimum distance of 1320 feet, centerline to centerline.~~ Connection of local streets to arterial streets may be permitted by the County Engineer only where other access is unavailable. Local street jogs connections with centerline offsets of less than 125 feet are prohibited.

....

10. Bridges and Culverts

Bridges or culverts shall be provided as necessary to facilitate the proposed vehicle and pedestrian system. The bridge or culvert requirement is subject to approval by the agency having jurisdiction over the facility being crossed. Bridges shall be designed in general accord with the current Department of Transportation practices and shall include planning for utility installation. They shall be reinforced concrete, unless, other low maintenance materials are approved by the County Engineer. Bridges shall have a clear roadway width between curbs two feet in excess of the pavement width in each direction, and shall have sidewalks ~~four six~~ feet wide on each side. All bridge structures shall be designed for H-20-S16-44 loading-HL-93 and all Florida Legal loads, incorporating adequate corrosion protection for all metal work and erosion protection for associated shorelines and embankments.

....

19. Limited Access Easements

Limited access easements five foot in width may be required along non-plan collector streets and major streets in order to control access to such streets from abutting property, when necessary. Easements for controlling access to local and residential access streets may also be required by the County Engineer in order to ensure continued control of access to such streets from abutting property. All limited access easements shall be conveyed or dedicated to PBC. [Ord. 2013-001]

20. Street Names

Proposed streets which are in alignment with existing named streets should bear the name of the existing street. All street names shall have a suffix and in no case, except as indicated in the preceding sentence, should the name of the proposed street duplicate or be phonetically similar to existing street names. ~~All proposed street names shall be submitted to the Executive Director of the PZB for approval prior to submittal of the Final Subdivision Plan application.~~

21. Alignment, Tangent, Deflection, Radii

Streets shall be laid out to intersect as nearly as possible at right angles. ~~Multiple intersections~~ Intersections involving the junction of more than two streets shall be prohibited. The point of curvature of any local street or residential access street shall not be closer than 100 feet to any intersection, measured along the centerline from the extension of the intersecting street lines unless the Engineer of Record provides documentation assuring

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adequate safe sight distance is provided. Reverse curves shall be prohibited. Reversals in alignment shall be connected by straight tangent segment at least 50 feet in length. All intersections shall be designed to provide at least the minimum stopping and turning sight distances, in accordance with criteria prescribed in the most recent edition of the FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. When the centerline of a local street deflects by more than ten degrees, it shall be curved with a radius adequate to assure safe sight distance and driver comfort. ~~Street pavement return radii shall be a minimum of 30 feet.~~

....  
**23. Median Strips**

Median strips which are part of a public street may not be utilized for any purpose other than by PBC or public utility. However, a developer or property owner may install landscaping in a median strip or within shoulders in accordance with requirements as established by the County Engineer pursuant to the PBC Streetscape Standard Manual. ~~Median strips shall not be developed solely for the purpose of creating decorative entrances to subdivisions served by public streets.~~

**24. Subdivision Entranceways**

Subdivision entranceways consisting of signs, walls, fences, gates, rock piles or other entrance features are not permitted within the median strip or other areas in a public street. Decorative entranceways must be constructed ~~upon plots of land adjacent to a public street~~ in compliance with applicable PBC codes and placed so as not to constitute a traffic hazard.

**25. Guardhouses**

A guardhouse, located so as not to create a traffic hazard, may be constructed in the median of an entrance to a subdivision having only private streets. The minimum setback to a guardhouse shall be 150 feet, measured from the extension of the intersecting street lines, unless waived by the County Engineer. Two lanes shall be required on each side of the median in the area of the guardhouse.

Table 11.E.2.A-1 - Chart of Access Hierarchy

....
<del>MARGINAL ACCESS FRONTAGE ROAD</del>
LOCAL
RESIDENTIAL ACCESS (private streets only):
- <del>40</del> FOOT
- <del>32</del> FOOT
ALLEY (secondary access only)

Table 11.E.2.A-2 - Chart of Minor Streets

CLASSIFICATION	MINIMUM WIDTH (FT.) STREET (b) PAVEMENT (c)		MAXIMUM ALLOWABLE ADT (d)	ALLOWED AS LEGAL ACCESS FOR (a)	
				COMMERCIAL	RESIDENTIAL
....					
Residential Access (ef)					
....					
No Sidewalk (f)	32	20	<del>150</del> <u>40</u>		X
<b>Notes:</b>					
.... ....					
(d) <del>Dead end streets of all classifications shall not exceed 1,320 feet in length unless otherwise approved by the County Engineer.</del>					
(de) Streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface.					
(ef) Use is restricted to private streets providing access to townhouse and zero lot line units within a Planned Development district.					
(f) <u>Use is restricted to private streets providing access to up to four lots.</u>					

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1

Table 11.E.2.A-3 - MGTS Cross Section Streets

CLASSIFICATION	MINIMUM WIDTH (FT): (e)		MAXIMUM ALLOWABLE ADT (d)	ALLOWED AS LEGAL ACCESS FOR: (a)	
	STREET	PAVEMENT (c)		COMMERCIAL	RESIDENTIAL
....					
<b>Notes:</b>					
....					
<del>(d) Dead-end streets of all classifications shall not exceed 1,320 feet in length unless otherwise approved by the County Engineer.</del>					
<del>(de) Streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface.</del>					
<del>(ef) Required for all TDD's.</del>					

2

3

**B. Pedestrian Circulation System**

4

**1. Requirement for Sidewalks**

5

Except as provided in this Section, sidewalks shall be constructed on both sides of all streets. For ~~marginal access streets~~ frontage roads and streets with a width of less than 50 feet and greater than 32 feet, a sidewalk on one side at a minimum dimension of six feet is required. No sidewalk is required in streets with a width of 32 feet or less. Required sidewalks shall be constructed by the Developer except as provided in Article 11.E.1.A.1, Access and Circulation Systems.

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~~**2. Master Pedestrian Circulation Plan; Waiver of Requirement**~~

~~The DRO may approve a Master Pedestrian Circulation Plan and, upon such approval, may waive, in whole or in part, the requirement for sidewalks within the street of a subdivision, or portion thereof, where it finds that the alternative pedestrian circulation system provides accessibility, convenience, continuity and safety equivalent to or greater than that which would be provided by the required sidewalks. The Master Pedestrian Circulation Plan shall be submitted by the developer for approval concurrently with, and shall be considered part of the approved Final Subdivision Plan.~~

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~~**a. Requirements for Master Pedestrian Circulation Plan**~~

~~An application, the required fee, and the required number of copies of a Master Pedestrian Circulation Plan shall be submitted in accordance with Article 2.D.1.D, Application Requirements, for placement on the agenda of the DRO. The Master Pedestrian Circulation Plan shall be a full-sized reproducible copy of the approved Final Subdivision Plan, and shall be modified, when necessary, to show:~~

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~~1) The location of all lots and the number and type of dwelling units on each lot;~~

26

~~2) The classification and width of each street;~~

27

~~3) The location, width, and type of each pedestrian path, including those sidewalks and bicycle paths to be constructed within the streets; and~~

28

~~4) Locations of all connections to pedestrian systems outside the development.~~

29

~~**b. Distribution of Approved Plan**~~

~~Upon approval of a MPCP, a copy of the approved plan shall be forwarded to the County Engineer, Zoning Director, Building Director, and Metropolitan Planning Organization.~~

30

31

32

33

[Renumber Accordingly]

34

**C. Reduction of Street Width**

When pedestrian circulation is to be accomplished solely by paths constructed outside the streets, the County Engineer through the DRO may approve a concurrent request by the developer to reduce local street widths from those required pursuant to Article 11.E.2.A.2, Minimum Legal Access Requirement, by no more than eight feet if such reduction would neither reduce the vehicular carrying capacity and safety of the streets nor compromise the safety of pedestrians.

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**Section 4 Stormwater Management**

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**E. Tertiary Stormwater System Design and Performance**

The tertiary system shall consist of all drainage features and facilities such as storm sewerage, swales, gutters, culverts, ditches, erosion protection, and site grading necessary for the immediate drainage and rapid removal of stormwater from building sites, streets, and areas of other land uses subject to damage or disruption by inundation in accordance with acceptable levels of service as established by the Plan.

**1. Lot and Building Site Drainage**

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In order to provide for such levels of service, tertiary drainage for lots and buildings shall meet the following minimum requirements:

....

- e. Each residential lot with a gross area greater than one-quarter acre shall have a finished grade as specified in Article 11.E.4.E.1.d within 20 feet of any principal building site, unless alternate construction methods such as stemwalls are approved by the County Engineer. The remainder of the lot shall be graded at sufficient elevation to ensure that inundation does not persist for more than eight hours following cessation of the three-year, 24-hour rainfall event, unless such area is designated for stormwater management purposes and included in an expressed easement for drainage, floodplain, or the like.

**F. Secondary Stormwater System Design and Performance**

The secondary system, including all facilities and appurtenant structures for detention, retention, discharge, and conveyance to legal positive outfall, shall be designed and constructed to provide the degree of treatment and control of all stormwater runoff discharged from a development site necessary to meet the requirements of the agency having jurisdiction over receiving waters at each point of legal positive outfall.

- 2. No discharge of stormwater runoff resulting from rainfall up to and including the 25-year, 72-hour event shall take place from a development site except by means of one or more approved discharge control structures, other than those existing inflows from off-site for which separate, approved means of conveyance through the site have been provided. Further, the overflow weir within the approved discharge structures shall be set with an invert at the 25-year, 72-hour event unless otherwise permitted by the authority having jurisdiction over the property's point of legal positive outfall.

- 4. Except where bulk heading is approved in accordance with Article 4.D, EXCAVATION, each wet detention/retention facility designed for storage of stormwater runoff in an open impoundment shall have:

- a. Side slopes no steeper than four(H): one(V) extending to a depth of at least two feet below the design control elevation;
- b. Side slopes no steeper than two(H): one(V) from two feet below control elevation to the bottom of the facility; and
- c. For properties requiring a Land Development Permit in accordance with Article 11.B.4, LAND DEVELOPMENT PERMIT, a A continuous berm, at least 20 feet wide with a cross-slope no steeper than eight (H): one (V), graded adjacent to the shoreline. Where said berm abuts any residential lot, it shall be graded at an elevation not lower than the maximum design water surface elevation resulting from the three-year, 24-hour rainfall event. Along portions of the impoundment where the design water surface is less than 40 feet wide at control elevation a berm shall be required on only one side, provided that adequate legal and physical access is established from a minor street to each separate segment of the remaining berm.

- 9. In order to protect against overdrainage of surrounding lands, no control elevation shall be lower than the pre-development average annual mean water table elevation of the detention facility site. In areas with variable water table elevations, the County Engineer may require soil testing or additional information to determine onsite water table elevations.

- 10. A perimeter berm with a top elevation equal to or greater than the stage for the onsite 25-year, 72-hour event shall be provided onsite within a minimum of 3 feet from the property line such that all required grading occurs onsite unless written approval is obtained from abutting property owners. Perimeter berms established onsite greater than 3 feet from the property line shall include drainage provisions to prevent offsite stormwater discharge.

- 11. If exfiltration trench is utilized for onsite water storage, the County Engineer may require stormwater stage calculations for the relationship between the exfiltration trench and rising water table.

....

**Section 7 Utilities**

**A. Required Improvement**

All utilities, including power and light, telephone and telegraph, cable television, wiring to street lights, and gas shall be installed underground, unless such requirement is waived by the County Engineer, as provided in this Section. Utilities shall be constructed in easements as prescribed by this Section. The developer shall make arrangements for utilities installation with each entity person furnishing utility service involved.

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**Section 9 Subdivision Design and Survey Requirements**

~~**A. Required Improvement**~~

~~The Developer shall install the required buffering and, when recording a plat, shall comply with Article 11.E.9.F, Survey Requirements, for setting of "P.R.M.s" and "P.C.P.s."~~

~~**B. Buffering**~~

~~Residential developments shall be buffered and protected from adjacent expressways, arterials and railroad rights of way with a five foot limited access easement, which shall be shown and dedicated on the plat, except where access is provided by means of a marginal access road or where such expressway, arterial or railroad R-O-W abuts a golf course.~~

~~**AC. Maximum Length of Blocks**~~

~~**1. General Considerations**~~

~~The length, width and shape of blocks shall be determined with due regard to:~~

- ~~a. Provision of adequate building sites suitable to the special needs of the type of use contemplated;~~
- ~~b. Zoning requirements as to lot size and dimensions;~~
- ~~c. Need for convenient access, circulation, control and safety of vehicular and pedestrian traffic; and~~
- ~~d. Limitations and opportunities of topography.~~

~~**2. Maximum Length**~~

~~Block lengths shall not exceed 1320 feet between intersecting streets. Provided, however, that greater lengths may be approved by the County Engineer on an individual basis after considering such factors as but not limited to, lot size, the ADT, number of through streets, street layout and other engineering considerations, in accordance with acceptable engineering practices.~~

**[Renumber Accordingly]**

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**Notes:**

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# EXHIBIT C

## ARTICLE 12 - TRAFFIC PERFORMANCE STANDARDS SUMMARY OF AMENDMENTS

(Updated 03/18/2014)

1  
2 Part 1. ULDC Art. 12.B.2.A.1.a.2), [Related to Part One, Intersections under Buildout Test –  
3 Test 1 – Part One and Two], (page 13 of 59), is hereby amended as follows  
4

**Reason for amendments:** [Traffic Division] The intent of this amendment is to clarify the language that states how a significance of a link is calculated to analyze intersections as part of Test 1, Part 1, if the intersection is the interchange on Southern Blvd. There is no change in the criteria. The text language is modified to make it easier to understand the standards and requirements of this section of the Code.

5 **Chapter B Standard**

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

7 **A. Buildout Test – Test 1 – Part One and Two**

8 **1. Part One - Intersections**

9 a. The following major intersections shall be analyzed: [Ord. 2007-013]

10 2) For a the Projects on Southern Boulevard, the ~~Single Point~~ Urban Interchange(s) ~~on~~  
11 ~~Southern Blvd. where when~~ it is the nearest Major Intersection to the point at which  
12 the Project's Traffic enters the Project Accessed Link and ~~where when~~ the Project  
13 Traffic entering and exiting the intersection is significant. For purposes of  
14 determining significance of the traffic entering and exiting the ~~intersection~~  
15 ~~interchange~~, the traffic entering and exiting the ramps shall be considered against a  
16 directional ramp the combined LOS D ~~capacity~~ Service Volume of 2,100 vehicles per  
17 hour per lane the ramps, which shall be 4,200 vehicles per hour. [Ord. 2007-013]  
18 [Ord. 2009-040]

19 ....

20  
21  
22 Part 2. ULDC Art. 12.C.1.C.2, Traffic Generation, (page 24 of 59), is hereby amended as  
23 follows:  
24

**Reason for amendments:** [Traffic Division] The intent of this change is to modify the source reference of the trip generation rates from ULDC Article 13, Impact Fees, to that published on the PBC Traffic Engineering web site and the latest version of the Institute of Transportation Engineers' Trip Generation Manual. The Trip Generation table on the PBC Traffic Engineering web site is always updated and maintained with the latest information.

25 **Chapter C TRAFFIC IMPACT STUDIES**

26 **Section 1 Traffic Impact Study**

27 **C. Traffic Volume Components**

28 **2. Traffic Generation**

29 **a. Rates**

30 ~~Trip generation rates presented in Table 13.H.4-20, Fair Share Road Impact Fee~~  
31 ~~Schedule, shall be used to calculate Average Daily Project trips. For peak hour Project~~  
32 ~~trip generation and where no appropriate daily rates are listed in Table 13.H.4-20, Fair~~  
33 ~~Share Road Impact Fee Schedule, the rate equation or tables published in the latest~~  
34 ~~edition of the ITE Trip Generation and Informational Report shall be used unless the~~  
35 ~~County Engineer accepts that other standards provide a more accurate means to~~  
36 ~~evaluate the rates of generation or if documentation is supplied by the Applicant which~~  
37 ~~affirmatively demonstrates more accurate generation rates based on accepted~~  
38 ~~engineering principles. To estimate daily and peak hour trips generated from the Project,~~  
39 ~~trip rates published on the PBC Traffic Engineering web site shall be used. If the use in~~  
40 ~~the proposed Project is not listed in the PBC Traffic Engineering web site Trip Generation~~  
41 ~~tables, then the latest available Trip Generation Manual published by the Institute of~~  
42 ~~Transportation Engineers (ITE) shall be used. A prior consultation with the County Traffic~~  
43 ~~Engineer is required before using trip rates, other than that published on the PBC Traffic~~  
44 ~~Engineering web site. If the applicant feels that any other method to estimate trips would~~  
45 ~~provide more realistic trip estimate for the proposed Project, prior consultation and~~  
46 ~~approval from the County Engineer is required.~~

47 ....  
48

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# EXHIBIT C

## ARTICLE 12 - TRAFFIC PERFORMANCE STANDARDS SUMMARY OF AMENDMENTS

(Updated 03/18/2014)

1

**Reason for amendments:** [Traffic Division] The intent of this change is to modify the source reference of the trip generation rates from ULDC Article 13, Impact Fees, to that published on the PBC Traffic Engineering web site and the latest version of the Institute of Transportation Engineers' Trip Generation Manual. The Trip Generation table on the PBC Traffic Engineering web site is always updated and maintained with the latest information.

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**e. Pass by Trips**

It is acknowledged that some trips generated by a proposed non-residential Project are from existing traffic passing the proposed Project and are not newly generated trips. Credit against the trip generation of the proposed Project may be taken for these trips ~~up to the percentage shown in Article 13, IMPACT FEES, or the ITE manual when approved by the County Engineer as published on the PBC Traffic Engineering web site Trip Generation tables or in the latest Trip Generation Handbook, published by the Institute of Transportation Engineers (ITE), or as approved by the County Engineer.~~ The study must detail: (1) all traffic generated from the Project, and (2) the number of Pass-By Trips subtracted from the traffic generated by the Project during the Buildout Period of the Project. Pass by rates for ~~Uses~~ other than those listed in ~~Article 13, IMPACT FEES the PBC Traffic Engineering web site or the ITE Trip Generation Handbook,~~ and any percentage credit proposed to be taken in excess of that ~~shown in Article 13, IMPACT FEES mentioned in this Article,~~ must be justified based on accepted traffic engineering principles to the satisfaction of the County Engineer as part of the required traffic study, based upon the peculiar characteristics and location of the proposed Project. Factors which should be considered in determining a different Pass-by rate include type and size of land use, location with respect to service population, location with respect to competing uses, location with respect to the surrounding Major Thoroughfare system, and existing and projected traffic volumes. In no case shall the number of Pass-By Trips exceed 25 percent of Existing traffic plus Background Traffic on the Link, unless demonstrated otherwise to the satisfaction of the County Engineer based on generally accepted traffic engineering principles.

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# EXHIBIT D

## ARTICLE 15 – HEALTH REGULATIONS SUMMARY OF AMENDMENTS

(Updated 03/12/2014)

1  
2 Part 1. ULDC Art. 15.B.13, Operation and Maintenance [Related to Drinking Water Supply  
3 Systems] (page 16 of 24), is hereby amended as follows:  
4

Reason for amendments: [Health Department] To place fire hydrant testing responsibility on the operators of systems and the Fire Department.
--

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

6 Section 13 Operation and Maintenance

- 7 ....
- 8 I. Fire hydrant maintenance and fire flow testing shall be the responsibility of the owner of the fire  
9 hydrant. Maintenance and fire flow testing shall be performed in accordance with the "Standards  
10 of the American Water Works Association Manual M-17" and as indicated below: [Ord. 2006-004]  
11 1. A routine maintenance program shall be established for each fire hydrant. [Ord. 2006-004]  
12 2. Fire flow testing of hydrants shall be performed on a three year cycle, such that all hydrants  
13 in a system are fire flow tested at least once every three years unless recommended by the  
14 manufacturer or the Department to be more frequent. Owners of fire hydrants which do not  
15 utilize local fire departments or water utility departments to perform or oversee the fire flow  
16 testing shall ~~report all available results of testing to the local fire department and water utility~~  
17 ~~department~~ have completed all testing by January 1st of each year with all hydrants  
18 accounted for within the required cycle. These records shall be maintained on site for review  
19 by the applicable fire authority. [Ord. 2006-004] [Ord. 2013-002]  
20 3. The minimum required fire flow from fire hydrants shall be determined as per Art.  
21 15.B.8.A.21.a. [Ord. 2006-004]

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EXHIBIT E

PHASE I – PRIVATELY INITIATED ULDC AMENDMENT

TO ALLOW GENERAL REPAIR AND MAINTENANCE  
 BAY DOORS TO BE ORIENTED TOWARDS RESIDENTIAL  
 (UPDATED 3-21-14)



PALM BEACH COUNTY  
 PLANNING ZONING AND BUILDING DEPARTMENT  
 ZONING DIVISION

**PRIVATELY INITIATED APPLICATION (PIA)  
 AMEND UNIFIED LAND DEVELOPMENT CODE (ULDC)**

**Application No.** PIA 2014-376  
**Title:** Phase 1, Initiation of Code Amendment  
**Request:** To Allow General Repair and Maintenance Bay Doors to be Oriented Towards Residential  
**Applicant:** Jon E. Schmidt and Associates, Josh Nichols, LEED AP, Planner, agent.  
**Project Manager:** William J Cross, AICP, Principal Site Planner

**APPLICATION SUMMARY:**

The applicant is requesting that the Board of County Commissioners (BCC) approve a request to initiate an amendment to the ULDC, as follows:

CODE SECTION	PROPOSED BY APPLICANT
<b>Option 1</b>  Art. 4.B.1.A.107.f, Bay Door Orientation	<b>107. Repair and Maintenance, General</b> An establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops, quick-lube, and muffler shops. <b>f. Bay Door Orientation</b> Service bay doors shall not face any residential district, <b>FLU-designation</b> , or use unless separated by an arterial or collector street. [Ord. 2005 – 002] ....
<b>Option 2</b>  Art. 4.B.1.A.107.f, Bay Door Orientation	<b>107. Repair and Maintenance, General</b> <b>f. Bay Door Orientation</b> .... <b>4) Exceptions</b> <u>Bay doors oriented toward a parcel of land with a nonresidential use such as a church, government facility, or public right-of-way (i.e. canal a minimum 80 feet in width), or similar use shall be required to provide a Type 3 Incompatibility buffer.</u>
<b>Option 3</b>  Art. 4.B.1.A.107.f, Bay Door Orientation	<b>107. Repair and Maintenance, General</b> <b>f. Bay Door Orientation</b> .... <b>2) Bay Doors Facing a Residential District or Use</b> Bay doors facing a residential district or use separated by an arterial or collector street <u>or other public right-of-way a minimum of 80 feet in width</u> shall require a Type 3 incompatibility buffer. ....

**STAFF RECOMMENDATION:**

Staff recommends initiating Option 2 subject to revision as summarized below, and limited to the General Repair and Maintenance use. Staff advised the applicant that this issue has been targeted for inclusion in the 2013-14 Use Regulations Project to complement similar revisions already addressed for Outdoor Storage or Activities, noting the following:

- Current requirement applies to General Repair and Maintenance, Vehicle Sales and Rental and Self Service Storage. There are other similar uses such as Auto Paint and Body Shop, which should be considered in updating these requirements.
- Requirements are located within Art. 4 which prohibits Variance Relief.
- Staff may be proposing allowing alternative solutions to mitigate potential adverse impacts to existing or future residential uses, such as limiting hours of operation, requiring increased buffering, or limiting activities. Consideration of non-Residential uses in Residential districts may also be considered.
- Addressing the issue holistically and relocating or consolidating in Art. 5, Supplementary Use Standards would eliminate duplication and ensure that all uses are treated similarly, including provisions to allow for greater flexibility through alternative solutions, and allow for Variance Relief should such be warranted.

## EXHIBIT E

### PHASE I – PRIVATELY INITIATED ULDC AMENDMENT TO ALLOW GENERAL REPAIR AND MAINTENANCE BAY DOORS TO BE ORIENTED TOWARDS RESIDENTIAL (UPDATED 3-21-14)

Alternatively, if the LDRAB recommends reviewing this request sooner, staff is amicable to processing the request in the 2014-01 Round if limited to minor revisions for General Repair and Maintenance.

At this time, staff has identified a few minor concerns with the applicant's request which may require revisions if initiated. Namely, the applicant initially suggested providing a taller wall within the perimeter buffer abutting residential, and staff concurs that some additional form of enhanced barrier may be required to mitigate potential noise or visual impacts to residential uses, which should be flexible to address different situations.

#### **BACKGROUND AND SUMMARY:**

The regulation of uses having bay doors serves generally serves to mitigate visual aesthetics that are incompatible with residential uses, in addition to noises or other non-residential activities that are detrimental to quality of life or may not otherwise be addressed by Art. 5.B.4, Nuisances. Many jurisdictions recognize that uses with excessive bay doors are either unsightly, or oftentimes support maintenance, repair or manufacturing activities which generate excessive noise, odors, emissions or other nuisances incompatible with residential uses. However, minor updates are warranted to complement County efforts to encourage or support infill redevelopment, including situations where other mitigating factors such as separation distances should be considered, or where industry practices have changed to better mitigate potential nuisances (e.g. increased safety standards to reduce noise to protect workers, which would further reduce exterior noise perceived as incompatible with residential uses).

#### **ATTACHMENTS (APPLICANT)**

- March 5, 2014 Justification Statement.
- Request for ULDC Language Change.
- Summary of Amendments.



County Administrator  
Robert Weisman

Palm Beach County Zoning Division  
2300 N. Jog Road  
West Palm Beach, Florida 33411  
Phone: (561) 233-5200  
FAX: (561) 233-5165



**REQUEST FOR ULDC LANGUAGE CHANGE**

DATE: March 5, 2014

Re: Code Section Article 4.B.1.A.107.f.1) - 3)

From: Jon E. Schmidt & Associates, Inc.

**APPLICATION REQUIREMENTS**

I request a change related to the following ULDC Language (attach copy of code section)

Repair and Maintenance, General; Bay Door Orientation (copy of current code section attached)

I have performed a word search in the ULDC and the following sections require change to complete this task

Article 4.B.1.A.107.f.1) - 3)

Multiple horizontal lines provided for additional text or details.





# Jon E. Schmidt and Associates

Land Planning and Landscape Architecture

March 5, 2014

William Cross, AICP, Principal Planner  
Palm Beach County Zoning Division  
2300 North Jog Road  
West Palm Beach, FL 33411  
Telephone: (561) 233-5206  
Email: cwcross@pbcgov.org

**RE: Justification Statement: Proposed Text Amendment for Bay Doors –  
General Repair and Maintenance**

Dear Mr. Cross,

The purpose of this letter is to provide a summary of the proposed text amendment regarding bay door orientation within Article 4 of the ULDC. Per a meeting with Zoning Director Jon MacGillis, Barbara Pinkston, and yourself, it was agreed that there is support to proceed with a privately initiated text amendment in the 2014-1 round. Through a future staff initiated text amendment process staff will likely shift the bay door provisions for several uses under a single umbrella within Article 5. At present time this text amendment will specifically address the General Repair and Maintenance use regulations under Article 4. The current code language relating to bay doors does not provide adequate flexibility with respect to the design of industrial/commercial facilities with service bay doors.

## **Background**

Under today's Code General Repair and Maintenance uses are prohibited from positioning service bay doors to face toward adjacent residential districts, Future Land Use (FLU) designations, or uses unless separated by an arterial or collector street. In order to provide greater flexibility within the industrial redevelopment areas it is necessary to include provisions to address adjacent parcels which support nonresidential uses, public rights-of-way, and properties which may be developed non-residentially, however, they support a residential FLU designation.

In many circumstances the zoning and land use of an adjacent property may be non-residential in nature; however, the future land use designation is residential, therefore, prohibiting bay door orientation toward these properties. Publically owned properties with a PO designation may have a residential FLU since PO is consistent with all zoning districts. To provide a more specific example the applicant's parcel is located within the Westgate Community redevelopment Area Overlay adjacent to a canal right-of-way owned by Palm Beach County. The canal right-of-way is approximately 80 feet in width and is zoned as PO, however, it also supports a FLU designation of MR-5, therefore,

falling under the same bay door orientation restrictions. The adjacent canal right-of-way is actually the same if not wider than many collector roads throughout the County. If this adjacent canal were a road right-of-way, the bay doors would require a Type 3 incompatibility buffer, not a strict prohibition. By amending this code language it would provide greater flexibility in the design, form, and function of industrial development.

**Request**

The applicant is requesting a privately initiated text amendment to provide for flexibility on properties with similar circumstances and allow for the proposer to adequately address screening and buffering through a Type 3 Incompatibility Buffer. The applicant has provided the current code language followed by three amendment options:

***Repair and Maintenance, General***  
***Article 4.B.1.A.107.f***

**Current Code:**

**107. Repair and Maintenance, General**

**f. Bay Door Orientation**

Service bay doors shall not face any residential district, FLU designation, or use unless separated by an arterial or collector street. **[Ord. 2005 – 002]**

**1) Buffer Requirements**

Bay doors adjacent to an arterial or collector street shall require a Type 2 incompatibility buffer.

**2) Bay Doors Facing a Residential District or Use**

Bay doors facing a residential district or use separated by an arterial or collector street shall require a Type 3 incompatibility buffer.

**3) Infill Redevelopment Overlay (IRO) and Priority**

**Redevelopment Areas (PRAs)** Bay doors shall not be oriented towards perimeter streets. **[Ord. 2010-005] [Ord. 2010-022]**

**Proposed Text Amendment Options**

**Option 1:**

**f. Bay Door Orientation**

Service bay doors shall not face any residential district, ~~FLU designation~~, or use unless separated by an arterial or collector street. **[Ord. 2005 – 002]**

**1) Buffer Requirements**

Bay doors adjacent to an arterial or collector street shall require a Type 2 incompatibility buffer.

**2) Bay Doors Facing a Residential District or Use**

Bay doors facing a residential district or use separated by an arterial or collector street shall require a Type 3 incompatibility buffer.

**3) Infill Redevelopment Overlay (IRO) and Priority Redevelopment**

**Areas (PRAs)** Bay doors shall not be oriented towards perimeter streets. **[Ord. 2010-005] [Ord. 2010-022]**

**Option 2:**

**f. Bay Door Orientation**

Service bay doors shall not face any residential district, FLU designation, or use unless separated by an arterial or collector street. **[Ord. 2005 – 002]**

**1) Buffer Requirements**

Bay doors adjacent to an arterial or collector street shall require a Type 2 incompatibility buffer.

**2) Bay Doors Facing a Residential District or Use**

Bay doors facing a residential district or use separated by an arterial or collector street shall require a Type 3 incompatibility buffer.

**3) Infill Redevelopment Overlay (IRO) and Priority Redevelopment Areas (PRAs)** Bay doors shall not be oriented towards perimeter streets. **[Ord. 2010-005] [Ord. 2010-022]**

**4) Exceptions**

Bay doors oriented toward a parcel of land with a nonresidential use such as a church, government facility, or public right-of-way (i.e. canal a minimum 100 feet in width), or similar use shall be required to provide a Type 3 Incompatibility buffer.

**Option 3:**

**f. Bay Door Orientation**

Service bay doors shall not face any residential district, FLU designation, or use unless separated by an arterial or collector street. **[Ord. 2005 – 002]**

**1) Buffer Requirements**

Bay doors adjacent to an arterial or collector street shall require a Type 2 incompatibility buffer.

**2) Bay Doors Facing a Residential District or Use**

Bay doors facing a residential district or use separated by an arterial or collector street or other public right-of-way a minimum of 80 feet in width shall require a Type 3 incompatibility buffer.

**3) Infill Redevelopment Overlay (IRO) and Priority Redevelopment Areas (PRAs)** Bay doors shall not be oriented towards perimeter streets. **[Ord. 2010-005] [Ord. 2010-022]**

**Similar Code Provisions from other jurisdictions**

**Boca Raton:** IG/S1 District performance standards.

Section 28-1049: Nonaccess openings and windows shall be allowed in IG/S1 districts on building facades facing residential areas only if adequately screened or covered.

Section 28-1050: Each plot in an IG/S1 district is required to have a wall facing the residential area along the building setback line, unless a structure is constructed at the setback line. Walls shall be a minimum of 7 feet in height and will be required to link building facades on major thoroughfares, or shall be provided to screen outdoor storage from major thoroughfares.

**Jupiter:** When an outdoor storage yard abuts an arterial or collector roadway or a residential use or zoning district, the method of screening shall consist of a solid masonry wall ten feet in height. Otherwise, the method of screening may consist of a fence (not chain link) or a masonry wall ten feet in height.

**Palm Beach Gardens:** Auto Repair, General - Bay doors shall not be oriented toward public rights-of-way or residential zoning districts. However, bay doors may be so oriented if visibility from a public right-of-way is completely and permanently screened by a building, opaque masonry wall, or a similar fixed structure.

Please let me know if you have any questions or comments.

Sincerely,

Josh Nichols, LEED AP, Planner

cc: P. Rodney Cunningham, President, Boca Raton Transportation, Inc.  
Jon McGillis, Zoning Director, Palm Beach County

EXHIBIT E

PHASE I – PRIVATELY INITIATED ULDC AMENDMENT  
TO ALLOW GENERAL REPAIR AND MAINTENANCE  
BAY DOORS TO BE ORIENTED TOWARDS RESIDENTIAL

1  
2 Part 1. ULDC Art. 4.B.1.A.107.f, Repair and Maintenance, General (page 87 of 171), is hereby  
3 amended as follows:  
4

**Reason for amendments:** [The purpose of this amendment is to provide flexibility in developing commercial/industrial uses with service bay doors adjacent to properties which may have a residential future land use designation or residential zoning designation but support nonresidential uses or meet a minimum distance separation from adjacent uses. In addition, some County owned parcels host a PO zoning designation with a residential future land use as the PO district is consistent with all FLUs. This is problematic since the code prohibits bay door orientation toward properties with residential FLU designations even when they support nonresidential uses such as a church, public right-of-way, or other natural features such as a canal.]

5 **OPTION 1:**

6 **Chapter B SUPPLEMENTAL USE STANDARDS**

7 **Section 1 Uses**

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

9 **107. Repair and Maintenance, General**

10 An establishment engaged in the repair and maintenance of motor vehicles or other heavy  
11 equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and  
12 trucks, excluding paint and body work. Typical uses include vehicle repair garages, tune-up  
13 stations, glass shops, quick-lube, and muffler shops.

14 **f. Bay Door Orientation**

15 Service bay doors shall not face any residential district, ~~FLU designation~~, or use unless  
16 separated by an arterial or collector street. [Ord. 2005 – 002]

17 **1) Buffer Requirements**

18 Bay doors adjacent to an arterial or collector street shall require a Type 2  
19 incompatibility buffer.

20 **2) Bay Doors Facing a Residential District or Use**

21 Bay doors facing a residential district or use separated by an arterial or collector  
22 street shall require a Type 3 incompatibility buffer.

23 **3) Infill Redevelopment Overlay (IRO) and Priority Redevelopment Areas (PRAs)**

24 Bay doors shall not be oriented towards perimeter streets. [Ord. 2010-005] [Ord.  
25 2010-022]  
26

27 **OPTION 2:**

28 **Chapter B SUPPLEMENTAL USE STANDARDS**

29 **Section 1 Uses**

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

31 **107. Repair and Maintenance, General**

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EXHIBIT E

PHASE I – PRIVATELY INITIATED ULDC AMENDMENT  
TO ALLOW GENERAL REPAIR AND MAINTENANCE  
BAY DOORS TO BE ORIENTED TOWARDS RESIDENTIAL

An establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops, quick-lube, and muffler shops.

f. **Bay Door Orientation**

Service bay doors shall not face any residential district, FLU designation, or use unless separated by an arterial or collector street. [Ord. 2005 – 002]

1) **Buffer Requirements**

Bay doors adjacent to an arterial or collector street shall require a Type 2 incompatibility buffer.

2) **Bay Doors Facing a Residential District or Use**

Bay doors facing a residential district or use separated by an arterial or collector street shall require a Type 3 incompatibility buffer.

3) **Infill Redevelopment Overlay (IRO) and Priority Redevelopment Areas (PRAs)**

Bay doors shall not be oriented towards perimeter streets. [Ord. 2010-005] [Ord. 2010-022]

4) **Exceptions**

Bay doors oriented toward a parcel of land with a nonresidential use such as a church, government facility, or public right-of-way (i.e. canal a minimum 80 feet in width), or similar use shall be required to provide a Type 3 Incompatibility buffer.

OPTION 3:

Chapter B SUPPLEMENTAL USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

107. Repair and Maintenance, General

An establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include vehicle repair garages, tune-up stations, glass shops, quick-lube, and muffler shops.

f. **Bay Door Orientation**

Service bay doors shall not face any residential district, FLU designation, or use unless separated by an arterial or collector street. [Ord. 2005 – 002]

1) **Buffer Requirements**

Bay doors adjacent to an arterial or collector street shall require a Type 2 incompatibility buffer.

2) **Bay Doors Facing a Residential District or Use**

Bay doors facing a residential district or use separated by an arterial or collector street or other public right-of-way a minimum of 80 feet in width shall require a Type 3 incompatibility buffer.

3) **Infill Redevelopment Overlay (IRO) and Priority Redevelopment Areas (PRAs)**

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EXHIBIT E

PHASE I – PRIVATELY INITIATED ULDC AMENDMENT  
TO ALLOW GENERAL REPAIR AND MAINTENANCE  
BAY DOORS TO BE ORIENTED TOWARDS RESIDENTIAL

Bay doors shall not be oriented towards perimeter streets. [Ord. 2010-005] [Ord. 2010-022]

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**Notes:**

Underlined indicates new text.

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

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

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