

November 16, 2011

Land Development Regulation Advisory Board (LDRAB)
Amendments to the Agenda
(Updated 11/15/11)

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#1	Page 8-9 Exhibit B – Variance Standards is withdrawn
#2	Page 13 (line 3), Exhibit E – Produce Stand - Part 1 Reason for amendments: [Zoning] Correct reason for amendments to clarify the term to be defined is Packaged or Canned Foods instead of Foodstuff.
#3	Page 13 (line 38), Exhibit E – Produce Stand – Part 2 Reason for amendments: [Zoning] As discussed at Produce Stand subcommittee meeting on November 15, 2011, the intent of the proposed language inadvertently applied to all tiers, whereas the intent was to address minor change in the Urban/Suburban Tier only. NOTE: Planning staff has scheduled a workshop item on January 17, 2012 to present to the BCC issues related to AGR Tier.

3) **Uses Sale of Products**

a) **General**

~~The use shall be limited to those uses identified above.~~ Includes sales of agricultural food products such as jelly, jam, honey and juice. No Special Permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Art. 4.B.1.A.115, Retail Sales, Mobile or Temporary. No vending machines or ~~other similar equipment food preparation or processing~~ shall be permitted on site. **[Ord. 2005 – 002]**

U:\Zoning\CODEREV\2011\LDRAB\Meetings\11-16-11\4 Final packet for LDRAB\0 Amendments to the Agenda 11-16.docx

Notes:

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

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

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

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



November 9, 2011

**Department of Planning,
Zoning & Building**

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

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228

www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

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

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: November 16, 2011 LDRAB/LDRC Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC meeting on Wednesday, November 16, 2011.

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

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

Sincerely,


William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: November 16, 2011 LDRAB/LDRC Agenda packet and supporting materials.

- c: Verdenia C. Baker, Deputy County Administrator
- Barbara Alterman, Esq., Executive Director, PZB
- Leonard W. Berger, Assistant County Attorney
- Robert P. Banks, Assistant County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Chief Planner, Zoning
- Monica Cantor, Senior Site Planner, Zoning
- Bryan Davis, Principal Planner, Planning
- John Rupertus, Senior Planner, Planning

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

NOVEMBER 16, 2011

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Gold Coast Build. Assoc.)

Joanne Davis (District 1)

Vacant (League of Cities)

Barbara Katz (District 3)

Terrence N. Bailey (Florida Engineering Society)

Jim Knight (District 4)

Jose Jaramillo (A.I.A.)

Lori Vinikoor (District 5)

Rosa Durando (Environmental Organization)

Mike Zimmerman (District 6)

Michael Cantwell (PBC Board of Realtors)

Martin Klein, Esq. (District 7)

Gary Rayman (Fl. Surveying and Mapping Society)

Robert Schulbaum (Member at Large/Alternate)

Maurice Jacobson (Condominium Association)

Vacant (Member at Large/Alternate)

Vacant (Association Gen. Cont. of America)

Board of County Commissioners

Karen T. Marcus
Chair, District 1

Shelley Vana
Vice Chair, District 3

Paulette Burdick
Commissioner, District 2

Steven L. Abrams
Commissioner, District 4

Burt Aaronson
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Priscilla A. Taylor
Commissioner, District 7

Robert Weisman
County Administrator



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2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



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

**WEDNESDAY, NOVEMBER 16, 2011 AGENDA
2300 NORTH JOG ROAD**

1ST 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 October 26, 2011 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B Variance Standards
2. Exhibit C Public Notice
3. Exhibit D Criteria for Rezoning
4. Exhibit E Produce Stand
5. Exhibit F Wellfield Protection Program
6. Exhibit G Enclosed Auction in IND/MUPD

C. CONVENE AS LDRC

1. Proof of Publication
2. Consistency Determinations
 - a. See Exhibits listed above B.1 thru B.6
 - b. Previously presented at August 24 and October 26, 2011 LDRAB meetings:
 - 1) Exhibit H Article 2, Development Review Procedures
 - 2) Exhibit I Article 3, Overlays and Zoning Districts
 - 3) Exhibit J Article 4, Use Regulations
 - 4) Exhibit K Article 9, Archaeological and Historic Preservation
 - 5) Exhibit L Article 11, Subdivision, Platting and Required Improvements
 - 6) Exhibit M Article 13, Impact Fees
 - 7) Exhibit N Congregate Living Facility
 - 8) Exhibit O Density Bonus Programs

D. RECONVENE AS LDRAB

E. PUBLIC COMMENTS

F. STAFF COMMENTS

G. ADJOURN

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of October 26, 2011 Meeting

On Wednesday, October 26, 2011 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the First Floor Conference 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 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 13

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Maurice Jacobson (Condominium Association)
Joanne Davis (District 1) *
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Martin Klein (District 7) **
Terrence Bailey (Florida Eng. Society)
Gary Rayman (Fl. Soc. of Prof. Land Surv.)
Raymond Puzzitiello (Gold Coast Build. Assoc.)
Michael Cantwell (PBC Board of Realtors)

Members Absent: 2

Rosa Durando (Environmental Organization)
Jose Jaramillo (AIA)

Member At Large: 1 (Not Attending)

Robert Schulbaum (Member At Large, Alt.)

Vacancies: 3

Vacant (League of Cities)
Vacant (Assoc. Gnrl. Contractors. of America)
Vacant (Member At Large, Alt.)

County Staff Present:

Leonard Berger, Assistant County Attorney
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Bryan Davis, Principal Planner, Planning
John Rupertus, Senior Site Planner, Planning
Michael Howe, Senior Planner, Planning
Christian Davenport, Archaeologist, County Historic Preservation Officer
Timothy Sanford, Site Planner I, Zoning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

No amendments were presented.

3. Motion to Adopt Agenda

Motion to adopt by Martin Klein, seconded by David Carpenter. The motion passed (12 - 0*).

4. Adoption of August 24, 2011 Minutes (Exhibit A)

Mr. Cross referred to Exhibit D of the Minutes and said it was agreed that this item would be re-tabled to allow for additional information to be provided by the Planning Division and further discussion. Ms. Cantor stated she received changes to the minutes from Mr. Bailey related to his comments regarding amendments to Article 9. She clarified the changes will be included in the published version of the August 24, 2011 minutes.

Motion to adopt as amended by Martin Klein, seconded by Lori Vinikoor. The motion passed unanimously (12 - 0*).

B. ULDC Amendments

1. Exhibit B: Article 3, Overlays and Zoning Districts

Ms. Cross stated that this amendment is associated with the Glades Area Protection Overlay (GAPO). He said that the proposed amendment allows the existing zoning to be retained to comply with the Plan Future Land Use (FLU) designation regulations and avoid rezoning of parcels with a Specialized Agriculture (SA) zoning district.

Motion to adopt by Martin Klein, seconded by David Carpenter. The motion passed unanimously (12 - 0*).

2. Exhibit C: Article 4, Use Regulations

Mr. Cross explained that the proposed amendment is in keeping with updates to the U.S. Census. The 2000 U.S. Census indicated that average household size in Palm Beach

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of October 26, 2011 Meeting

County was 2.34 persons and this has increased to 2.39 persons, as indicated in the 2010 U.S. Census. This change necessitates amendments to the Maximum Permissible Occupancy in Type 3 Congregate Living Facility. No further discussion took place.

Motion to adopt by Martin Klein, seconded by David Carpenter. The motion passed unanimously (12 - 0*).

3. Exhibit D: Density Bonus Programs

Mr. Michael Howe of the Planning Division addressed the amendments proposed under Exhibit D. The following provides a summary of the key points presented:

- **Density Bonus Program** - Under Part 1, general exceptions applicable to Property Development Regulations (PDR) for standard districts, Mr. Howe said that the language is being eliminated as it is duplicative and no longer necessary, as each density bonus program has its own PDRs.
- **WHP on Site Construction** - Mr. Howe stated that in Part 2, the change is to clarify development orders already commenced that may include WHP units in later or final phases. This language clarifies existing regulations for previously approved projects.

* Joanne Davis arrives at 2:12 p.m.

- **Sales and Rental Prices of WHP Units** - Part 3, Mr. Howe said that the proposed amendment will instill certainty in the prices at the time the project is developed. If household incomes become depressed rental prices will fall and this provision will offer some protection. Owners may choose to rent below rental floor price. He further explained Utility Allowance proposed language is to clarify that water, sewer, gas and electric will be subtracted from the rental amount to assist the tenant in paying utilities.
- **Affordable Housing Program** - Part 4, Mr. Howe explained that there are certain programmatic requirements imposed by some funding sources. It is thought that a maximum of 20 percent of units targeting incomes of 30 percent and below Area Media Income (AMI) will not work. The proposed amendment is meant to encourage use of the program by giving flexibility to the current code definition.
- Mr. Howe informed Board members that Part 5 is for deletion as previous Part 4, (Art. 5.G.2.A) is more general and renders this text redundant.
- **Transfer of Development Rights (TDRs) Bank** - Part 6, Mr. Howe addressed this by saying that the proposed amendment will ensure that density increase in the TDR Program is consistent with Neighborhood Plans and supported within those Plans.

Mr. Carpenter stated that the Neighborhood Plan standards were taken out of the Code and questioned the necessity of this language. Mr. Bryan Davis said this amendment is being proposed for consistency with changes made earlier. Mr. Carpenter said he has seen several projects in the past where density is increased in the neighborhood and he questions whether the amendment will be a deterrent.

Mr. Knight inquired what the houses will be priced at, and what the median house price in Palm Beach County is. Mr. Howe indicated that the program targeted income 60% of variable to \$140,000, now running at \$145,000 up to \$260,000 at the high end. Regarding the median house price in PBC, Mr. Howe said it is \$180,000 and this figure is based on US Department of Housing, Federal Funding source.

Mr. Howe also responded to Mr. Blackman's question on the number of approved projects by stating that about 20 projects which have approximately 4,000 units have been approved. Since 2006 there have not been any new projects. Some are approved, but are subject to change.

Mr. Carpenter inquired whether the negative aspects of the TDR Program has improved and was informed by Mr. Howe that staff met with several members of Industry and some of the issues were addressed.

Mr. Christopher Roog, Gold Coast Builders Association, told the Board that initially an effort will be made to sell the units at the affordable price but if they are not sold after a period of 180 days the units may revert to the market price. Builders are allowed

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of October 26, 2011 Meeting

flexibility consistent with market rate development and some esthetic changes can be made to allow some creativity.

Ms. Katz expressed concern that the units are going to be built in one location and be easily identified as TDR Units, as is the case in the West Boynton area. Mr. Howe confirmed that changes were made and it is possible to have the units in separate locations and also to be affordable. There has to be a mix of affordable and market price units.

Mr. Carpenter was of the view that in this depressed housing market many homes in Palm Beach County are now in the Workforce Housing category. More effort should be directed at getting buyers for existing houses on the market to clear the inventory. He pointed out that there is at best 50% or less occupancy in condos as many people have walked away. Mr. Howe responded by saying that the existing housing stock is being addressed. Workforce Housing Units are not just for sale but also for rent and recent analysis shows that an increased demand for rental units is expected in Florida. This will result in increased rental price. Some of the Workforce Housing units will address the demand.

Mr. Jacobson requested definitions of "workforce" and "affordable" and Mr. Howe stated that workforce is 60% of median income (\$39,000) for family of 4. "Affordable" is from zero income up to 80%, which would be \$50,000.

Motion to adopt by Mr. Klein, seconded by Mr. Jacobson. The motion passed unanimously. (13 - 0)

4. Exhibit E: Article 9, Archaeological and Historic Preservation

As discussed at the August 24, 2011 meeting, this Exhibit was re-tabled to facilitate input from appropriate staff and further discussion. Mr. Chris Davenport, Archaeologist from the Planning Division gave a brief background:

- January 2011, the Historical Resources Review Board (HRRB) held a Certificate of Appropriateness (COA) Public Hearing relative to changing the paint scheme for the Wenger House.
- The HRRB granted the COA on the grounds that color choice was not a factor in what made the building historically significant but its architectural form and they instructed staff to start the amendment process to remove color choice from requiring a COA under Article 9 of the ULDC
- In August the proposed language changes were brought before the LDRAB and after extensive discussion the issue was re-tabled for further clarification.

Mr. Davenport said that the Wenger House is the only privately owned historical house in unincorporated Palm Beach County, located between Boynton Beach and Delray Beach. He gave a power point presentation showing the Wenger House, highlighting specifically the paint colors on the house. The presentation also outlined:

- Historically designated structures on PBC Register of Historic Places;
- How historic significance is determined;
- Wenger House historic significance;
- Examples of what other municipalities require;
- Discussion on differences between Home Owners Associations and Historic Preservation Ordinances; and,
- When color is relevant and when it is not.

Mr. Davenport stated that color is not relevant as paint is just a protective covering and the choice of color is irrelevant to protection. He questioned whether it is proper to regulate color, as architectural form is what is important to determine historical significance and not choice of color. Color choice, he continued, has a lot to do with time and buildings evolve through time. Mr. Davenport showed famous historical buildings, including the Statue of Liberty which today has a different color than when it was first erected, due to the passage of time. Mr. Davenport went on to say that a permit is not required to paint a home and the only reason this issue was brought to the County's attention was because of the honesty of the property owner. The HRRB

EXHIBIT A

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

Minutes of October 26, 2011 Meeting

recommended the ULDC be changed so that a COA for a change in the color is not required.

Ms. Friederike Mittner, City of West Palm Beach Historic Preservation Planner, and Chairperson of the HRRB, said that permits are not required to paint a house and City of West Palm Beach does not require permits for color changes. She expressed the view that denial would put other properties in jeopardy of not having their structures designated. She said that paint is reversible, according to the Secretary of Interior, and she urged Board approval.

** Martin Klein leaves at 2:55 p.m.

Ms. Katz opined that preservation is not only related to structure and color accents characteristics of the structure. Mr. Bailey stated that preserving the artist's intent is important and went on to say that the original color is not known but he wondered whether a middle ground could be found.

Mr. Blackman was of the view that this is an invasion of government into a personal selection.

Motion to adopt by Raymond Puzitiello, seconded by David Carpenter. The motion passed (8 - 4**). Barbara Katz, Lori Vinikoor, Maurice Jacobson, and Terrence Bailey voted nay.

C. Public Comments

Mr. Christopher Roog of Gold Coast Builders said that Exhibit K in the last Ordinance 2011-016, effective September 6, 2011, has created some issues regarding rezoning. He presented an example of a shopping center of approximately 150 acres, if it is not in keeping with the Code, it has to be rezoned. He discussed the criteria with staff as this will greatly affect cost. This is significant because it can delay projects and is not economically viable. Mr. Lenny Berger stated that the amendments were done in an effort to clean up the code and take care of older districts. A more global solution can be found with just a couple of changes in the code. Mr. Carpenter cited a similar situation and said he was mandated to rezone the whole site and the project had to be changed to MUPD to move it forward.

Mr. Cross stated that staff were responding to industry concerns that solutions were being developed for presentation at the November 11, 2011 LDRAB meeting. No matter what solutions are to be presented, exemptions for PUDs will be addressed accommodated. He said a memo has been drafted to address fees and a global solution will be sought.

D. Staff Comments

Miss Cantor updated the Board on the Produce Stand Subcommittee, which she said is continuing to work on this issue to take it to another level. Another meeting will be convened shortly and the Zoning Director will attend.

G. Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 3: 25 p.m.

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

Minutes drafted by: Zona Case _____ 11-9-2011
Name (signature) Date

EXHIBIT B

ARTICLE 2 – VARIANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 11/03/11)

1
2 Part 1. ULDC Art. 2.B.3.E [Related to Standards for Type II Variance Public Hearing Process]
3 (page 32 of 85), is hereby amended as follows:
4

Reason for amendments: [Zoning] To provide a greater degree of clarity and lessen any ambiguity with regards to the Standards of the variance process and how the applicant understands and responds to the seven criteria.

5 CHAPTER B PUBLIC HEARING PROCESS

6 Section 3 Type II Variance

7 E. Standards

8 ~~The~~When considering an application for a Type II Variance the ZC shall consider standards 1 – 7
9 indicated below. Any application which fails to meet any of these standards shall be deemed
10 adverse to the public interest and shall not be approved. ~~and find that all seven criteria listed~~
11 ~~below have been satisfied by the applicant prior to making a motion for approval, of a zoning or~~
12 ~~subdivision variance:~~ [Ord. 2006-036]

- 13 1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or
14 structure, that are not applicable to other parcels of land, structures or buildings in the same
15 district;
- 16 2. Special ~~circumstances and~~ conditions *and circumstances are* ~~de~~ not a result of the
17 applicant's ~~from~~ actions of the applicant.
- 18 3. ~~Granting the The~~ variance shall not confer upon the applicant any special privilege denied by
19 the Plan and this Code to other parcels of land, buildings, or structures, in the same district.
20 *The variance is consistent with the prior statement;*
- 21 4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive
22 the applicant of rights commonly enjoyed by other parcels of land in the same district, and
23 would work an unnecessary and undue hardship;
- 24 5. ~~Granting the The~~ variance is the minimum variance that will make possible the reasonable
25 use of the parcel of land, building or structure;
- 26 6. ~~Granting the The~~ variance will be consistent with the purposes, goals, objectives, and policies
27 of the Plan and this Code; and
- 28 7. ~~Granting the The~~ variance *will shall* not be injurious to the area involved or otherwise
29 detrimental to the public welfare. *The variance is consistent with the prior statement.*

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31
32 Part 2. ULDC Art. 2.D.3.G.1 [Related to Standards for Type IA Administrative Variance
33 Process] (page 42,43, of 85), is hereby amended as follows:
34

Reason for amendments: [Zoning] To provide a greater degree of clarity and lessen any ambiguity with regards to the Standards of the variance process and how the applicant understands and responds to the seven criteria.

35 CHAPTER D ADMINISTRATIVE PROCESS

36 Section 3 Type IA and Type IB Administrative Variances

37 G. Standards

38 The Zoning Director shall consider and find that all criteria listed below have been satisfied by the
39 applicant prior to making a final decision regarding an application for an *Administrative Variance*
40 ~~administrative variance~~.

41 1. Type IA

- 42 a. Special conditions and circumstances exist that are peculiar to the parcel of land, building
43 or structure, that are not applicable to other parcels of land, structures, or buildings in the
44 same district; [Ord. 2006-036]
- 45 b. ~~Granting the The~~ variance shall not confer upon the applicant any special privilege
46 denied by the Plan and this Code to other parcels of land, structures or buildings in the
47 same district. *The variance is consistent with the prior statement;* [Ord. 2006-036]
- 48 c. Literal interpretation and Enforcement of the terms and provisions of this Code would
49 deprive the applicant of rights commonly enjoyed by other parcels of land in the same
50 district, and would work an unnecessary and undue hardship; [Ord. 2006-036]
- 51 d. All viable options to address the situation have been exhausted; *and,* [Ord. 2006-036]
- 52 e. The ~~request variance~~ is the minimum variance ~~necessary to that will~~ make possible a *the*
53 reasonable use of the parcel of land, *building or structure.* [Ord. 2006-036]

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Notes:

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

~~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.

EXHIBIT B

ARTICLE 2 – VARIANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 11/03/11)

1 Part 3. ULDC Art. 2.D.3.G.2 [Related to Standards for Type IB Variance Administrative
2 Process] (page 43 of 85), is hereby amended as follows:
3

Reason for amendments: [Zoning] To provide a greater degree of clarity and lessen any ambiguity with regards to the Standards of the variance process and how the applicant understands and responds to the seven criteria.

4 CHAPTER D ADMINISTRATIVE PROCESS

5 Section 3 Type IA and Type IB Administrative Variances

6 2. Type IB

- 7 a. Special conditions and circumstances exist that are peculiar to the parcel of land, building
8 or structure, that are not applicable to other parcels of land, structures, or buildings in the
9 same district; **[Ord. 2006-036]**
- 10 b. Special conditions and circumstances ~~do are~~ not a result ~~from of~~ the applicant's actions
11 ~~of the applicant~~; **[Ord. 2006-036]**
- 12 c. ~~Granting the The~~ variance shall not confer upon the applicant any special privilege
13 denied by the Plan and this Code to other parcels of land, structures or buildings in the
14 same district. The variance is consistent with the prior statement; **[Ord. 2006-036]**
- 15 d. Literal interpretation and enforcement of the terms and provisions of this Code would
16 deprive the applicant of rights commonly enjoyed by other parcels of land in the same
17 district, and would work an unnecessary and undue hardship; **[Ord. 2006-036]**
- 18 e. ~~Granting the The~~ variance is the minimum variance that will make possible a reasonable
19 use of the parcel of land, building, or structure; **[Ord. 2006-036]**
- 20 f. ~~Granting the The~~ variance will be consistent with the purposes, goals, objectives, and
21 policies of the Plan and this Code; and, **[Ord. 2006-036]**
- 22 g. ~~Granting the The~~ variance will shall not be injurious to the area involved or otherwise
23 detrimental to the public welfare. The variance is consistent with the prior statement.
24 **[Ord. 2006-036]**
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Notes:

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

EXHIBIT C

PUBLIC NOTICE
SUMMARY OF AMENDMENTS
(Updated 11/07/11)

Part 1. ULDC Art. 2.A.1.J, Notification (page 18 of 85), is hereby amended as follows:

Reason for amendments: [Zoning] At the Board of County Commissioners (BCC) hearing held on August 29, 2011, the BCC directed staff to reach and bring back at a later hearing recommendations to the Public Notice provisions. On October 27, 2011 BCC Zoning Hearing, the Zoning staff presented their findings and the BCC directed staff to make the following amendment to the code; to increase the notification boundary to 1,000 feet for the Rural and Exurban Tiers, and to post larger signs in size but less in number. There were other recommendations from the BCC with respect to the Notice Boards (large size, font, and reference to web page for information on application) that staff is also following up on and will report final drafts to Board in March 2012 before implementation.

CHAPTER A GENERAL

Section 1 Applicability

J. Notification

2. Courtesy Notice

a. Applicability and Mailing Boundary

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

Table 2.A.1.J - Property Notice Requirements

Process	Recipients and Boundaries		
	Certified Mail 0 to 300 feet (1)	Regular Mail 301 to 500 feet (1)	Regular Mail within One Mile (1)
Type IB Variance	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	NA	Counties and Municipalities (4)
Type II Variance		NA	
Other Public Hearing (Rezoning, CA, CB, Requested Use, DOA, Unique Structure, Waiver)		All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	
[Ord. 2011-016]			
Notes:			
1. Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the 304 300 or 500 foot notification boundary shall be extended from these parcels. A larger notification boundary may be of 1,000 feet is required by the Zoning Director for properties located in the Exurban or Rural Tiers.			
2. Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser.			
3. Includes condominium associations and all real property owners when real property consists of a condominium.			
4. Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map.			

....
3. Signs

a. The property subject of the application shall have notices posted by the applicant with information of the public hearing on a sign provided by the PBC at least 15 days in advance of any public hearing. One sign shall be posted for each ~~400~~ 250 feet of frontage along a street up to a maximum of ten signs. All signs shall be: [Ord. 2010-022] [Ord. 2011-016]

- 1) Evenly spaced along the street ~~when more than one sign per property is required;~~ [Ord. 2011-016]
- 2) Setback no more than 25 feet from the property line; and, [Ord. 2011-016]
- 3) Erected in full view of the public. [Ord. 2011-016]

Where the property does not have sufficient frontage on a street, signs shall be in a location acceptable to the Zoning Director. The applicant shall submit photographs confirming the signs have been posted. The failure of any such posted notice to remain in place after it has been posted shall not be deemed a failure to comply with this requirement or be grounds to challenge the validity of any decision made by the approving authority. The applicant shall also be required to ensure the signs have been removed no later than five days after the final hearing. [Ord. 2010-022] [Ord. 2011-016]

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Notes:

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EXHIBIT D

CRITERIA FOR REZONING
SUMMARY OF AMENDMENTS
(Updated 11/10/11)

1 Part 1. ULDC Art. 3.A.2, Zoning Map and District Boundaries (page 16 of 228), is hereby
2 amended as follows:
3

Reason for amendments: [Zoning] Clarify that where applicable, updates to the Official Zoning Map will include the correct Planned Development District (PDD) that corresponds to certain prior commercial approvals superseded by newer Zoning Ordinances, or the Unified Land Development Code, as adopted in 1992 (Ord. 1992-020). These updates will improve customer service by ensuring that any persons referencing the Official Zoning Map and any implementing ULDC regulations are applying the correct standards. Note: As provided for in Art. 3.A.3.E, Exemptions/Applicability for Prior Approvals, any Development Order Amendment to a prior approval will be subject to the current land development regulations applicable to the corresponding district. [CR Case No. 2011-100]

4 CHAPTER A GENERAL

5 Section 2 Zoning Map and District Boundaries

6

7 **D. Prior Approvals Corresponding to Current Districts**

8 In order to promote ease of use and the consistent application of this Code, the Official Zoning
9 Map may be updated administratively to delineate the Planned Development District that
10 corresponds to certain prior approvals specified in Art. 3.A.3.E.2, Planned Development Districts.
11 Updating the Official Zoning Map by delineating the current zoning category or terminology on a
12 particular property is not a rezoning and does not change the land development regulations that
13 are applicable to a particular property.
14

15 Part 2. ULDC Art. 3.A.3. Exceptions for Prior Approvals (pages 16 – 19 of 228), is hereby
16 amended as follows:
17
18

Reason for amendments: [Zoning] 1) Revise term “exception” to “exemption” to be consistent with Art. 3.A.3.A, Purpose and Intent [Related to Zoning District Consistency with the Future Land Use Atlas], which states in part: “...Unless exempted otherwise...” 2) Add term “Applicability” to be consistent with applicabilty for prior approvals listed under Art. 3.E, Planned Development Districts (PDDs); 3) Add prior approvals corresponding to a Planned Unit Development (PUD) to list of Development Order Amendments (DOAs) exempt from provisions encouraging corrective rezoning; and, 4) Amend rezoning requirement for certain DOAs to simply encourage concurrent rezoning applications (Note: additional administrative efforts will seek to streamline concurrent clean up re-zonings to address any industry concerns with a goal of encouraging voluntary applications). [CR Case No. 2011-100]

19 CHAPTER A GENERAL

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

21 E. **Exemptions/Applicability Exceptions** for Prior Approvals

22 Any application for a Development Order that requires Public Hearing approval, excluding Status
23 Reports, EAC, Class B Conditional Uses, ~~or~~ Type II Variances, or DOA to a prior approval
24 corresponding to a Planned Unit Development (PUD), are encouraged to include a concurrent
25 shall be accompanied by an application to rezone to a current Zoning district. Any application for
26 a Development Order to any of the prior approvals listed herein that does not exceed the
27 threshold requiring rezoning shall comply with the applicable requirements of the corresponding
28 district, except for any information permitted to be carried forward from a prior approval. [Ord.
29 2011-016]
30

31

32
33 Part 3. ULDC Art. 3.E.1.J, Phasing and Platting (page 155 of 228), is hereby amended as
34 follows:
35

Reason for amendments: [Zoning] Provide for relief from platting requirements applicable to new Planned Development Districts (PDDs), for certain applications for a Development Order Amendment (DOA) to a prior approval that includes a rezoning to clean up the official records, where the DOA is limited in a fashion that does not in itself warrant the need for a plat or re-platting. [CR Case No. 2011-100]

36 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

37 Section 1 General

Notes:
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EXHIBIT D

CRITERIA FOR REZONING
SUMMARY OF AMENDMENTS
(Updated 11/10/11)

J. Phasing and Platting

1. Phasing

PDDs shall be subject to the phasing, time limitations and review requirements of Art. 2.E, Monitoring, any conditions of approval, and shall proceed in a reasonably continuous and timely manner. If a PDD other than a PUD has multiple phases, each of the first two phases shall contain a minimum of 20 percent of the land area unless otherwise approved in the ~~development order~~ Development Order approved by the BCC. [Ord. 2005 – 002]

2. Platting

All land in a PDD shall be platted in accordance with Art. 11, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS, ~~except right of way dedicated to a government agency when approved by the County Engineer. All land within the PDD, including private civic tracts, golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or industrial tract.~~ [Ord. 2005 – 002] [Ord. 2011-001]

a. Exemptions

The following shall be exempt from platting requirements:

- 1) ~~Right of way dedicated to a government agency when approved by the County Engineer, or,~~
- 2) A DOA to a prior approval which includes a rezoning to a current PDD, where the proposed amendments do not involve any subdivision or other modifications which would require platting or a re-plat.

b. Timing

All land within the PDD, including private civic tracts, golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or industrial tract.

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Notes:

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EXHIBIT - E

PRODUCE STAND
SUMMARY OF AMENDMENTS
(Updated 11/10/11)

Part 1. ULDC Art. 1.I.2.P, Definitions (page 78 of 115), is hereby amended as follows:

Reason for amendments: [Zoning] Introduce definition of Foodstuff to clarify what additional products will be allowed for sale in permanent produce stands located in the Urban/Suburban Tier.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

1. Packaged or canned foods – For the purpose of Article 4, containerized food products that can be eaten as sold.

[Re-number accordingly]

Part 2. ULDC Art. 4.B.1.A.101, Produce Stand (page 73-76 of 170), is hereby amended as follows:

Reason for amendments: [Zoning] 1) Address BCC’s direction from the March 15, 2011 BCC Zoning Hearing to explore possibilities to improve and promote Produce Stands in the Urban/Suburban Tier. It includes review feasibility to allow the additional sale of products in Produce Stands in the Tier; and, 2) Amend permanent Produce Stands regulations to clarify what products are allowed to be sold and include standards.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

101. Produce Stand

An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products, ~~such as jelly, jam, honey and juice~~. The sale of grocery or convenience-type foods or products shall not be permitted, unless stated otherwise herein.

a. Permanent

1) Maximum Floor Area

The square footage of the establishment shall include both the structure and all accessory areas devoted to display or storage.

2) Outdoor Display and Storage

Outdoor storage shall be subject to the provisions in Article 5.B, ACCESSORY AND TEMPORARY USES. Outdoor display of only fresh fruits and vegetables is permitted, along the property's frontage, except within the required setbacks.

3) Uses Sale of Products

a) General

~~The use shall be limited to those uses identified above.~~ Includes sales of agricultural food products such as jelly, jam, honey and juice. No Special Permits shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Art. 4.B.1.A.115, Retail Sales, Mobile or Temporary. No vending machines or ~~other similar equipment~~ food preparation or processing shall be permitted on site. [Ord. 2005 – 002]

b) Urban/Suburban Tier

The sale of packaged or canned food products may be permitted, where in compliance with the following:

(1) The parcel has commercial Future Land Use designation; and,

(2) Sales area is limited to five percent of the total square footage of the structure, or 1,000 square feet, whichever is less.

4) Building Construction

The produce stand shall be contained in either an entirely enclosed or roofed open-air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

5) AR/RSA and AGR Tiers

In addition to the standards above, permanent produce stands shall comply with the following:

a) Locational Criteria

Notes:

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EXHIBIT - E

PRODUCE STAND
SUMMARY OF AMENDMENTS
(Updated 11/10/11)

- 1 The structure and accessory area shall be:
- 2 (1) Located on an arterial designated on the PBC Thoroughfare Plan; and
- 3 (2) Located at least 500 feet from adjacent existing residential uses.
- 4 **b) Lot Size**
- 5 The stand shall be located on a legal lot of record. A minimum of one acre shall
- 6 be allocated to the exclusive use of the stand and accessory parking area.
- 7 **c) Setbacks**
- 8 The structure and accessory area shall be setback at least 50 feet from the front
- 9 and side corner property lines. The rear and side interior setbacks shall meet the
- 10 minimum standards of the district.
- 11 **d) Approval**
- 12 A permanent produce stand shall be a permitted use in the AGR and AR, and by
- 13 Special Permit in the CN, CC & CG Zoning Districts. **[Ord. 2005 – 002]**
- 14 **(1) AR and AGR Districts**
- 15 The area devoted to the permanent produce stand exceeding 3,000 square
- 16 feet shall be approved subject to a Class A conditional use. **[Ord. 2005 –**
- 17 **002]**
- 18 **6) Stands Less than 1,500 Square Feet**
- 19 In addition to the standards stated above, stands less than 1,500 square feet
- 20 (including both the structure and all accessory areas devoted to display or storage)
- 21 shall be subject to the following development standards: **[Ord. 2005 – 002]**
- 22 **a) Paving**
- 23 The surface parking lot may be constructed of shell rock or other similar material.
- 24 At a minimum, the following areas shall be paved in accordance with Article 6.A,
- 25 PARKING, of this Code:
- 26 (1) A paved driveway apron area, connecting the streets to the site shall be
- 27 subject to approval by the County Engineer; and
- 28 (2) Handicap parking spaces and handicap access.
- 29 **7) Wholesale**
- 30 Wholesale of produce shall be allowed in the AGR district only.

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EXHIBIT F

WELLFIELD PROTECTION PROGRAM
SUMMARY OF AMENDMENTS
(Updated 11/04/11)

1 Part 1. ULDC Art. 1.1.2.A. [Related to Definitions Starting with A] (page 29 of 114), is hereby
2 amended as follows:
3

Reason for amendments: [ERM] This amendment is intended to clarify the definition of Apparent Drawdown to wellfield protection.

4 CHAPTER I DEFINITIONS AND ACRONYMS

5 Section 2 Definitions

6 A. Terms defined herein or referenced in this article shall have the following meanings:

7
8 75. Apparent Drawdown - for the purpose of Article 14, the expected direction of groundwater
9 flow caused by a well or wellfields. The apparent drawdown is based on the proximity of
10 wells or wellfields and modeling results which represent the groundwater flow patterns.
11 [Renumber Accordingly.]
12

13
14 Part 2. ULDC Art. 1.1.2.P. [Related to Definitions Starting with P] (page 80 of 114), is hereby
15 amended as follows:
16

Reason for amendments: [ERM] This amendment is intended to create a definition of Participating Water Utilities to wellfield protection.

17 CHAPTER I DEFINITIONS AND ACRONYMS

18 Section 2 Definitions

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

20
21 26. Participating Water Utility - for the purpose of Article 14, a county, municipal or private
22 water utility that enters into an agreement with Palm Beach County to take part in the Water
23 Utility Cost Share Program.
24 [Renumber Accordingly.]
25

26
27 Part 3. ULDC Art. 1.1.2.P. [Related to Definitions Starting with P] (page 84 of 114), is hereby
28 amended as follows:
29

Reason for amendments: [ERM] This amendment is intended to create a definition of Protection Maps for wellfield protection.

30 CHAPTER I DEFINITIONS AND ACRONYMS

31 Section 2 Definitions

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

33 98. Protection Maps - for the purpose of Article 14, the depicted Zone of Influence areas that
34 are part of active agreements between Palm Beach County and the Participating Utilities to
35 protect the raw drinking water resources of Palm Beach County and are based on the
36 hydrologic apparent drawdown, municipal boundary, or a combination of both as determined
37 by the Director of ERM. These areas represent the Zone of Influence contour lines that
38 overlay the latest digital ortho-photography prior to BCC adoption showing the location of the
39 outer limits of Zones of Influence for present and future public potable water supply wells and
40 wellfields permitted for 100,000 gallons per day or more. Protection Maps are maintained by
41 ERM.
42 [Renumber Accordingly.]
43

44 Part 4. ULDC Art. 1.1.2.W. [Related to Definitions Starting with W] (page 108 of 114), is hereby
45 amended as follows:
46

Reason for amendments: [ERM] This amendment is intended to create a definition of Water Utility Cost Share Program for wellfield protection.

47 CHAPTER I DEFINITIONS AND ACRONYMS

48 Section 2 Definitions

Notes:
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EXHIBIT F

WELLFIELD PROTECTION PROGRAM
SUMMARY OF AMENDMENTS
(Updated 11/04/11)

1 W. Terms defined herein or referenced in this article shall have the following meanings:
2 15. Water Utility Cost Share Program - for the purpose of Article 14, a voluntary finance
3 contribution program for county, municipal and private water utilities through an agreement to
4 fund county wellfield protection activities within Palm Beach County.
5 [Renumber Accordingly.]
6
7

8 Part 5. ULDC Art. 1.1.2.W.21, Wellfield (page 109 of 114), is hereby amended as follows:
9

Reason for amendments: [ERM] This amendment is intended to revise the definition of Wellfield for wellfield protection.

10 CHAPTER I DEFINITIONS AND ACRONYMS

11 Section 2 Definitions

12 W. Terms defined herein or referenced in this article shall have the following meanings:
13 21 20. Wellfield -
14 a. For the purposes of Art. 14, an area of land which contains one or more than one well for
15 obtaining water for Participating Water Utilities.
16 b. For the purposes of Art. 15, an area of land which contains more than one potable well
17 that is designed for a pumping rate of at least 100,000 gallons per day.
18
19

20 Part 6. ULDC Art. 1.1.2.W.22, Wellfield Zones 1, 2, 3 and 4 (page 109 of 114), is hereby
21 amended as follows:
22

Reason for amendments: [ERM] This amendment is intended to revise the definition of Wellfield Zones 1, 2, 3 and 4 to wellfield protection.

23 CHAPTER I DEFINITION AND ACRONYMS

24 Section 2 Definitions

25 W. Terms defined herein or referenced in this article shall have the following meanings:
26 24 22. Wellfield Zones 1, 2, 3 and 4 – for the purpose of Article 14, ~~z~~zones of influence
27 delineated by iso-travel time contours around public water supply wellheads for Participating
28 Water Utilities. Zone 1 is identified as the land area situated between the well(s) and the
29 within a 30-day travel time, and Zone 2 is the land area situated between the 30 day travel
30 time and the within a 210-day travel time, and Zone 3 is the land area situated between 210
31 day and the 500 day travel time contours. Zone 4 is determined by the area situated beyond
32 the 500 day travel time contour and within the one foot drawdown contour. Zones of
33 influence Protection mMaps, including Zones 3 and 4 are developed pursuant to the
34 Wellfield Protection Section and are on file and maintained by ERM Department.
35
36

37 Part 7. ULDC Art. 14.B.1.A, Purpose and Intent [Related to Wellfield Protection] (page 13 of
38 52), is hereby amended as follows:
39

Reason for amendments: [ERM] This is a revision of the purpose and intent to include the Water Utility Cost Share Program.

40 CHAPTER B WELLFIELD PROTECTION

41 Section 1 Purpose and Intent

42 A. The purpose and intent of this Chapter is to protect and safeguard the health, safety, and welfare
43 of the residents and visitors of PBC Palm Beach County by providing criteria for regulating and
44 prohibiting the use, handling, production and storage of certain deleterious substances which may
45 impair present and future public potable water supply wells and wellfields of county, municipal
46 and private utilities that participate in a Water Utility Cost Share program.
47
48

49 Part 8. ULDC Art. 14.B.3.A, Applicability [Related to Wellfield Protection] (page 13 of 52), is
50 hereby amended as follows:
51

Reason for amendments: [ERM] This is a revision of the Applicability section to only include the wellfields of participants in the Water Utility Cost Share Program.

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EXHIBIT F

WELLFIELD PROTECTION PROGRAM
SUMMARY OF AMENDMENTS
(Updated 11/04/11)

1 CHAPTER B WELLFIELD PROTECTION

2 Section 3 Applicability

3 A. General

4 ~~The provisions of this Chapter shall apply within the areas contained in the Protection Maps. The~~
5 ~~Protection Maps are the depicted Zone of Influence areas surrounding public potable water~~
6 ~~supply wells and wellfields of county, municipal, and private utilities that participate in the Water~~
7 ~~Utility Cost Share Program. The Protection Maps are maintained by ERM, and are developed~~
8 ~~and amended as necessary pursuant to Art. 14.B.6, Zones of Influence. The Zones of Influence~~
9 ~~Maps, created under Palm Beach County Ordinance No. 88-07, as amended, will remain in full~~
10 ~~force and effect, until adoption of the Protection Maps. The provisions of this Chapter shall be~~
11 ~~effective within the incorporated and unincorporated areas of PBC, and shall set restrictions,~~
12 ~~constraints and prohibitions to protect present and future public potable water supply wells and~~
13 ~~wellfields from degradation by contamination of deleterious substances.~~

16 Part 9. ULDC Art. 14.B.6.A, Maps [Related to Zones of Influence and Wellfield Protection]
17 (page 17 of 37), is hereby amended as follows:
18

Reason for amendments: [ERM] This revision specifies the method of adoption of Protection Maps and to delete the raw water analysis standards for each well. This is now redundant to the Health Department's regulations.

19 CHAPTER B WELLFIELD PROTECTION

20 Section 6 Zones of Influence

21 A. Protection Maps

22 The Zones of Influence Protection Maps, developed as described in Article 14.B.6.A.2, Basis, are
23 incorporated herein and made a part of this Chapter. These Protection Maps shall be on file and
24 maintained by ERM.

25 1. Amendments

26 Any amendments, additions or deletions to said Protection Maps shall be approved by the
27 BCC ~~following written notice to property owners within the area covered by the amendment,~~
28 ~~addition, or deletion, and after public hearing. Written notice as provided herein shall be~~
29 ~~given at least 30 days prior to the public hearing on the amendment, addition or deletion.~~
30 ~~Said Maps shall be provided to any agency requesting said Maps.~~

31 2. Basis

32 The Zones of Influence Protection Maps are based upon travel time contours and one foot
33 drawdown contours....

34 3. Review

35 The Zones of Influence Protection Maps shall be reviewed at least on an annual basis.
36 However, failure to conduct said review shall not affect the validity of the existing approved
37 Protection Maps. The basis for updating said Maps may include, but is not limited to, the
38 following:

- 39 a. Changes in the technical knowledge concerning the applicable aquifer;
- 40 b. Changes in the pumping rate of wellfields;
- 41 c. Wellfield reconfiguration;
- 42 d. Addition or removal of Participating Water Utilities; and
- 43 ~~d.e.~~ Designation of new wellfields.

44 4. Boundaries

45 The Zones of Influence indicated on the Zones of Influence Protection Maps are as follows:

46 5. Interpretation of Boundaries

47 In determining the location of properties and facilities within the zones depicted on the Zones
48 of Influence Protection Maps, the following rules shall apply:

- 49 a. Properties located wholly within one zone reflected on the applicable Zones of Influence
50 Protection Maps shall be governed by the restrictions applicable to that zone;
- 51 b. To that the extent Article 14.B.6.C, Prohibitions and Restrictions, does not apply,
52 properties having parts lying within more than one zone as reflected on the applicable
53 Zones of Influence Protection Maps shall be governed by the restrictions applicable to the
54 zone in which the part of the property is located;

55

56 ~~6. Reference Raw Water Analysis to be Completed for Each Well~~

57 ~~A reference set of raw water analyses shall be completed for each for which a Zones of~~
58 ~~influence map has been established. Said analyses shall be completed within 185 days after~~
59 ~~March 7, 1988, for existing wells. A copy of the analytical report shall be forwarded to ERM~~

Notes:

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EXHIBIT F

WELLFIELD PROTECTION PROGRAM
SUMMARY OF AMENDMENTS
(Updated 11/04/11)

~~and the PBCHD within 14 days of completion. For any new well, this set of analyses shall be completed prior to the release of the well into service by the PBCHD within in and ERM. Said analyses shall address inorganic priority pollutants as listed in Appendix 4, Organic Priority Pollutants, and organic pollutants as listed in Chapter 62-550, F.A.C. and as shown in Appendix 4, Organic Priority Pollutants. The cost shall be borne by the utility. The analytical reports shall be prepared by a State of Florida certified laboratory, certified for the applicable analyses. Samples shall be taken by the State of Florida certified laboratory performing the analyses, or its authorized representative.~~

Part 10. ULDC Art. 14.B.6.B, Protection of Future Wellfields (page 18 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This amendment clarifies the process for the BCC to approve Protection Maps.

CHAPTER B WELLFIELD PROTECTION

Section 6 Zones of Influence

B. Protection of Future Wellfields

The prohibitions and restrictions set forth in this Chapter and in regulations promulgated pursuant hereto shall apply to any sites officially designated by the BCC as future wellfields. Such prohibitions and restrictions shall become effective upon approval by the BCC of the Zones of Influence Protection Maps for the designated future wellfield. ~~Prior to final action by the BCC in designating a future wellfield or approving the Zones of Influence Maps for those wellfields, all property owners and discernable operating activities within the area affected shall receive written notice at least 30 days prior to the proposed public hearing at which the action shall be considered.~~

Part 11. ULDC Art. 14.B.6.C.2.b)6), Reporting of Spills (page 20 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This amendment simplifies the process to report spills.

CHAPTER B WELLFIELD PROTECTION

Section 6 Zones of Influence

C. Prohibitions and Restrictions

2. Zone 2

b. Permit Conditions

6) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to ~~PBCHD and the designated public utility within one hour, and to~~ ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

Part 12. ULDC Art. 14.B.6.C.3.b)5), Reporting of Spills (page 22 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This amendment simplifies the process to report spills.

CHAPTER B WELLFIELD PROTECTION

Section 6 Zones of Influence

C. Prohibitions and Restrictions

3. Zone 3

b. Permit Conditions

5) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to ~~PBCHD and the designated public utility within one hour, and to~~ ERM

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EXHIBIT F

WELLFIELD PROTECTION PROGRAM
SUMMARY OF AMENDMENTS
(Updated 11/04/11)

within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

Part 13. ULDC Art. 14.B.6.C.4.b)2), Reporting of Spills (page 22 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This amendment simplifies the process to report spills.

CHAPTER B WELLFIELD PROTECTION

Section 6 Zones of Influence

C. Prohibitions and Restrictions

4. Zone 4

b. Permit Conditions

2) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to ~~PBCHD and the designated public utility within one hour, and to~~ ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

Part 14. ULDC Art. 14.B.6.E, Domestic Water and Stormwater Treatment (page 23 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This amendment removes standards that are a Health Department responsibility and are duplicative of State regulations.

CHAPTER B WELLFIELD PROTECTION

Section 6 Zones of Influence

E. ~~Domestic Wastewater and~~ Stormwater Treatment and Exfiltration Systems

~~1. Sanitary Sewer Mains~~

~~All new or replacement installations of sanitary sewer mains in Zone 1 or Zone 2 of a public drinking water wellfield shall be constructed to force main standards. Standards for installation are shown in Appendix 5, Minimum Standards for Sewer Pipe Fittings, Coatings and Leakage Testing, and shall be enforced by PBCHD through the permit process. For new wells placed in areas of existing sanitary sewers, the sewers in Zones 1 and 2 must be pressure tested at each joint, grouted and sealed with proof of testing provided to the PBCHD prior to release of the well for service.~~

~~2. Exfiltration Systems~~

No new exfiltration system shall be constructed in Zone 1 or Zone 2 of a public drinking water wellfield.

~~3. Retention/Detention Ponds~~

~~New retention or detention ponds located within wellfield zones shall comply with the criteria described in the SFWMD Management and Storage of Surface Waters Permit Information Manual IV. These criteria are enforced through the SFWMD permitting process.~~

~~4. Percolation Ponds~~

~~New percolation ponds for domestic wastewater treatment located within wellfield zones shall comply with the requirements for separation from public drinking water wells set forth in Chapters 62-555 and 62-610, F.A.C., and enforced by Florida Department of Environmental Protection and the PBCHD.~~

~~5. Land Application of Domestic Wastewater Effluent~~

~~Land application of domestic effluent or sludge within wellfield zones shall comply with the requirements for separation from public drinking water wells as set forth in Chapters 62-555, 62-610, and 62-640, F.A.C. and enforced by Florida Department of Environmental Protection and the PBCHD.~~

~~6. Onsite Sewage Disposal Systems~~

~~New onsite sewage disposal systems (septic tanks) located within wellfield zones shall comply with the requirements for maximum sewage loading and separation from public drinking water wells as set forth in Environmental Control Rule (ECR) I and enforced by the PBCHD.~~

Notes:

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EXHIBIT F

WELLFIELD PROTECTION PROGRAM
SUMMARY OF AMENDMENTS
(Updated 11/04/11)

Part 15. ULDC Art. 14.B.7.B.2, Closure Permit (page 25 of 52), is hereby amended as follows:

Reason for amendments: [ERM] This amendment specifies within which zones require a closure permit.

CHAPTER B WELLFIELD PROTECTION

Section 7 Wellfield Protection (Operating and Closure Permits)

B. Applications

2. Closure Permit

Closure permit applications shall be required in Zone 1 and Zone 2 and contain the following information:

....

c. The Florida Department of Environmental Protection ~~and the PBCHD~~ shall be advised in writing of each closure permit application.

Part 16. ULDC Art. 14, Appendices 4 & 5 (page 47 of 52), is hereby amended as follows:

Reason for amendments: [ERM] These are Health Department standards and are duplicative of State regulations.

APPENDIX 4 ORGANIC PRIORITY POLLUTANTS

endrin	bromobenzene
lindane (g-BHC)	bromomethane
methoxychlor	chlorobenzene
toxaphene	chloroethane
2, 4-D	p-chlorotoluene
2, 4, 5-TP	chloromethane
bromodichloromethane	dibromomethane
dibromochloromethane	dichlorodifluoromethane
bromoform	1,1-dichloroethane
chloroform	trans-1, 3-dichloropropene
trichloroethene	cis-1, 2-dichloroethane
tetrachloroethene	1, 2-dichloropropane
carbon tetrachloride	1, 3-dichloropropane
vinyl chloride	2, 2-dichloropropane
1, 1, 1-trichloroethane	cis-1, 3-dichloropropane
1, 2-dichloroethane	ethylbenzene
benzene	methylene chloride
ethylene dibromide	1, 1, 2-trichloroethane
p-chlorobenzene	trichlorofluoromethane
1, 1-dichloroethene	1, 2, 3-trichloropropane
styrene	toluene
m-dichlorobenzene	m-xylene
o-dichlorobenzene	o-xylene
1, 2-dibromo-3-chloropropane (DBCP)	p-xylene
1, 1, 1, 2-tetrachloroethane	bis (2-ethylhexyl) phthalate
1, 1, 2, 2-tetrachloroethane	butyl benzyl phthalate
methyl tert-butyl-ether (MTBE)	di-n-butylphthalate
1, 1-dichloropropene	diethylphthalate
o-chlorotoluene	dimethylphthalate
aldrin	2, 4-dinitrotoluene
chlordane	diethylphthalate
dieldrin	hexachlorocyclopentadiene
heptachlor	isophorone
aldicarb	2, 3, 7, 8-tetrachlorodibenzo-p-dioxin
aldicarb sulfoxide	1, 2, 4-trichlorobenzene
aldicarb sulfone	PCB-1016
dalapon	PCB-1221
carbofuran	PCB-1232
oxyaryl	PCB-1242
simine	PCB-1248
atrane	PCB-1254
picloram	PCB-1260
dinoseb	2-chlorophenol
alachlor	2-methyl-4, 6-dinitrophenol
metolachlor	phenol
dicamba	2, 4, 6-trichlorophenol
pentachlorophenol	

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EXHIBIT F

WELLFIELD PROTECTION PROGRAM
SUMMARY OF AMENDMENTS
(Updated 11/04/11)

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Inorganic Priority Pollutants

Mercury	Lead
Cadmium	Arsenic
Chromium	Selenium
Nickel	Cyanide
Note: Parameters reflected in this table may be adjusted by ERM.	

APPENDIX 5 MINIMUM STANDARDS FOR SEWER PIPE FITTINGS

A. ~~Ductile Iron Pipe and Fittings for Gravity Sewer and Force Main Application~~

- ~~1. Ductile iron pipe shall conform to the requirements of ANSI/AWWA C151/A21.52-86 unless otherwise noted on the plans. The pipe shall be Class 50 thickness for pipe six inches or larger in size and Class 51 for pipe smaller than six inches. Glands for mechanical joints shall be of ductile iron or cast iron.~~
- ~~2. Fittings shall conform to the requirements of ANSI/AWWA C110/A21.10-87. Fittings 12 inches and smaller shall have a 250 psi minimum working pressure.~~
- ~~3. Flanged ductile iron pipe shall be Class 53. Flanged ductile iron pipe and fittings shall have threaded flanges, unless otherwise noted on the drawings, and shall conform to ANSI/AWWA C115/A21.15-83. All flanges shall be Class 1560, ANSI B16.5. All above grades flanges shall be flat faced unless they are mating up to existing, or otherwise, specified, raised flanges. All gaskets shall be full faced 1/8" red rubber.~~
- ~~4. Joints shall conform to the requirements of ANSI/AWWA C111/A21.11-85~~

B. ~~Polyvinyl Chloride Pipe (PVC) and Fittings for Gravity and Sewer Force Main Applications~~

1. ~~Gasketed Joint Pipe~~

- ~~a. Pipe four inches or larger in diameter shall conform to the requirements as set forth in AWWA C900-81 with dimension ratio DR 18. Provisions must be made for contraction and expansion at each joint, or with a rubber ring and an integral bell as part of each joint, or by a rubber ring sealed coupling. Clean, reworked material generated from the manufacturer's own pipe production may be used. Fittings shall be cast or ductile iron. Pipe shall have cast iron pipe equivalent outside dimensions.~~
- ~~b. Pipe smaller than four inches in diameter shall conform to Commercial Standard CS-256 and ASTM D-22141. Provisions shall be made for contraction and expansion at each joint with a rubber ring, and an integral bell as part of each joint, or by a rubber ring sealed coupling. Pipe shall be made from SOR 21, 200 psi clean, virgin NSF approved Type I, Grade 1 PBC conforming to ASTM D 1784. Clean reworked material generated from the manufacturer's own pipe production may be used. Fittings for pipe smaller than four inches in diameter shall be PVC.~~

C. ~~Coatings~~

~~The lining material for ductile iron pipe and fittings shall be virgin polyethylene complying with ANSI/AWWA D1248, compounded with an inert filler and with sufficient carbon black to resist ultraviolet rays during above ground storage of the pipe and fittings. The polyethylene shall be bonded to the interior of the pipe or fitting by heat.~~

D. ~~Leakage Tests~~

~~The test shall be of two hour duration. During the test, the pipe being tested shall be maintained at a pressure of not less than 150 psi. Leakage is defined as the quantity of water added to the pipe being tested during the test period. No pipe installation will be accepted if the leakage exceeds the quantities specified in AWWA C-600, Sec. 4.2. No more than 500 feet of gravity sewer main or 1000 feet of force main shall be tested at one time.~~

E. ~~Manholes~~

~~Manholes shall be precast and coated with an inert impervious material. Manhole inlets and outlets shall be tightly sealed around the sewer pipe and coated to prevent leakage.~~

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EXHIBIT G

ENCLOSED AUCTION IND/MUPD
SUMMARY OF AMENDMENTS
(Updated 11/8/11)

1
2 **Part 1. ULDC Table 3.E.1.B, PDD Use Matrix (page 140 of 228), is hereby amended as follows:**

Reason for amendments: [Zoning] Streamline approval process for enclosed auctions where located in a Multiple Use Planned Development (MUPD) having an Industrial (IND) Future Land Use designation. Current requirement to obtain BCC approval is recommended to be simplified to require an administrative approval by the Development Review Officer (DRO). As many IND/MUPD's typically require or provide for minimal parking, DRO oversight is required to ensure that any proposed Enclosed Auction uses have sufficient parking, which may also include review/approval of a Shared Parking Study.

4 **Table 3.E.1.B - PDD Use Matrix Continued**

Use Type	PUD					MUPD					MXPD		PIPD			LCC		NOTE			
	Pods					FLU					FLU		Use Zone			FLU					
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	I	C	I		M	R	C
E	O	E	I	G	L	H	L	H	R	N	N	H	H	N	O	N	H	V	L	H	
S	M	C	V	P			O	O		D	S	O	O	D	M	D	P	P			
Commercial Uses																					
.....																					
Auction, Enclosed		R				P			P	R	D				P				P	P	16
.....																					
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016]																					
Notes:																					
P Permitted by right																					
D Permitted subject to approval by the DRO																					
S Permitted in the district only if approved by Special Permit																					
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																					

5
6
7 **Part 2. ULDC Art. 4.B.1.A.16, Auction (pages 34-35 of 170), is hereby amended as follows:**

Reason for amendments: [Zoning] See also Part 1 above. Delete redundant provision reiterating approval process for an Enclosed Auction located in an IND/MUPD, which is indicated in Table 3.E.1.B, PDD Use Matrix.

9 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

10 **Section 1 Uses**

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

12 **16. Auction**

13 An establishment engaged in the sale of merchandise to the highest bidder in an enclosed
14 building or outdoor. [Ord. 2009-040]

15 **a. Temporary**

16 A temporary auction shall comply with the Special Event supplementary use standards,
17 Article 2.D.2, Special Permit.

18 **b. Enclosed**

19 All activities, display and sale of merchandise shall occur within an enclosed building.
20 [Ord. 2009-040]

21 ~~1) MUPD~~

22 ~~An enclosed auction in a MUPD with IND FLU designation shall be subject to a~~
23 ~~Requested Use approval process. [Ord. 2009-040]~~

24 **c. Outdoors**

25 An auction with all or a portion of the activity, display and sale of merchandise occurring
26 outdoor on site shall require approval of a Class A Conditional Use. [Ord. 2007-001]
27 [Ord. 2009-040]

28 **d. TMD and LCC Districts**

29 Auctions are permitted only within enclosed buildings in the U/S tier. [Ord. 2005-002]
30 [Ord. 2009-040] [Ord. 2010-005]

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EXHIBIT H

ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 11/3/11)

1
2 Part 1. ULDC Art. 2.B.1.B, Standards [Related to Official Zoning Map Amendments] (page 26 of
3 85), is hereby amended as follows:
4

Reason for amendments: [Zoning] FLUE Policy 4.1-c of the Plan requires the County only consider the objectives and recommendations of any applicable Neighborhood Plans when issuing a Development Order for a FLUA amendment, Conditional Use or Development Review Officer approval. Consistency is not a requirement for approval and should not be stated within the standards.

5 CHAPTER B PUBLIC HEARING PROCESS

6 Section 1 Official Zoning Map Amendment (Rezoning)

7 B. Standards

8 When considering a ~~Development Order~~ ~~development-order~~ application for rezoning to a standard
9 zoning district, the BCC and ZC shall consider ~~Standards standards~~ 1 – ~~7~~ ~~8~~ indicated below. In
10 addition the standards indicated in ~~Section section~~ 2.B of this ~~Chapter chapter~~ shall also be
11 considered for rezoning to a standard zoning district with a ~~Conditional Use conditional-use~~, and
12 rezoning to a PDD or TDD with or without a ~~Requested Use requested-use~~ or ~~Waiver waiver~~. An
13 amendment which fails to meet any of these standards shall be deemed adverse to the public
14 interest and shall not be approved. [Ord. 2007-001]

15 1. Consistency with the Plan

16 The proposed amendment is consistent with the Plan. [Ord. 2007-001]

17 2. Consistency with the Code

18 The proposed amendment is not in conflict with any portion of this Code, and is consistent
19 with the stated purpose and intent of this Code. [Ord. 2007-001]

20 3. Compatibility with Surrounding Uses

21 The proposed amendment is compatible, and generally consistent with existing uses and
22 surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In
23 making this finding, the BCC may apply an alternative zoning district. [Ord. 2007-001]

24 4. Effect on the Natural Environment

25 The proposed amendment will not result in significantly adverse impacts on the natural
26 environment, including but not limited to water, air, stormwater management, wildlife,
27 vegetation, wetlands, and the natural functioning of the environment. [Ord. 2007-001]

28 5. Development Patterns

29 The proposed amendment will result in a logical, orderly, and timely development pattern.
30 [Ord. 2007-001]

31 ~~6. Consistency with Neighborhood Plan~~

32 ~~The proposed zoning district is consistent with applicable neighborhood plans in accordance~~
33 ~~with BCC policy. [Ord. 2007-001]~~

34 ~~67. Adequate Public Facilities~~

35 The proposed amendment complies with Art. 2.F, Concurrency. [Ord. 2007-001]

36 ~~78. Changed Conditions or Circumstances~~

37 There are demonstrated changed conditions or circumstances that necessitate the
38 amendment. [Ord. 2007-001]

39
40
41 Part 2. ULDC Art. 2.B.2.B, Standards for Conditional Uses, Requested Uses and Development
42 Order Amendments (page 27 of 85), is hereby amended as follows:
43

Reason for amendments: [Zoning] FLUE Policy 4.1-c of the Plan requires that the County only consider the objectives and recommendations of any applicable Neighborhood Plans when issuing a Development Order for a FLUA amendment, Conditional Use or Development Review Officer approval. Consistency is not a requirement for approval and should not be stated as such within the standards.

44 CHAPTER B PUBLIC HEARING PROCESS

45 Section 2 Conditional Uses, Requested Uses Development Order Amendments, and Unique
46 Structures

47 B. Standards for Conditional Uses, Requested Uses and Development Order Amendments

48 When considering a Development Order application for a Conditional or Requested Use, the BCC
49 and ZC shall consider ~~Standards standards~~ 1 – ~~8~~ ~~9~~ indicated below. A Conditional or Requested
50 Use, or Development Order Amendment which fails to meet any of these ~~Standards standards~~
51 shall be deemed adverse to the public interest and shall not be approved. [Ord. 2007-001] [Ord.
52 2011-016]

53 1. Consistency with the Plan

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EXHIBIT H

ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 11/3/11)

- 1 The proposed use or amendment is consistent with the purposes, goals, objectives and
- 2 policies of the Plan, including standards for building and structural intensities and densities,
- 3 and intensities of use. [Ord. 2007-001]
- 4 **2. Consistency with the Code**
- 5 The proposed use or amendment complies with all applicable standards and provisions of
- 6 this Code for use, layout, function, and general development characteristics. The proposed
- 7 use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE
- 8 STANDARDS. [Ord. 2007-001]
- 9 **3. Compatibility with Surrounding Uses**
- 10 The proposed use or amendment is compatible and generally consistent with the uses and
- 11 character of the land surrounding and in the vicinity of the land proposed for development.
- 12 [Ord. 2007-001]
- 13 **4. Design Minimizes Adverse Impact**
- 14 The design of the proposed use minimizes adverse effects, including visual impact and
- 15 intensity of the proposed use on adjacent lands.
- 16 **5. Design Minimizes Environmental Impact**
- 17 The proposed use and design minimizes environmental impacts, including, but not limited to,
- 18 water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning
- 19 of the environment. [Ord. 2007-001]
- 20 **6. Development Patterns**
- 21 The proposed use or amendment will result in a logical, orderly and timely development
- 22 pattern. [Ord. 2007-001]
- 23 ~~7. Consistency with Neighborhood Plans~~
- 24 ~~The proposed development or amendment is consistent with applicable neighborhood plans~~
- 25 ~~in accordance with BCC policy. [Ord. 2007-001]~~
- 26 ~~78. Adequate Public Facilities~~
- 27 ~~The extent to which the proposed use complies with Art. 2.F, Concurrency. [Ord. 2007-001]~~
- 28 ~~89. Changed Conditions or Circumstances~~
- 29 ~~There are demonstrated changed conditions or circumstances that necessitate a~~
- 30 ~~modification. [Ord. 2007-001]~~

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32
33 **Part 3. ULDC Art. 2.B.3.A, General [Related to Type II Variance] (page 29-30 of 85), is hereby**
34 **amended as follows:**
35

Reason for amendments: [Zoning] Clarify that Type II Variances from standards does not apply to those that may be granted for residential lots of three units or less, which is provided for under Type IB Variances. In addition, to clarify that non-residential projects exceeding the established thresholds pursuant to Art. 2.D.3.C.2 are subject to Type II Variances requirements. Noting that Variance relief cannot be granted from minimum or maximum density limitations of the Plan.

36 **CHAPTER B PUBLIC HEARING PROCESS**

37 **Section 3 Type II Variance**

- 38 **A. General**
- 39 To allow variances in accordance with Art. 2.B.3.E, Standards, unless stated otherwise. Variance
- 40 requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type II
- 41 Variances shall be required for the following: [Ord. 2011-001]
- 42 1. any application requesting variances from the ULDC requirements which are allowed under
- 43 the authority of Article 2.A.1.D.1.b, Zoning Commission; [Ord. 2011-001]
- 44 2. any application requesting five or more variances; [Ord. 2009-040] [Ord. 2011-001]
- 45 3. any application requesting variances that exceed greater than 15 percent of a required
- 46 standard or Property Development Regulations for residential lots of three units or less;~~and~~
- 47 [Ord. 2009-040] [Ord. 2011-001]
- 48 4. any application requesting variances that exceed the standards of Art. 2.D.3.C.2, Non
- 49 Residential Projects;
- 50 54. any airport zoning variance as described in Art. 2.B.3.D.2, Airport Variance; and, -- [Ord.
- 51 2006-036] [Ord. 2009-040]

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EXHIBIT H

ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 11/3/11)

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Part 4. ULDC Art. 2.D.3.C.1.a [Related to Type IB Administrative Variance for Residential Lots of Three Units or Less] (page 42 of 85), is hereby amended as follows:

Reason for amendments: [Zoning] Clarify Administrative Authority to grant relief from Property Development Regulations for residential lots of 3 units or less, consistent with the original intent of the creation of the Type IB Administrative Variance. Again noting, that variance relief cannot be sought from the density limitations of the Plan.

CHAPTER D ADMINISTRATIVE PROCESS

Section 3 Type IA and Type IB Administrative Variances

C. Type IB Administrative Variances

A pre-application meeting with staff shall be required prior to application submittal. Variance requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type IB variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003]

1. Residential Lots of Three Units or Less

A variance may be requested for the following: [Ord. 2006-036] [Ord. 2008-003]
a. ~~Setback reduction~~ Reductions or increases of Property Development Regulations greater than five percent of the minimum or maximum requirement. [Ord. 2006-036] [Ord. 2008-003]

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EXHIBIT I

ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 10/6/11)

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Part 1. ULDC Art. 3.A.3.E.1, Standard Districts (pages 18 of 228), is hereby amended as follows:

Reason for amendments: [Zoning] Amend to be consistent with FLUE Objective 1.8, Glades Area Protection Area Overlay (GAPO) and Policy 1.8-b, which allows for the RR-10 FLU designation West of the L-8 Canal, to include the following *“Specific Existing Uses: Mining, excavation and other related uses consistent with the Overlay, and for Everglades restoration and water management purposes; conservation, including wildlife corridors; and the Florida Power and Light (FPL) proposed power plant and related cooling areas.”*

CHAPTER A GENERAL

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

E. Exceptions for Prior Approvals

Any application for a Development Order that requires Public Hearing approval, excluding Status Reports, EAC, Class B Conditional Uses or Type II Variances, shall be accompanied by an application to rezone to a current Zoning district, unless exempted otherwise herein. Any application for a Development Order that does not exceed the threshold requiring rezoning shall comply with the applicable requirements of the corresponding district, except for any information permitted to be carried forward from a prior approval. [Ord. 2011-016]

1. Standard Districts

The following previously established zoning districts shall correspond to the current districts indicated: [Ord. 2011-016]

- a. The Specialized Agriculture (SA) District shall correspond to the AP District in the Glades Tier, the AGR District in the AGR Tier, and the AR District in the Rural Tier. Property with an SA District located in the Glades Area Protection Overlay (GAPO) shall be exempt from the rezoning requirement. [Ord. 2011-016]

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EXHIBIT J

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 07/13/11)

1
2 Part 1. ULDC Art. 4.B.1.A.3.f, Game and Exotic Animal [Related to Bona Fide Agriculture]
3 (page 28 of 170), is hereby amended as follows:
4

<p>Reason for amendments: [Zoning] Correct to reflect Florida Fish and Wildlife Conservation Commission (FWC) as the agency that regulates private or commercial game farms pursuant to Rules and Regulations of the FWC, Rule 68-12.</p>

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 3. Agriculture, Bona Fide

9 f. Game and Exotic Animals

10 The ~~Florida Game and Fresh Water Fish Commission (FGFWC)~~ Florida Fish and Wildlife
11 Conservation Commission (FWC) ~~shall regulate~~ regulates game farms or game animal
12 care for private or commercial purposes.
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EXHIBIT K

ARTICLE 9 – ARCHAEOLOGICAL AND HISTORIC PRESERVATION
SUMMARY OF AMENDMENTS
(Updated 07/19/11)

1
2 Part 1. ULDC Art. 9.B.4, Regulations Affecting Historic Sites (page 11 - 13 of 17), is hereby
3 amended as follows:
4

Reason for amendments: [Planning] To eliminate consideration of exterior color from the regulations affecting historic sites listed on the County Register of Historic Places. Based on recommendation from the Historic Resources Review Board (HRRB) on January 6, 2011, during consideration of a Certificate of Appropriateness for a change of color for the Wenger House.

5 CHAPTER B HISTORIC PRESERVATION PROCEDURES

6 Section 4 Regulations Affecting Historic Sites

7 A. Development Standards For Historic Districts and Sites

8
9 7. The construction of new buildings or structures, or the relocation, alteration, reconstruction, or
10 major repair or maintenance of a non-contributing building or structure within a designated
11 historic district shall meet the same compatibility standards as any material change in the
12 exterior appearance of an existing contributing building. Any material change in the exterior
13 appearance of any existing non-contributing building, structure or appurtenance in a
14 designated historic district shall be generally compatible with the form, proportion, mass,
15 configuration, building material, texture, ~~color~~ and location of historic buildings, structures, or
16 sites adjoining or reasonably proximate to the contributing building, structure or site.

17 8. All improvements to buildings, structures and appurtenances within a designated historic
18 district shall be visually compatible. Visual compatibility shall be defined in terms of the
19 following criteria:

20
21 g. **Relationship of Materials, and Texture and Color**
22 The relationship of materials, and texture and ~~color~~ of the facade of a building should be
23 visually compatible with the predominant materials used in the historic sites, buildings
24 and structures within a historic district.
25

26 C. Certificate of Appropriateness

27 1. Activities Requiring Certificate of Appropriateness

28
29 c. A Certificate of Appropriateness shall be required for any material change in existing
30 walls, fences and sidewalks, ~~change of color~~, or construction of new walls, fences and
31 sidewalks.
32

33 2. Certificate Not Required

34
35 b. A Certificate of Appropriateness shall not be required for any interior alteration,
36 construction, reconstruction, restoration or renovation. General and occasional
37 maintenance and repair shall include lawn and landscaping care and minor repairs that
38 restore or maintain the historic site or current character of the building or structure.
39 General and occasional maintenance and repair shall also include any ordinary
40 maintenance which does not require a building permit from the County. General and
41 occasional maintenance and repair shall not include any of the activities described in
42 Article 9.B.4.C.1, Activities Requiring Certificate of Appropriateness, above, nor shall it
43 include ~~exterior color change~~, addition or change of awnings, signs, or alterations to
44 porches and steps or other alterations which require excavation or disturbance of
45 subsurface resources.
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EXHIBIT L

ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 06/01/11)

1
2 Part 1. ULDC Art. 11.A.3.A, Platting Requirements (Page 8 of 47), is hereby amended as
3 follows:
4

Reason for amendments: [Land Dev.] To correct a code reference to allow for the recently created Lot Combination process in addition to the Plat Waiver process.

5 CHAPTER A GENERAL REQUIREMENTS

6 Section 3 General Requirements

7 A. Platting Requirement

8 Any developer planning to subdivide land shall record a Final Plat in accordance with the
9 requirements of the Article unless such requirement is specifically waived by the County Engineer
10 in accordance with the provisions of Article 11.A.8-B, ~~Plat Waiver and Certified Boundary Survey~~
11 Exceptions to General Requirements.
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EXHIBIT M

ARTICLE 13 – IMPACT FEES
SUMMARY OF AMENDMENTS
(Updated 07/13/11)

1
2 Part 1. ULDC Art. 13.A.7.A.2, Municipality May Require Direct Payment to County (page 9 of
3 45), is hereby amended as follows:
4

Reason for amendments: [OFMB] Added language provides for impact fee collections where one municipality agrees to review permits and collect impact fees for another municipality.

5 CHAPTER A GENERAL

6 Section 7 Collection and Administrative Fees

7 A. Timing and Collection of Payment

8

9 2. Municipality May Require Direct Payment to County.

10 A municipality ~~who is~~ reviewing its own applications for development permits may opt to have
11 PBC collect the impact fees, pursuant to interlocal agreement. If PBC is the permitting
12 authority for the municipality by interlocal agreement, no additional interlocal agreement is
13 necessary for PBC to collect impact fees for permits issued for that municipality. If PBC
14 collects the impact fees, the municipality shall not be entitled to the administrative fee. PBC
15 shall not charge the municipality for collecting the impact fee. The municipality shall be
16 responsible for ensuring that all impact fees are paid before issuing any building permit or
17 other permit. One municipality may opt to have a second municipality review development
18 permits and collect impact fees on behalf of the municipality, provided the municipality that
19 collects impact fees maintains separate records to account for the collection and remittance
20 of the impact fees to PBC in accordance with this article. [Ord. 2010-018]
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EXHIBIT N

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/7/11)

Part 1. ULDC Art. 4.B.1.A.34.a.3), Type 3 [Related to CLF Maximum Occupancy] (pages 42 of 170), is hereby amended as follows:

Reason for amendments: [ZONING] The amendment is a result of an increase in the average household size in Palm Beach County from 2.34 people indicated in the 2000 U.S. Census to 2.39 people indicated in the 2010 U.S. Census.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

34. Congregate Living Facility

a. Maximum Occupancy

3) Type 3

Determined by Table 4.B.1.A, Maximum Permissible Occupancy in Type 3 Congregate Living Facilities, below; or, in the case of TDR's or a non residential district by the alternate density specified in the Plan by ~~2.39-2.34~~ residents. [Ord. 2005-002]

Table 4.B.1.A - Maximum Permissible Occupancy in Type 3 Congregate Living Facilities

FLU Category	Zoning District	Maximum Occupancy (Residents per Acre)(2)	
		Standard District	PDD or TDD (1)
RR 20	AR	PROHIBITED	0.11
RR 10	AR	PROHIBITED	0.23
RR 5	AR	PROHIBITED	0.47
RR 2.5	AR	PROHIBITED	0.95
AGR	AGR	PROHIBITED	2.39
RR	AR	PROHIBITED	0.23
RR20	AR	PROHIBITED	0.11
AGE	N/A	N/A	(3)
LR1	RE, RT	PROHIBITED	2.39-2.34
LR2	RT	PROHIBITED	4.78-4.68
LR3	RT	PROHIBITED	7.17-7.02
MR5	RS	PROHIBITED	11.95-11.70
HR8	RS, RM	14.34-14.04	19.12-18.72
HR12	RM	19.12-18.72	28.68-28.08
HR18	RM	19.12-18.72	43.02-28.08

[Ord. 2005-002] [Ord.2010-022]

Notes:

- For the purpose of this Section, the required minimum acreage for a PDD consisting exclusive of a CLF may be reduced by 50 percent.
- For CLF, one TDR unit is equivalent to ~~2.39-2.34~~ beds. [Ord. 2005-002]
- The maximum density permitted shall be in accordance with the acreage of the subject site and the density assigned on the AGE Site Specific FLUA Conceptual Plan multiplied by ~~2.39-2.34~~ residents. [Ord. 2010-022]

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EXHIBIT O

DENSITY BONUS PROGRAMS
SUMMARY OF AMENDMENTS
(Updated 10/19/11)

1
2 Part 1. ULDC Art. 3.D.1.B.3, Density Bonus Programs (page 124 of 228), is hereby deleted as
3 follows:
4

Reason for amendments: [Planning] Revision is proposed as this text is no longer necessary as each density bonus program currently has its own property development regulations in the ULDC for lot dimensions, building intensity and setbacks.

5 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

6 Section 1 PDRs for Standard Zoning Districts

7 B. General Exceptions

8 ~~3. Density Bonus Programs~~

9 ~~Special density programs for affordable housing are available through the use of VDBs,~~
10 ~~TNDs, and in the Westgate CRAO and may use regulations below.~~

11 ~~a. Density Bonus Program Development~~

12 ~~1) Purpose and Intent~~

13 ~~The purpose of this Section is to provide flexibility from traditional PDRs in order to~~
14 ~~allow greater opportunities for cost effective development for housing approved in~~
15 ~~conjunction with a density bonus program. The regulations represent the minimum~~
16 ~~regulations acceptable without compromising minimum health and safety standards.~~

17 ~~2) Applicability~~

18 ~~The provisions of this Section may be applied to all residential development which~~
19 ~~receives a density bonus for workforce housing, as defined in the Plan.~~

20 ~~3) Threshold~~

21 ~~100 percent of the units subject to the density bonus, or a minimum of 50 percent of~~
22 ~~the total number of units in the project, whichever is greater, shall be set aside for~~
23 ~~workforce housing in accordance with the applicable density bonus program in the~~
24 ~~Plan.~~

25 ~~4) Lot Dimensions~~

26 ~~The lot dimensions for all housing types may be reduced by 20 percent. [Ord. 2005-~~
27 ~~002]~~

28 ~~5) Building Intensity~~

29 ~~The maximum building coverage and FAR for all housing types may be increased by~~
30 ~~20 percent.~~

31 ~~6) Setbacks~~

32 ~~The minimum building setbacks/separations for all housing types may be reduced by~~
33 ~~20 percent, except for the front setback in the RS and RM districts, which may be~~
34 ~~reduced by 40 percent.~~

35 [ReNUMBER Accordingly]

36
37
38 Part 2. ULDC Art. 5.G.1.F, WHP On-site Construction (page 67 of 91), is hereby amended as
39 follows:
40

Reason for amendments: [PLANNING/ZONING] Clarification of phasing limitation to address amendments to a prior approval that may have already commenced initial phases, to allow for a Development Order Amendment that includes new WHP units in later or final phases.

41 CHAPTER G DENSITY BONUS PROGRAMS

42 Section 1 Workforce Housing Program (WHP)

43 F. WHP On-site Construction

44 WHP units may be located on-site in accordance with the provisions of Article 5.G.1.C, Workforce
45 Development Alternatives; however, under no circumstances shall any site be permitted to
46 develop at a density greater than that permitted by the Plan. Prior to final DRO approval, the
47 applicant shall identify on the plan the total number of WHP units proposed for development
48 within each pod or phase, as applicable. The plan shall also indicate the number of units in each
49 applicable WHP income category. ~~In no instance shall all~~ All of the WHP units ~~shall not~~ be
50 constructed in the last ~~stage phase~~ of a multi-phased development ~~(pod/phase where applicable),~~
51 ~~except for a Development Order Amendment to a Development Order approved prior to WHP~~
52 ~~requirements.~~ [Ord. 2010-005]

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EXHIBIT O

DENSITY BONUS PROGRAMS
SUMMARY OF AMENDMENTS
(Updated 10/19/11)

1 Part 3. ULDC Art. 5.G.1.I.1, Sales and Rental Prices of WHP Units (page 69 of 91), is hereby
2 amended as follows:
3

Reason for amendments: [PLANNING] Revisions proposed in order to establish a WHP unit rental floor price and to provide clarification regarding the WHP unit utility allowance.

4 CHAPTER G DENSITY BONUS PROGRAM

5 Section 1 Workforce Housing Programs

6 I. Affordability Requirements

7 1. Sales and Rental Prices of WHP Units

8 All required WHP units shall be offered for sale or rent at an attainable housing cost for each
9 of the targeted income ranges. The sale and rent prices shall be updated annually by the
10 Planning Director, or designee, with the sale prices based on the Area Median Income (AMI),
11 and the household income limits for PBC (West Palm Beach/Boca Raton metropolitan
12 statistical area) for a family of four, which pricing shall not be adjusted based on the number
13 of occupants, as published annually by HUD (sale price: household income figure multiplied
14 by three and priced at the middle of each of the four WHP income categories), and rental
15 prices based on the annual Florida Housing Finance Corporation Multi-Family Rental Figures
16 as adjusted for number of bedrooms in WHP rental units. The minimum WHP price initially
17 established for each rental unit within each WHP income category range will be the rental
18 floor. This rental floor shall serve as the minimum rental price point required throughout the
19 thirty (30) year term of this Covenant. Any utility allowances applied against gross maximum
20 WHP unit rents shall also be adjusted based on a number of bedrooms in WHP rental units.
21 A chart with the sales and rent prices will be maintained and updated annually by the County.
22 [Ord. 2006-055] [Ord. 2010-005]

23 a. Utility Allowance

24 Utilities shall include, but not be limited to, water, sewer, gas and electric. When one or
25 more utility cost(s) are included within the WHP unit rent price, and reasonable, reliable
26 and verifiable documentation is provided that indicates the total utility cost included within
27 the WHP unit rent price meets or exceeds the stated utility allowance cost, then the utility
28 allowance requirement would be waived. If the information provided constitutes an
29 amount less than the prescribed utility allowance, the value may be applied against the
30 utility allowance and the remaining balance shall be credited to the WHP resident's rent
31 cost.
32
33

34 Part 4. ULDC Art. 5.G.2.A, Purpose and Intent [Related to Affordable Housing Program] (page
35 71 of 91), is hereby amended as follows:
36

Reason for amendments: [PLANNING] Revisions proposed in order to allow consideration to adjust the percentage of units required within the AHP income ranges based on programmatic requirements imposed by affordable housing funding source.

37 CHAPTER G DENSITY BONUS PROGRAM

38 Section 2 Affordable Housing Program

39 A. Purpose and Intent

40 The AHP implements HE Policies 1.1-o and 1.5-g of the Plan, among others, by establishing an
41 AHP. The AHP is a voluntary program used by an applicant seeking additional density for an
42 affordable housing development. An AHP applicant elects to provide at a minimum 65 percent of
43 the total number of dwelling units targeted to households at incomes of 60 percent of Area
44 Median Income (AMI) and below. In any proposal a maximum of 20 percent of all units will target
45 incomes of 30 percent and below AMI. The program ensures a minimum affordability period, and
46 provides for a density bonus and other incentives. The program is intended to increase the
47 supply of housing opportunities for persons employed in PBC in jobs that residents rely upon to
48 make the community viable. Consideration may be given to developments requesting income
49 percentage targets that are different from those previously indicated, based on programmatic
50 requirements imposed by a governmental agency providing affordable housing funding or another
51 entity with different programmatic requirements, with the final determination made by the
52 Executive Director of Planning, Zoning and Building or designee. [Ord. 2009-040]
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EXHIBIT O

DENSITY BONUS PROGRAMS
SUMMARY OF AMENDMENTS
(Updated 10/19/11)

1
2 Part 5. ULDC Art. 5.G.2.B.3, When WHP and AHP Units are Proposed (WHP and AHP Units are
3 Proposed by the Applicant) [Related to Affordable Housing Program] (page 72 of 91), is
4 hereby deleted as follows:
5

Reason for amendments: [PLANNING] Should the proposed revision be made to Article 5.G.2.A.
(previous revision) then this item would be redundant and is proposed for deletion.

6 CHAPTER G DENSITY BONUS PROGRAM

7 Section 2 Affordable Housing Program

8 B. Applicability

9 ~~3. When WHP and AHP Units are Proposed (WHP and AHP Units Proposed by the~~
10 ~~Applicant)~~

11 ~~Consideration may be given to developments requesting both WHP and AHP units within~~
12 ~~their proposal with the final determination to be made by the Planning Director or designee~~
13 ~~based on the programmatic requirements imposed by a governmental agency providing~~
14 ~~affordable housing funding or another entity with programmatic requirements (e.g., Habitat for~~
15 ~~Humanity or a Community Land Trust). [Ord. 2009-040]~~
16
17

18 Part 6. ULDC Art. 5.G.3.G.4.d.1) [Related to The Application, Sale and Value of Development
19 Rights] (page 80 of 91), is hereby amended as follows:
20

Reason for amendments: [Planning] Revisions proposed in order to provide clarification regarding the
TDR bonus density and its consistency with the applicable Neighborhood Plan.

21 CHAPTER G DENSITY BONUS PROGRAM

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

23 G. Transfer of Development Rights (TDRs) Bank

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

25 d. Additional prices for TDR units shall be as follows: [Ord. 2011-001]

26 1) For TDR units located within an area that has a BCC accepted Neighborhood Plan,
27 and the proposed density increase development is identified within or supported by
28 consistent with the Neighborhood Plan, the TDR price shall be 75 percent of full TDR
29 price as established in 4.b. 1 and 2 above; [Ord. 2011-001]
30
31

32 Part 7. ULDC Art.5.G.4. Property Development Regulations (PDRs) for Density Bonus Program
33 Development (page 86 of 91), is hereby deleted as follows:
34

Reason for amendments: [Planning] Revision is proposed as this text is no longer necessary as each
density bonus program currently has its own property development regulations in the ULDC for lot
dimensions, building intensity and setbacks.

35 CHAPTER G DENSITY BONUS PROGRAM

36
37 ~~Section 4 Property Development Regulations (PDRs) for Density Bonus Program~~
38 ~~Development~~
39

40 ~~A. Purpose and Intent~~

41 ~~The purpose and intent of this Chapter is to provide flexibility from traditional PDRs in order to~~
42 ~~provide greater opportunity for cost-effective development for housing approved in conjunction~~
43 ~~with a density bonus program. The regulations represent the minimum regulations acceptable~~
44 ~~without compromising minimum health and safety standards.~~

45 ~~B. Applicability~~

46 ~~The provisions of this Chapter may be applied to all residential development which receives a~~
47 ~~density bonus for workforce housing, as defined in the Plan.~~

48 ~~C. Threshold~~

49 ~~100 percent of the units subject to the density bonus, or a minimum of 50 percent of the total~~
50 ~~number of units in the project, whichever is greater, shall be set aside for workforce housing in~~
51 ~~accordance with the applicable density bonus program in the Plan.~~

52 ~~1. Lot Dimensions~~

53 ~~The lot dimensions in all residential districts for all housing types may be reduced by 20~~
54 ~~percent.~~

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EXHIBIT O

DENSITY BONUS PROGRAMS
SUMMARY OF AMENDMENTS
(Updated 10/19/11)

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~~2. Building Intensity~~

~~The maximum building coverage and floor area ratio for all residential districts for all housing types may be increased by 20 percent.~~

~~3. Setbacks~~

~~The minimum building setbacks/separations for all residential districts for all housing types may be reduced by 20 percent, except for the front setback in the RS and RM districts, which may be reduced by 40 percent.~~

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