



February 15, 2012

**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  
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**Palm Beach County  
Board of County  
Commissioners**

Shelley Vana, Chair  
Steven L. Abrams, Vice Chairman  
Karen T. Marcus  
Paulette Burdick  
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: February 22, 2012 LDRAB Meeting**


Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB meeting on Wednesday, February 22, 2012.

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

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

Sincerely,

  
William Cross, AICP  
Principal Site Planner, Zoning Division

**Attachments: February 22, 2012 LDRAB Meeting Agenda and Supporting Materials**

- c: Verdenia C. Baker, Deputy County Administrator
- Barbara Alterman, Esq., Executive Director, PZB
- Lenny Berger, Assistant County Attorney
- Bob 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)

**FEBRUARY 22, 2012**

### 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)

**Joni Brinkman** (League of Cities)

**Barbara Katz** (District 3)

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

**Jim Knight** (District 4)

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

**Lori Vinikoor** (District 5)

**Rosa Durando** (Environmental Organization)

**Mike Zimmerman** (District 6)

**Frank Gulisano** (PBC Board of Realtors)

**Martin Klein, Esq.** (District 7)

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

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

**Maurice Jacobson** (Condominium Association)

**Vacant** (Member at Large/Alternate)

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

### Board of County Commissioners

**Shelley Vana**  
Chair, District 3

**Steven L. Abrams**  
Vice Chair, District 4

**Karen T. Marcus**  
Commissioner, District 1

**Paulette Burdick**  
Commissioner, District 2

**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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## **LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

**WEDNESDAY, FEBRUARY 22, 2012 AGENDA  
2300 NORTH JOG ROAD  
2<sup>ND</sup> FLOOR MEETING ROOM (VC-1W-47), 2:00 P.M.**

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

1. Roll Call
2. Additions, Substitutions and Deletions
3. Introduction of New Members
4. Elections – Chair and Vice-Chair
5. Motion to Adopt Agenda
6. Adoption of January 25, 2012 Minutes (Exhibit A)

### **B. ULDC AMENDMENTS**

1. Exhibit B Article 3, Overlays and Zoning Districts
2. Exhibit C Traditional Development Districts (TDD)
3. Exhibit D Palm Beach International Airport Overlay (PBIAO)
4. Exhibit E Article 6, Parking

### **C. PUBLIC INITIATION OF ULDC AMENDMENTS**

1. February 6, 2012 Memo to BCC (Exhibit F)
2. February Applications
  - a. Exhibit G Request of Land Design South, to establish exemptions from location criteria for gas and fuel facilities within ½ mile of I-95 interchanges.
  - b. Exhibit H Request of McCraney Property Company, to allow additional non-industrial uses in Planned Industrial Park Developments (PIPDs) or similar.

### **D. PUBLIC COMMENTS**

### **E. STAFF COMMENTS**

1. Subcommittee Updates
2. March meeting postponed
3. Recognition

### **F. ADJOURN**

## EXHIBIT A

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

#### Minutes of January 25, 2012 Meeting

On Wednesday, January 25, 2012 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the First Floor Conference Room (VC-1W-60), 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: 10

Wesley Blackman (PBC Planning Congress)  
David Carpenter (District 2)  
Joanne Davis (District 1)\*  
Barbara Katz (District 3)  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Michael Zimmerman (District 6)  
Martin Klein (District 7)  
Michael Cantwell (PBC Board of Realtors)  
Terrence Bailey (Florida Eng. Society)

##### Members Absent: 5

Rosa Durando (Environmental Organization)  
Jose Jaramillo (AIA)  
Maurice Jacobson (Condominium Association)  
Gary Rayman (Fl. Surveying & Mapping Society)  
Raymond Puzitiello (Gold Coast Build. Assoc.)

##### Vacancies: 4

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

##### County Staff Present:

Leonard Berger, Assistant County Attorney  
Jon MacGillis, Zoning Director  
William Cross, Principal Site Planner, Zoning  
Monica Cantor, Senior Site Planner, Zoning  
Bryan Davis, Principal Planner, Planning  
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 Jim Knight. The motion passed (9 - 0).

##### 4. Adoption of November 16, 2011 Minutes (Exhibit A)

Motion to adopt by Martin Klein, seconded by David Carpenter. The motion passed (9 - 0).

#### B. ANNUAL ORGANIZATION DISCUSSION

##### 1. Meeting Procedures

Ms. Cantor updated the Board on new appointees for the period of February 8, 2012 to February 3, 2015. Mr. Cross referred to the attachments on Meeting Procedures and briefly reviewed Roberts Rules of Order (Attachment B), Working in the Sunshine Guide (Attachment C-1), and the Palm Beach County Code of Ethics (Attachment C-2).

\* Joanne Davis arrives at 2:10 p.m.

Motion to adopt by Martin Klein, seconded by David Carpenter. The motion passed unanimously (10 - 0\*).

##### 2. 2011 Attendance

Mr. Cross summarized the 2011 Attendance Report (Attachment 6), and the attendance requirements.

##### 3. 2012 Board Members

Mr. Cross reviewed the Board Membership, (Attachment 7). He noted that the term of 8 members will expire on February 7, 2012 and new and reappointed members will participate in the selecting of chair and vice-chair in the next meeting on February 22.

##### 4. 2012 Meeting Schedule



## EXHIBIT A

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

#### Minutes of January 25, 2012 Meeting

Mr. Cross referred to the 2012 LDRAB Meeting Schedule (Attachment 8), noting that meetings will not be held in June, July, and September unless unexpected circumstances arise.

#### 5. 2012 Work Plan

Mr. Blackman referred to the Work Plan on Page 54, which sets out the proposed plan for 2012 Rounds 01 and 02. Mr. Cross gave a brief summary of the proposed amendments for Round 2012-01 (Attachments. 9 and 10) and stressed that less amendments is the theme for 2012. He explained that Round 02 would mostly be made up of amendments resulting from subcommittee meetings to be held earlier in 2012. Mr. Cross went on to list the previously established and newly proposed subcommittees (Attachment 11), requested confirmation of the new subcommittee and invited members' participation. The subcommittees are:

- *Produce Stand*: Mr. Cross stated that at the BCC hearing on January 17, 2012 the Agricultural Tier workshop item presented by Planning did not find necessary to work on amendments to the Comprehensive Plan. Mr. Cross clarified that the Board directed staff to reconvene the Produce Stand and Related Uses subcommittee to work with industry and community in order to find opportunities that promote local agriculture in the County. He continued by stating there were 4 Produce Stand subcommittee meetings during 2011. The topic will be revisited in 2012 to accommodate agro-tourism or similar use. Ms. Vinikoor and Mr. Knight served on the subcommittee and indicated an interest in continuing. Ms. Davis, Ms. Katz, and Mr. Bailey also indicated an interest in joining the subcommittee.
- *Use Matrix*: staff anticipated convening this subcommittee in February or March and this will be a year-long task as it has to be slowly and carefully studied. LDRAB members that expressed interest in 2011 to participate in this subcommittee are Mr. Blackman, Ms. Durando, Mr. Puzzitiello and Mr. Knight.
- *Mobile Home Parks*: will look at Mobile Home allowing conversion to modular or permanent structures. Zoning staff will attempt to reach out to Mobile Home Associations for participation in the meetings. Ms. Davis said conversion to modular homes would be a welcome move and she expressed an interest in participating on the subcommittee.
- *Landscape*: this was identified as a low priority subcommittee that would reconvene to address any critically needed amendments for Article 7. Ms. Davis, Mr. Carpenter and Mr. Bailey stated their interest in serving. Mr. Zimmerman expressed disappointment that the efforts expended in the meetings held in 2010 did not result in a clear and positive outcome. Ms. Cantor responded that Zoning is in the process of listing the pending issues to be addressed and seeing how they should be prioritized.

Motion to adopt by Martin Klein, seconded by David Carpenter. The motion passed unanimously (10 – 0\*).

#### C. ULDC AMENDMENTS

##### 1. Exhibit B – Internet Café Moratorium

Mr. Cross explained that at the BCC Hearing on January 5, 2012, Bob Banks, Assistant County Attorney, presented a request to approve a Zoning in Progress (ZIP) and recommended a one year moratorium to temporarily halt all applications for Internet Cafés. He further said that he is hoping the State will separate issues with gambling in an effort to resolve this. If there is no resolution Zoning will coordinate with the Intergovernmental Plan Amendment Review Committee (IPARC) for consistent regulations on this matter. The Moratorium prohibits the acceptance of new applications or approvals for all new Internet Cafés but does not regulate existing Internet Cafés. Mr. MacGillis added that typically the use is approved as indoor entertainment and that there are concerns about older people spending their Social Security income in those places. Mr. Bailey questioned how this use was different from any other place where parents pay for their kids to play in machines.

Mr. Carpenter said that there have been negative connotations of the cafés in the newspapers but after exposure to them he does not have a negative view of them as they offer some social life for older people. He went on to explain his view of their operations. A discussion ensued in which Mr. Knight questioned why gambling is associated with Internet Cafés. Ms. Katz said that in her opinion it seems to be a profitable venture as this use is filling the empty stores in West Boynton Beach. She added the name of the

## EXHIBIT A

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

#### Minutes of January 25, 2012 Meeting

moratorium should be refined to use "gambling" not Internet Cafés. Ms. Vinikoor added that the issue is being seriously studied in Tallahassee and that there is pari-mutuel gambling in many cafés. Mr. Berger said the matter should be dealt with immediately and Mr. Klein opined that the one-year moratorium will allow some time for study.

Motion to adopt by Martin Klein, seconded by Lori Vinikoor. The motion passed (9 - 1\*). Terrence Bailey voted nay.

#### 2. Exhibit C – Waivers

Mr. Cross briefly explained the difference between a Waiver and a Variance, the classifications of Type I and Type II Waivers and said this classification was introduced when the URA was processed in the previous round. Type I Waiver is subject to administrative approval and Type II Waiver is presented to the BCC. He pointed out that the amendment lists the Waivers by type. He said the Exhibit addresses processes; limitations and standards; and clarifies the appeals process.

Mr. Bailey questioned the criteria used to determine Type I or Type II classification of waivers. Mr. Cross explained by providing an example that within 25 feet setback a five percent waiver can be approved administratively and the BCC is comfortable with staff making that decision. Type II Waiver, he went on to say, is similar to a Conditional Use. The Board has the right to approve or deny.

Motion to adopt by Martin Klein, seconded by Barbara Katz. The motion passed unanimously (10 - 0\*).

Adjourned as LDRAB at 2:45 p.m.

#### D. CONVENE AS LDRAB

##### 1. Proof of Publication

Motion to approve, by Martin, seconded by Barbara Katz. The motion passed unanimously (10 - 0\*).

##### 2. Consistency Determinations – See Exhibit B listed above

Mr. Davis stated that the proposed amendments for Exhibit B – Internet Café Moratorium were consistent with the Comprehensive Plan.

Motion to approve consistency determination by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (10-0\*).

#### E. RECONVENE AS LDRAB

#### F. PUBLIC COMMENTS

There were no public comments

#### G. STAFF COMMENTS

Mr. Cross told the Board that Zoning is developing an application process for the public to formally request amendments to the Code. More details will be presented at the next LDRAB meeting.

Mr. MacGillis said that often agents present requests for code amendments during the public comments portion of BCC Public Hearings and the BCC is asking that Zoning be more proactive in working with industry and agents by making the process easier. Mr. MacGillis clarified that any group, organization or member of the public can use the process to propose amendments. The avenues have always been there so this process is to assist the BCC.

Mr. Knight asked about the suggested tour of the AGR by the Commissioners and wanted to remind staff to include marketing promotion of agriculture. Mr. Berger responded that it had been determined that the proposed tour would be considered an ethical violation if the Commissioners have site visits as a group. Mr. Knight, Ms. Katz and Ms. Davis would like to be included in the tour if that takes place.

#### H. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2: 56 p.m.



EXHIBIT B

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS  
SUMMARY OF AMENDMENTS  
(Updated 02/15/12)

1  
2 Part 1. ULDC Art. 3.E.2.F.4.a.1), Frontage, [Related to AGR-PUD] (page 163 of 228), is hereby  
3 amended as follows:  
4

**Reason for amendments:** [ZONING] Correct 60/40 AGR-PUD development area frontage requirements for consistency with existing Future Land Use Element (FLUE) Policy 1.5.1-i.4 (FLUE pages 29-30, see below, dated 7/26/11), to include additional provisions for Acme Dairy Road

**60/40 Planned Development Option**

**Policy 1.5.1-i:** A 60/40 AGR-PDD shall require the following:

- 4. that the development area shall be situated east of State Road 7 with frontage on either State Road 7, State Road 806 (Atlantic Avenue), State Road 804 (Boynton Beach Boulevard), Clint Moore Road, Lyons Road extending north of Boynton Beach Boulevard or Lyons Road extending south of Atlantic Avenue and Acme Dairy Road extending south of Boynton Beach Boulevard to the L-28 canal. Other roadways may be added to this list, by Plan amendment, consistent with the goal of preservation and perpetuation of agriculture in the Agricultural Reserve Tier;

5 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

6 Section 2 Planned Unit Development (PUD)

7 F. AGR PUD

8 4. Development Area

9 a. Location

10 1) Frontage

11 All Development Areas shall have frontage on either SR-7, SR-806 (Atlantic Ave.),  
12 SR-804 (Boynton Beach Boulevard), Clint Moore Road, ~~or~~ Lyons Road extending  
13 north of Boynton Beach Boulevard or Lyons Road extending south of Atlantic  
14 Avenue, and Acme Dairy Road extending south of Boynton Beach Boulevard to the  
15 L-28 Canal.  
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.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT C

TRADITIONAL DEVELOPMENT DISTRICTS (TDD)  
SUMMARY OF AMENDMENTS  
(Updated 02/15/12)

1  
2 **Part 1. ULDC Table 3.F.1.F, Traditional Development Permitted Use Schedule (page 192 of**  
3 **228), is hereby amended as follows:**  
4

<b>Reason for amendments:</b> [Zoning]	
1)	The proposed changes serve to implement the mixed use policies of the Traditional Neighborhood Development (TND) Neighborhood Center (N/C), as highlighted in the Comprehensive Plan Policies shown below.
2)	While work/live is already permitted within a Neighborhood Center, the addition of multi-family necessitates allowing home occupational uses.
3)	While work/live is already permitted within a TND Neighborhood Center, the addition of multi-family necessitates allowing home occupational uses.
<b>Cited Future Land Use Element (FLUE) Policies for TND Neighborhood Center Mixed Use</b>	
<b>Policy 4.4.1-i: Traditional Town Characteristics.</b>	
.....	
8. <i>be predominantly residential, requiring a minimum of 60% of the development area be devoted to residential uses primarily as TNDs (Up to 10% of the area of a TTD may be PUDs.). In addition, each TND shall contain mixed-use development allowing for the horizontal and vertical integration of, as well as the clustering of, living, working, recreational, open space, shopping, and civic uses;</i>	
<b>Policy 4.4.5-b:</b>	
.....	
4. <i>A neighborhood center shall be provided at an identifiable central location and shall:</i>	
.....	
b) <i>Be encouraged to have residential units above the commercial or civic uses;</i>	

5  
**Table 3.F.1.F - Traditional Development Permitted Use Schedule**

District Tier Pods	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	NC	Open Space/Rec			Dev.	Preserve	
<b>Residential Uses</b>											
.....											
<b>Multi-family</b>	P	<u>P</u>		P	<u>P</u>		P	P	P		87
.....											
<b>Home occupation</b>	P	<u>P</u>		P	<u>P</u>		P	P	P		70
.....											
<b>Commercial Uses</b>											
.....											
<b>Work/Live</b>		<u>P</u>			<u>R</u>		<u>P</u>	<u>R</u>	<u>P</u>		141-1
<b>Live/Work</b>		<u>D</u>			<u>D</u>		<u>D</u>	<u>D</u>	<u>D</u>		<u>141-2</u>
..... [Ord. 2012- ]											
<b>Notes:</b>											
P Permitted by right.											
D Permitted subject to approval by the DRO.											
S Permitted in the district only if approved by Special Permit.											
R Requested Use.											

6  
7  
8 **Part 2. ULDC Art. 3.F.E.1, Neighborhood Center (pages 208-209 of 228), is hereby amended as**  
9 **follows:**  
10

<b>Reason for amendments:</b> [Zoning] See policies cited in Part 1.	
1)	Clarify that a TND Neighborhood Center is intended to provide neighborhood serving non-residential uses not limited to commercial;
2)	Clarify that certain residential uses are encouraged within a TND Neighborhood Center;
3)	Clarify that for purposes of determining maximum non-residential square footage permitted within a TND Neighborhood Center, that such residential square footage is not included due to being calculated separately as density; and,
4)	Establish limitations on the integration of residential uses within a TND Neighborhood Center so as to encourage the development of non-residential neighborhood serving uses.

11 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)**

12 **Section 3 Traditional Neighborhood Development (TND)**

13 **E. Land Use Zones**

14 **1. Neighborhood Center**

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EXHIBIT C

TRADITIONAL DEVELOPMENT DISTRICTS (TDD)  
SUMMARY OF AMENDMENTS  
(Updated 02/15/12)

A Neighborhood Center is intended to accommodate neighborhood-oriented non-residential uses retail and commercial services. It may include professional offices, community facilities, and civic uses to serve the population of the TND and adjacent neighborhoods. Multi-family or live/work residential uses are encouraged when located above non-residential uses.

a. General Standards

....

4) Maximum Floor Area Ratio (FAR)

1.0, FAR for residential uses counted as density shall not be calculated as square footage subject to the maximum FAR.

....

6) Maximum Total Floor Area

40,000 square feet of GFA, excluding multi-family units or the residential portion of a live/work unit counted as density.

b. Building Standards

....

3) Multi-family and Live/Work

Multi-family residential and live/work units shall only be permitted subject to the following:

a) Permitted residential uses are located above non-residential uses; and,

b) The FAR of residential uses shall not exceed 30 percent of the combined FAR of non-residential and residential uses. The calculation of residential FAR in determining compliance herein does not alter that residential uses are calculated as density, unless otherwise stated within the ULDC.

Part 3. ULDC Art. 3.F.E.5, Residential Uses (pages 212-214 of 228), is hereby amended as follows:

Reason for amendments: [Zoning] Identify that multi-family units co-located with non-residential uses in a Neighborhood Center would be subject to the PDRs of the Neighborhood Center.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 3 Traditional Neighborhood Development (TND)

E. Land Use Zones

5. Residential Uses

a. Lot Size and Setbacks

Minimum and maximum lot sizes and building setbacks shall conform to the standards in Table 3.F.3.E, TND Residential Lot Size and Setback Regulations, with exception to multi-family units located in a Neighborhood Center.

....

Table 3.F.3.E - TND Residential Lot Size and Setback Regulations

Regulation	Single family	ZLL	Townhouse	Multi-Family (1)
Minimum Lot Size	5,000 sq. ft.	3,000 sq. ft.	1,000 sq. ft.	5,000 sq. ft.
Maximum Lot Size	40,000 sq. ft.	15,000 sq. ft.	8,000 sq. ft.	50,000 sq. ft.
Minimum Lot Width	50 ft.	40 ft.	16 ft.	50 ft.
Minimum Lot Depth	75 ft.	75 ft.	75 ft.	75 ft.
Front Setback	10 ft. min.	10 ft. min.	5 ft. min.	no min.
	20 ft. max.	20 ft. max.	10 ft. max.	30 ft. max.
Side Setback	5 ft. min.	0 ft. on zero lot line ZLL side and 10 ft. on other	no minimum	5 ft. min.
			15 ft. separation	15 ft. separation
			10 ft. adjacent to Single family or ZLL Houses	20 ft. adjacent to Single family or ZLL Houses
Side Street Setback	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
Rear Setback	10 ft.	10 ft. min.	15 ft. min.	15 ft. min.
	5 ft. min. for accessory Structure	5 ft. min. for accessory Structure or alley	5 ft. min. for accessory Structure or alley	
		5 ft. min. on alleys		

Notes:

1. Multi-family units located in a Neighborhood Center shall be subject to the lot sizes of that Use Zone.

Notes:

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EXHIBIT D

PALM BEACH INTERNATIONAL AIRPORT OVERLAY (PBAIO)  
SUMMARY OF AMENDMENTS  
(Updated 02/16/12)

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Part 1. ULDC Art. 3.B.9.E, Review Procedures [Related to Palm Beach International Airport Overlay] (page 29 of 228), is hereby amended as follows:

**Reason for amendments:** [Zoning] Delete language related to the PBAIO Committee in accordance with the sunset of the Committee by adoption of Ord. 2008-033, as clarified in the Planning staff report, as follows: *“The PBIA Overlay language has been in the Future Land Use Element for many years and is being revised for clarity and to eliminate references to the PBIA Overlay Committee. The existing language does not adequately describe that the intent of the ability to convert land to industrial without a Future Land Use Atlas (FLUA) amendment was not intended to hinder the conversion of residential parcels to non-residential with a FLUA amendment. Further, the PBIA Overlay Committee has recently been sunset; hence the removal of such references.”*

CHAPTER B OVERLAYS

Section 9 PBAIO, Palm Beach International Airport Overlay

E. Review Procedures

All development requests within the PBAIO shall comply with the following: [Ord. 2004-051]

~~1. Site Specific~~

~~All Site Specific FLUA amendments shall be reviewed by the PBAIO Committee. The PBAIO Committee’s recommendations shall be presented to the Local Planning Agency (LPA). [Ord. 2004-051]~~

~~2. Conditional Uses~~

~~All conditional use applications for development permits shall be reviewed by the PBAIO Committee. The PBAIO Committee’s recommendations shall be presented to the Zoning Commission (ZC). [Ord. 2004-051]~~

[Renumber Accordingly]

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EXHIBIT E

ARTICLE 6 – PARKING  
SUMMARY OF AMENDMENTS  
(Updated 2/15/12)

Part 1. ULDC Table 1.A.1.D – Minimum Parking Dimensions for Nonresidential Uses and Residential Uses with Shared Parking Lots (page 22 of 39), is hereby amended as follows:

**Reason for amendments:** [Zoning] Introduce definition for the distance (width) that includes two rows of parking space and aisle width.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

49. Module – For the purposes of Article 6, Parking, a portion of a parking facility containing a central drive aisle with parking spaces on each side of the aisle.

[Renumber Accordingly]

Part 2. ULDC Table 6.A.1.D – Minimum Parking Dimensions for Nonresidential Uses and Residential Uses with Shared Parking Lots (page 22 of 39), is hereby amended as follows:

**Reason for amendments:** [Zoning] 1) Simplify angled parking dimension requirements by deleting interlock measurements columns “G and “H” that are redundant to the minimum dimensions necessary to measure angled parking. The amendment reduces confusion in the application of Table 6.A.1.D – Minimum Parking Dimensions for Nonresidential Uses and Residential Uses with Shared Parking Lots and Figure 6.A.1.D - General Parking Schematic; and 2) correct scrivener’s errors for 60 degree angle parking wall to wall width.

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

A Angle	Use (1)	B Space Width (feet)	C Space Depth (feet)	D <u>(3)</u> Aisle Width (feet)	E Curb Length (feet)	F Wall-to-Wall <u>Module</u> Width (feet)	G Interlock-to-Interlock Width (feet)	H Space Depth to Interlock (feet)
45	General	9.0	17.5	12.0	12.5	47.0	<del>43.0</del>	<del>15.5</del>
	Retail	9.5	17.5	12.0	13.5	47.0	<del>43.0</del>	<del>15.5</del>
	Handicapped	12.0	17.5	12.0	17.0	47.0	<del>43.0</del>	<del>15.5</del>
60	General	9.0	19.0	16.0	10.5	<del>55.0-54.0</del>	<del>51.0</del>	<del>17.5</del>
	Retail	9.5	19.0	15.0	11.0	<del>54.0-53.0</del>	<del>50.0</del>	<del>17.5</del>
	Handicapped	12.0	19.0	14.0	14.0	<del>53.0-52.0</del>	<del>49.0</del>	<del>17.5</del>
70	General	9.0	19.5	19.0	9.5	58.0	<del>56.0</del>	<del>18.5</del>
	Retail	9.5	19.5	18.0	10.0	57.0	<del>55.0</del>	<del>18.5</del>
	Handicapped	12.0	19.5	17.0	12.5	56.0	<del>54.0</del>	<del>18.5</del>
75	General	9.0	19.5	23.0	9.5	62.0	<del>60.0</del>	<del>18.5</del>
	Retail	9.5	19.5	22.0	10.0	61.0	<del>59.0</del>	<del>18.5</del>
	Handicapped	12.0	19.5	21.0	12.5	60.0	<del>58.0</del>	<del>18.5</del>
80	General	9.0	19.5	24.0	9.0	63.0	<del>62.0</del>	<del>19.0</del>
	Retail	9.5	19.5	23.0	9.5	62.0	<del>61.0</del>	<del>19.0</del>
	Handicapped	12.0	19.5	22.0	12.0	61.0	<del>60.0</del>	<del>19.0</del>
90	General	9.0	18.5	26.0	9.0	63.0	<del>63.0</del>	<del>18.5</del>
	Retail	9.5	18.5	25.0	9.5	62.0	<del>62.0</del>	<del>18.5</del>
	Handicapped	12.0	18.5	24.0	12.0	61.0	<del>61.0</del>	<del>18.5</del>
90	Low Speed Electric Vehicle (LSEV)	Min. 6.0 Max. 7.0	Min. 12.0 Max. 13.0	Min. 15.0 Max. 17.0 (2)	Min. 6.0 Max. 7.0	Min. 39.0 Max. 43.0 (2)	Min. 39.0 Max. 43.0 (2)	Min. 12.0 Max. 13.0

[Ord. 2005-002]

Notes:

- Use – See Art. 6.A.1.D.14, Design and Construction Standards
- Where drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.
- Angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90 degree parking stalls, or unless stated otherwise herein.

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 E

ARTICLE 6 – PARKING  
SUMMARY OF AMENDMENTS  
(Updated 2/15/12)

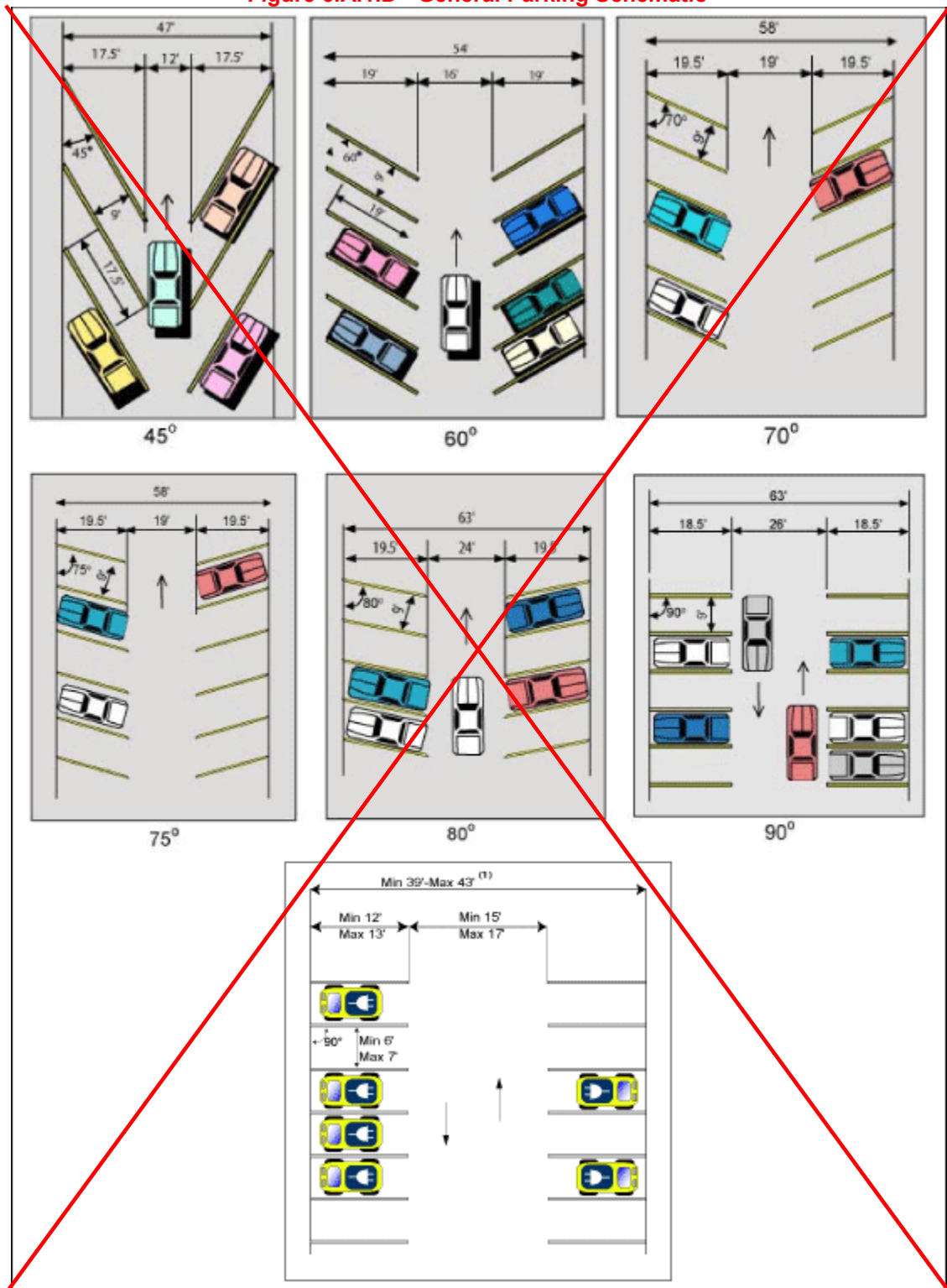
1  
2  
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4  
5

Part 3. ULDC Figure 6.A.1.D – General Parking Schematic (page 23 of 39), is hereby deleted in entirety and replaced with new Figure 6.A.1.D – Typical Example of General Parking Schematic, as follows:

**Reason for amendments:** [Zoning] 1) Eliminate image with new image to match dimensions shown in Table 6.A.1.D – Minimum Parking Dimensions for Nonresidential uses and Residential uses with Shared Parking Lots; and, 2) The typical general parking schematic figures do not make clear what two-way traffic minimum aisle dimension should be. The amendment clarifies that any two-way direction aisle width is 24 feet for all angled parking except in some cases when 90 degree parking is used.

6

**Figure 6.A.1.D – General Parking Schematic**



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

7  
8  
9  
10

**Notes:**

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

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

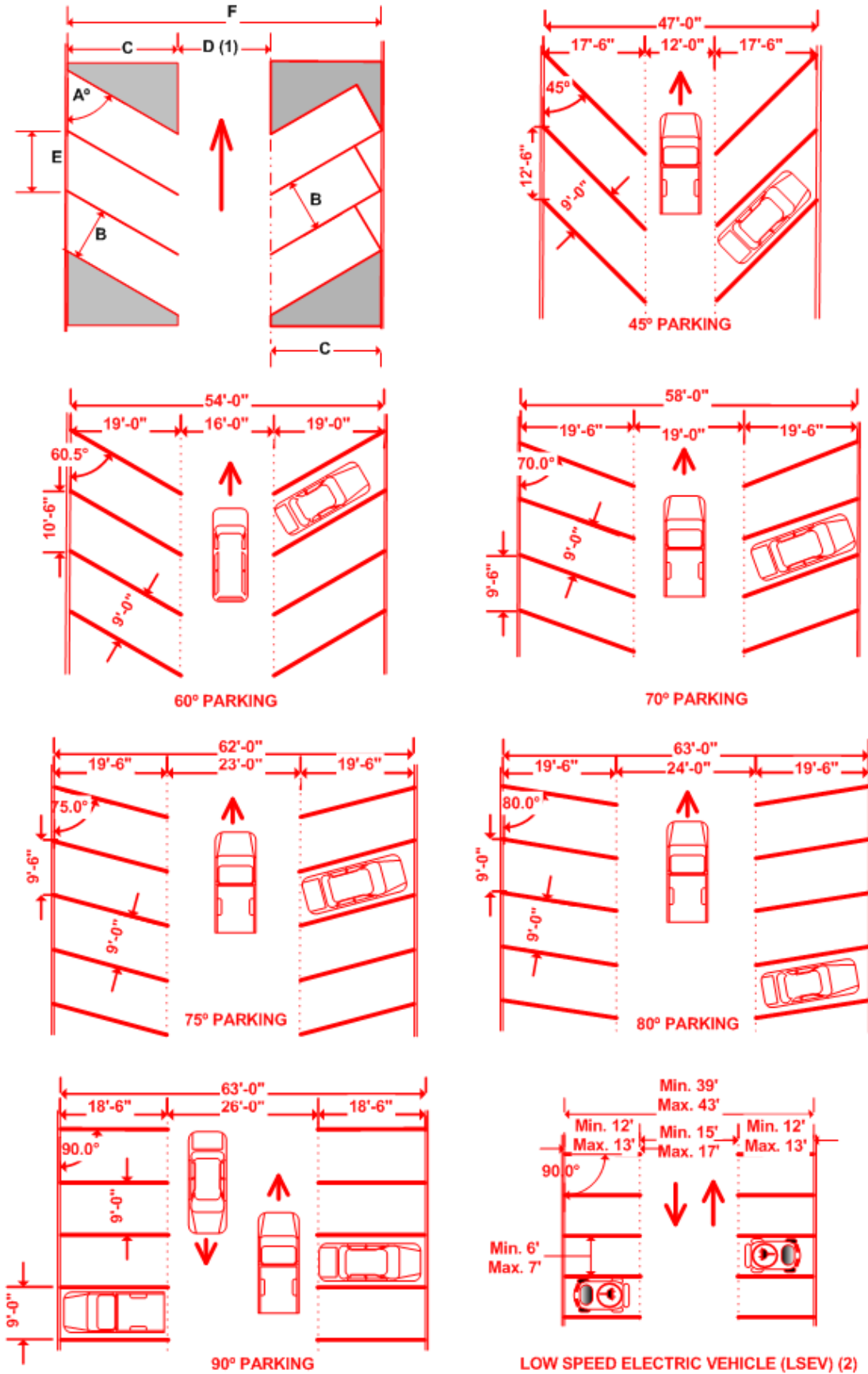
*Italicized* indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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

EXHIBIT E

ARTICLE 6 – PARKING  
SUMMARY OF AMENDMENTS  
(Updated 2/15/12)

Figure 6.A.1.D – Typical Example of General Parking Schematic <sup>(1)</sup>



[Ord. 2012 - ]		
<b>Key:</b>		
<u>A</u>	<u>Parking Angle</u>	<u>C</u>
<u>B</u>	<u>Space Width</u>	<u>D</u>
		<u>E</u>
		<u>F</u>
<b>Notes:</b>		
1.	All angled parking with two-way traffic movement shall be a minimum of 24 feet wide except for some parking lots with 90 degree parking spaces, or unless stated otherwise herein.	
2.	Where drive aisles in LSEV parking areas are not intended solely for use by LSEV, the overall width and minimum aisle width may be increased to allow the aisle width permitted for standard sized vehicles.	

**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.





PALM BEACH COUNTY
Interoffice Memorandum

TO: Shelley Vana, Chair, and Members of the Board of County Commissioners
FROM: Jon MacGillis, ASLA, Zoning Director
DATE: February 6, 2012
RE: Initiating Amendments to the Unified Land Development Code (ULDC) from Industry

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

Shelley Vana, Chair

Steven L. Abrams, Vice Chairman

Karen T. Marcus

Paulette Burdick

Burt Aaronson

Jess R. Santamaria

Priscilla A. Taylor

County Administrator

Robert Weisman

An Equal Opportunity Affirmative Action Employer

At the Thursday, January 26, 2012 BCC Public Hearing, Zoning staff presented a summary of recommendations to expand opportunities for public or private sector applications to initiate amendments to the County's Unified Land Development Code (ULDC). In an effort to address industry's ongoing requests for a process where they can discuss with the BCC, Land Development Regulation Advisory Board (LDRAB) and staff, a way to initiate amendments to the ULDC, staff is bringing forth our recommendation on changes to existing ULDC amendment processes.

Background:

Currently, ULDC amendments are either initiated by staff, other County agencies, or through direction by the BCC. Most staff initiated amendments serve to respond to amendments to the Comprehensive Plan, new Federal or State laws, changes in industry trends in land development practices, new uses, or other methods of business operations.

When processing code amendments, staff works closely with a broad array of customers, including land development professionals, business owners, environmentalists, neighborhood associations, among many other types of interested parties - oftentimes resulting in staff initiating amendments; however, in many instances, staff cannot support some requests for changes since they may not be consistent with the Comprehensive Plan or prior BCC direction, or insufficient staffing or resources are available to perform research necessary to develop amendments. In these instances, the Zoning Director has requested BCC input at the end of the monthly BCC Zoning Hearings, or the BCC may be lobbied independently by individuals seeking changes. Occasionally industry has gone directly to the BCC under comments from the public to request a ULDC amendment. This approach does not ensure all parties are afforded an opportunity to convey their objections or support to the amendment. Overall, staff has worked with industry to address their requests in the two Rounds of ULDC amendments scheduled each year.

Proposed Modifications:

Staff is proposing to amend the existing code amendment process by establishing a streamlined and transparent process to allow for the submittal of privately initiated amendments by simplifying initial staff review and incorporating



## EXHIBIT F



the knowledge and expertise of the Land Development Regulation Advisory Board (LDRAB). The following is a summary of how this process would work:

1. Applicant submits application form and any supporting material for cursory review by Zoning Director and staff.
2. Item is scheduled for next available LDRAB meeting, where applicant provides summary of proposed amendments and an LDRAB recommendation is sought.
3. Item is scheduled under Zoning Director's comments for the next available BCC Zoning Hearing to seek direction on how to proceed with the amendment if not supported by staff, unless the applicant wishes to withdraw the request, or modify for additional staff and LDRAB review. Alternatively, if the request is consistent with the current Zoning work program or the Zoning Director and applicant are in agreement on a timeframe for processing the amendment, the request may be initiated by the Zoning Director.
4. BCC direction might include, among others:
  - Take no action, or
  - Initiate detailed research and review for further presentation at a future BCC Zoning Hearing or formal Workshop, or
  - Proceed with amendment.
5. If directed to proceed with an amendment, the item would typically be added to the next available ULDC amendment round.

### Conclusion:

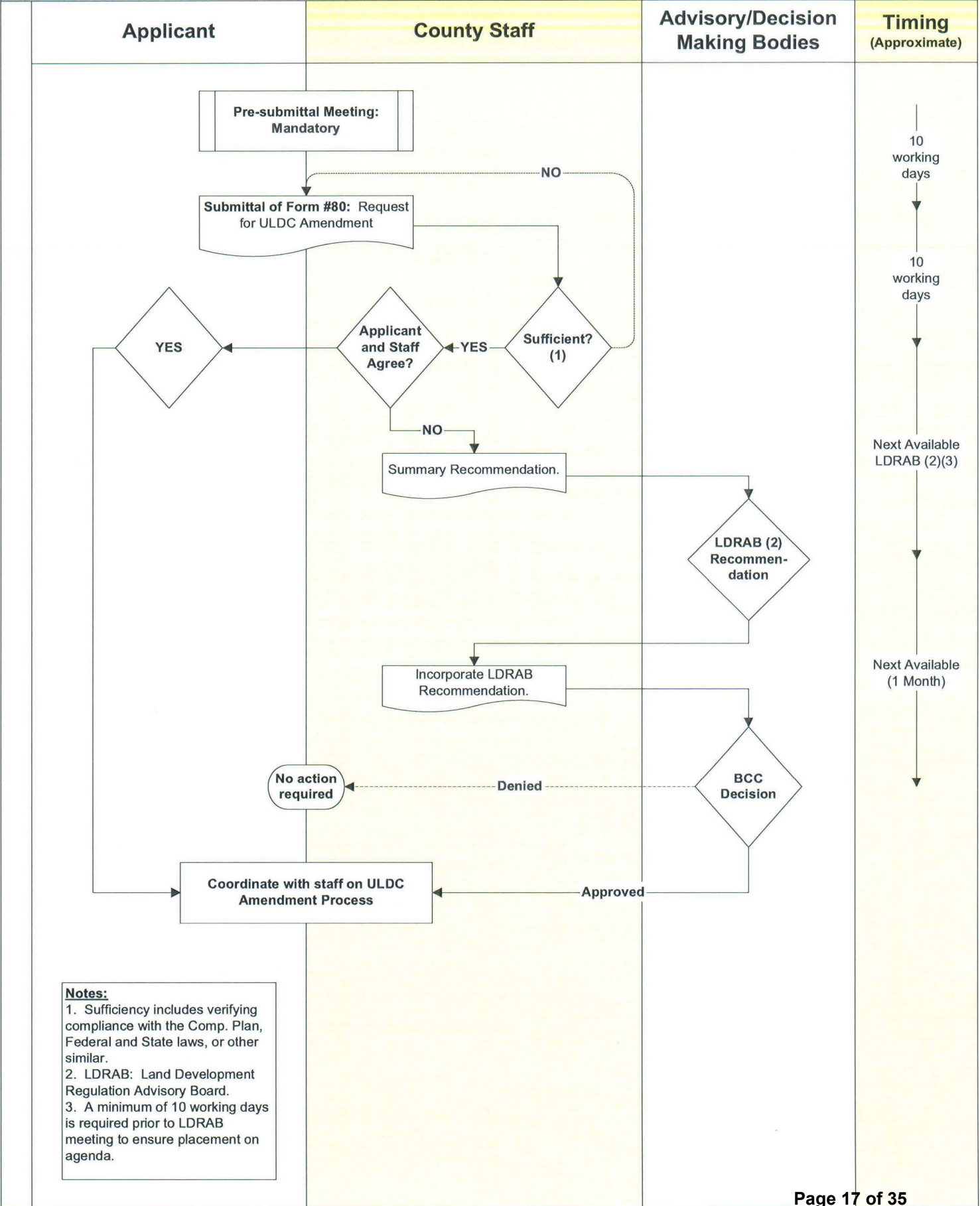
Given the ever increasing changes in industry trends, it is believed that this process will improve the County's ability to better respond to ongoing efforts to address economic development, as well as other topics of interest to the public that arise from time to time. While the proposed process might result in an increase in staff workload and detract from other priorities, staff highly recommends that this process be initiated on a trial basis for the 2012 Round of Amendments.

Attachment Amended ULDC Process Flowchart

JM/WJC

- c. Verdenia Baker, Assistant County Administrator  
Barbara Alterman, Executive Director PZB  
Wes Blackman, LDRAB Chairman and Members of the Board  
Leonard W. Berger, Assistant County Attorney  
Robert Banks, Assistant County Attorney  
Maryann Kwok, AICP, Chief Planner  
William J Cross, AICP, Principal Site Planner  
Monica Cantor, Senior Site Planner

**ULDC Amendment: Public Initiation Flowchart**



County Administrator  
Robert Weisman

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



**REQUEST FOR ULDC LANGUAGE CHANGE**

DATE: February 7, 2012

Re: Code Section Article 4.B.1.A.37.c

From: Bob Bentz - Land Design South

**APPLICATION REQUIREMENTS**

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

Article 4.B.1.A.37.c (see attached)

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

A word search in the ULDC has been completed and no other sections require a change.

Multiple horizontal lines for additional text input.



**Proposed Text Amendment**

**Convenience Store with Gas Sales  
Article 4.B.1.A.37.c**

**37. Convenience Store with Gas Sales**

A convenience store which includes accessory gasoline retail sales to the general public.

**a. Floor Area**

A maximum of 5,000 square feet.

**b. Approval Criteria**

A convenience store with gas sales shall be subject to the approval criteria of Art. 4.B.1.4.18.a, Approval Criteria. [Ord. 2006-004]

**c. Location Criteria**

**1) Intersection Criteria**

A maximum of two auto service stations and convenience stores with gas sales, or any combination thereof, shall be permitted at an intersection pursuant to Article 5.E.2.B, Intersection Criteria. [Ord. 2006-004]

**2) Separation Criteria**

A convenience store with gas sales shall be separated from any other auto service station or convenience store with gas sales pursuant to Art. 5.E.2.C.1. [Ord. 2006-004]

**3) U/S Tier**

A convenience store with gas sales with a CL FLU designation shall also comply with Art. 5.E.1, Major Intersection Criteria unless located within .50 mile of an I-95 Interchange. [Ord. 2006-004]

**4) Rural, Exurban, Glades and Agricultural Reserve Tiers (AGR)**

A convenience store with gas sales shall be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the FDOT PBC Federal Functional Classification Table. [Ord.2006-004]

**5. I-95 Interchange**

A convenience store with gas sales located within .50 miles of an I-95 Interchange shall not be subject to the Intersection Criteria (Art.4.B.37(c)(1) or Separation Criteria (Art.4.B.37(c)(2)).



**EXHIBIT H**

PALM BEACH COUNTY - ZONING DIVISION

FORM # 80

County Administrator  
Robert Weisman

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



**REQUEST FOR ULDC LANGUAGE CHANGE**

DATE: February 14, 2012

Re: Code Section 4.B.1A 38 and Table 3.E.1 - PDD Use Matrix

From: McCraney Property Company

**APPLICATION REQUIREMENTS**

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

Article 4, Chapter B, Sect. 1A 38 and Table 3.E.1.- PDD Use Matrix

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

Article 4, Chapter B, Section 1A 38 and Table 3.E.1. - PDD Use Matrix

Multiple horizontal lines for additional text input.

**EXHIBIT H**

**I propose the following ULDC Language** (may attach copy of corrected code section)

4.B.1.A.38: Data and Information Processing. The use of an establishment for business offices of an industrial nature, including corporate centers, mail processing and telemarketing centers and internet sales centers which are locations where computerized internet based sales orders are taken and then implemented through shipment from on-site or off-site warehouses. The foregoing uses are not frequented by the general public.

Table 3.E.1.B. - PDD Use Matrix: Add the following as permitted uses under a light industrial pod of a Planned Industrial Park District (PIPD):

1. Vocational school
2. Catering service
3. Fitness center

See attached pages for justification of the foregoing suggested amendments.

## EXHIBIT H

### JUSIFICATION STATEMENT FOR ULDC AMENDMENTS SOUGHT BY MCCRANEY PROPERTY COMPANY

Over the past few years, the continuing economic decline being experienced by the nation and Palm Beach County in particular has forced businesses to seek the most economic space possible within which to operate. In many cases, the inability to locate leased space within its budget can terminate existing business or prevent potential new businesses from starting up. This results in a loss of jobs and a further decline of the economic and business climate within the County.

MPC owns through its affiliates 3 Industrial/IL pods within the Vista Center PIPD each of which is improved with one or more industrial/flex buildings with related amenities. Many new and existing businesses have sought to migrate from traditional retail or office locations to MPC's industrial/flex product in the last couple of years in order to take advantage of the lower rental rates and related CAM expenses that these properties feature. Unfortunately, certain provisions of the ULDC frustrate these businesses from locating at our Vista Center properties as the language is either outdated or the uses are prohibited in an Industrial/IL pod of a PIPD even though they are permitted in standard IL zoning districts and in some cases IL pods within a MUPD as well.

In the last 3 years over 40 local businesses have been prevented from locating at the Vista Center due to the current regulations, and over 10 in the past 9 months alone. We should be making it easier – not harder – for businesses to locate within Palm Beach County and thereby increase the County's tax and employment base.

Our goal through this language change amendment is to eliminate these inconsistencies within the ULDC by bringing the Code up to date with modern commerce and allowing these currently prohibited uses the ability to locate within Industrial/IL pods of a PIPD. Not only will this help MPC's business but it will help those other businesses to continue to operate with reasonably priced rental space providing increased jobs and an overall boost to the area's economic recovery.

Specifically, MPC seeks to amend the ULDC Sections enumerated in its filed Form #80 in order to accommodate the following four (4) changes:

1. Amend the definition of "Data and Information Processing" contained in Article 4, Chapter B, Section 1A 38 of the ULDC to specifically include "Internet Sales Centers" which are locations where computerized internet based sales are taken and implemented through shipment from on site and/or off site warehouses which use is not frequented by the general public. We believe that such internet sales operations are no different in scope and concept than "telemarketing centers" which are specifically mentioned in the



## EXHIBIT H

existing definition. The ULDC needs to be modernized and brought up to date to include this use which has grown exponentially over the past several years. As a recognized component of “Data and Information Processing” the internet sales would be a permitted use in an Industrial/IL pod of a PIPD.

2. Amend Table 3.E.1.B – PDD Use Matrix to allow “vocational schools” as a permitted use in an Industrial/IL pod of a PIPD. This use is already permitted in standard IL zoning districts and in industrial pods within an MUPD. There is no logical distinction between those locations and the PIPD. Indeed, the stated purpose of the PIPD as stated in 3.E.5.A of the ULDC is to create a development “which provides employment opportunities for industries” and “encourages internal trip capture by offering support uses....to serve the PIPD workforce, and other residential populations.” It is clear that a vocational school, while not strictly industrial in nature would be a completely complimentary support use in line with those stated goals. By way of example, Broward County and Orange County each permits vocational schools in all classifications of their industrial districts (see attached code excerpts).

3. Amend Table 3.E.1.-PDD Use Matrix to allow “catering service” as a permitted use in an Industrial/IL pod of a PIPD. This use is currently permitted in standard IL zoning districts and we again fail to see the distinction between this and the industrial/IL pod within a PIPD. This use would also be in accordance with the stated purpose of the PIPD as quoted in item 2 above as a support use to surrounding businesses and residences. By way of example, in Broward County, a catering service is a permitted use across all industrial districts.

4. Amend Table 3.E.1.-PDD Use Matrix to allow “fitness centers” as a permitted use in an Industrial/IL pod of a PIPD. This use is also permitted in standard IL zoning districts and would act as a complimentary support use to surrounding businesses and residents in conformance with the stated PIPD goals mentioned in item 2 above. Therefore, there appears to be no logical reason to include this use within an IL zoned district and an IL pod in a PIPD. In addition, other recreational uses such as a golf course and a gun range are permitted in an IL pod of a PIPD so it is difficult to justify the exclusion of fitness centers. The fitness centers seeking to locate within our project are not the giant corporate gyms like LA Fitness, rather they are smaller privately owned businesses such as small gyms, exercise centers, karate schools, etc. Perhaps a definition of fitness center can be created to exclude the giant corporate operations if the County does not desire them in these areas. By way of example, Martin County permits both a small, privately owned gym and a cheerleading school at our project at Treasure Coast Commerce Center (zoned LI-1) as an accessory use under the category “physical fitness centers” which is improved with virtually the same buildings as our Vista Center projects and which has the same Light Industrial underlying land use (see attached excerpt from Martin County zoning code).

In conclusion, we believe that our suggested amendment will have the following positive effects:

## EXHIBIT H

1. Promote business and employment within Palm Beach County by increasing the affordability and availability of rental space to certain businesses that may otherwise cease to operate within the County.
2. Remove unnecessary inconsistencies from the ULDC while continuing to maintain the stated planning goals and purposes of the PIPD.
3. Keep the ULDC up to date with the current trends in commerce and industry to make it a working document for both good economic times and bad.

## Martin County Zoning Code

c. Structures on lots abutting private streets platted prior to April 29, 1986.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 743, pt. 1, 3-6-2007)

Secs. 3.17--3.30. Reserved.

### Sec. 3.31. LI-1 district.

3.31.A. *Permitted uses.* Uses in the LI-1 district shall be limited to the following:

1. *Principal uses:*

Administrative services, not for profit  
 Business and professional offices  
 Community centers  
 Cultural or civic use  
 Educational institution  
 Electronic equipment manufacturing  
 Medical and dental labs  
 Medical equipment manufacturing  
 Optical equipment manufacturing  
 Pharmaceutical products manufacturing  
 Precision instrument manufacturing  
 Printing, publishing and bookbinding  
 Protective and emergency services  
 Public library  
 Public park and recreation, active  
 Public park and recreation, passive  
 Radio and television broadcasting studios  
 Research and development laboratories and facilities  
 Utilities

2. *Ancillary uses:*

Commercial day care  
 Convenience restaurants, without drive-through facilities  
 Copy services and duplicating services  
 Financial institutions  
 General restaurants  
 Helipads  
 Hotels and motels  
 Mail services and parcel exchange  
 Newsstands  
 Physical fitness centers  
 Post offices

3.31.B. *Standards for ancillary uses.*

1. Ancillary uses shall be designed and operated so as to primarily support the principal uses allowed in the LI-1 district; however, for purposes of applying all other requirements of this Article, such as but not limited to parking, landscaping and lighting standards, the ancillary uses listed in this section shall be considered in the same manner as principal uses.

2. Ancillary uses shall not be located on lots located on the outer boundaries of the industrial park and access shall be from roadways in the interior of the park.



3. Signage for ancillary uses shall not be readily visible from any arterial or collector street.
4. Ancillary uses shall comprise no more than 15 percent of the maximum gross leasable floor space of any LI-1 area.
5. Helipads shall meet the following standards:
  - a. Helipads shall be designed and operated solely for the use of the principal uses within the LI-1 district.
  - b. Helipads shall not be located within 1,000 feet of any RE, RS, RM or MH district or any residential PUD.
  - c. The development application shall include a plan, sealed by a registered engineer, indicating the landing and take-off corridors and demonstrating compliance with all FAA and/or FDOT requirements.

3.31.C. *Site development standards.*

1. *Minimum lot area:* Three acres for principal uses, one acre for ancillary uses.
2. *Minimum lot width:* 100 feet.
3. *Maximum hotel density:* 20 units per acre.
4. *Maximum building coverage:* 50 percent.
5. *Minimum building setbacks:*

*Front:* 25 feet.  
*Rear:* 20 feet.  
*Side:* 15 feet.  
*Corner:* 25 feet.

6. *Maximum height:* 40 feet, or 30 feet when located within 100 feet of a residential zoning district boundary.
7. *Minimum open space:* 30 percent.

3.31.D. *Architectural design.*

1. All buildings within an LI-1 area, both for principal and ancillary uses, shall be of masonry construction, or have the appearance of masonry construction, and shall conform to a common architectural plan. A uniform architectural plan shall be incorporated into the declaration of covenants.
2. Outside storage of materials is prohibited.
3. Loading docks shall not be visible from public rights-of-way.

3.31.E. *Landscaping.*

1. At least 30 percent of the developed area shall be landscaped.
2. Seventy-five percent of all required landscaping shall be native species.
3. A type 4 landscaped buffer shall be required wherever LI-1 zoning abuts a residential zoning district.

3.31.F. *Vehicular access.* Vehicular access to all principal and ancillary uses shall be via local streets created within the LI-1 area. Principal and ancillary uses shall not take vehicular access from existing arterial or collector streets.

3.31.G. *Parking.* No more than ten percent of the off-street parking provided for any given

## Broward County Zoning Code

**Sec. 39-308. - Permitted uses.**

Permitted principal uses in all manufacturing and industrial districts shall be limited to those uses specified in the Master Business List following. Any use not specifically listed herein and not specifically, or by inference, listed shall be determined by the zoning official to be permitted in the zoning district specifying the most similar use thereto. All permitted uses shall be subject to section 39-313, "Limitations of uses." Specific subsection references in section 39-313 are included in the Master Business List.

## Master Business List

P = Permitted	C = Conditional	A = Accessory use only	
Use	M-1	M-2	M-3
Accessory dwellings (caretaker or security quarters) [see <u>section 39-313(a)</u> ]	A	A	A
Acid and corrosives manufacturing or storage			P
Airports, heliports and other transportation facilities			P
Ammunition reloading (handguns)		P	P
Assembly (pre-manufactured components)	P	P	P
Asphalt manufacturing from raw materials			P
Automobile, truck and equipment auctions		P	P
Automobile detailing or cleaning (other than car washes)	P	P	P
Automobile repair garage (mechanical, paint or body repairs) [see <u>section 39-313(b)</u> ]	P	P	P
Automobile storage or transport facility (operable vehicles)	P	P	P
Automobile, truck and recreational vehicle salvage or wrecking yards [see <u>section 39-313(c)</u> ]			P
Aviation related uses (sales of planes, parts, ground support equipment, repairs and maintenance)		P	P
Boarding or breeding kennel [see <u>section 39-313(d)</u> ]		P	P
Boat sales	P	P	P
Boat building, repair and storage		P	P
Breweries and bottling facilities		P	P
Building and construction materials manufacturing and storage			P
Cabinet shops, woodworking shops	P	P	P
Catering or food delivery service	P	P	P
Chemical and acid manufacturing or storage and distribution			P
Clothing manufacturing	P	P	P
Concrete batching or mixing		P	P
Concrete products manufacturing		P	P
Contractors shops and storage yards		P	P
Cosmetics and pharmaceuticals manufacturing	P	P	P
Courier service	P	P	P
Crematory for human or animal remains (no medical wastes)		P	P
Dry-cleaning and laundry plant		P	P
Electronics manufacturing and repair	P	P	P
Employment agency, day labor		P	P
Equipment rental and sales, commercial and contractor's [see <u>section 39-313(e)</u> ]		P	P
Essential services (utilities and accessory structures)	P	P	P
Fabrics (canvas, textiles and vinyl) manufacturing		P	P
Fertilizer, compost and mulch compounding, storage and distribution		P	P
Fireworks, explosives, firearms and ammunition manufacturing, storage and distribution [see <u>section 39-313(f)</u> ]			P



Food processing, packaging and distribution including meat packing (no slaughtering)	P	P	P
Furniture manufacturing	P	P	P
Glass and mirror shop	P	P	P
Hazardous materials storage, handling or manufacture not otherwise listed			P
Junkyards (other than auto wrecking or salvage)[see section 39-313(c)]			P
Laboratory (medical, dental, research and development)	P	P	P
Machine shop		P	P
Medical waste transfer station		P	P
Medical waste incineration or sterilization [see section 39-313(g)]			P
Metal manufacturing (from raw materials)			P
Mobile collection center [see section 39-313(h)]	P	P	P
Mobile food unit [see section 39-313(i)]	C	C	C
Motor freight terminal or moving and storage company		P	P
Offices and showrooms [see section 39-313(j)]	A	A	A
Outdoor events (see section 39-238)	C	C	C
Packaging and delivery service	P	P	P
Paint, sealant, coating or adhesive manufacturing		P	P
Paper and cardboard products manufacturing (from pre-manufactured paper or cardboard)	P	P	P
Paper, cardboard and plastic manufacturing (from raw materials)			P
Parts store, vehicles or boats [see section 39-313(k)]	P	P	P
Penal institutions [see section 39-313(l)]			P
Pest control service	P	P	P
Petroleum products and bottled gas bulk storage		P	P
Plastic and vinyl product manufacturing (from pre-manufactured plastic or vinyl)	P	P	P
Printing and engraving, bookbinding	P	P	P
Quarry [see section 39-313(m)]			P
Recording or broadcasting studio (music, radio, television, film)	P	P	P
Recycling facility [see section 39-313(n)]			P
Repair shop, household and personal items	P	P	P
Restaurant, fast food [see section 39-313(o)]	A	A	A
Restaurant, take-out [see section 39-313(o)]	A	A	A
Sanitation companies and waste haulers [see section 39-313(p)]			P
School, trade or vocational [see section 39-313(r)]	P	P	P
Septic tank service			P
Sign manufacturing and painting	P	P	P
Storage yards (operable vehicles, usable equipment or other items)		P	P
Swimming pool chemicals [see section 39-313(q)]		P	P
Synthetic materials (not otherwise listed) manufacturing from raw material			P
Tool rental (small tools and equipment)	P	P	P
Transportation facilities (airports, heliports, shipping ports, etc.)		P	P
Trash transfer station		P	P
Upholstery shop	P	P	P
Vehicle sales, rental or leasing (autos, trucks, recreational)	P	P	P
Veterinary clinic	P	P	P
Veterinary hospital [see section 39-313(s)]		P	P
Warehouse, self-storage [see section 39-313(t)]	P	P	P
Warehouse, distribution	P	P	P
Welding and sheet metal shops, machine shops		P	P
Wholesale stores	P	P	P
Wireless communication facilities [see section 39-102]	P	P	P

(Ord. No. 1999-24, § 2, 5-11-99; Ord. No. 2000-36, § 40, 8-22-00)

Orange County (Orlando) Zoning Code

**Sec. 7-9-95. M1 "Light Industrial" District Regulations.**

All references to this section shall include sections 7-9-95.1 through 7-9-95.7.

**Sec. 7-9-95.1. Purpose and intent.**

The M1 District is established to provide for the development and maintenance of light industrial uses and industry-supporting activities.

Industry-supporting activities are those activities which tend to promote the vitality of light industrial areas by providing a convenient location for services incidental to the conduct of business of the permitted uses, thus internalizing vehicle trips for such services. Industry-supporting activities are typically those which naturally locate in an industrial area because the principal part of their business activity is derived from such areas.

It is intended that these regulations promote the effective operation of light industrial uses by site design and by excluding incompatible uses. It is also intended that potentially significant adverse environmental impacts on the surrounding community be prevented.

In those areas of the District where a wide mix of older general retail commercial uses have been established, a secondary intent shall be to support appropriate new uses of high quality over simple consistency with these older, established uses.

**Sec. 7-9-95.2. Principal uses permitted subject to a site development permit.**

The following principal uses are permitted, subject to the approval of a site development permit per section 7-9-150.

- (a) Assembly of component or finished products.
- (b) Automobile parking lots and structures per section 7-9-145.
- (c) Communication transmitting, reception or relay facilities.
- (d) Mail-order businesses.
- (e) Manufacturing of component or finished products.
- (f) Mini-storage facilities or warehouses.
- (g) Motion picture and recording studios; radio or television stations.
- (h) Police and fire stations.
- (i) Recycling businesses for beverage and food containers and paper products.
- (j) Utility facilities.
- (k) Wholesale businesses.
- (l) Industry-supporting commercial activities.



## EXHIBIT H

- (1) Administrative, professional and business offices (defined as labor/business associations, commercial insurance, loan brokerage, commodity brokers and dealers, security services, accountants, planning, engineering and design firms, attorneys, and related uses).
- (2) Advertising and publishing businesses.
- (3) Answering (and communication) services.
- (4) Automobile and truck rental agencies.
- (5) Barber and beauty shops.
- (6) Blueprinting, reproduction and copying services, and photo supplies.
- (7) Cocktail lounges and bars.
- (8) Credit unions (and commercial credit institutions).
- (9) Delicatessen (specialty food product) sales and catering.
- (10) Dispensing pharmacy.
- (11) Emergency health service facilities.
- (12) Employment search, placement, and temporary help agencies.
- (13) Engineering and stationery supplies.
- (14) Florists without arrangement displays.
- (15) Health and athletic clubs.
- (16) Janitorial businesses.
- (17) Landscaping businesses.
- (18) Messenger, mail and delivery service.
- (19) Office furniture, equipment, and supplies (including computer equipment, office furnishing, installation, and interior decoration).
- (20) Photoengraving, printing and bookbinding.
- (21) Restaurants.
- (22) Travel agencies.
- (23) Vocational schools.

## EXHIBIT H

### k. Nonconformities

For a Convenience Store with Gas Sales, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the percentage limitation of Art. 1.F, Nonconformities, and approval of a Traffic Study by the Engineering Department. [Ord. 2010-005] [Ord. 2011-016]

### 38. Data and Information Processing

The use of an establishment for business offices of an industrial nature, including corporate centers, mail processing and telemarketing centers. Such uses are not frequented by the general public.

#### a. Flex Space

This use shall be allowed as a flex space component pursuant to the applicable approval process indicated in Table 3.E.1.B – PDD Use Matrix, Table 4.A.3.A – Use Matrix, and pursuant to Article 5.B.1.C, Flex Space. [Ord. 2010-005]

### 39. Day Camp

An establishment which provides care, protection and programmed activities for children five years of age and older for a period of less than 24 hours per day. This use shall not operate as a day care as defined and regulated by the Department of Children and Family Services.

#### a. Duration

Maximum 16 weeks per calendar year.

#### b. Operation

Shall operate only during those times when local schools are not in session.

#### c. Accessory Use

A day camp for 200 or fewer children may be permitted as an accessory use to a legally established institutional, civic, recreational, or educational use.

### 40. Day Care

An establishment that provides care, protection and supervision for children when licensed by the Palm Beach County Health Department, or for adults when licensed by the Agency for Health Care Administration (AHCA), as specified below: [Ord. 2011-016]

#### a. General

A Day Care for 21 or more children or adults for a period of less than 24 hours per day on a regular basis. [Ord. 2011-016]

#### b. Limited

A Day Care for six to 20 children, or three to 20 adults, for a period of less than 13 hours per day on a regular basis. Limited Day Care does not include nighttime or overnight care. [Ord. 2011-016]

#### c. Family Day Care Home

An occupied residence in which custodial care is rendered to one to six children, inclusive, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operating for profit, shall be permitted by right in Residential Zoning Districts, in accordance with F.S. § 125.0109, and exempt from any standards other than those applicable to residential uses. [Ord. 2011-016]

#### d. Large Family Child Care Home (LFCCH)

An occupied single family residence in which custodial care is regularly provided for up to 12 children, and for which the owner or operator receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and has at least two-full time child care personnel on the premises during the hours of operation. One of the full-time child care personnel must be the owner or occupant of the residence. The use shall be subject to the following: [Ord. 2011-016]

##### 1) Applicability

Provide documentation that the establishment has operated as a licensed Family Day Care Home for at least two years and meet other licenses and regulations established by the PBC Health Department including the maximum number of children permitted. [Ord. 2011-016]

##### 2) Zoning District Limitation

Shall be permitted only in Residential Zoning Districts where Limited Day Care is allowed. [Ord. 2011-016]

##### 3) Approval Process

Shall be subject to DRO approval unless located on lots 20,000 square feet or more in which case the use shall be permitted by right. [Ord. 2011-016]

##### 4) Site Requirements



**EXHIBIT H**

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

Use Type	PUD					MUPD					MXPD		PIPD			LCC		NOTE					
	Pods					FLU					FLU		Use Zone			FLU							
	R E S	C O M	R E C	C I V	A G / P	C L	C H	C L	C H	C R	I N D	I N S T	C H	C H	O	I N D	C O M		I N D	M H P D	R V P D	C L	C H
<b>Commercial Uses</b>																							
Lounge, Cocktail		R				R	R		R	R			R	R		R					R	R	79
Medical Or Dental Office		P				P	P	P	P				P	P		P					P	P	83
Monument Sales, Retail						P	P						P			P							86
Office, Business Or Professional		P				P	P	P	P				P	P		P					P	P	91
Parking Garage, Commercial		P					R		R	R						P							95
Parking Lot, Commercial		R					R		R	P													96
Pawnshop							R																97
Personal Services		P				P	P		P				P	P		P		P		P	P		98
Printing And Copying Services		P				P	P	P	P				P	P		P					P	P	100
Repair And Maintenance, General		R					R				P				P	P	P						107
Repair Services, Limited		P				P	P		P		P		P	P		P					P	P	108
Restaurant, Type I		R				R	R		R				R	R		R					R	R	109
Restaurant, Type II		R				R	D		R	R			D	R		R					D	D	111
Retail Sales, Auto Accessories and Parts		P				P	P						P	P		P					P	P	113
Retail Sales, General		P				P	P						P	P		P					P	P	114
Retail Sales, Mobile Or Temporary		S											S			S							115
Self-Service Storage						R	R				P				P	R	P						120
Theater, Drive-In							R			R						R							128
Theater, Indoor		R					R			P			R									R	129
Towing Service And Storage											P				P								130
Vehicle Sales And Rental		R				R	R						R			R					R	R	135
Veterinary Clinic		R				R	P	R	P				R	R		P					R	R	136
Vocational School		R				R	P		P		P	D	R	R		P					R	P	137
Work/Live Space		P				P	P	P	P				P	P		P					P	P	141-1
Live/Work													D	D							D	D	141-2
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022]																							
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EXHIBIT H

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

Use Type	PUD					MUPD					MXPD		PIPD			LCC		NOTE								
	Pods					FLU					FLU		Use Zone			FLU										
	R E S	C O M	R E C	C I V	A G R / P	C L	C H	C L	C H	C O	I R	I N	I N	C H	C H	O	I N		C O	I N	I N	M H P D	R V P D	C L	C H	
<b>Public and Civic Uses</b>																										
Airport, Helipad & Landing Strip										R	R					R	R									10
Assembly, Nonprofit Institutional		R		R		R	R			R		R	R	R		R							R	R		14
Assembly, Nonprofit Membership				R		R	R	R	R	R		R	R	R		R							R	R		15
Cemetery				R																						27
Place Of Worship		R		R		R	R	R	R	R		R	R	R		R					R		R	R		29
College Or University				R		R	R	R	R	R	R	R	R			R							R	R		30
Day Camp			P	P		R				P	P	R											R	R		39
Day Care, General		R		R		R	R	R	R	R		R	R	R		R	R	R		R	R	R	R	R	R	40
Day Care, Limited		D		D		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	40
Government Services		P		P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	63
Homeless Resource Center						R		R			R				R	R										70-1
Hospital Or Medical Center		R				R	R		R		R	R	R		R								R	R		71
Kennel, Type IV (Animal Shelter)						R	R				R	R														74-3
School, Elementary Or Secondary				R		R	R	R	R		D	R	R		R								R			118
<b>Recreation Uses</b>																										
Arena, Auditorium Or Stadium		R				R				R				R												12
Campground										P											P					24
Entertainment, Indoor		R				R	R			P			R			P							R	R		45
Entertainment, Outdoor		R				R	R			P	D		R			P										46
Fitness Center		R	P	R		R	R			R	P		P	P		P							R	P		56
Golf Course			R			R	R	R	R	R	R		R	R		P		P	P	R						62
Gun Club, Enclosed						R				R	R				P	R	P									67
Gun Club, Open										R																67
Gun Range, Private															P	R	P									68
Marine Facility		R	R			R		R	R			R	R			P										82
Park, Passive	P	P	P	P	R	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	93
Park, Public			P	P		R	P			P	P	P	P	P		P			R	R		P	P			94
Special Event		S	S	S		S	S			S	S	S	S			S	S					S	S			124
Zoo						R				R																143
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-013] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022]																										
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EXHIBIT H

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	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	R			O	O	D	S	T	O	O	L	M	D	P	P				
				/																		
				P																		
<b>Commercial Uses</b>																						
Adult Entertainment												S	S							2		
Auction, Enclosed	R				P			P	R			P					P	P		16		
Auction, Outdoor					R			R	R			P	P	P							16	
Auto Paint Or Body Shop	R				R				R			P	P	P							17	
Bed And Breakfast	D	D			S	S	S	S	S			S	S	S						20		
Broadcast Studio	R				R	P	R	P	P	P	R	R	P	P				R	R		21	
Building Supplies	R				R							R		P					R	R	22	
Butcher Shop, Wholesale					R				P			R		P	P	P					23	
Car Wash	R				R				P			R		P	P	P			R	R	25	
Catering Service																					26	
Contractor Storage Yard									P					P	P						35	
Convenience Store	P				P	P						P	P	P			P	P	P	P	36	
Convenience Store With Gas Sales					R				R			R		R	P				R		37	
Day Labor Employment Service	R				R				R					P							41	
Dispatching Office					R							R		P	P	P					42	
Dog Day Care					R							R		P	R				R	R	43	
Financial Institution	R				R	P	R	P				P	P	P					R	R	55	
Flea Market, Enclosed	P				R							R		P						R	57	
Flea Market, Open					R									R							58	
Funeral Home or Crematory	P				R	R				R	R			P							59	
Gas and Fuel, Retail	R				R	R						R		P	R	P			R	R	18	
Green Market																			D	D	64	
Hotel, Motel, SRO, Rooming And Boarding					R		R	R				R	R	P						R	72	
Kennel, Type II (Commercial)	R				R							R									74-1	
Kennel, Type III (Commercial-Enclosed)	R				R	R						R							R	R	74-2	
Kiosk					P	P	P	P	P			P	P	P	P	P			P	P	75	
Landscape Service	R				R				P			R		P	P	P					77	
Laundry Services	R				P	P		P				P	P	P	P		P	P	P	P	78	
[Ord. 2005-002] [Ord. 2004-051] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2011-016]																						
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