



July 19, 2013

**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
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Zoning Division 233-5200  
Building Division 233-5100  
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Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
[www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)



**Palm Beach County  
Board of County  
Commissioners**

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

**County Administrator**

Robert Weisman

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

**RE: July 24, 2013 LDRAB Meeting**


Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the above mentioned meeting.

The meeting will commence at **2:00 p.m.** in the Vista Center 1<sup>st</sup> Floor (VC-1E-60), (please note change of meeting room), 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: LDRAB Agenda and Supporting Materials**

- c: Verdenia C. Baker, Deputy County Administrator
- Rebecca D. Caldwell, Executive Director, PZB
- Leonard Berger, Chief Assistant County Attorney
- Robert Banks, Chief Land Use 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)  
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

**JULY 24, 2013**

**BOARD MEMBERS**

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

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

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

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

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

**Barbara Katz** (District 3)

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

**Jim Knight** (District 4)

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

**Lori Vinikoor** (District 5)

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

**Mike Zimmerman** (District 6)

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

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

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

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

**Vacant** (Condominium Association)

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

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

**Board of County Commissioners**

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

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

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

**Paulette Burdick  
Commissioner, District 2**

**Shelley Vana  
Commissioner, District 3**

**Mary Lou Berger  
Commissioner, District 5**

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

**Robert Weisman  
County Administrator**



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

**WEDNESDAY, JULY 24, 2013 AGENDA**  
**2300 NORTH JOG ROAD**  
**VISTA CENTER - 1<sup>ST</sup> FLOOR (VC-1E-60)**  
**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 June 19, 2013 Minutes (Exhibit A)

### **B. PRIVATELY INITIATED ULDC AMENDMENTS**

1. Exhibit B - Phase I: Hospital or Medical Center Minimum Lot Size
2. Exhibit C - Phase I: Allow Commercial Communication Towers in PUD Recreation Pods

### **C. PUBLIC COMMENTS**

### **D. LDRAB SUBCOMMITTEE UPDATES**

### **E. STAFF COMMENTS**

1. Round 2013-02

### **F. ADJOURN**

## EXHIBIT A

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

#### Minutes of June 19, 2013 Meeting

On Wednesday, June 19, 2013 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

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

##### 1. Roll Call

Chair Wes Blackman called the meeting to order at 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

##### Members Present: 13

Wesley Blackman (PBC Planning Congress)  
Lori Vinikoor (District 5)  
Michael Zimmerman (District 6)  
Henry Studstill (District 7)\*  
Gary Rayman (Fl. Surveying & Mapping Society)  
Joni Brinkman (League of Cities)  
Terrence Bailey (Florida Eng. Society)  
Jerome Baumoehl (AIA)  
Edward Tedtmann, Environmental Organization)  
Richard Kozell (District 1)  
Barbara Katz (District 3)  
Frank Gulisano (PBC Board of Realtors)  
Leo Plevy (Member At Large/Alternate)

##### Members Absent: 4

David Carpenter (District 2)  
Jim Knight (District 4)  
Raymond Puzzitiello (Gold Coast Build. Assoc.)  
James M. Brake (Member at Large/Alternate)

##### Vacancies: 2

(Assoc. General Contractors of America)  
(Condominium Association)

##### County Staff Present:

Leonard Berger, Assistant County Attorney  
Rebecca D. Caldwell, Executive Director, PZ&B  
Jon MacGillis, ASLA, Zoning Director  
William Cross, Principal Site Planner, Zoning  
Monica Cantor, Senior Site Planner, Zoning  
John Rupertus, Senior Planner, Planning  
Zona Case, Zoning Technician, Zoning

##### 2. Additions, Substitutions, and Deletions

The Chair noted that there were amendments related to Exhibit B. Motion by Ms. Vinikoor to accept the amendments, seconded by Ms. Katz. Motion passed (12 - 0)\*.

##### 3. Motion to Adopt Agenda

Motion to adopt agenda by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (12 - 0)\*.

##### 4. Adoption of May 22, 2013 Minutes (Exhibit A)

Mr. Baumoehl requested that Exhibit A, May 22, 2013 Minutes be changed to clarify a comment on Adult Day Care. The amendment reads:

Mr. Baumoehl, Mr. Knight and Mr. Tedtmann cited **health** concerns **about the quality of life** for clients which will result from lack of exercise due to insufficient space to move around freely. Motion to adopt as amended by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (12 - 0)\*.

#### B. ULDC AMENDMENTS

##### 1. Exhibit B - Best Management Practices (BMPs) for Livestock Waste

Mr. Cross stated that the Add/Delete replaces Exhibit B for ease of use. He acknowledged the presence of Rebecca Caldwell, Executive Director of Planning Zoning and Building who is coordinating this multi agency amendment, Audrey Norman and Arthur Kirstein representing the Co-operative Extension Service and Kenny Wilson from the Health Department. He also noted input from ERM, Solid Waste Authority and other agencies. Mr. Cross summarized the exhibit as follows:

- The amendment will enable enforcement and regulation of illegal dumping of horse manure exceeding the nutrient values beneficial to fertilize soil. The standards were expanded from horse manure to include other livestock waste to address future needs. The equestrian industry is seasonal and excessive waste is generated during the season.
- Whereas the Village of Wellington passed a comprehensive livestock waste management plan, the proposed County Ordinance focuses only on properties that receive livestock waste. It does not regulate properties that generate waste on site, some of which are protected by the Right to Farm Act.
- Definitions on Page 1 expand the terms to clarify BMPs. Florida laws for BMPs relate to environmental issues mostly focused on water management practices for water protection.

## EXHIBIT A

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

#### Minutes of June 19, 2013 Meeting

- Thanks to public input, domesticated livestock now includes horses. Section 2 clearly points out that the standards shall apply to properties that receive livestock waste. Florida Statutes pre-empt local jurisdictions so there might be situations where this Ordinance will not apply; however, the filing of a Notice of Intent to follow a State agency's best management practices has to be demonstrated. Zoning does not regulate where compliance with the Palm Beach County Fertilizer Ordinance is required.

Mr. Henry Studstill arrives at 2:12 p.m.

Mr. Cross continued:

- Exemption No. 5, page 2, line 25, states ten cubic yards in any 12 month period and there was public request at the community meeting on June 17, 2013 to increase this from ten to twenty.
- Spreading should take place within 72 hours, unless stated otherwise under an approved management plan. Soil testing and analysis is available from the Cooperative Extension Service to determine quantity, time and place.
- The suggested separation distances are mainly for health reasons which can be explained by the representative from the Health Department.

Ms. Vinikoor questioned the word "aerobic" on line 22, page 1, and after a brief discussion and recommendation by Mr. Arthur Kirstein, it was agreed that the word "aerobic" should be deleted from the language.

The Chair was informed by Mr. Berger that the number of the Fertilizer Ordinance referred to in the Exhibit is 2012-039.

The Chair opened the meeting for public comments.

Ms. Patricia Curry thanked staff for working very diligently with the public. She said the changes being requested are the result of consultation with other Loxahatchee residents and are as follows:

- Add "from outside sources" to line 5, page 2, for emphasis and clarity.
- Exemption # 5, page 2: request to increase to twenty cubic yards, bearing in mind that properties in the County vary in size and ten cubic yards might be overwhelming for some and insufficient for others. A preference for the measurement to be in inches or feet per year was stated.
- Storage and separation: It was suggested that setbacks be in accordance with the ULDC, namely 15 ft. for nonconforming lots and 25 ft. for conforming lots and to replace "within 100 ft of a potable water supply" with "in accordance with State best management practices."

Ms. Ann Kuhl submitted a handout entitled "Public Health: General Provisions" and a list of requested changes.

Motion by Ms. Vinikoor to accept, seconded by Ms. Katz.. Motion passed (13 - 0).

Ms. Kuhl expressed support for Ms. Curry's recommendation on setbacks and read suggested changes:

- Exemption #5, page 2: change to ten cubic yard limit per acre of stored material.
- For both Storage and Spreading separation: reduce location to within 10 feet of any property line and 75 feet of potable water supply well and add within 15 feet of the high water line of retention and detention areas, swales or ditches.
- Spreading: insert text to allow "6 inches of depth" before requiring a Nutrient Management Plan.

Mr. Gert Kuhl submitted a handout with information on bio-composting.

Motion by Ms. Vinikoor to accept, seconded by Ms. Katz.. Motion passed (13 - 0).

- Mr. Kuhl spoke about the issue of water contamination due to excessive manure dumping and expressed support for burning the manure for power usage. He said the bigger problem for the County is the use of "Roundup", especially on golf courses, as it

## EXHIBIT A

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

#### Minutes of June 19, 2013 Meeting

does not break down and goes into the water supply. He urged the Board and the BCC to become proactive in making an effort to limit the use of Roundup.

Mr. Tod McClellan said that the word "agriculture" was left out of Definition 52 on page 1, and requested that it be inserted to be in accordance with Art. 4, Bona-fide Agriculture.

The following responses were made to the suggestions from the public:

- Ms. Norman suggested that anyone accepting livestock waste must have a Livestock Management Plan. The Plan is tailored for various types of soil and different seasons and the quantities that should be applied accordingly.
- Mr. Kenny Wilson stated that Florida Statutes and Florida Administrative Code state 75 feet separation from septic systems in good soil. Unfortunately the areas of Loxahatchee, Acreage, Jupiter farms have restrictive soil, hence the extra 25 feet requirement. The manure does not percolate quickly and runs off the surface.
- Ms. Caldwell explained that ten cubic yards is an exemption not an ultimate limitation. Anything over ten cubic yards has to go to a testing process. The Fertilizer Ordinance was written to address water contamination. Those areas that did not have the problem were not required to pass a Fertilizer Ordinance. She added that for the same reason the separation requirement of 25 feet has to be retained as the properties concerned have historical drainage problems and shared drainage in some cases, and this is to prevent livestock waste from going over lot lines.
- The Chair inquired whether the amount of waste allowed could be scaled relative to the size of the properties rather than having an absolute number. Ms. Norman confirmed that the relationship could be proportionate; however, Ms. Caldwell said this was one alternative suggestion and it was not applied. She would be happy to support ten cubic yards per acre with a maximum of twenty overall in a twelve-month period, similar to the Wellington Ordinance.
- Ms. Caldwell responded to Ms. Brinkman's inquiry as to whether licenses will be required and said that every effort was made to make the Ordinance as unobtrusive as possible so waste generated on site was exempted. The Ordinance is necessary to have the authority to address waste from off site.

Motion by Ms. Vinikoor to approve with the change "ten cubic yards up to twenty cubic yards for a year", removal of the word "aerobic" and support for staff's recommendations, seconded by Ms. Brinkman.

A discussion on the motion followed:

Mr. Kozell proposed limiting the total amount at any one time, with provision for the opportunity to move it in small amounts. He also recommended that 75 feet from the potable water system be allowed wherever the soil condition is sufficient and 100 feet be required where necessary.

Mr. Wilson recommended usage of pre-packaged fertilizer on smaller properties with restrictive soil conditions as most of the bacteria is removed in processing.

Mr. Bailey explained that septic standards require twelve inches of dirt over the drain-field so when it rains the leaching will go down. Manure is a surface application which will run off when it rains, hence the need for the extra 25ft protection, especially as these are flood prone areas.

Ms. Brinkman opined that it is safer to have the more restrictive 100 feet separation.

Ms. Caldwell said that Code Enforcement does not have the ability to determine the type of soil and clarified that the entire ten cubic yards could be spread over an acre at once.

Mr. Kozell stated that in light of information coming out of the discussion, he wished to withdraw his proposal.

The Chair noted the discussion on the Motion and inquired whether the maker of the Motion was satisfied with the Motion.

Ms. Vinikoor affirmed that she would keep the Motion as it was made.

The motion passed (13 - 0).

**EXHIBIT A**

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

**Minutes of June 19, 2013 Meeting**

**C. CONVENE AS LDRC**

**1. Proof of Publication**

Motion to approve by Mr. Zimmerman, seconded by Ms. Vinikoor. Motion passed (13 - 0).

**2. Consistency Determination**

Mr. Blackman requested that Exhibit B be looked at for consistency. Mr. John Rupertus, Senior Planner, Planning Division, stated that the proposed amendments were consistent with the Comprehensive Plan.

Motion to approve consistency determination by Ms. Vinikoor, seconded by Ms. Katz. The motion passed (13 - 0).

**D. ADJOURN AS LDRC**

Adjourned as LDRC at 3.00 p.m.

**E. RECONVENE AS LDRAB**

Reconvened at 3:00 p.m.

**F. PUBLIC COMMENTS**

There were no public comments.

**G. LDRAB SUBCOMMITTEE UPDATES**

**1. Use Regulations Project**

Ms. Cantor updated the Board as follows:

- The standards in the Industrial uses are now being reviewed. Concerns coming out of subcommittee meetings are being addressed and will be presented to the subcommittee at the end of July.
- LDRAB will be asked to review at the meeting in August.
- A landscape subcommittee meeting was held earlier that day.

**H. STAFF COMMENTS**

Mr. Cross introduced Ms. Lauren Benjamin, who was promoted to Planner II and temporarily transferred to the Code Revision Section to assist with the Use Regulations Project. He advised that:

- Accessory Structures will be included in the 2013-02 Round of Amendments and will come back to the LDRAB in August.
- Zoning will be accepting a privately initiated application to delete the minimum 5 acre lot size requirement for a Hospital or Medical Center.

**I. ADJOURN**

The Land Development Regulation Advisory Board meeting adjourned at 3:05 p.m.

Recordings 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

EXHIBIT B

PHASE I - PRIVATELY INITIATED ULDC AMENDMENT APPLICATION  
HOSPITAL OR MEDICAL CENTER MINIMUM LOT SIZE  
(Updated 7-15-13)



PALM BEACH COUNTY  
PLANNING ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION

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

**Application No.** PIA 2013-007 [MSC 2013-04793]  
**Title:** Phase 1, Initiation of Code Amendment  
**Request:** Remove Minimum Acreage Requirement for Hospital or Medical Center  
**Applicant:** Herta Suess and Frank Suess, by Land Research Management, Kevin McGinley, agent.  
**Project Manager:** William J Cross, AICP, Principal Site Planner

**APPLICATION SUMMARY:**

The applicant is requesting that the Board of County Commissioners (BCC) approve a request to initiate an amendment to ULDC Art. 4.B.1.A.71, Hospital or Medical Center, as follows:

CODE SECTION	PROPOSED BY APPLICANT
Art. 4.B.1.A.71.a, Lot Size *	<del>a. Lot Size</del> A minimum of five acres or the minimum required in the district, whichever is greater.
Art. 4.B.1.A.71.c, Helipad *	d. Helipad An accessory helipad is a permitted use on a minimum of 5 acres.

**STAFF RECOMMENDATION:**

Staff recommends that this topic/request be included as part of the 2013-14 Use Regulations Project, which will allow for a more efficient review of all uses that have minimum acreage requirements.

Alternatively, if the LDRAB recommends reviewing this request sooner, staff recommends that it be included in Round 2013-02, as the 2013-14 Use Regulations Project is the current Code Revision priority, and it's more efficient to consolidate LDRAB and BCC Hearings.

At this time, staff has only identified minor concerns with the applicant's request to delete minimum lot size requirements for a Hospital or Medical Center, such as: potential adverse noise or lighting impacts from ambulance and emergency personnel operations on smaller sites, assurances that sufficient space is available for internal vehicular and pedestrian circulation areas, and the need for additional research to verify that there are no conflicts with other regulatory requirements.

**BACKGROUND AND SUMMARY:**

The applicant is seeking to develop a medical facility intended to serve a small number of clients that, regardless of size or number of beds, will be required by the State to be licensed as a Hospital due to the nature of services that will be required for the targeted clientele. The subject site does not meet the minimum acreage requirement and Variance relief is not permitted. The petitioner's Justification Statement indicates that the medical industry is trending towards the use of smaller facilities or "...types of specialty hospitals (e.g. cosmetic surgery, psychiatric, substance abuse, intense care detoxification clinics)" that by law, must provide hospital services.

The ULDC requires minimum lot sizes for several specific uses such as: Vehicle Sales and Rental, Commercial Kennels, Chipping and Mulching, or non-residential uses such as Retail Nurseries where permitted in residential districts. Requiring sufficient space to develop is often linked to historical or anticipated development size, to ensure there is sufficient area to mitigate potential adverse impacts both internally or externally, or both. Mitigating factors are often similar, such as the need to ensure sufficient area is available to provide for safe internal pedestrian and vehicular circulation areas for uses with unusual or high volume traffic patterns, or where incompatibility buffering may be required to separate uses that may be considered nuisances from adjacent residential uses. Oftentimes, the minimum lot size established is consistent with the historical scale of development at the time the requirement is established. As a result, it is not unusual to review these standards from time to time to ascertain if industry trends have negated the original need for the requirement.

**ATTACHMENTS (APPLICANT):**

- Justification Statement.
- Request for ULDC Language Change.
- Summary of Amendments.

U:\Zoning\CODEREV\2013\LDRAB\Meetings\7-24-13\4 Final Packet\Exhibit B - Phase I PIA Hospital or Medical Center Minimum Lot Size.docx



## **JUSTIFICATION STATEMENT PROPOSED ULDC AMENDMENT**

### **Background**

The Palm Beach County Unified Land Development Code (ULDC) currently requires that a hospital or medical center be located on a minimum of five (5) acres or the minimum required by the applicable zoning district, whichever is greater. The ULDC distinguishes hospitals from medical centers by the provision of overnight care. Medical centers and medical offices are presumably distinguished by the provision that medical centers (as well as hospitals) be licensed by the State of Florida. This provision precludes a hospital from being located on property less than five (5) acres regardless of the number of beds proposed or whether the property size has been reduced through eminent domain processes. Despite several meetings with Zoning Division staff to discuss this minimum acreage requirement and the rationale for the same, no specific justification has been discerned for the inclusion of this provision in the ULDC.

### **Request**

The Petitioner is requesting that the minimum acreage provision (Article 4.B.1.A.71.a, ULDC) be removed from the ULDC in its entirety which would result in the minimum property development regulations of the applicable zoning district to govern the same. An additional amendment to Article 4.B.1.A.71.d, which relates to a helipad being located as a permitted accessory use, is requested so that removal of the minimum acreage requirement of five (5) acres as proposed will not affect present standards for a helipad.

### **Justification**

Several types of specialty hospitals (e.g. cosmetic surgery, psychiatric, substance abuse, intensive care detoxification clinics) do not require the number of beds typically associated with the larger, more traditional full-service general hospitals and thus do not require the building area and patient/employee parking associated with the same. Many of these hospitals do not require more than 3-4 acres to function efficiently. Industry standards define medium-sized hospitals as having less than 270 beds, small-sized hospitals as having less than 170 beds and very small-sized hospitals as having less than 95 beds. Since the ULDC provides for a bed-based density of 43 beds per acre, a small to very small-sized (or specialty) hospital would require no more than 3 or 4 acres.

The Petitioner, through its planning consultants, reviewed the land development regulations of several municipalities in Palm Beach County in terms of the minimum 5 acre requirement of the ULDC. While some municipalities like the Village of Wellington and City of Boca Raton have established special districts for medical centers, several others have established a less-restrictive standard than that presently contained in the ULDC. Some examples include:

Justification Statement

p.2

**City of Greenacres:** The minimum site area shall be two and one-half (2.5) acres plus one thousand (1000) square feet for each bed in excess of twenty-five (25).

**Town of Lantana:** No minimum lot size.

**Village of Palm Springs:** The minimum lot size for a hospital/medical center is 2½ acres plus 1000 square feet for each bed over 25 beds.

**City of Lake Worth:** No minimum lot size – allowed in the Low-Density Multiple Family District (MF-20)

**Village of North Palm Beach:** 3 acres minimum lot size

**City of Palm Beach Gardens:** Permitted in the P/I – Public/Institutional District (minimum 15,000 sq. ft. site area)

It should be noted that the **Town of Loxahatchee Groves**, the nearest municipality to the subject property, permits hospitals only in the Institutional and Public Facilities District and that district is limited to a maximum of 5 acres.

Submitted: June 20, 2013

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: June 20, 2013

Re: Code Section Article 4.B.1.A.71.a & Article 4.B.1.A.71.d

From: Kevin McGinley, Land Research Management, Inc.

**APPLICATION REQUIREMENTS**

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

see attached

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

only those sections identified above

Multiple horizontal lines for listing sections requiring change.



EXHIBIT B

PRIVATELY INITIATED APPLICATION (PIA)  
TO AMEND MINIMUM LOT SIZE FOR HOSPITAL OR MEDICAL CENTER  
(Updated 6/19/2013)

1  
2 Part 1. ULDC Art. 4.B.1.A.71, Hospital or Medical Center (pages 62 and 63 of 171), is hereby  
3 amended as follows:  
4

Reason for amendments: [Land Research Management, Applicant] See attached justification statement.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 71. Hospital or Medical Center

9 A facility licensed by the State of Florida which maintains and operates organized facilities for  
10 medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness.  
11 A hospital is distinguished from a medical center by the provision of overnight care. [Ord.  
12 2005-002]

13 ~~a. Lot Size~~

14 ~~A minimum of five acres or the minimum required in the district, whichever is greater.~~

15 ~~ab. Frontage~~

16 A minimum of 200 feet or the minimum required in the district, whichever is greater.

17 ~~b. Beds~~

18 A maximum of one bed per 1,000 square feet of lot area (43.56 patient rooms per acre).

19 ~~cd. Helipad~~

20 An accessory helipad is a permitted use on a minimum of five acres.

21 ~~d. Incinerator~~

22 Biohazardous waste incinerators with an allowable operating capacity equal to or less  
23 than 1,000 pounds per hour and biohazardous waste autoclaves are permitted as an  
24 accessory use, subject to the following standard.

25 1) ~~Setbacks~~

26 A minimum of 500 feet from any property line abutting a residential district or use.  
27 Expansion of existing facilities may be allowed with lesser setbacks, provided the  
28 expansion is approved by the DRO.

29 ~~ef. Collocated Medical or Dental Offices~~

30 Medical or dental offices shall be permitted as a collocated use to a hospital or medical  
31 center. [Ord. 2011-001]  
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61 U:\Zoning\CODEREV\2013\LDRAB\Meetings\7-24-13\4 Final Packet\Exhibit B Attachments\00-6-19-13 DRAFT PIA Hospital  
62 Minimum Lot Size.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. If relocated destination is noted in bolded brackets [**Relocated to:** ].

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

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

EXHIBIT C

PHASE I - PRIVATELY INITIATED ULDC AMENDMENT  
 TO ALLOW COMMERCIAL COMMUNICATION TOWERS  
 IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)  
 (Updated 7-19-13)



PALM BEACH COUNTY  
 PLANNING ZONING AND BUILDING DEPARTMENT  
 ZONING DIVISION

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

**Application No.** PIA 2013-006 [MSC 2013-04230]  
**Title:** Phase 1, Initiation of Code Amendment  
**Request:** To Allow Commercial Communication Towers in Recreation Pods of PUDs.  
**Applicant:** Vertex Development LLC, by Law Offices of Lauralee G. Westine, P.A., Lauralee Westine, agent.  
**Project Manager:** William J Cross, AICP, Principal Site Planner

**APPLICATION SUMMARY:**  
 The applicant is requesting that the Board of County Commissioners (BCC) approve a request to initiate an amendment to various Sections of **ULDC Art. 4.C, Commercial Communication Towers**, as follows:

CODE SECTION	PROPOSED BY APPLICANT	
Art. 4.C.3.A.4, Stealth Towers in Certain Residential Zoning Districts	<p><b>4. Stealth Towers in Certain Residential Zoning Districts</b>                      Subject to the limitations provided in this subsection, stealth towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, <u>recreation</u>, public or private civic pods only.</p> <p>....</p> <p><b>e. Associated Uses</b>                      The stealth towers shall be permitted only in association with the following uses: assembly, nonprofit institutional; church or place of worship; college or university; electric power facility, excluding electrical transmission line streets as provided herein; government services; park, passive; park, public; <u>golf course and associated facilities</u>; school, elementary or secondary; solid waste transfer station; utility minor; or water or wastewater treatment plant; commercial, office or industrial development.</p> <p>....</p>	
Art. 4.C.3.B.4, Camouflage Towers in Certain Residential Districts	<p><b>4. Camouflage Towers in Certain Residential Zoning Districts</b>                      Subject to the limitations provided in this subsection, camouflage towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, <u>recreation</u>, public or private civic pods only.</p> <p><b>e. Associated Uses</b>                      The camouflage towers shall be permitted only in association with the following uses: assembly, nonprofit institutional; church or place of worship; college or university; electric power facility, excluding electrical transmission line streets as provided herein; government services; park, passive; park, public; <u>golf course and associated facilities</u>; school, elementary or secondary; solid waste transfer station; utility, minor; or water or wastewater treatment plant; commercial, office or industrial development.</p>	
Code Section	Required	Proposed by Applicant
Table 4.C.3.I, Residential District Tower Location and Type of Review	<p><b>See attached:</b>                      Not permitted in Recreational Pod of PUD or Mixed Use Planned Development (MXPDP).</p>	<p><b>See attached:</b></p> <ol style="list-style-type: none"> <li>1) Amend to allow in Recreational Pod of PUD (minor revision allows for multiple Tower types in PUD Recreation Pod).</li> <li>2) Increase height of allowable Monopole Tower from 150' to 200' in PUD pods, subject to Class B Conditional Use Approval.</li> <li>3) Change approval process for Self Support Tower less than 60 ft. in height in all permitted PUD pods from Administrative Approval to Class B Conditional Use.</li> <li>4) Amend to allow in Recreational Pod of MXPDP.</li> </ol>

## EXHIBIT C

### PHASE I - PRIVATELY INITIATED ULDC AMENDMENT TO ALLOW COMMERCIAL COMMUNICATION TOWERS IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS) (Updated 7-19-13)

#### **STAFF RECOMMENDATION:**

Staff recommends that this topic/request be included as part of the 2013-14 Use Regulations Project, which will allow for a more efficient review of all Commercial Communication Tower issues. Alternatively, if the LDRAB recommends reviewing this request sooner, staff recommends that it be included in Round 2013-02, as the 2013-14 Use Regulations Project is the current Code Revision priority, and it's more efficient to consolidate LDRAB and BCC Hearings.

At this time, staff has identified several concerns with the applicant's request to allow for certain types (including heights) of Commercial Communication Towers in the Recreation Pods of PUDs, including but not limited to:

- Need to differentiate between different sizes or uses of PUD Recreation Pods (i.e. difference between larger golf courses and smaller neighborhood serving parks or clubhouses). Proposed amendments make this distinction for Stealth and Camouflage Towers, but not for other Tower types.
- Considering option of limiting amendment to Stealth or Camouflage Towers (note: minor amendments to Table 4.C.3.I, Residential District Tower Location and Type of Review, would allow applications for Monopole (increase from 150' up to 200' proposed), Self Support (up to 150') and Guyed Towers (up to 100').
- Additional justification to support proposed amendment to allow for 200' Monopole Towers, subject to Class B Conditional Use Approval, noting that change also applies to PUD Commercial and Civic Pods.
- Verification of inconsistent service cited.
- Potential need to verify that there are not other options for improving coverage.

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

The regulation of Telecommunications Towers is a quintessential Zoning topic requiring a balance between those who have issues with the appearance of towers that by nature of construction, location or height may be considered an eyesore, or perceived health hazard; the simple desire to have good cell network accessibility; industry needs; and, pre-emption of local regulation by the Federal Telecommunications Act of 1996, or similar State Laws. Palm Beach County's Commercial Communication Tower regulations were primarily developed in the late 1990's in response to the Telecommunications Act and has worked well to balance competing interests, with minimal amendments. While Zoning staff have identified a need to correct a few scrivener's errors and verify that regulations are consistent with recent amendments to Federal and State laws, significant changes will require additional justification from industry to demonstrate that existing options for attaining coverage are insufficient, as well as confirm that every reasonable effort is made to communicate any significant changes to any interested parties.

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

- Justification Statement.
- April 26, 2013 Letter from Boca West Master Association, Inc. to the Palm Beach County Board of Commissioners, outlining proposal to install two cell towers, and efforts to communicate with all residents.
- Request for ULDC Language Change.
- Summary of Amendments.

# Law Office of Lauralee G. Westine, P.A.

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800 Tarpon Woods Boulevard, Suite E-1  
Palm Harbor, Florida 34685  
Telephone: (727) 773-2221  
Facsimile: (727) 773-2616

## **SENT VIA UPS Overnight**

May 7, 2013

Mr. William J. Cross, AICP, Principal Site Planner  
Palm Beach County Zoning Division  
2300 North Jog Road  
West Palm Beach, FL 33411

**RE: Vertex Development, LLC Proposed ULDC Amendment to allow Communication Towers in Recreation PODs in PUD zoning districts**

Dear Mr. Cross:

On behalf of my client, Vertex Development LLC, (Vertex), please find the Request for ULDC Language Change application. I have enclosed the following documents:

- Application for Request for ULDC Language Change
- Proposed Revisions to Article 4, Chapter C, Communication Tower, Commercial
- Letter dated April 26, 2013 from Boca West Master Association
- Fee for Phase 1 Zoning ULDC Amendment in the amount of \$1,550.93

## **Summary of Application**

Vertex Development LLC (Vertex) is requesting a ULDC Language Change to the Palm Beach County Unified Land Development Code in order to modify the existing Article 4, Chapter C, Communication Tower, Commercial standards. Vertex is proposing an amendment to the existing Article 4, Chapter C in order to amend the code to allow towers on Recreation Pods within the PUD zoning district.

## **Justification Statement/Reason for Amendments**

Boca West Master Association has partnered with Vertex Development to resolve its need for improved wireless telecommunication coverage within their community. Existing Land Development Code standards do not allow for the construction of a tower in the Recreation Pod areas within the Boca West Master Association.

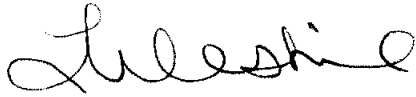
Representatives of Boca West Master Association, Boca West Country Club and I met with Palm Beach County Commissioners during the month of April 2013 to discuss the need for this ULDC Amendment, not only to provide improved telecommunication service to the residents of Boca West Master Association, but also throughout Palm Beach County.



The demand for wireless services is no longer a luxury; rather it has become a necessity. Over fifty percent of all Emergency 911 (E911) calls made in Palm Beach County were from wireless phones. In Boca West's instance, the tower will also be used as part of its wireless perimeter protection plan.

Please do not hesitate to contact me in the event that I may provide you with additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauralee G. Westine". The signature is fluid and cursive, with the first name being the most prominent.

Lauralee G. Westine, Esq.

enclosures



# Boca West® Master Association, Inc.

20540 Country Club Boulevard, Suite 105 • Boca Raton, Florida 33434-4202  
Telephone (561) 488-1598 • Fax: (561) 487-5531

April 26, 2013

Palm Beach County Board of County Commissioners  
Governmental Center  
301 N. Olive Avenue, 12th Floor  
West Palm Beach, Fl. 33401

Fred Pinto, Staff Assistant to Jess Santamaria, District 6  
Shelley Vana, District 3  
Mayor Steven Abrams, District 4  
Hal R. Valeche, District 1  
Mary Lou Berger, District 5  
Priscilla Taylor, District 7  
Paulene Burdick, District 2

Re: Boca West Proposed Cell Towers

Dear Palm Beach County Board of County Commissioners:

We appreciate your time in meeting with Lauralee Westine, Jay DiPietro and I on April 9<sup>th</sup> and 10<sup>th</sup> to discuss the proposed installation of two cell towers in Boca West. As presented, there are valid and important reasons to have these towers located in the community:

- There is a need for improved cell phone coverage in the community – to accommodate residents, guests, staff and contracted law enforcement. Cell phone reception is currently unreliable inside Boca West. And more residents are dropping their land lines to depend solely on their cell phones.
- Security – perimeter and entrances' access control are critical to the safety of Boca West residents. Technology will allow excellent wireless radio bandwidth and will accommodate audio and video equipment to be fully utilized at our three gatehouses, to communicate effortlessly with the Master Association's "Security Access Control" 24/7 desk dispatchers. Wireless cameras will eventually monitor the community's perimeter. Space will be provided on each tower for our own antennae that will benefit both the Country Club and the Master Association for decades to come.
- Boca West contracts with PBSO law enforcement, twenty-four hours per day. Deputies have advised us that they have issues with their Sprint and Verizon laptop



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air cards and cell phone service – unreliability with low bars in several areas of Boca West.

- Both the Club and the Master Association must improve upon IT environments. We are currently meeting with IT vendors who tell us that the cell towers will be of great benefit in assisting with wireless communication at gates and other areas throughout the community.

As explained when we met with you and per documentation provided, we have been publicizing these towers to our approximate 6,000 homeowners for one year – discussed at large village representatives meetings, at the Club's member briefings, in our newsletters and on our website. To date, there have been no objections from residents. Homeowners are eager to see these towers installed. Written support from our Boca West village associations is being obtained to further document desire for cell towers. It will be forwarded to you soon.

The Club helped select the locations that are least obtrusive to residential areas within the community. Boca West Country Club and Boca West Master Association therefore ask for your consideration in approving a code amendment that will permit the towers to be placed in their proposed and beneficial locations on golf course properties. Thank you.

Sincerely,

Paula McClure, Executive Director, Boca West Master Association

Jay DiPietro, CCM

President & General Manager, Boca West Country Club



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April 26, 2013

Re: Update on Proposed Cell Towers' Installation in Boca West

Hello to all Village Presidents & Representatives!

On April 9<sup>th</sup> and 10<sup>th</sup>, we met with each Palm Beach County Commissioner, individually, to present our joint project concerning the need for two cell towers in Boca West. The reason we met with them is that a code amendment needs to be done through the County to allow the cell towers to be placed where proposed on golf course property, and away from residential areas where the best possible reception will be received. Legal counsel for the installer, Vertex Development, will be submitting the application shortly, and the two Boca West entities are communicating with the Commissioners to follow up on our recent visits.

We provided the Commissioners with a packet of documentation to impress upon them that over the past year we have widely publicized this project – through newsletters, the BWMA website, at our Village Representatives' meetings, at Club Member Briefings and via personal attendance at several of the villages' annual meetings. We explained the need for cell towers as follows:

- That cell phone reception is unreliable in Boca West. Residents, guests, staff and law enforcement have all repeated this time and again.
- That both BWCC and BWMA will be looking to upgrade our respective IT environments and cell towers will allow a leap forward with communication for both operations, full utilization of security equipment at gates and future perimeter monitoring. The technology is arriving but we need the towers.

We emphasized the fact that Boca West has met with no opposition in having these towers on property, and that now residents are asking what is taking so long!

With this said, the Commissioners would like to see written support from the Village Representatives in addition to the information we provided to them at our meetings. We therefore ask for your assistance by completing the attached form and returning to BWMA as soon as possible.

Thank you very much. Please feel free to call us if you have specific questions.

Sincerely,

Paula McClure, Director – BWMA

Jay DiPietro, President & GM - BWCC



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## BOCA WEST CELL TOWERS

As Village President and/or designated Representative for the village  
of \_\_\_\_\_

I support installation of two cell towers, to be located on golf course property in Boca West.  
These towers will benefit the community in the following ways:

1. Consistently reliable cell phone service.
2. Improved security services involving the function of our entrances' gates, improved radio communication for Club and Master Association personnel, security staff and law enforcement officers; and future perimeter control as technology allows.
3. A revenue source for both the Master Association and the Country Club.

Thank you for helping us with this endeavor.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Number of Village Homes

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: May 7, 2013

Re: Code Section Article 4, Chapter C, Communication Tower, Commercial

From: Vertex Development LLC, c/o Lauralee G. Westine, Esq.

**APPLICATION REQUIREMENTS**

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

Article 4, Chapter C, Communication Tower, Commercial

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

Article 4, Chapter C, Sec. 3.A.4.

Article 4, Chapter C, Sec.3.B.4.

Article 4, Chapter C, Table 4.C.2.I. (footnotes only)

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

Article 4, Chapter C, Sec. 3.A.4. Stealth Towers in Certain Residential Zoning Districts changed to read:

Subject to the limitations provided in this subsection, stealth towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, RECREATION, public or private civic pods only.

Article 4, Chapter C, Sec.3.B.4. Camouflage Towers in Certain Residential Zoning Districts changed to read:

Subject to the limitations provided in this subsection, camouflage towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, RECREATION, public or private civic pods only.

Table 4.C.2.I - Residential District Tower Location and Type of Review changed to read:

Note (1): Public or Private, Civic, RECREATION and Commercial pods only

Table 4.C.2.I. - Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback changed to read:

Note (1): Permitted in public or private, civic, RECREATION and commercial pods only

See attached code in word with proposed changes.

EXHIBIT C

PHASE I – PRIVATELY INITIATED ULDC AMENDMENT  
TO ALLOW COMMERCIAL COMMUNICATION TOWERS  
IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS

(Updated 7/15/13)

1  
2 **Part 1. ULDC Art. 4.C, Communication Tower, Commercial (page 113 of 171), is hereby**  
3 **amended as follows:**  
4

**Reason for amendments:** See applicant letter dated May 17, 2013.

5 **CHAPTER C COMMUNICATION TOWER, COMMERCIAL**

6 Commercial communication tower use shall comply with the following supplementary use standards. If  
7 this Section prohibits a government-owned tower from being located at a specific site and the tower is  
8 required to protect the public health, safety, or welfare, the applicable criteria of this Section may be  
9 waived or modified by the BCC. In such cases the BCC shall make a finding of fact justifying the  
10 modification.

11 **Section 1 States of Emergency**

12 The PZ&B Executive Director may waive the review timeframes in the event of a declared state of  
13 emergency. **[Ord. 2006-004] [Ord. 2012-027]**

14 **Section 2 Definitions**

15 See Art. 1.I, DEFINITIONS AND ACRONYMS

16 **Section 3 Siting Requirements**

17 **A. Stealth Towers**

18 **1. Permitted Districts**

19 Stealth facilities may be permitted and shall be reviewed as provided in Table 4.C.3.I,  
20 Residential District, Tower Location and Type of Review, and Table 4.C.3.1 Non-Residential  
21 Districts, Tower Location, and Type of Review, and as provided herein.

22 **2. Separation and Setbacks**

23 Separation or setbacks for stealth facilities shall be established as provided in Table 4.C.3.I,  
24 Distances for Towers Located in and Adjacent to Residential Districts Separation and  
25 Setback, and Table 4.C.3.I, Distances for Towers Located in Non-Residential Districts  
26 Separation and Setback.

27 **3. Criteria**

28 Stealth structures shall comply with the following criteria:

- 29 a. The structure shall be compatible with the architectural style of the existing
- 30 buildings/structures on site and with the character of the surrounding area. A
- 31 determination of architectural compatibility shall include, but not be limited to, color, type
- 32 of building material, and architectural style;
- 33 b. The structure shall be consistent with the character of existing uses on site;
- 34 c. Communications equipment or devices shall not be readily identifiable;
- 35 d. The structure shall be related to and integrated into the existing natural and/or man-made
- 36 environment to the greatest extent possible; and
- 37 e. The maximum height of the structure shall not exceed 200 feet.

38 **4. Stealth Towers in Certain Residential Zoning Districts**

39 Subject to the limitations provided in this subsection, stealth towers may be permitted in the  
40 following residential zoning districts: RT (Residential Transitional), RS (Single-family  
41 Residential), RM (Multi-family Residential), and PUD (Planned Unit Development)  
42 commercial, recreation, public or private civic pods only.

43 **a. Approval**

44 Stealth towers shall be permitted and reviewed as provided in Table 4.C.3.I, Residential  
45 District Tower Location and Type of Review.

46 **b. Separation and Setback from Existing Residential Structures**

47 The minimum separation from any existing residential structure shall be 150 percent in  
48 tower height. In addition, the tower shall be setback a distance of at least 100 percent of  
49 tower height from any property line adjacent to an existing residential use.

50 **c. Setback from Vacant Residential Property**

51 The minimum setback from any adjacent vacant residential property shall be at least 100  
52 percent of tower height from any such property line.

53 **d. Setbacks from Nonresidential Zoning Districts of Public R-O-W**

54 The minimum setback from any adjacent nonresidential zoning district or public streets  
55 shall be the greater of the required district setback or 20 percent of tower height.

56 **e. Associated Uses**

**Notes:**

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. If relocated destination is noted in bolded brackets **[Relocated to: ]**.

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

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



EXHIBIT C

PHASE I – PRIVATELY INITIATED ULDC AMENDMENT

TO ALLOW COMMERCIAL COMMUNICATION TOWERS  
IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS

(Updated 7/15/13)

The stealth towers shall be permitted only in association with the following uses: assembly, nonprofit institutional; church or place of worship; college or university; electric power facility, excluding electrical transmission line streets as provided herein; government services; park, passive; park, public; golf course and associated facilities; school, elementary or secondary; solid waste transfer station; utility minor; or water or wastewater treatment plant; commercial, office or industrial development. Stealth towers in the form of flagpoles shall be exempt from Article 8.G.3.C, Flags and Freestanding Flagpoles.

**5. Type II Waivers from Required Dimensional Criteria**

A Type II Waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Article 4.C.3.K, Type II Waiver from Required Dimensional Criteria [Ord. 2012-027]

**6. Mandatory Collocation**

A stealth tower shall be required to accommodate a minimum of two providers. However, an applicant may not be required to accommodate the additional providers in the event the shared use/collocation review procedures of this Section indicate no other service provider wishes to collocate on the structure.

**7. Public Parks Five Acres or Greater**

The minimum separation between any existing residential structure, and stealth towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent nonresidential zoning district or public R-OW.

**B. Camouflage Towers**

**1. Permitted Districts**

Camouflage towers shall be permitted and reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential Districts, Tower Location and Type of Review and as provided herein.

**2. Separation and Setback**

Separation and setbacks for camouflage facilities shall be established as provided in Table 4.C.3.I, Distances for Towers Located in and adjacent to Residential Districts Separations and Setback and Table 4.C.3.I, Distances for Towers Located in Non-residential Districts Separations and Setback.

**3. Criteria**

Camouflage towers shall comply with the following criteria;

a. The structure shall have an additional function other than antenna support.

b. The maximum height of the structure shall not exceed:

- 1) 100 feet for a single provider;
- 2) 125 feet for a minimum of two providers; or
- 3) 150 feet for a minimum of three providers.

Prior to the issuance of a building permit for a structure with two or more providers, the applicant shall provide proof of collocation in a form acceptable to the County Attorney and Zoning Director.

**4. Camouflage Towers in Certain Residential Zoning Districts**

Subject to the limitations provided in this subsection, camouflage towers may be permitted in the following residential zoning districts: RT (Residential Transitional), RS (Single-family Residential), RM (Multi-family Residential), and PUD (Planned Unit Development) commercial, recreation, public or private civic pods only.

**a. Approval**

Camouflage towers shall be permitted and reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review.

**b. Separation and Setback from Existing Residential Structures**

The minimum separation from any existing residential structure shall be 150 percent of tower height. In addition, the tower shall be setback a distance of at least 100 percent of tower height from any property line adjacent to an existing residential use.

**c. Setback from Vacant Residential Property**

The minimum setback from any adjacent vacant residential property shall be at least 100 percent of tower height from any such property line.

**d. Setbacks from Nonresidential Zoning Districts of Public R-O-W**

The minimum setback from any adjacent nonresidential zoning district or public streets shall be the greater of the required district setback or 20 percent of tower height.

**e. Associated Uses**

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**Notes:**

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. If relocated destination is noted in bolded brackets [**Relocated to:** ].

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EXHIBIT C

PHASE I – PRIVATELY INITIATED ULDC AMENDMENT  
TO ALLOW COMMERCIAL COMMUNICATION TOWERS  
IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS

(Updated 7/15/13)

The camouflage towers shall be permitted only in association with the following uses: assembly, nonprofit institutional; church or place of worship; college or university; electric power facility, excluding electrical transmission line streets as provided herein; government services; park, passive; park, public; golf course and associated facilities; school, elementary or secondary; solid waste transfer station; utility, minor; or water or wastewater treatment plant; commercial, office or industrial development.

5. Type II Waivers

A Type II Waiver from separation, setback, distance between towers, height, and similar dimensional criteria may be requested as provided in Article 4.C.3.K, Type II Waiver from Required Dimensional Criteria. [Ord. 2012-027]

6. Additional Submission Requirements

Applications for approval to install a camouflage tower shall include the following information:

- a. A colorized illustration or representation of the proposed tower.
- b. The height, diameter, and coloration of the proposed facility.
- c. A statement of compatibility to indicate the nature and character of the surrounding area, and how the proposed facility will be consistent with the overall characteristics of the area.

7. Public Parks Five Acres or Greater

The minimum separation between any existing residential structure, and camouflage towers located in public parks five acres or greater shall be 125 percent of tower height. In addition, the tower shall be setback a distance of at least 75 percent of tower height from any property line adjacent to an existing residential use or vacant residential parcel or 20 percent of the tower height from any adjacent non-residential zoning district or public R-OW.

C. Electrical Transmission Line Streets

Communication towers, antennas, and related facilities may be located in such streets as provided herein.

1. Transmission Poles

Antennas attached to existing electrical transmission poles shall not be required to obtain building permits. Building permits are required for accessory structures, such as equipment cabinets, constructed to support such antennas or panels. Height increases to transmission poles to allow antenna attachment shall be subject to the provisions of this Section

2. Combined Transmission/Communication Structures

Combined transmission/communication structures may be installed in an electrical transmission streets as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review, and subject to the following requirements.

- a. Structures installed in transmission line streets with a residential Plan and Zoning designation shall:
  - 1) be located in streets a minimum of 250 feet in width;
  - 2) be limited to combination structures which are similar to monopole towers;
  - 3) not exceed 100 feet in height, however the height may be increased to a maximum of 125 feet if an additional provider is accommodated, and proof of collocation is provided in a form acceptable to the County Attorney and the Zoning Director;
  - 4) be setback a minimum 150 feet from any property line possessing a residential designation;
  - 5) not be located within a PUD unless approved by the BCC as a Class A conditional use; and
  - 6) require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review.
- b. Transmission lines streets in areas with a nonresidential Plan and Zoning designation shall:
  - 1) be located in streets a minimum of 250 feet in width;
  - 2) be limited to combination structures which are similar to monopole towers or self support towers; not exceed 300 feet in height;
  - 3) be setback a minimum of 200 feet from any property line possessing a nonresidential designation; and
  - 4) be setback a minimum of 100 feet from any property line possessing a nonresidential designation; and
  - 5) require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review.

3. Separation of New Combined Transmission/Communication Structures

Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. If relocated destination is noted in bolded brackets [Relocated to: ].

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EXHIBIT C

PHASE I – PRIVATELY INITIATED ULDC AMENDMENT

TO ALLOW COMMERCIAL COMMUNICATION TOWERS  
IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS

(Updated 7/15/13)

New Combined Transmission Communication Structures shall be subject to the as provided in Table 4.C.4.D, Separations/Distances Between Towers.

**D. Florida Department of Transportation (FDOT) Streets**

Within the streets for I-95 and the Florida Turnpike owned or controlled by the FDOT, towers, antennas, or panels may be installed as follows.

**1. Installation of Antennas and Panels**

Antennas and panels may be attached to existing communication towers, light standards, or other structures or facilities subject only to building permit review.

**2. Construction of New Towers**

New towers constructed within streets shall comply with the following requirements;

a. Towers installed in those portions of streets immediately adjacent to any property possessing a residential designation shall:

- 1) be located in a street at least 250 feet in width;
- 2) be only a monopole or lattice tower;
- 3) not exceed 150 feet in height;
- 4) be setback a minimum of 150 feet from the nearest property line; and
- 5) require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential District Tower Location and Type of Review.

b. Towers installed in those portions of streets immediately adjacent to any property possessing a nonresidential designation shall:

- 1) be located in a street at least 200 feet in width;
- 2) be only a monopole or lattice tower;
- 3) not exceed 200 feet in height;
- 4) be setback a minimum of 75 feet from the nearest nonresidential property line and 50 feet from any residential property line; and
- 5) require review as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review, and Table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review.

**3. Separation of New Towers**

New towers shall be subject to the separation distances as provided in Table 4.C.4.D, Separation/Distances Between Towers, of this Section.

**E. Monopole Towers**

**1. Permitted Districts**

Monopole towers may be permitted and shall be reviewed as provided in Table 4.C.3.I, Residential Districts Tower Location, and Type of Review, and Table 4.C.3.I, Non-Residential Districts, Tower Location, and Type of Review.

**2. Separations and Setbacks**

Monopole towers shall provide the separations and setbacks as established in Table 4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.3.I, Distances for Towers Located in and Adjacent to Non-Residential District Separation and Setback.

**3. Increase in Height**

The height of a monopole tower may be increased as provided herein.

**a. Percentage of Increase**

The height of a proposed monopole tower may be increased by 20 percent, one time only, without regard to required separation or setback requirements, for all applications which provide proof of the collocation of an additional personal wireless service provider. Additional increases are subject to setbacks and separations of this Code.

**b. Proof of Collocation**

Proof of collocation shall be provided in a form acceptable to the County Attorney and the Zoning Director. Proof of collocation shall include an executed contract or lease providing for use of the facility for a period of at least ten years.

**F. Self Support/Lattice Towers**

**1. Permitted Districts**

Self-support or lattice towers may be permitted and shall be reviewed as provided in Table 4.C.3.I, Residential District Tower Location and Type of Review and Table 4.C.3.I, and Type of Review. Non-Residential District Tower Location.

**2. Separations and Setbacks**

Lattice towers shall provide the separations and setbacks as established in Table 4.C.3.I, Distances for Towers Located in and Adjacent to Residential Districts Separation and Setback, and Table 4.C.3.I, Distances for Towers Located in and Adjacent to Non-Residential Districts Separation and Setback.

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EXHIBIT C

PHASE I – PRIVATELY INITIATED ULDC AMENDMENT  
TO ALLOW COMMERCIAL COMMUNICATION TOWERS  
IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS

(Updated 7/15/13)

1 **G. Guyed Towers**

2 **1. Permitted Districts**

3 Guyed towers may be permitted and shall be reviewed as provided in Table 4.C.3.I,  
4 Residential District Tower Location and Type of Review and Table 4.C.3.I, Non-Residential  
5 District Tower Location and Type of Review.

6 **2. Separations and Setbacks**

7 Guyed towers shall provide the separations and setbacks as established in Table 4.C.3.I,  
8 Distances for Towers Located in and Adjacent to Residential Districts Separation and  
9 Setback, and Table 4.C.3.I, Distances for Towers Located in and Adjacent to Non-Residential  
10 Districts Separation and Setback.

11 **3. Setbacks**

12 Breakpoint calculations may be provided to demonstrate a tower will collapse within the  
13 minimum required district setbacks. Breakpoint calculations shall be certified by a  
14 professional engineer, licensed in the State of Florida.

15 **4. Anchors**

16 Peripheral supports and guy anchors may be located within required setbacks provided they  
17 shall be located entirely within the boundaries of the property on which the communication  
18 tower is located. Peripheral supports and guy anchors shall be located at least ten feet from  
19 all property lines.

20 **H. Compatibility**

21 To assist in ensuring compatibility between a proposed communication tower and surrounding  
22 land uses, the information listed below shall be included with all applications for development  
23 approval, development order amendments, etc.

24 **1. Site and Tower Location**

25 The proposed site of a tower and the proposed location of the tower within that site, indicated  
26 on an official PBC zoning quad sheet.

27 **2. Aerial Photography**

28 The proposed location of a tower, indicated on an aerial map possessing a scale of not more  
29 than one inch equals 300 feet (1" = 300'). The aerial photograph shall indicate all adjacent  
30 land uses within a radius of 2,000 feet from the site of the proposed tower.

31 **3. Visual Impact Analysis**

32 A visual impact analysis, consistent with the requirements of Article 4.C.4.P, Visual Impact  
33 Analysis Standards.

34 **4. Buffering**

35 Buffering and landscaping as required by this Section.

36 **I. Tower Appearance**

37 The style, height, and overall appearance of any tower or communications facility constructed  
38 pursuant to this Section shall be consistent with plans and elevations submitted as part of an  
39 application for development approval. The DRO shall have the authority to approve additions or  
40 minor modifications, which do not materially modify the appearance of a tower as approved by  
41 the ZC or BCC. Modification which cannot be approved by the DRO shall be subject to a  
42 development order amendment as provided in this Code.

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SUMMARY OF REQUESTED AMENDMENTS  
 (Updated 7/15/13)

1

Table 4.C.3.1 - Residential District Tower Location and Type of Review

TOWER TYPE	AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Stealth Towers ≤ 100'	DE	DE	DE	DE	D	D	D	D	*	*	D
Stealth Towers >100' ≤125'	D	D	D	D	B	B	B	D	*	*	D
Stealth Towers > 125'	B	B	B	B	A	A	A	B	*	*	B
Camouflage Towers	BP	BP	BP	BP	D	D	D	D	*	*	D
Monopole Towers ≤ 60'	BP	D	D	D	*	*	*	D	*	*	D
Monopole Towers > 60' and ≤ 100'	D	B	B	B	*	*	*	B	*	*	B
Monopole Towers > 100' and ≤ 150'	B	B	B	B	*	*	*	B	*	*	B
Monopole Towers > 150' and ≤ 200'	B	B	B	B	*	*	*	<u>B*</u>	*	*	*
Monopole Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	*	*	*
Monopole Towers > 250'	A	A	A	*	*	*	*	*	*	*	*
Self Support Towers ≤ 60'	BP	D	D	B	*	*	*	<u>DB</u>	*	*	D
Self Support Towers > 60' and ≤ 100'	D	B	B	A	*	*	*	B	*	*	B
Self Support Towers > 100' and ≤ 150'	B	A	A	A	*	*	*	A	*	*	A
Self Support Towers > 150' and ≤ 200'	A	A	A	*	*	*	*	*	*	*	*
Self Support Towers >200' and ≤ 250'	A	A	A	*	*	*	*	*	*	*	*
Self Support Towers > 250'	A	A	A	*	*	*	*	*	*	*	*
Guyed Towers ≤ 60'	BP	D	D	B	*	*	*	<u>DB</u>	*	*	D
Guyed Towers > 60' and ≤ 100'	D	B	B	A	*	*	*	B	*	*	B
Guyed Towers > 100' and ≤ 150'	B	A	A	*	*	*	*	*	*	*	*
Guyed Towers > 150' and ≤ 200'	A	A	A	*	*	*	*	*	*	*	*
Guyed Towers > 200' and ≤ 250'	A	A	A	*	*	*	*	*	*	*	*
Guyed Towers > 250'	A	A	A	*	*	*	*	*	*	*	*
FDOT	D(2)	D(2)	D(2)	D(2)	D (2)	D (2)	D (2)	D (2)	D(2)	D(2)	D(2)
FPL (3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)	D(3)
<b>Notes:</b>											
D = Development Review Officer (No Public Hearing)											
DE = Expedited Review											
BP = Building Permit Review (No Public Hearing)											
B = Conditional use Review by ZC (1 Public Hearing)											
A = Conditional use Review by BCC (2 Public Hearings)											
(1) = Public or Private, Civic, <u>Recreation</u> and Commercial pods only											
(2) = I-95 and Florida Turnpike streets at least 250 feet in width											
(3) = Electrical transmission streets at least 250 feet in width											
* = Not permitted in zoning district, unless otherwise allowed in association with non-residential uses as provided in this Section.											

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 TO ALLOW COMMERCIAL COMMUNICATION TOWERS  
 IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS  
 (Updated 7/15/13)

Table 4.C.3.I - Non-Residential Districts, Tower Location, and Type of Review

TOWER TYPE	AP	PO	CN	CLO	CC	CG	CHO	CRE	IL	IG	MUPD	MXPD (1)	PIPD	PC
Stealth Towers ≤ 100'	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP
Stealth Towers >100' ≤ 125'	D	D	D	D	D	D	D	D	D	D	D	D(2)	D	D
Stealth Towers > 125'	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Camouflage Towers	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP	BP(2)	BP	BP
Monopole Towers ≤ 60'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers > 60' and ≤ 100'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers >100' and ≤ 150'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers > 150 and ≤ 200'	D	D	B	B	D	D	B	B	D	D	B	B(2)	D	B
Monopole Towers >200' and ≤ 250'	D	A	A	A	B	B	A	A	D	D	A	A(2)	D	A
Monopole Towers >250'	B	A	A	A	A	A	A	A	B	B	A	A(2)	B	A
Self Support Towers ≤ 60'	BP	BP	*	*	*	BP	*	*	BP	BP	*	BP(3)	BP	BP
Self Support Towers > 60' and ≤ 100'	D	D	*	*	*	D	*	*	D	D	*	D(3)	D	D
Self Support Towers >100' and ≤ 150'	D	D	*	*	*	D	*	*	D	D	*	D(3)	D	D
Self Support Towers > 150' and ≤ 200'	D	B				B			D	D		D(3)	D	D
Self Support Towers > 200' and ≤ 250'	B	B				B			B	B		B(3)	B	B
Self Support Towers > 250'	B	A				A			B	B		B	A	A
Guyed Towers ≤ 60'	BP	BP				BP			BP	BP	BP	BP(3)	BP	BP
Guyed Towers > 60' and ≤ 100'	D	D				D			D	D	D	D(3)	D	D
Guyed Towers > 100' & ≤ 150'	D	D				D			D	D	D	D(3)	D	D
Guyed Towers > 150' & ≤ 200'	D	B				B			D	D	B	D(3)	D	B
Guyed Towers > 200' & ≤ 250'	B	B				B			B	B	B	B(3)	B	B
Guyed Towers > 250'	B	A				A			B	B	A	B(3)	B	A
FDOT (4)	D	D	D	D	D	D	D	D	D	D	D	D	D	D
FPL (5)	D	D	D	D	D	D	D	D	D	D	D	D	D	D

**Notes:**  
 D = Development Review Officer (No Public Hearing)  
 DE = Expedited Review  
 BP = Building Permit Review (No Public Hearing)  
 B = Conditional use Review by ZC (1 Public Hearing)  
 A = Conditional use Review by BCC (2 Public Hearings)  
 (1) = Public or Private, Civic, Recreation and Commercial pods only  
 (2) = I-95 and Florida Turnpike streets at least 250 feet in width  
 (3) = Electrical transmission streets at least 250 feet in width  
 \* = Not permitted in zoning district, unless otherwise allowed in association with non-residential uses as provided in this Section.

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TO ALLOW COMMERCIAL COMMUNICATION TOWERS  
IN RECREATION PODS OF PLANNED UNIT DEVELOPMENTS (PUDS)

SUMMARY OF REQUESTED AMENDMENTS

(Updated 7/15/13)

Table 4.C.3.I - Distances for Towers Located in and Adjacent to Residential Districts  
Separation and Setback

TOWER TYPE	AGR	RSA	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Stealth Towers ≤ 100'	residential existing (2)	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL	100150% NLT % from PL	150% NLT 100% from PL	150% NLT 100% from PL	150% NLT 100% from PL
	residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	non-residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
Stealth Towers >100' ≤ 125'	residential existing (2)	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL
	residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	non-residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
Stealth Towers > 125'	residential existing (2)	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL
	residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	non-residential Public ROW	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater
Camouflage Towers	residential existing (2)	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL	150%, NLT 100% from PL
	residential vacant (3)	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL	NLT 100% from PL
	non-residential Public ROW	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater	20% of tower height or district setbacks which-ever is greater

[Ord. 2005-002]

Notes:

- (1) = Permitted in public or private civic, recreation and commercial pods only
- (2) = Percent measured as a separation between lower and adjacent residential structures
- (3) = Measured as a setback from property lines of lower location
- (4) = Height tower type and setbacks limited as provided in this section

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