

Land Development Regulation Advisory Board (LDRAB)
Amendments to the Agenda
(Updated 05/23/11)

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Table with 2 columns: Item ID (#1) and Description (Page 23 (line 39), Exhibit C - Renewable Energy (Wind), Part 3. Reason for Amendments: [Zoning] Establish additional setbacks from habitable structures to address any potential adverse impact from Wind Turbines. Note that "Habitable Space" is defined by the Florida Building Code (FBC) as "A space or structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, screen enclosures sunroom Categories I, II and III as defined by the AAMA/NPEA/NSA 201, storage or utility space and similar areas are not considered habitable space.")

5. Setback and Separation from Existing Habitable Structures

Wind Turbines shall be located a minimum of 1,000 feet from existing habitable structures, in accordance with Figure 1.C.4.E, Typical Example of Measurement of Separation from Structure.

[Renumber Accordingly.]

Table with 2 columns: Item ID (#2) and Description (Page 24 (lines 8-16), Exhibit C - Renewable Energy (Wind), Part 3. Reason for amendments: [Zoning/Co. Att.]

g. Removal Decommissioning

All Renewable Energy Facilities (Wind) shall comply with the requirements of Art. 4.C.4.G, Tower Removal. For the purposes of this requirement, all Wind Turbines or MET Towers shall be considered synonymous to a Commercial Communication Tower. Exceptions shall be permitted as follows:

- 1) The timeframe for removal shall be 12 months from cessation of use;
2) Any foundation associated with a Wind Turbine or MET Tower shall be removed from the site to a depth which is at least 48 inches below restored ground level and the site is restored to its original state, including the planting of any grasses or crops.

A Renewable Wind Energy Facility project ("Project"), when deemed "abandoned", shall be removed in accordance with the provisions of this subsection (g). For the purposes of this section, the term Project shall also include individual Wind Turbines or MET Towers located within a larger Wind Energy Facility. The Project shall be deemed "abandoned" when the Project is completely unable to generate electricity, whether through continued operation or repowering, and where the owner of the Project ("Project Owner") is not engaged in any effort to remedy the condition that gave rise to the complete inability to generate electricity, or if the project fails to generate electricity for a period of three years regardless of the efforts of the Project Owner. If a Project is deemed "abandoned", the Project Owner shall commence removal of the Project. The arrangements regarding removal of the Project are to be set forth in contracts between the applicable landowners and the Project Owner, which such arrangements shall:

- 1) Require the removal of the turbine towers and foundations up to a depth of 36 inches below grade;
2) Establish a time frame up to 24 months, subject to adjustment due to force majeure events, to complete the removal; and
3) Provide surety, in a form subject to approval of the County Attorney, for removal to the applicable landowner (as primary beneficiary) and to the County (as secondary beneficiary in the event the landowner fails to timely enforce its rights under the surety instrument). The amount of the surety shall be calculated by an independent, Florida certified professional engineer immediately prior to the date it is required to be provided, as set forth in this clause (3), and shall be equal to the cost of removing the Project. The surety amount shall be recalculated every 5 years thereafter. The surety, which shall be in the form of a single instrument, shall be provided to the applicable landowner and the County upon the earlier to occur of:
A. The date which is 10 years prior to the end of the lease term between the applicable landowner and the Project Owner, as such term may be extended from time to time, or
B. The 90th day following the date the Project is deemed "abandoned".

Notes:

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Table with 2 columns: Item ID (#3) and Description (Page 24 (lines 36-44), Exhibit C - Renewable Energy (Wind), Part 3 Reason for amendments: [Zoning/Co. Att./DOA] Suggested language)

i. Aircraft Hazard

- 1) Wind Turbines or MET Towers shall not be a hazard to air navigation as determined by the FAA.
2) Prior to issuance of a Building Permit for a Wind Turbine or MET Tower, proof of compliance with applicable requirements of the FAA and Art. 16, Airport Regulations of the Code, shall be provided in a manner acceptable to the Zoning Director.
3) To ensure the safety of low flying aircraft associated with agricultural activities, in the event that there are no specific FAA requirements for MET Towers or Wind Turbines, the standards applicable to Communications Towers or other similar tall structures shall be provided.
To ensure the safety of low flying aircraft, any application for a Wind Energy Facility shall demonstrate compliance with 14 CFR Part 77.9 and notification requirements to the Administrator of the FAA. In the event there are no applicable FAA requirements for safety markings of Wind Turbines or MET Towers the following safety marking requirements shall be applied:
1) Paint will be applied to the top 1/3 of the MET Tower in alternating bands of international orange and white.
2) Three orange guy wire marker spheres will be installed on each of the outer guy wires of the MET Tower.
3) 10 foot yellow florescent sleeves will be attached on either side of each marker sphere.
4) A low-intensity flashing red light will be mounted at the top of the MET Tower.
5) 10 foot yellow florescent sleeves will be attached to each guy wire at the anchor points of the MET Tower.

Table with 2 columns: Item ID (#4) and Description (Page 43 (lines 41-47), Exhibit H - Lion Country Safari, Part 3 Reason for Amendments: [Zoning/Planning] Recognize that the alternative deed restriction/conservation easement is the method for regulating future development of Open Space when located within the LCS MUPD or RVPD, and requires review and approval by the County Attorney to ensure consistency with the Plan and this Code.)

(b) The Safari Park MUPD (excluding hotel site) and RVPD shall be permitted to count towards the 60 percent Open Space requirement provided that prior to issuance of the final Development Order, a deed restriction/conservation easement, subject to approval by the PZ&B Director in consultation with the County Attorney, is recorded that limits the use of the site to those listed above, in the event commercial recreation uses were to cease. This shall not preclude any renovation or expansion of park facilities where permitted by this Code.

Table with 2 columns: Item ID (#5) and Description (Page 45 (lines 14-23), Exhibit H - Lion Country Safari, Part 3 Reason for Amendments: [Zoning/Planning] Recognize that the alternative deed restriction/conservation easement is the method for regulating future development of Open Space when located within the LCS MUPD or RVPD)

d. Open Space Management Plan

The applicant shall submit an Open Space Management Plan for review and approval by the DRO, which ensures that all areas designated as open space on the master plan are maintained in perpetuity. The Open Space Management Plan shall include a bond, or the funding mechanism, in an amount necessary to ensure maintenance of the preserve area on a permanent basis. Bona fide agricultural land shall remain in agricultural production or returned to a natural state acceptable to ERM. Fallow land shall remain free of prohibited species and maintained to prevent the creation of a nuisance on adjacent properties. Wetlands shall remain viable and subject to the permitting and maintenance requirements of the SFWMD.

1) Lion Country Safari Exemption

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Land Development Regulation Advisory Board (LDRAB)
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1 [The required bond or other funding mechanism shall not be required for any Open](#)
 2 [Space areas located within the LCS MUPD or RVPD that have been counted towards](#)
 3 [a LCS PUD, until such time as the Safari Park ceases operations.](#)
 4
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#6	Page 61 (line 2), Exhibit I – Urban Redevelopment Area Overlay (URAO), Part 11 Reason for Amendments: [Zoning] 1) Amend to clarify Funeral or Crematory uses are Class A Conditional Use which is further clarified in the use note 59 in Article 4, Use Regulations, as being permitted subject to DRO approval where a crematorium is not included; and, 2) Correct glitch to approval process for Self Service Storage in the UI 1 Transect.
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6 **Table 3.B.16.E F – PRA Permitted Use Matrix Schedule (1)(2)(3)**

Use Type	Transect Sub-Zones							Note
	UC 1	UC 2	UC 3	UI 1	UI 2	SD (2)	Non-Conforming (3)	
Commercial Uses								
....								
Funeral Home or Crematory	<u>DA</u>	<u>DA</u>	<u>DA</u>	<u>DA</u>	<u>DA</u>	A		59
Self-Service Storage	<u>DA</u>	<u>DA</u>	D	<u>DA</u>	D	A		120
....								

#7	Page 70 (line 20), Exhibit I – Urban Redevelopment Area Overlay (URAO), Part 11 Reason for Amendments: [Zoning] Scrivener’s error – whereas, specific building types have been deleted from the URAO.
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9 **Table 3.B.16.F. – PRA Mixed Use, Block, Civic and Apartment Building PDRs**

#8	Page 83 (line 1), Exhibit I – Urban Redevelopment Area Overlay (URAO), Part 11 Reason for Amendments: [Zoning] To include Gates within the provisions permitted to be subject to Type I Waiver as relocated language from existing URAO.
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12 **Table 3.B.16.G – Type I and II URAO Waivers (1)**

Art./Table Reference and Title	Type I Waivers Limitations/Criteria	Type II Waiver Limitations/Criteria
....		
Art. 3.B.16.E, PRA Use Matrix		
Art. 3.B.16.E.4 F.1.a. Residential Setbacks	10% reduction provided the use is screened.	Waiver Permitted.
Art. 3.B.16.E.4.c. Drive Through Uses and Gasoline Service Facilities	Exceptions to Street Wall requirements may be permitted for vehicular and pedestrian access points.	Waiver Permitted. Requires submittal of alternative design that meets the intents of these provisions.
....		
Block Design Standards		
Table Art. 3.B.16.F, Block Dimension Requirements.	Allow 5% deviation due to unusual lot configuration confirmation.	Waiver Permitted
Frontage Classifications and Street Standards		
....		
Interconnectivity Standards		
....		
Article 3.B.16.F.5.c. Gates	<ul style="list-style-type: none"> Special circumstances between adjacent uses. Specific user requirements within the PRA project requires the use of gates, provided such does not impact the continuity of required blocks, streets or alleys. 	No Waiver
Building Standards		
Art. 3.B.16.F.56.a. Building Placement	No Waiver	Waiver Permitted
Art. 3.B.16.F.56.b. Building Development Regulations	No Waiver	Waiver Permitted
....	No Waiver	Waiver Permitted
Table 3.B.16.F, PRA Townhouse Lot and Building PDRs	No Waiver	Waiver Permitted
....	No Waiver	Limited Waiver Permitted to allow similar alternative
Table 3.B.16.F, PRA Appurtenances by Building Type	No Waiver	
....		
[Ord. 2011-]		
Notes:		
1. Deviations from the limitations or permissions granted for Waivers shall be prohibited.		

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May 25, 2011

Land Development Regulation Advisory Board (LDRAB)
Amendments to the Agenda

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#9	<p>Page 87 (line 13), Exhibit I – Urban Redevelopment Area Overlay (URAO), Part 17</p> <p>Reason for Amendments: [Zoning] Reflect reason for the amendment applicable to Funeral Home in the UC and UI districts of the URAO.</p>
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Part 17. ULDC Art. 4.B.1.A.59, Funeral Home, (page 53 of 166), is hereby amended as follows:

Reason for amendments: [Zoning] <u>Amend to streamline process for Funeral Homes without crematorium to be DRO approval process instead of Class A Conditional Use approved by the BCC.</u>

U:\Zoning\CODEREV\2011\LDRAB\Meetings\5-25-11\0 DRAFT Windfarm Amendments to Agenda 5-21-11.docx

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May 17, 2011

**Department of Planning,
Zoning & Building**

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

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



**Palm Beach County
Board of County
Commissioners**

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

County Administrator

Robert Weisman

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

RE: May 25, 2011 LDRAB/LDRC Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC meeting on Wednesday, May 25, 2011.

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

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

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: May 25, 2011 LDRAB/LDRC Agenda

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

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PALM BEACH COUNTY

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

MAY 25, 2011

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Gold Coast Build. Assoc.)

Joanne Davis (District 1)

Vacant (League of Cities)

Barbara Katz (District 3)

Terrence N. Bailey (Florida Engineering Society)

Jim Knight (District 4)

Jose Jaramillo (A.I.A.)

Lori Vinikoor (District 5)

Rosa Durando (Environmental Organization)

Vacant (District 6)

Michael Cantwell (PBC Board of Realtors)

Martin Klein, Esq. (District 7)

Gary Rayman (Fl. Surveying and Mapping Society)

Robert Schulbaum (Member at Large/Alternate)

Maurice Jacobson (Condominium Association)

Patrick Gleason (Member at Large/Alternate)

Vacant (Association Gen. Cont. of America)

Board of County Commissioners

Karen T. Marcus
Chair, District 1

Shelley Vana
Vice Chair, District 3

Paulette Burdick
Commissioner, District 2

Steven L. Abrams
Commissioner, District 4

Burt Aaronson
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Priscilla A. Taylor
Commissioner, District 7

Robert Weisman
County Administrator



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

**WEDNESDAY, MAY 25, 2011 AGENDA
2300 NORTH JOG ROAD**

1ST FLOOR KENNETH S. ROGERS HEARING ROOM (VC-1W-47), 1:00 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 April 27, 2011 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B Article 12, Traffic Performance Standards
2. Exhibit C Renewable Energy
3. Exhibit D Pain Management Clinics and Pharmacies
4. Exhibit E Interpretations
5. Exhibit F Administrative Inquiry
6. Exhibit G Northlake Boulevard Overlay Zone (NBOZ)
7. Exhibit H Lion Country Safari
8. Exhibit I Urban Redevelopment Area Overlay (URAO)
9. Exhibit J Appeals
10. Exhibit K Public Notice

C. CONVENE AS LDRC

1. Proof of Publication
2. Consistency Determinations
 - a. See Exhibits listed above B.1 thru B.10
 - b. Previously presented at March 23rd and April 27, 2011 LDRAB meetings:
 - 1) Exhibit L Article 1, General Provisions
 - 2) Exhibit M Article 2, Development Review Procedures
 - 3) Exhibit N Article 5, Supplementary Standards
 - 4) Exhibit O Article 6, Parking
 - 5) Exhibit P Article 8, Signage
 - 6) Exhibit Q Article 11, Subdivision, Platting and Required Improvements
 - 7) Exhibit R Article 13, Impact Fees
 - 8) Exhibit S Article 15, Health Regulations
 - 9) Exhibit T Criteria for Rezoning
 - 10) Exhibit U Generators
 - 11) Exhibit V Gas and Fuel Retail
 - 12) Exhibit W Day Care
 - 13) Exhibit X Reasonable Accommodation

D. RECONVENE AS LDRAB

E. PUBLIC COMMENTS

F. STAFF COMMENTS

G. ADJOURN

EXHIBIT A

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

Minutes of April 27, 2011 Meeting

On Wednesday, April 27, 2011 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the First Floor Conference Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:03 p.m. Ann DeVeaux, Code Revision Zoning Technician, called the roll.

Members Present: 10

Wesley Blackman (PBC Planning Congress)
Raymond Puzzitiello (Gold Coast Build. Assoc.)
Jose Jaramillo (AIA) *
Rosa Durando (Environmental Organization)
Michael Cantwell (PBC Board of Realtors)
Gary Rayman (Fl. Soc. of Prof. Land Surveyors)
Maurice Jacobson (Condominium Association)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Patrick Gleason (Member At Large, Alternate)

Members Absent: 6

David Carpenter (District 2)
Terrence Bailey (Florida Eng. Society)
Joanne Davis (District 1)
Barbara Katz (District 3)
Mike Zimmerman (District 6)
Martin Klein (District 7)

Member At Large: 1 (Not Attending)

Robert Schulbaum (Member At Large, Alternate)

Vacancies: 2

Vacant (League of Cities)
Vacant (Assoc. General Contractors of America)

County Staff Present:

Leonard Berger, Assistant County Attorney
Jon MacGillis, Zoning Director
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Ann DeVeaux, Zoning Technician, Zoning
John Rupertus, Senior Planner, Planning
Allan Ennis, Assistant Director, Traffic Eng.
Willie Swoope, Impact Fee Coordinator
Courtney Shippey, Child Care Program Coordinator, PBC Health Department
Kenny Wilson, PBC Health Department
Collene Walter, on behalf of the PBC Department of Airports

2. Additions, Substitutions, and Deletions

An Amendment to the Agenda sheet was presented. Items #1-4 were withdrawn.

3. Motion to Adopt Agenda

Motion to adopt as amended by Maurice Jacobson, seconded by Raymond Puzzitiello. The motion passed unanimously (9-0*).

4. Adoption of March 23, 2011 Minutes (Exhibit A)

Motion to adopt by Maurice Jacobson, seconded by Raymond Puzzitiello. The motion passed unanimously (9-0*).

B. ULDC Amendments

1. Exhibit B: Article 12 – Traffic Performance Standards

Mr. Ennis requested postponement of the exhibit until next LDRAB meeting on May 25th to allow sufficient time to respond to comments received from the League of Cities the same day of this meeting.

* Jose Jaramillo arrives at 2:09 p.m.

2. Exhibit C: Article 13 – Impact Fees

Mr. Swoope explained that the amendment primarily represents minor corrections to scrivener's errors and reflect the applicable effective date to the fee tables to be October 1, 2010.

Motion to adopt by Raymond Puzzitiello, seconded by Maurice Jacobson. The motion passed unanimously (10-0).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of April 27, 2011 Meeting

3. Exhibit D: Article 15 – Health Regulations

Mr. Kenny Wilson, Palm Beach County Health Department, clarified that the amendment:

- Corrects scrivener's errors;
- Does not permit occupancy of any new building or structure before final approval is issued by the Health Department;
- Determines that only a representative who is the owner of a parcel or lot or a licensed contractor is allowed to bring in site plans or supporting documents for a permit to the Health Department; and,
- Deletes some restrictions for on-site sewage treatment for certain commercial food establishments.

Motion to adopt by Lori Vinikoor, seconded by Maurice Jacobson. The motion passed unanimously (10-0)

4. Exhibit E: Gas, Fuel, Retail

Mr. Cross summarized the amendment as being a partial cleanup of a use that is no longer needed. The use consists of two general classifications under which one can sell fuel to the public; a convenience store with gas sales and an auto service station. The proposed amendment will remove the use classification and create a new use (Gas and Fuel, Retail) that would be consistent with the proposed sale of gas and fuel as a retail category. When the use is combined with other uses, more flexibility is achieved.

Some discussion ensued regarding existing auto service stations and possible nonconformities. Mr. Cross clarified that existing uses would not be rendered non-conforming if prior approvals were already obtained. The new use would not change the existing approval on the property unless changes to the site trigger non-conformities. Mr. Jacobson questioned whether there are any stations that allow recharging of batteries for electric cars. Mr. MacGillis responded that it is a topic for future consideration.

Motion to adopt by Maurice Jacobson, seconded by Lori Vinikoor. The motion passed unanimously (10*-0).

5. Exhibit F: Day Care

Ms. Cantor explained that the amendment is the result of new state legislation that requires the establishment of new provisions for Large Family Child Care Homes. The definition is expanded to clarify that Palm Beach County Health Department is in charge of licensing Child Day Care facilities while Adult Day Care facilities are licensed by the Agency for Health Care Administration (AHCA). The amendment also:

- Adds new definitions and provisions for Family Day Care Home as an occupied residence that allows up to six children; and Large Family Child Care Home (LFCCH) as an occupied single family residence providing custodial care for up to 12 children;
- Creates additional regulations to require LFCCH facilities to operate for at least two years as a Family Day Care Home before requesting licensing. This additional stipulation is regulated and controlled by the Health Department.
- Requires the use to be subject to a DRO approval process if located on lots less than 20,000 square feet. If over 20,000 square feet, then the use would be permitted by right. The use is only permitted in Residential Zoning Districts where Limited Day Care is allowed. LFCCH is not allowed in residential PUD pods because of additional site requirements that must be met.

Ms. Cantor introduced Colleen Walters from Urban Kilday Design Studios, to present part #4, page 36 on behalf of the Department of Airports. Ms. Walter related that the Department of Airports is requesting amendment to Article 16 to add Commercial Day Care Center to the listed uses that are prohibited within a five miles approach of the runway. She further stated that the changes are to meet the goals and recommendations of Federal Aviation Administration to prohibit uses that result in congregation of people within the runway area.

Mr. Courtney Shippey, Palm Beach County Health Department, responded to questions and provided clarification pertaining to the legislation, the capacity of LFCCHs and licensing. He also related that there are currently no LFCCHs in the unincorporated

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of April 27, 2011 Meeting

Palm Beach County while there are less than 100 LFCCHs in other municipalities within the County, and approximately 3,300 Family Day Care Homes with some level of concentration in the Belle Glades area. Ms. Cantor mentioned that the Florida Statutes that protect Family Day Care Homes from zoning regulations do not apply to Large Family Day Care Homes. She also responded to a question from Ms. Vinikoor stating that no separation criteria have been established for LFCCH located on single family homes outside of PUDs; however, it is an issue for further consideration. Other concerns were expressed regarding increased traffic, facility saturation in residential neighborhoods, and adequate septic system for the use.

Mr. Cross provided clarification of state statutes for Family Day Care Homes which protects the use from local zoning provisions. He reiterated that LFCCHs are not protected in the same way by the State and the use must comply with the additional regulations pertaining to parking, signage and ingress/egress.

Mr. Berger clarified that in order to operate a LFCCH, the owner would need to have lived in the home and operated for two years as a Family Day Care Home with six children first before being eligible to become a LFCCH.

Motion to adopt by Raymond Puzzitiello, seconded by Maurice Jacobson. The motion passed unanimously (10-0).

6. Exhibit G: Reasonable Accommodation

Mr. Berger explained that the amendment establishes a procedure for processing requests from persons with disabilities for Reasonable Accommodation for certain parts of the ULDC and clarifies that the amendments to the agenda, item #5 includes minor scrivener's errors.

Mr. Berger explained that the Federal Law protects the rights of disabled individuals in different ways and governments are required to reasonably accommodate the disabled. One way to protect them is to ensure that there are no barriers to the right to enjoy housing that a government may impose which may violate the American Disabilities Act (ADA) or the Federal Housing Act (FHA). As a result of case law, litigation and class action suits, a reasonable accommodation process was adopted by several local governments which balances a couple of competing interests. First, it ensures that we do not have barriers to the individual attempting to get housing. Staff can assist them in completing forms once they have established that they are disabled and are eligible for it. Secondly, it protects their identity. The reasonable accommodation application procedures balance their rights. An appeal process through a hearing officer is in place should there be opposition to the process.

Motion to adopt as amended by Raymond Puzzitiello, seconded by Maurice Jacobson. The motion passed unanimously (10-0).

C. Public Comment

There were no public comments.

D. Staff Comments

Mr. Cross gave an update on several subcommittees:

Produce Stand/Green Market – Mr. MacGillis expressed that direction on how to handle the produce stands as have been recently seen in the newspaper will be sought from the Board at the BCC hearing on Thursday, April 28th. At the February BCC Zoning Meeting, several Commissioners directed staff to look at the ULDC and determine if there were any regulations that would allow very limited retail of fresh produce grown on site. Mr. MacGillis has met with all of the Commissioners individually and he will make a recommendation to convene a subcommittee to address the topic based on LDRAB's recommendation.

Pain Management Clinic - concluded with insignificant changes from the previous meeting.

Renewable Energy – The third meeting on April 18th was the final scheduled meeting. There are several staff items such as internal boundary lines, setbacks and terminology that are still being finalized. A Florida Crystal representative who attended the meetings has emailed a request for a specific setback on the perimeter of 880 feet. Staff is awaiting their

EXHIBIT A

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

Minutes of April 27, 2011 Meeting

documentation to verify how their due diligence determined the setback distance. The proposed amendment is scheduled to be presented at the May 25th LDRAB meeting.

URA – The next meeting is probably going to be held on May 6, 2011, notifications would be sent to all subcommittee members.

Mining Consensus Building Workshop – The consensus committee presented their recommendation to the BCC on April 12th.

E. Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 3:06 p.m.

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

Minutes drafted by: Ann DeVeaux, Zoning Tech. _____ 5-02-11
Name (signature) Date

EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1
2 Part 1. ULDC Art. 1.1.2.C.110, CRALLS [Related to Definitions] (page 49 of 114), is hereby
3 amended as follows:
4

Reason for amendments: [Traffic Division] Since Article 12, Chapter G (Affordable Housing) is being deleted in Part 11, the next Chapter (Constrained Facilities) will be renumbered to become Chapter G.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7 C. Terms defined herein or referenced Article shall have the following meanings:
8 110.CRALLS - constrained roadway at a lower LOS - a Major Thoroughfare on which a lower
9 LOS is set pursuant to Art. 12.HG, Constrained Facilities, herein.

10
11
12 Part 2. ULDC Art. 1.1.2.P.92, Project to Provide Affordable Housing [Related to Definitions]
13 (page 83 of 114), is hereby deleted as follows:
14

Reason for amendments: [Traffic Division] The TPS methodology shown in Article 12.G has been superseded by Comprehensive Plan, Transportation Element Policy 1.2-d (4) and is being deleted under Part 11. Consequently, all references to Article 12.G also need to be deleted.

15 CHAPTER I DEFINITIONS & ACRONYMS

16 Section 2 Definitions

17 P. Terms defined herein or referenced Article shall have the following meanings:
18 ~~92. Project to Provide Affordable Housing - for the purposes of Art. 12, a Project eligible for~~
19 ~~the special applicability in Art. 12.G, Affordable Housing, pursuant to either:~~
20 ~~a. BCC determination, upon the recommendation of the Commission on Affordable~~
21 ~~Housing, both based upon the criteria developed by the Commission on Affordable~~
22 ~~Housing and adopted by ordinance of the BCC; or~~
23 ~~b. Art. 12.G.1, Applicability, of this Section.~~
24 [Renumber Accordingly]

25
26
27 Part 3. ULDC Art. 5.G.1.E.2.a, WHP Special Methodologies [Related to Traffic Performance
28 Standards Mitigation under Workforce Housing Program (WHP) Incentives] (page 64 of
29 90), is hereby amended as follows:
30

Reason for amendments: [Traffic Division] The reference to the TPS methodology for Workforce Housing Program projects is corrected to no longer refer to ULDC Article 12.G.6 but to Comprehensive Plan Transportation Element Policy 1.2-d (4).

31 CHAPTER G DENSITY BONUS PROGRAMS

32 Section 1 Workforce Housing Program (WHP)

33 E. WHP Incentives
34 2. Traffic Performance Standards Mitigation
35 a. WHP Special Methodologies
36 TPS mitigation shall be permitted for WHP projects in accordance with ~~Art. 12.G.6,~~
37 ~~Workforce Housing County Comprehensive Plan Transportation Element Policy 1.2-d (4).~~
38 [Ord. 2006-055]
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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1
2 Part 4. ULDC Art. 5.G.2.D.2.a, AHP Special Methodologies [Related to Traffic Performance
3 Standards Mitigation under Affordable Housing Program (AHP) Incentives] (page 71 of
4 90), is hereby amended as follows:
5

Reason for amendments: [Traffic Division] The reference to the TPS methodology for Affordable Housing Program projects is corrected to no longer refer to ULDC Article 12.G.6 but to Comprehensive Plan Transportation Element Policy 1.2-d (4).

6 CHAPTER G DENSITY BONUS PROGRAMS

7 Section 2 Affordable Housing Program (AHP)

8 D. AHP Incentives

9
10 2. Traffic Performance Standards Mitigation

11 a. AHP Special Methodologies
12 TPS mitigation shall be permitted for AHP projects in accordance with ~~Article 12.G.6,~~
13 ~~Affordable Housing County Comprehensive Plan Transportation Element Policy 1.2-d (4).~~
14 [Ord. 2009-040]
15
16

17
18 Part 5. ULDC Art. 12.A.3.B, Credits Against Project Traffic [Related to Credit Against Project
19 Traffic for Previously Approved or Captured Nonresidential Projects] (page 10 of 60), is
20 hereby amended as follows:
21

Reason for amendments: [Traffic Division] An incorrect reference to “Previously Approved” Project in this paragraph is being deleted. A “Previously Approved” Project’s credit for traffic is 100% and is covered in an earlier paragraph under Article 12.A.3.B.1.

22 CHAPTER A GENERAL

23 Section 3 Applicability

24 B. Credits Against Project Traffic

25
26 3. A Project shall be eligible for a 100 percent credit against Project Traffic if the ~~Previously~~
27 ~~Approved-or~~ Previously Captured non-residential Project has received CO for interior tenant
28 improvements for at least 80 percent of the gross leasable area for more than five years or
29 the ~~Previously Approved-or~~ Previously Captured residential Project has received building
30 permits for 80 percent of the units as set forth in the master plan or site plan as applicable.
31 [Ord. 2007-013]
32
33

34
35 Part 6. ULDC Art. 12.A.3.C.7, Exceptions [Related to Non-applicability] (page 11 of 61), is
36 hereby amended as follows:
37

Reason for amendments: [Traffic Division] The TPS methodology shown in Article 12.G has been superseded by Comprehensive Plan, Transportation Element Policy 1.2-d (4) and is being deleted under Part 11. Consequently, all references to Article 12.G also need to be deleted.

38 CHAPTER A GENERAL

39 Section 3 Applicability

40 C. Non-Applicability

41 ~~78.~~ Exceptions
42 The standards of this Article shall not apply to Site Specific Development Orders for the
43 Coastal Residential use as set forth in Article 12.I, COASTAL RESIDENTIAL EXCEPTION,
44 ~~the small 100 percent very low and low income housing Project as set forth in Article 12.G,~~
45 ~~AFFORDABLE HOUSING~~ and the special events, as set forth in Article 12.A.3.C.4, Special
46 Events.
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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

Part 7. ULDC Art. 12.B.2.A.1, Part One - Intersections [Related to the Nearest Point of Entry or Exit from the Project’s Accessed Link] (pages 13 of 61), is hereby amended as follows:

Reason for amendments: [Traffic Division] Because TPS has changed to a peak directional traffic standard, the calculation of Project Traffic Significance at intersections for purposes of Test One/Part One (Intersections) needed to be revised correspondingly. With two-way peak traffic, analysis of intersections was required when both entering and exiting Project Traffic exceeded the 1% of adopted level-of-service threshold. Since the peak directional traffic standard evaluates traffic in only one direction, the corresponding version of this requirement should be that the 1% threshold be measured only in one direction, either as entering or exiting.

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

A. Buildout Test - Test 1- Part One and Two

....
1. Part One – Intersections

-
a. The following major intersections shall be analyzed: [Ord. 2007-013]
1) The Major Intersections in each direction nearest to the point at which the Project’s Traffic enters each Project Accessed Link, and where the Project Traffic entering ~~and~~ or exiting the intersection from/to the Project Accessed Link is significant. The intersections analyzed shall not exceed two intersections per Project Accessed Link. [Ord. 2007-013]

Part 8. ULDC Art. 12.B.2.A.1, Part One - Intersections [Related to Signalized Intersections] (pages 13 of 61), is hereby amended as follows:

Reason for amendments: [Traffic Division] Because of the unique operational characteristics and signal timing/phasing associated with grade separated interchanges, the signalized intersections with the ramps cannot be accurately analyzed with the HCM 1985 Planning Methodology (CMA). The HCM Operational Analysis is a much more detailed methodology which takes the special characteristics of the interchange intersections into consideration.

CHAPTER B STANDARD

Section 2 Project Buildout/Five Year Standard

A. Buildout Test - Test 1- Part One and Two

No Project shall be approved for Site Specific Development Order unless it can be shown to satisfy the requirement of Parts One and Two of Test 1 as outlined below. [Ord. 2009-040]

1. Part One – Intersections

-
b. For signalized intersections that are not part of the SIS, SIS Connectors, FIHS, ~~or~~ TRIP funded facilities, or grade-separated interchanges, analyze the Major Intersections using the Highway Capacity Manual (HCM) 1985 Planning Methodology (CMA). In the event that one or more intersections exceed the Critical Volume threshold identified in Table 12.B.2.C-2 1B, are grade-separated interchanges, or the intersections are part of the SIS, SIS Connectors, FIHS, or TRIP funded facilities, the applicant shall conduct the intersection analysis of those intersections using the HCM Operational Analysis using the most recent version of the HCM. [Ord. 2007-013] [Ord. 2009-040]

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

Part 9. ULDC Art. 12.C.1.C.4, Background Traffic (pages 25 of 61), is hereby amended as follows:

Reason for amendments: [Traffic Division] The description of "Background Traffic" is modified in recognition of the fact that the TPS Database is an imperfect tool for compiling approved development information. Errors and omissions have occurred and will continue to occur. However, if corrected information is provided by the applicant's consultants or by County staff prior to the final approval of a traffic study, it can be included with minimal effort and delay, resulting in a more accurate forecast of traffic impacts. This will also provide an incentive for updating the TPS Database with more accurate information. In some cases, it may also be necessary to account for additional Projects which Staff has not yet had time to add to the TPS Database but which have received traffic concurrency approval letters/signoffs from the County.

CHAPTER C TRAFFIC IMPACT STUDIES

Section 1 Traffic Impact Studies

C. Traffic Volume Components

The traffic impact study shall address the Total Traffic volumes at the Project Buildout Year and the Five Year Analysis Period as outlined for Test 1 and Test 2. [Ord. 2006-043] [Ord. 2007-013]

4. Background Traffic

a. General

Existing traffic volumes will likely change during the Buildout Period of the proposed Project and during the five-year Test 2 analysis period. The traffic study must account for this change in traffic based on Background Traffic during the Buildout Period of the proposed Project and five-year Test 2 analysis periods. The Projection of Background Traffic shall generally be based upon the information set forth in the TPS Database, and shall be established in accordance with the requirements set forth in this Article and accepted engineering principles. It is recognized that errors and omissions may occur in the TPS Database which may need to be accounted for in a traffic study. The traffic study shall be amended to include any correction of errors or omissions in the TPS database, so long as either the engineer preparing the traffic study or the County notifies the other party within thirty (30) days of the initial submission of the traffic study and the error or omission should have been included in the database prior to the date of the initial submission of the traffic study. This change in traffic shall be shown as it relates to the proposed phasing. The Projection of Background Traffic during the Buildout Period of the proposed Project and five-year Test 2 analysis period shall generally be based upon the TPS Database, and subject to the review and approval of the County Engineer, using the following criteria: [Ord. 2006-043]

- 1) Historical growth shown on tables of County Engineer;
- 2) Characteristics of growth in the Radius of Development Influence;
- 3) Extent of existing, approved, and anticipated development in the Radius of Development Influence;
- 4) Types and sizes of development in the area;
- 5) Traffic circulation in the area;
- 6) Major Projects' impact;
- 7) New and assured road construction.

....
c. TPS Database

Using the TPS Database, all traffic from the unbuilt portion of Projects which have received a concurrency reservation prior to the County Engineer's approval of the proposed Project's traffic study which will add significant trips to any Link within the proposed Project's Radius of Development Influence during the Buildout Period of proposed Project shall be specifically accounted for in projecting Traffic for Test 1. For major intersections, the TPS Database shall specifically account for all Project Traffic volumes if at least one approach to the intersection has a Project Traffic volume greater than or equal to 1% of the adopted LOS D. No double counting of trips shall occur. For Test 2, only the traffic generated from the unbuilt portions of the Projects as set forth above which are projected to be built during the Five-Year Analysis Period shall be considered. [Ord. 2005-002] [Ord. 2006-043] [Ord. 2009-040]

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

Part 10. ULDC Art. 12.F.1, Board (pages 28 of 61), is hereby amended as follows:

Reason for amendments: [Traffic Division] This language is being added for clarification purposes to note that appeals of traffic engineering decisions heard by the TPSAB must be related to ULDC Article 12.

CHAPTER F APPEALS

Section 1 Board

Except as specifically provided in this Article, appeals from the decisions of the County Engineer or Municipal Engineer, and from all traffic engineering decisions made pursuant to this Article, shall be taken to the TPSAB. Appeals may be brought by the Applicant, any Municipality within the Project's Radius of Development Influence, and the County. The TPSAB shall consist of the Director of the MPO, a professional traffic engineer employed by a municipality as a traffic engineer, a professional traffic engineer employed by another Florida County, a professional traffic engineer employed by the FDOT, District IV, and a professional traffic engineer who generally represents developers. Any individual serving on the TPSAB shall not be a person who participated in the decision being appealed, or who works for or is retained by a party to the appeal or a person who would be directly affected by the matter being appealed or the Proposed Project to which the appeal relates.

Part 11. ULDC Art. 12.G, Affordable Housing (pages 29-32 of 61), is hereby deleted as follows:

Reason for amendments: [Traffic Division] Currently the ULDC refers to Article 12.G.6 for the TPS methodology applicable to the Workforce Housing Program (WHP) (Article 5.G.1.E.2.a.) and for the Affordable Housing Program (AHP) (Article 5.G.2.D.2.a.). However, the TPS methodology shown in Article 12.G has been superseded by Comprehensive Plan, Transportation Element Policy 1.2-d (4) and therefore needs to be deleted. Also, the references in Article 5 needs to be changed and are shown separately.

~~CHAPTER G AFFORDABLE HOUSING~~

~~Section 1 Applicability~~

~~A. Applicability~~

~~This Chapter applies to "Projects to Provide Affordable Housing." Income limits for purposes of this shall be as set forth in the Plan, Housing Element, using the median income as established by the U.S. Department of Housing and Urban Development, Subsection 8 Income Guidelines, West Palm Beach – Boca Raton – Delray Beach, Florida.~~

~~B. Definition~~

~~Affordable housing shall be that housing where mortgage payments, taxes, insurance, and utilities on owner-occupied housing; and contract rent and utilities on renter-occupied; is less than or equal to 30 percent of the applicable Adjusted Gross Income as described in the preceding paragraph.~~

~~Section 2 Eligibility~~

~~In order to be eligible for Traffic Concurrence Relief under this Section, a Project must provide one of the following:~~

~~A. Mixed housing which enhances or balances the proportions of very low and low income and market-rate housing within the surrounding area as designated by a sector. A sector is defined in the Supporting Document of Transportation Element of the Plan and is provided here for convenience. A sector is "...a geographic area that shall include and be relative to the size and location of the proposed development. It shall consist of one or more neighborhoods that contain a school, an integrated network of residential and collector streets bounded by arterial roads, civic uses, and localized shopping and employment opportunities. The sector will include a minimum of one census tract but shall not extend beyond important physical boundaries which may include a major arterial roadway or wildlife refuge." [Ord. 2005-002]~~

~~B. Meet the requirements of Art. 5.G.1. Workforce Housing Program and Section 6, below. [Ord. 2005-002]~~

~~1. A mixed housing Project shall not exacerbate an existing imbalance of very low/low income housing opportunities within the sector of the proposed development, but shall achieve an economic balance of households, as measured by household income, within a designated sector and shall promote the following ranges of housing opportunities:~~

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

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Table 12.G.2-11 – Ranges of Housing Opportunities

Very low (up to 50 percent of the median)	10–40 percent
Low (from 50 percent to 80 percent of the median)	10–40 percent
Moderate (from 80 percent to 120 percent of the median)	20–70 percent
Middle (from 120 percent to 150 percent of the median)	10–20 percent
High (over 150 percent of the median)	05–30 percent
[Ord. 2005-002]	

Section 3 – Application Review of Special Methodologies Projects

A. Submittal

An application shall be submitted, in duplicate, to the Planning Division to be considered for traffic concurrency under this Special Methodologies Section. The form of this application shall be prepared by the Planning Division, in coordination with the Commission on Affordable Housing.

1. The application shall be reviewed for sufficiency by the Planning Division, and the applicant shall be notified of any deficiencies within five working days of receipt of the application. Further processing of the application shall be suspended until the required items and information are provided.

B. Review

The complete application shall be reviewed by both the Planning Division and the Commission on Affordable Housing staff who shall determine if a Project qualifies as either a 100 percent very low and low Housing Project or a Mixed Housing Project.

1. When determining whether a Project qualifies as a Mixed Housing Project, the staff shall consider the following factors:

- a. Whether or not the Project complies with, at least, the minimum standards for a development of its size as identified in the traffic performance standards exemption criteria in the Transportation Element Policy 1.2 b of the Plan. This involves scoring a minimum number of points awarded relative to the Project's size and development characteristics meeting certain performance standards, these standards include affordability, accessibility, quality of design, resource protection, environmental quality, neighborhood compatibility, safety, pedestrian and vehicular circulation, parking, open space, parks and landscaping.
- b. Whether the Project furthers the balance of housing opportunities within a sector by providing units which meet the minimum required housing in the very low, low and moderate categories determined by the existing percentage of very low, low and moderate income housing in that sector. The following table shows the proportions of households as described by income:

2. When determining whether a Project qualifies as a Workforce Housing Project, the staff shall meet the requirements of Art. 5.G.1. Workforce Housing Program and Section 6, below.
[Ord. 2005 – 002]

Table 12.G.3.B – 12 – Proportions of Households as Described by Income

Income Category	Percent of Affordable Housing Existing Within a Sector and Minimum Very Low and Low Housing Required ^{*,**}				
	Existing	Under 20 percent	20-40 percent	40-50 percent	Over 50 percent
Very-Low And Low	Existing	Under 20 percent	20-40 percent	40-50 percent	Over 50 percent
	Required	40 percent	30 percent	20 percent	10 percent
Percent of Moderate Income Housing Existing Within a Sector and Minimum Moderate Housing Required					
Moderate and Above	Existing	Under 20 percent	20-60 percent	Above 60 percent	
	Required	20 percent	10 percent	0 percent	

[Ord. 2005 – 002]

* The distribution of very low and/or low required in a Project is 50 percent of each type of housing with the exception of Projects with only owner-occupied units which shall be required only to provide low income units. These Projects may fulfill the minimum requirement of very low and low-income units with the provision of all low income units.

** Minimum percentages as applied to a number of units to be constructed will be rounded down to the nearest whole unit number or one unit, whichever is greater.

Note: The Commission of Affordable Housing, in conjunction with the Planning Division, shall identify and periodically update the criteria to be used for evaluating the appropriate mix of very low, low, and other housing in a Project that is to be reviewed for compliance with the Special Methodologies provisions. Upon request, this information shall be made available to an applicant.

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

~~Section 4 – Approval~~

- ~~A. In the event the Project is found to qualify as a Mixed Housing Project, the Planning Director shall notify the County Traffic Engineer that this Project need not meet the LOS Standards if the Project Traffic is less than or equal to three percent of the Average Daily Traffic LOS D Standard on any Link; provided however, that the cumulative traffic from Mixed Housing Projects on any Link does not exceed three percent of Adopted LOS D Standard. [Ord. 2005 – 002]~~
- ~~B. The relief provided under this special Methodology Section shall be considered in determining whether or not there are adequate road facilities for this Project in accordance with this Code. In the event that is a determination of sufficiency, any Concurrency reservation issued by the Zoning Director for the Project must include a condition prohibiting the issuance of a Development Order until a covenant is recorded in the Public Records of PBC as outlined in the paragraph below. [Ord. 2005 – 002]~~
- ~~C. The applicant shall prepare a covenant approved by the Commission on Affordable Housing, determined to be legally sufficient by the County Attorney. The covenant, to be recorded in the public records of PBC, shall guarantee, for a period of at least ten years for single family housing and 20 years for multi-family housing rental units, how the affordability shall be maintained for units required to be very low and moderate income (pursuant to income categories and definitions of the Plan, Housing Element). The period of time these units will remain affordable shall commence from the date of the issuance of the final CO for the first required affordable unit built in the Project. The covenant shall be recorded in the Public Records of the Clerk of the Court for PBC prior to final DRO approval of the site plan. For a mixed housing project located within a municipality the covenant shall be recorded in the Public Records of the Clerk of the Circuit Court for PBC prior to the issuance of any building permit by the municipality. [Ord. 2005 – 002]~~

~~Section 5 – Municipal and Department Coordination~~

- ~~A. In the event that a Project being proposed is in part or wholly within a municipality, the Planning Director shall provide the appropriate officials of the city with the conditions upon which the Project is to receive traffic concurrency. The Planning Division shall coordinate with the municipal staff to ensure that the issuance of certificates of occupancy for the required housing complies with the covenanted requirements and conditions.~~
- ~~B. The Traffic Division shall be responsible for monitoring the exempted traffic under the Special Methodologies for the LOS standard for Links impacted by the specific type, i.e. for mixed housing developments. The respective limit is three percent for any impacted Link on the PBCs thoroughfare network. The Traffic Engineer shall determine whether the Project traffic, when added to all other existing approved Projects' traffic exempted under the Special Methodologies procedures, exceeds the limits for exempted volume for the mixed housing development. [Ord. 2005 – 002]~~
- ~~C. The Traffic Engineer shall inform the Planning Director, prior to the certification of the Project at the DRO, when a Special Methodologies application has been approved for the traffic exemption from the applicable LOS standard. The Planning Director shall include this information in the review of an application for development certification at the DRO for a Project to be built in unincorporated PBC.~~
- ~~D. The Commission of Affordable Housing shall monitor the Project for compliance with the required covenant.~~

~~Section 6 – Workforce Housing and Affordable Housing~~

- ~~**A. Workforce Housing Program (WHP)**
TE Policy 1.2-b of the Plan allows special methodologies to be applied for WHP projects. The projects net trips associated with the non-WHP units attributable to the standard density and all non-residential land uses shall be subject to the 1% of adopted level-of-service (including Florida Strategic Inter-modal System [SIS]). The project's net trips associated with all remaining residential units of the project (including WHP units) shall be subject to a 5% of adopted level-of-service significance level in determining compliance with TPS. To address any adverse impacts on SIS facilities, any development significantly impacting SIS facilities shall be required to address their full impacts on the SIS facilities. [Ord. 2005 – 002] [Ord. 2006-055] [Ord. 2010-005]~~
- ~~**B. Affordable Housing Program (AHP)**
TE Policy 1.2-b of the Plan allows special methodologies to be applied for AHP projects. The project's net trips associated with the units attributable to the standard density and all non-residential land uses shall be subject to the 1% of adopted level-of-service significance level. The project's net trips associated with the entire project (including any bonus density units) shall be subject to the 5% adopted level-of-service significance level in determining compliance with the Traffic Performance Standards. To address any adverse impacts on SIS facilities, any~~

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SUMMARY OF AMENDMENTS
(Updated 5/16/11)

~~development significantly impacting SIS facilities shall be required to address their full impacts on the SIS facilities. [Ord. 2010-005]~~

Part 12. ULDC Art. 12.H, Constrained Facilities (pages 33 - 34 of 61 and Exhibit D of Ordinance 2011-001), is hereby amended as follows:

Reason for amendments: [Traffic Division] Changes to the procedure for Constrained Roadway at Lower Level-of-Service (CRALLS) application are needed for clarification and to eliminate repetition. Among the items clarified are: who can apply for a CRALLS, how the CRALLS application is initiated for review, what the role of various agencies is in the review process, and which projects can utilize the CRALLS.

CHAPTER ~~HG~~ **CONSTRAINED FACILITIES**

Section 1 Purpose and Intent

It is recognized by the BCC that some Links and Major Intersections are not planned to be widened to width, laneage, or geometrics that can accommodate Traffic from the density/intensity and location of land uses at the Generally-Adopted LOS. ~~The BCC may determine that additional traffic impacts from new development should be permitted on these Constrained~~ Links and Major Intersections which are improved (or presumed to be improved under Test 2) to their ultimate width, laneage, and geometrics as contemplated by the Thoroughfare R-O-W ~~Protection-Identification~~ Map ~~are, by definition, Constrained Facilities. Which of those Constrained Facilities cannot accommodate future Development at the Generally-Adopted LOS, and what should be done to remedy the situation, requires thorough study, comprehensive data, and close scrutiny of the various policies involved. Future Roadway System by Number of Lanes Map, and/or MPO Cost Feasible Long-Range Plan. In some cases, the BCC may designate a Link or Major Intersection as a temporary CRALLS in order to allow development to occur prior to a planned roadway improvement project. When the BCC makes a determination that a reduced LOS is appropriate on a Constrained Facility, it shall be designated a Constrained Roadway at Lower Level of Service (CRALLS). A County amendment to consider a CRALLS designation will rely upon, as appropriate, the data and analysis provided by the local government requesting the CRALLS designation. This Section is intended to ensure thorough review of application for a CRALLS. It is declared to be the minimum review and procedure necessary establishes the procedures by which a proposed CRALLS amendment is reviewed in order~~ to ensure an appropriate level of review.

Section 2 Procedure

A. General

Constrained Facilities shall not automatically receive a reduced LOS. Determinations of whether a reduced LOS shall be set on a Constrained Facility, and what that LOS should be, shall be made by the BCC ~~as part of a text amendment to the Transportation Element of the Comprehensive Plan. The BCC may adopt a reduced LOS and shall specifically establish the LOS on the Constrained Facility, if reduced. The CRALLS may be available for all Project applicants to utilize, or it may be limited for use by a Project or Projects specified by the BCC. Implementation of mitigation strategies shall be a requirement for use of the CRALLS by a Project. Any proposed reduction in the LOS on a SIS or FIHS Roadway shall be reviewed and approved by the State if required by Florida law, and the applying local government shall be responsible for coordinating with and obtaining State approval that may be required.~~

B. Applications-Letter of Intent

~~Local governments shall request Applications for a reduced LOS on a Constrained Facility shall be made to the BCC through the Planning Director for initial review by the Planning Commission (PLC), by letter of intent up to 60 days and no later than 30 days prior to the window closing date for the applicable amendment Round. The letter shall be provided to the County Engineer and Planning Director and shall contain supporting containing such information relating to the Determination eCriteria of this Section as the PLC requires. The application shall be forwarded to all-affected Local Governments, the County Engineer, the FDOT, District IV, in the case of State Highways, and the MPO. The MPO shall review the proposal for technical traffic engineering purposes and consistency with its adopted plan. The advice of the MPO shall be considered by the PLC and the BCC when considering an application for a reduced LOS. The application shall propose the reduced LOS sought for Test 1 and/or Test 2. It need not be an entire range. The level of data and study needed for existing and Future Land Use to review an application for a CRALLS designation shall be determined in the pre-application conference. The decision shall be made by the County Engineer based upon the Major Thoroughfare Links and Major Intersections involved, (whether they are or will be collectors, minor arterials, or principal arterials), the extent of the proposed lowering of the LOS, the size of the area affected, the extent to which the~~

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

~~affected area is built out to its ultimate FLU, and the amount and quality of existing data and planning.~~ **[Relocated to new 12.G.2.D, Amendment Review]** Upon receiving the letter of intent, the Planning Director shall schedule a Pre-Application Conference prior to the Planning Commission meeting at which initiations for the next Comprehensive Plan Amendment Round will be discussed.

C. Pre-application Conference

~~The applying Local Government shall contact the Planning Director prior to making application, notifying the Director of the Local Government's intent to make application under this Article 12.H.2.B, Applications. The Director shall set a pre-application conference prior to accepting an application. The conference shall include r~~Representatives from the following agencies shall be invited to attend the Pre-Application Conference: of the: (1) Local Government making application; (2) County including the Planning Division and County Engineering; (3) FDOT, District IV; (4) Treasure Coast Regional Planning Council; and (5) MPO; and, (6) Other Impacted Local Governments as determined by the County Engineer. Other interested governmental agencies may also attend the Pre-Application Conference at their option. The purpose of the pre-application conference shall be to identify the issues for consideration, the likely impact of the proposal, the assumptions and changes made in socio-economic data (including justification for such), the application requirements (including which should be waived, if any), and to coordinate review. ~~The level of data and study needed for existing and FLU, and the proposed CRALLS, to review the proposed application shall be determined in the pre-application conference. The decision shall be made by the County Engineer based upon the magnitude of the proposed CRALLS, the difference from existing and FLU, the extent of the proposed lowering of the LOS, the amount and quality of existing data and planning, the size of the area affected, the extent to which the affected area is built out, and the Major Thoroughfare Links and Major Intersections involved (whether they are or will be collectors, minor arterials, or principal arterials).~~

D. Amendment Review

Within 30 days after BCC initiation, the applying Local Government shall, unless it has already done so, submit a complete CRALLS application, including data and analysis which addresses the Determination Criteria listed herein. The level of data and study needed for existing and Future Land Use to review an application for a CRALLS designation shall be determined in the pre-application conference. The decision shall be made by the County Engineer based upon the Major Thoroughfare Links and Major Intersections involved, (whether they are or will be collectors, minor arterials, or principal arterials), the extent of the proposed lowering of the LOS, the size of the area affected, the extent to which the affected area is built out to its ultimate FLU, and the amount and quality of existing data and planning. The application shall be forwarded to all affected Local Governments, the County Engineer, the FDOT, District IV, in the case of State Highways, and the MPO for review. The advice of the MPO shall be considered by the PLC and the BCC when considering an application for a reduced LOS. **[Relocated from 12.H.2.B, Applications]**

Section 3 Determination Criteria

In determining whether a Constrained Facility shall have a reduced LOS and, if so, what that LOS should be, and any conditions that shall be imposed, the applicant, ~~the MPO,~~ PLC, and the BCC shall consider the following public policy criteria: The Application and Amendment staff report shall include an analysis of the proposed CRALLS against these criteria: **[Ord. 2011-001]**

A. Cause of the constraint; e.g., whether the ~~lineage~~ laneage or geometrics are insufficient to accommodate Projected traffic as a result of concerns relating to physical limitations, fiscal limitations, environmental areas, aesthetics, historically significant development, or the character-of-area or neighborhood and the impact of adding lanes or changing the geometrics on such concerns.

....
L. A description of mitigation measures required to be implemented by the Project(s) that would benefit from the proposed CRALLS. These include vehicular and non-vehicular travel options to alleviate traffic congestion that is anticipated to result from exceedance of the adopted LOS on the CRALLS Link or Major Intersection.

Section 4 — Determination

~~The BCC may adopt a reduced LOS and shall specifically establish the LOS on the Constrained Link, if reduced. When the BCC makes a determination that a reduced LOS is appropriate on a Constrained Facility, it shall be designated a CRALLS. The Plan shall be modified to set this LOS. A reduced LOS need not necessarily be a whole range; it may be a portion of a range. Any proposed reduction in the LOS on a State Constrained Facility shall be coordinated with and approved by the State in accordance with Florida law.~~

~~It is recognized that detailed and comprehensive transportation planning has not yet been completed for all of PBC. This transportation planning will involve balancing the transportation system to the land use as~~

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1 ~~to density/intensity and location. This balancing will involve, in part, adjusting the levels of service on the~~
2 ~~Major Thoroughfare system. It will be achieved through the work of the MPO's work in updating the~~
3 ~~Model, and improving the data. Theoretically, once this balancing is completed, the need for CRALLS~~
4 ~~would not be necessary, unless amendments to land uses are made, or R-O-W widths or lanes are~~
5 ~~reduced. Accordingly, once the system is balanced through the work on the Model and data, the criteria~~
6 ~~shall be revisited to ensure that the criteria take into account this balancing.~~

7 ~~Section 5 — Application to Modify or Eliminate Adopted Link or Intersection~~

8 ~~A. Who May Apply~~

9 ~~Only a Local Government may apply to the BCC to amend the adopted width, proposed~~
10 ~~geometrics, or number of lanes of, or to eliminate a Link or Major Intersection improvements.~~

11 ~~B. Contents~~

12 ~~The application shall contain a detailed and comprehensive traffic evaluation of all affected Links~~
13 ~~and Major Intersections, taking into account existing, committed, and FLU development.~~

14 ~~C. Criteria~~

15 ~~The following criteria shall be considered by the BCC in considering whether a Link's lanes,~~
16 ~~proposed geometrics, a Major Intersection's proposed geometrics or the R-O-W width adopted in~~
17 ~~the Plan should be amended or a Link should be eliminated:~~

- 18 ~~1. Whether improvements are proposed to the Link or Major Intersection under consideration.~~
- 19 ~~2. Whether improvements are proposed to reliever Links or Major Intersections and the extent~~
20 ~~that such a reliever would impact traffic on the Link under consideration.~~
- 21 ~~3. The physical characteristics of the property adjacent to the Link or Major Intersection under~~
22 ~~consideration.~~
- 23 ~~4. The character of the area businesses or neighborhood adjacent to the Link or Major~~
24 ~~Intersection under consideration, and the extent of impact on such.~~
- 25 ~~5. The Projected cost of adding additional capacity to the Link or Major Intersection, or reliever~~
26 ~~facilities and the amount of capacity that would be added.~~
- 27 ~~6. The existing and Projected volume to capacity of the Link and the surrounding Major~~
28 ~~Thoroughfares before and after the proposed modification.~~
- 29 ~~7. The Projected revenue for improving the Major Thoroughfare system and the likely priority of~~
30 ~~various improvements to the Major Thoroughfare system.~~
- 31 ~~8. Environmental character and the extent of impact on such.~~
- 32 ~~9. Historical significance and the extent of impact on such.~~
- 33 ~~10. Aesthetics and the extent of impact on such.~~
- 34 ~~11. Amount of existing R-O-W, and cost to obtain additional R-O-W.~~
- 35 ~~12. Impact on the provision of other public facilities.~~

36 ~~D. Procedure/Extraordinary Vote~~

37 ~~1. When an application is made to eliminate a Link, narrow the adopted width of a Link, modify~~
38 ~~the proposed geometrics of a Link, or Major Intersection, in a manner that would reduce~~
39 ~~capacity, or reduce the number of lanes in the Plan, and that elimination, narrowing,~~
40 ~~modification, or reduction would materially impede: (1) the ability to achieve the Adopted LOS~~
41 ~~on the particular Link or Major Intersection, or the Major Thoroughfare system; or (2) the~~
42 ~~ability of Local Governments to allow Development consistent with their FLU Elements of~~
43 ~~their plans; the BCC shall require a review and determination of whether a reduced LOS~~
44 ~~(CRALLS designation) should be set on the Link or other Links before the BCC's eliminating~~
45 ~~the Link, narrowing the R-O-W width, modifying the proposed geometrics, or reducing the~~
46 ~~number of lanes. In such a case, eliminating the Link, narrowing the width or reducing the~~
47 ~~number of lanes shall require a majority-plus-one vote of the members of the BCC. No~~
48 ~~elimination of the Link, narrowing of the width, or modifying of the proposed geometrics in a~~
49 ~~manner that would reduce capacity, or reducing the number of lanes on a Link shall be~~
50 ~~effected until any necessary adjustments are made to: (1) the Major Thoroughfare system~~
51 ~~(including capacity improvements or lower the levels of service, as appropriate); (2) or the~~
52 ~~land uses have been made to accommodate the elimination, narrowing, modification, or~~
53 ~~reduction.~~

54 ~~2. If it is clear that no impediment to: (1) achieving the adopted LOS; or (2) Local Governments'~~
55 ~~allowing Development consistent with the FLUE of their plans would result, the BCC may, by~~
56 ~~a majority vote of its members narrow the adopted width, modify the proposed geometrics of~~
57 ~~a Link, or Major Intersection, or reduce the number of lanes in the Plan without PLC review.~~
58 ~~Nothing herein shall require CRALLS review, application to the PLC, or notice to any Local~~
59 ~~Government for minor modifications to the proposed Major Thoroughfare system which do~~
60 ~~not reduce capacity of the Link, Major Intersection, or Major Thoroughfare System. Nothing~~
61 ~~herein shall require PLC review for waivers of expanded intersection requirements or R-O-W~~
62 ~~protection pursuant to Policy 2-d of the Transportation Element of the Plan. **[Ord. 2011-001]**~~

63 ~~**[Relocated to new Art. 12.H, Modification or Elimination of Link or Intersection]**~~

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1
2 Part 13. ULDC Art. 12, Traffic Performance Standards (pages 35 of 61), is hereby amended as
3 follows:
4

5 **Reason for amendments:** [Traffic Division] This section of Article 12 is being converted into a separate
6 chapter because the subject matter of "Modification or Elimination of Link or Intersection" is unrelated to
7 the subject matter of "Constrained Facilities" with which it was previously combined.

8 **CHAPTER H MODIFICATION OR ELIMINATION OF LINK OR INTERSECTION**

9 **Section 1 Application to Modify or Eliminate Adopted Link or Intersection**

10 **A. Who May Apply**

11 Only a Local Government may apply to the BCC to amend the adopted width, proposed
12 geometrics, or number of lanes of, or to eliminate a Link or Major Intersection improvements.

13 **B. Contents**

14 The application shall contain a detailed and comprehensive traffic evaluation of all affected Links
15 and Major Intersections, taking into account existing, committed, and FLU development.

16 **C. Criteria**

17 The following criteria shall be considered by the BCC in considering whether a Link's lanes,
18 proposed geometrics, a Major Intersection's proposed geometrics or the R-O-W width adopted in
19 the Plan should be amended or a Link should be eliminated:

- 20 1. Whether improvements are proposed to the Link or Major Intersection under consideration.
- 21 2. Whether improvements are proposed to reliever Links or Major Intersections and the extent
22 that such a reliever would impact traffic on the Link under consideration.
- 23 3. The physical characteristics of the property adjacent to the Link or Major Intersection under
24 consideration.
- 25 4. The character of the area businesses or neighborhood adjacent to the Link or Major
26 Intersection under consideration, and the extent of impact on such.
- 27 5. The Projected cost of adding additional capacity to the Link or Major Intersection, or reliever
28 facilities and the amount of capacity that would be added.
- 29 6. The existing and Projected volume-to-capacity of the Link and the surrounding Major
30 Thoroughfares before and after the proposed modification.
- 31 7. The Projected revenue for improving the Major Thoroughfare system and the likely priority of
32 various improvements to the Major Thoroughfare system.
- 33 8. Environmental character and the extent of impact on such.
- 34 9. Historical significance and the extent of impact on such.
- 35 10. Aesthetics and the extent of impact on such.
- 36 11. Amount of existing R-O-W, and cost to obtain additional R-O-W.
- 37 12. Impact on the provision of other public facilities.

38 **D. Procedure/Extraordinary Vote**

- 39 1. When an application is made to eliminate a Link, narrow the adopted width of a Link, modify
40 the proposed geometrics of a Link, or Major Intersection, in a manner that would reduce
41 capacity, or reduce the number of lanes in the Plan, and that elimination, narrowing,
42 modification, or reduction would materially impede: (1) the ability to achieve the Adopted LOS
43 on the particular Link or Major Intersection, or the Major Thoroughfare system; or (2) the
44 ability of Local Governments to allow Development consistent with their FLU Elements of
45 their plans; the BCC shall require a review and determination of whether a reduced LOS
46 (CRALLS designation) should be set on the Link or other Links before the BCC's eliminating
47 the Link, narrowing the R-O-W width, modifying the proposed geometrics, or reducing the
48 number of lanes. In such a case, eliminating the Link, narrowing the width or reducing the
49 number of lanes shall require a majority-plus-one vote of the members of the BCC. No
50 elimination of the Link, narrowing of the width, or modifying of the proposed geometrics in a
51 manner that would reduce capacity, or reducing the number of lanes on a Link shall be
52 effected until any necessary adjustments are made to: (1) the Major Thoroughfare system
53 (including capacity improvements or lower the levels of service, as appropriate); (2) or the
54 land uses have been made to accommodate the elimination, narrowing, modification, or
55 reduction.
- 56 2. If it is clear that no impediment to: (1) achieving the adopted LOS; or (2) Local Governments'
57 allowing Development consistent with the FLUE of their plans would result, the BCC may, by
58 a majority vote of its members narrow the adopted width, modify the proposed geometrics of
59 a Link, or Major Intersection, or reduce the number of lanes in the Plan without PLC review.
60 Nothing herein shall require CRALLS review, application to the PLC, or notice to any Local
61 Government for minor modifications to the proposed Major Thoroughfare system which do
62 not reduce capacity of the Link, Major Intersection, or Major Thoroughfare System. Nothing

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EXHIBIT B

ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1 *herein shall require PLC review for waivers of expanded intersection requirements or R-O-W*
2 *protection pursuant to Policy 2-d of the Transportation Element of the Plan. [Ord. 2011-001]*
3 [Relocated from Art. 12.H.5, Application to Modify or Eliminate Adopted Link or
4 Intersection, above]
5
6

7 Part 14. ULDC Art. 12.Q.9, Appropriation of Fair-Share Revenues (pages 60 of 61), is hereby
8 amended as follows:
9

10 Reason for amendments: [Traffic Division] To delete an incorrect reference to a Code Section 3.B.2
11 that does not exist. The correct reference should be to just Section 3 as shown below

12 CHAPTER Q PROPORTIONATE FAIR SHARE PROGRAM

13 Section 9 Appropriation of Fair-Share Revenues

14 B. In the event a scheduled facility improvement is removed from the CIE, then the revenues
15 collected for its construction may be applied toward the construction of another improvement
16 within that same corridor or Impact Fee Benefit Zone that would mitigate the impacts of
17 development pursuant to the requirements of Section 3.~~B.2.~~ [Ord. 2006-043]
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EXHIBIT C

RENEWABLE ENERGY (WIND)
SUMMARY OF AMENDMENTS
(Updated 05/13/11)

1
2 Part 1. ULDC, Art. 1.I, Definitions and Acronyms (pages 34, 54, 72, 83 96, 105 and 112 of 114),
3 is hereby amended as follows:
4

Reason for amendments: [Zoning] Amend code provisions for Renewable Energy-Wind to address changes in industry standards. Additional definitions to acknowledge the need for Meteorological Towers for data collection and operation of wind farms, and inclusion of Specific Purpose Survey as provided for by Florida Administrative Code.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7
8 E. Terms defined herein or referenced in this Article shall have the following meanings:
9
10 12. **Electric Power Facilities** - Any electric generating facility that uses any process or fuel and
11 includes any associated facility that directly supports the operation of the electrical power
12 facility. [Ord. 2006-004] [2009-040] [Ord. 2010-005]

13
14 M. Terms defined herein or referenced in this Article shall have the following meanings:
15
16 35. Meteorological Tower – A tower erected to measure atmospheric weather conditions.
17 [ReNUMBER Accordingly]

18 P. Terms defined herein or referenced in this Article shall have the following meanings:
19
20 92. Project Boundary – For the purpose of Art. 4.B.1.A106-2, Renewable Energy Facility
21 (Wind), shall mean a the limits of the approval for a Wind Energy Facility located on multiple
22 parcels, whether owned by the Wind Energy Facility operator or by leases with individual
23 property owners, where the limits of the approval may be used for purposes of determining
24 setbacks in lieu of internal property lines.
25 [ReNUMBER Accordingly]

26 R. Terms defined herein or referenced in this Article shall have the following meanings:
27
28 23. **Renewable Energy Facility, Wind** – A facility that uses one or more wind turbines,
29 Meteorological Towers or other systems with a principal use of producing electrical or
30 mechanical power from the wind. [Ord. 2010-005]
31 [ReNUMBER Accordingly]

32 T. Terms defined herein or referenced in this Article shall have the following meanings:
33
34 74. **Turbine, Wind** – A rotary engine assembly with attached blades or other similar systems,
35 typically affixed to an elevated structure, utilized in the process to convert wind into energy.
36 [Ord. 2010-005]
37

38 Section 3 Abbreviations and Acronyms

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....
MDA	Minimum Descent Altitude
<u>MET</u>	<u>Meteorological Tower</u>
MF	Multi-family Dwelling [Ord. 2006-004]
....

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EXHIBIT C

RENEWABLE ENERGY (WIND)
SUMMARY OF AMENDMENTS
(Updated 05/13/11)

1
2 **Part 2. ULDC, Art. 2.D.1.G.1, Amendments to BCC/ZC Approvals (pages 36-37 of 80), is hereby**
3 **amended as follows:**
4

Reason for amendments: [Zoning] See also Part 1 above – Grant the DRO authority to amend BCC approvals of Renewable Energy Facilities (Wind) located in the Glades Tier on parcels with an Agricultural Production (AP) Future Land Use (FLU) designation and Zoning district, to include the relocation or addition of Wind Turbines or Meteorological Towers. Additional flexibility may be required for larger Wind Facilities or when located in the Glades Tier, to accommodate possible environmental permitting conditions, maximize efficiency, or address other site related factors.

5 **CHAPTER D ADMINISTRATIVE PROCESS**

6 **Section 1 Development Review Officer**

7 **G. Administrative Review**

8 **1. Amendments to BCC/ZC Approvals**

- 9
- 10 a. The relocation of no more than 25 percent of the total approved square footage or other
- 11 area indicated as being covered by buildings or structures to portions of the site not
- 12 previously covered.
- 13 1) Relocated square footage shall not be used to create additional freestanding
- 14 buildings or structures; **[Ord. 2009-040]**
- 15 2) Exception: This shall not apply to a Renewable Energy Facility (Wind) within the AP
- 16 Zoning district.
- 17 b. An increase of no more than five percent in the total floor area of any building or
- 18 structure, or outdoor area considered as square footage, provided that the increase does
- 19 not exceed 5,000 square feet whichever is less; **[Ord. 2008-003] [Ord. 2009-040]**
- 20 1) For a Renewable Energy Facility (Wind) within the AP district, an increase in no more
- 21 than ten percent, up to a maximum of ten, of the number of wind turbines approved
- 22 by the BCC, for a Renewable Energy Facility (Wind) within the AP Zoning district.
- 23 c. Additions to or relocations of buildings and structures shall not be constructed closer to
- 24 perimeter property lines than shown on the plan approved by the BCC or ZC, unless the
- 25 FLU designation, Zoning zoning district, or existing use of the adjacent parcel is
- 26 compatible; **[Ord. 2009-040] [Ord. 2011-001]**
- 27 1) For a Renewable Energy Facility (Wind) within the AP Zoning District, this shall apply
- 28 to the Project Boundary, provided they meet separation or setback requirements from
- 29 streets, and residential uses and districts.
- 30

33 **Part 3. ULDC, Art. 4.B.1.A.106.2, Renewable Energy Facility (Wind) (page 79-81 of 166), is**
34 **hereby amended as follows:**
35

Reason for amendments: [Zoning] See also Part 1 above – 1) Clarify that a Renewable Energy Facility (Wind) may be comprised of a single commercial Wind Turbine, or multiple Turbines and Meteorological (MET) Towers; 2) Add additional images of more current Wind Turbines and Wind Farm Facilities; 3) Clarify and environmental permitting requirements; 4) Allow for nonconforming legal lots of record to be included within larger Renewable Wind Energy Facilities; 5) Incorporate request to allow for exemptions from setback requirements from internal property lines, which may or may not be owned by different property owners; 6) Acknowledge that Turbines or MET Towers located on farmlands may have vegetative cover that would be equal to or greater than any required landscaping materials, noting also that such would be inconsistent with the use of farmlands; 7) Incorporate recommendation to provide for decommissioning provisions; 8) Allow for minor deviations in Wind Turbine placement at time of construction, provided that final location is surveyed and amended on Final Site Plan prior to issuance of Certificate of Completion; and, 9) Establish expedited approval processes for temporary MET Towers located on farmlands for the purposes of gathering wind data for possible future Wind Farm Facilities.

36 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

37 **Section 1 Uses**

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

39 **106-2.Renewable Energy Facility, Wind**

40 A facility that uses one or more wind turbines, Meteorological (MET) Towers or other systems
41 with a principal use of producing electric or mechanical power from the wind. **[Ord. 2010-**
42 **005]**

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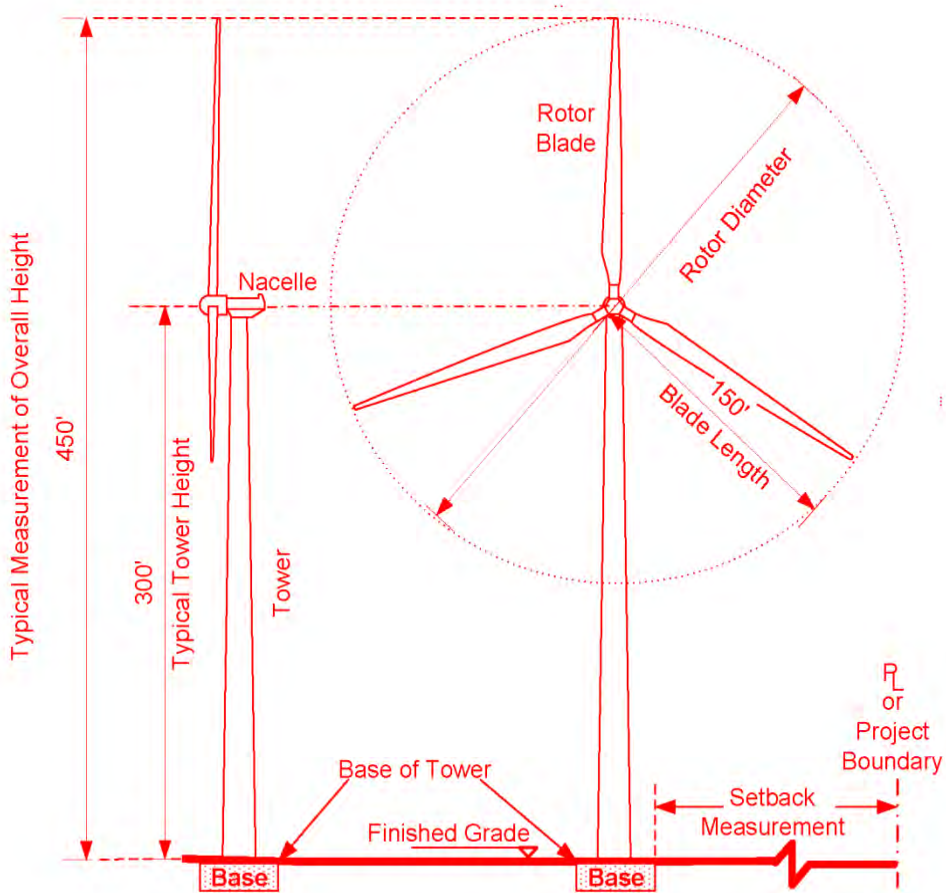
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EXHIBIT C

RENEWABLE ENERGY (WIND)
SUMMARY OF AMENDMENTS
(Updated 05/13/11)

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Figure: 4.B.1.A – Typical Renewable Wind Turbine Structure



[Ord. 2010-005]

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EXHIBIT C

RENEWABLE ENERGY (WIND)
SUMMARY OF AMENDMENTS
(Updated 05/13/11)

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a. **Environmental Permitting Pre-Submittal Requirements**

~~Prior to submitting an application for zoning approval, the~~ **The** applicant shall provide a letter of engagement, or other similar documentation, from all applicable environmental permitting agencies, including but not limited to: the Florida Fish and Wildlife Conservation Commission, ~~or~~ US Fish and Wildlife Service, Florida Department of Environmental Protection, or other applicable regulatory agency. Letters of engagement, or similar documentation, shall indicate ~~indicating~~ that the proposed facility is under review for ~~complies with their~~ applicable permitting or siting requirements for endangered, threatened or species of special concern, migratory birds or bats, natural ecosystem or wetlands, or other local wildlife ~~bat and bird migration patterns~~. The documentation shall be submitted to the Zoning Division, with the Zoning application, ~~and reviewed by ERM.~~ **[Ord. 2010-005]**

b. **Minimum Lot Size**

Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A, Property Development Regulations, or the applicable PDD requirements. Nonconforming legal lots of record may be included within the boundaries of a Renewable Energy Facility (Wind) if the overall project boundaries meet the minimum standards for the district. **[Ord. 2010-005]**

c. **Minimum Setback and Separation Requirements**

Accessory electric poles, distribution and transmission lines shall be exempt from the minimum setback requirements indicated below. **[Ord. 2010-005]**

1) Measurement of Height

The measurement of height shall be in accordance with Art. 4.C.4.B, Measurement of Height (related to Commercial Communication Towers), except that for Wind Turbines, the height shall be measured to the top of the turbine blade.

2) Minimum Setback All Lots

Facilities shall comply with the minimum setback requirements of the applicable zoning Zoning district, unless stated otherwise herein. **[Ord. 2010-005]**

3) Additional Setback

One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 35 feet. **[Ord. 2010-005]**

4) Setback and Separation from Lots Adjacent to Existing Residential Uses

Facilities located on lots adjacent to existing residential uses, Zoning districts or FLU designations, shall be setback a minimum of 110 percent of the height of the structure. ~~The height shall be measured from finished grade to the top of the turbine blade.~~ The setback shall be measured from the residential property line. **[Ord. 2010-005]**

3) Additional Setback

~~One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 35 feet.~~ **[Ord. 2010-005]**

5) Setback from Multi-Parcel Wind Facilities in AP

Wind Turbines, MET Towers or accessory structures on parcels with an AP FLU designation and Zoning district, may be exempt from Minimum Setback Requirements for lot lines located within the Project Boundary of a Renewable Energy Facility (Wind) approval. With exception to any residential or habitable structures, setbacks may be measured from the Project Boundary. This shall not include any portions of parcels that are not located within the overall project boundary.

d. **Perimeter Buffers and Interior Tree Requirements**

1) A Type I incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial, public and civic, or residential use. In addition, a Type II incompatibility buffer shall be required around the perimeter of all ground mounted equipment or accessory buildings. Palms may be substituted for 50 percent of the required canopy trees. These buffers may be modified pursuant to Article 7.B.3, Alternative Landscape Plan. **[Ord. 2010-005]**

2) Wind Turbines or MET Towers located on parcels with an AP FLU designation and Zoning district shall be exempt from the landscaping requirements above.

3) These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Table 7.C.3, Minimum Tier Requirements. **[Ord. 2010-005]**

e. **Substation**

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EXHIBIT C

RENEWABLE ENERGY (WIND)
SUMMARY OF AMENDMENTS
(Updated 05/13/11)

Substations associated with the facility shall be subject to the requirements of Article 4.1.A.134, Utility Minor. [Ord. 2010-005]

f. **Collocation with Existing Electric Power Facilities**

Wind facilities located on a site with an existing electric power facility shall be approved pursuant to the approval process indicated in the appropriate use matrix, and shall not be subject to a legislative development order amendment, pursuant to Article 2.B.2.H, Development Order Amendment. [Ord. 2010-005]

g. **Decommissioning**

All Renewable Energy Facilities (Wind) shall comply with the requirements of Art. 4.C.4.G, Tower Removal. For the purposes of this requirement, all Wind Turbines or MET Towers shall be considered synonymous to a Commercial Communication Tower. Exceptions shall be permitted as follows:

- 1) The timeframe for removal shall be 12 months from cessation of use;
- 2) Any foundation associated with a Wind Turbine or MET Tower shall be removed from the site to a depth which is at least 48 inches below restored ground level and the site is restored to it's original state, including the planting of any grasses or crops.

h. **MET Tower Approval Process Exceptions**

Permanent MET Towers shall be considered a permitted accessory structure to a Renewable Energy Facility (Wind).

1) **DRO Approval**

A temporary MET Tower located on a parcel with an AP FLU Designation and Zoning district, to be erected for a period of not more than three years, may be approved by the DRO.

2) **Permitted by Right**

A temporary MET Tower located on a parcel with an AP FLU Designation and Zoning district, to be erected for a period of not more than three years, where located a mile or more from a public R-O-W, or parcels with a conservation (when open to the public), commercial, public, civic, or residential use, shall be permitted by right.

i. **Microwave Path Analysis**

At time of submittal for final DRO approval, a professionally prepared microwave path analysis shall be submitted for review and approval by FDO. Prior to final DRO approval, the site plan shall clearly depict any area(s) of the site that is required by that analysis to remain free and clear of encroachments in order to preclude interference with County microwave communication systems.

j. **Aircraft Hazard**

- 1) Wind Turbines or MET Towers shall not be a hazard to air navigation as determined by the FAA.
- 2) Prior to issuance of a Building Permit for a Wind Turbine or MET Tower, proof of compliance with applicable requirements of the FAA and Art. 16, Airport Regulations of the Code, shall be provided in a manner acceptable to the Zoning Director.
- 3) To ensure the safety of low flying aircraft associated with agricultural activities, in the event that there are no specific FAA requirements for MET Towers or Wind Turbines, the standards applicable to Communications Towers or other similar tall structures shall be provided.

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EXHIBIT C

RENEWABLE ENERGY (WIND)
SUMMARY OF AMENDMENTS
(Updated 05/13/11)

1
2 Part 4. ULDC, Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements [Related
3 to Electric Power Facilities and Renewable Energy] (page 10 of 38), is hereby amended
4 as follows:
5

Reason for amendments: [Zoning] See also Part 1 above. Provide exemptions from parking for unmanned Wind Turbine or MET Towers, similar to those permitted for Communications Towers

6
Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd

Use Type: Utilities and Excavation	Parking ¹	Loading ²
....		
Renewable Energy Facility, Wind	<u>1 space per site; and 1 space per 200 sq. ft. of office space</u> <u>Exempt from parking requirements for unmanned Wind Turbines or MET Towers, unless otherwise required by the Zoning Director</u>	N/A
....		
[Ord. 2005-002] [Ord. 2009-040] [Ord. 2010-005]		
Loading Key:		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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EXHIBIT D

**PAIN MANAGEMENT CLINICS AND PHARMACIES
SUMMARY OF AMENDMENTS**

(Updated 5/9/11)

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Part 1. ULDC Art. 1.1.2, Definitions (page 80 of 114), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] 1) Add the term pharmacy and define it as the primary use that provides for the retail sale/dispensing of prescription and non-prescription drugs; 2) Clarify that pharmacies fall under the use of General Retail Sales.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

....

44. Pharmacy – shall mean an establishment offering on-site dispensing of prescription drugs, non-prescription drugs or both.

[Renumber accordingly.]

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

....

41. **Retail Sales, General** - for the purposes of Art. 4, an establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores), window tinting, ~~and~~ marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services.

....

Part 2. ULDC Table 3.B.1.B, Airport Use Regulations (page 18 of 231), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] The identification of Pain Management Clinics was established to enact the Moratorium, and due to the following, is no longer required: Expiration of moratorium; limitations on ability of County staff to ascertain difference between applications for Business Tax Receipts (BTR) from legitimate pain management specialists and those who aide in prescription drug abuse; licensure requirements for pain management specialists; and, existing and proposed State laws regulating dispensing by physicians and the filling of prescriptions in pharmacies; among others. As such, the use will fall under the original classification of Medical or Dental Office.

Table 3.B.2.B - Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs ⁽¹⁾	Note ⁽²⁾	Use Applicable to Specific Airport
Commercial Uses					
....					
Pain Management Clinic				91-1	All
....					
[Ord. 2006-036] [Ord. 2008-003][Ord. 2010-009] [Ord. 2010-022]					
Key					
P	Permitted by right				
D	Permitted subject to approval by the DRO				
S	Permitted only if approved by special permit				
B	Permitted only if approved by the Zoning Commission (ZC)				
A	Permitted only if approved by the Board of County Commission (BCC)				
1	Palm Beach International Airport (PBIA)				
2	PBC Glades Airport				
3	PBC Park Airport (aka Lantana Airport)				
4	North PBC General Aviation Airport				
All	PBIA, PBC Glades Airport, PBC Park Airport (aka Lantana Airport), North PBC General Aviation Airport				

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EXHIBIT D

**PAIN MANAGEMENT CLINICS AND PHARMACIES
SUMMARY OF AMENDMENTS
(Updated 5/9/11)**

1
2 **Part 3. ULDC Table 3.E.1.B, PDD Use Matrix (page 144 of 231), is hereby amended as follows:**
3

Reason for amendments: [Zoning/Co. Atty.] The identification of Pain Management Clinics was established to enact the Moratorium, and due to the following, is no longer required: Expiration of moratorium; limitations on ability of County staff to ascertain difference between applications for Business Tax Receipts (BTR) from legitimate pain management specialists and those who aide in prescription drug abuse; licensure requirements for pain management specialists; and, existing and proposed State laws regulating dispensing by physicians and the filling of prescriptions in pharmacies; among others. As such, the use will fall under the original classification of Medical or Dental Office.

4
Table 3.E.1.B - PDD Use Matrix cont'd

Use Type	PUD		MUPD						MXPD	PIPD			LCC		N O T E											
	Pods		FLU						FLU	Use Zone			FLU													
	R E S	C M	R C	R E	C I	A V R /	A P	C L	C H	C L	C H	C R	I N	I N		C H	C H	C O	I N	C O	I N	M H	R V	C L	C H	
Commercial Uses																										
....																										
Pain Management Clinic																										91-1
....																										
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022]																										
Notes:																										
P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																										

5
6
7 **Part 4. ULDC Table 4.A.3.A, Use Matrix (page 195 of 231), is hereby amended as follows:**
8

Reason for amendments: [Zoning/Co. Atty.] The identification of Pain Management Clinics was established to enact the Moratorium, and due to the following, is no longer required: Expiration of moratorium; limitations on ability of County staff to ascertain difference between applications for Business Tax Receipts (BTR) from legitimate pain management specialists and those who aide in prescription drug abuse; licensure requirements for pain management specialists; and, existing and proposed State laws regulating dispensing by physicians and the filling of prescriptions in pharmacies; among others. As such, the use will fall under the original classification of Medical or Dental Office.

9
Table 3.F.1.F – Traditional Development Permitted Use Schedule (Continued)

District Tier Land Use Zone	TND						U/S	TMD			N O T E S
	Urban/Suburban (U/S)			Exurban/Rural				Ex/ Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/ Rec	Res	N/C	Open Space/ Rec			Dev	Preserve	
Commercial Uses											
....											
Pain Management Clinic											91-1
....											
[Ord. 2005 – 002] [Ord. 2005-041] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037][Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022]											
Notes:											
P Permitted by right. D Permitted subject to approval by the DRO. S Permitted in the district only if approved by Special Permit. R Requested Use.											

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EXHIBIT D

**PAIN MANAGEMENT CLINICS AND PHARMACIES
SUMMARY OF AMENDMENTS
(Updated 5/9/11)**

Part 5. ULDC Table 4.A.3.A, Use Matrix (page 15 of 166), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] The identification of Pain Management Clinics was established to enact the Moratorium, and due to the following, is no longer required: Expiration of moratorium; limitations on ability of County staff to ascertain difference between applications for Business Tax Receipts (BTR) from legitimate pain management specialists and those who aide in prescription drug abuse; licensure requirements for pain management specialists; and, existing and proposed State laws regulating dispensing by physicians and the filling of prescriptions in pharmacies; among others. As such, the use will fall under the original classification of Medical or Dental Office.

Table 4.A.3.A - Use Matrix Continued

Use Type	Zoning District/Overlay																NOTE	
	Agriculture/Conservation			Residential					Commercial					Industry/Public				
	P	A	A	AR	R	R	R	R	C	C	C	C	C	C	I	I		P
C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L	G	O	P
				A	A						O	O	E			F		
Commercial Use																		
....																		
Pain Management Clinic																		
....																		
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2010-005] [Ord. 2010-022]																		
Key:																		
P Permitted by right																		
D Permitted subject to approval by the DRO																		
S Permitted in the district only if approved by Special Permit																		
B Permitted in the district only if approved by the Zoning Commission (ZC)																		
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																		

Part 6. ULDC Art. 4.B.1.A.83, Medical or Dental Office (page 65 of 166), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] 1) Delete exclusion for pain management clinics necessary to enact the moratorium; and 2) Note limitations in Florida law by F.S. provisions for standards and limitations for the dispensing of Schedule II, III and IV controlled substances by physicians.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

83. Medical or Dental Office

An establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. ~~A pain management clinic shall not be considered a medical or dental office.~~ [Ord. 2005 – 002] [Ord. 2010-009]

c. Sale or Dispensing of Controlled Substances

On-site dispensing of controlled substances that are identified in Schedule II, III or IV in F.S. § 893.03, and as further amended by F.S. § 893.035, 893.0355, or 893.0356, shall be prohibited, unless otherwise expressly permitted by statutory or general law.

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EXHIBIT D

PAIN MANAGEMENT CLINICS AND PHARMACIES
SUMMARY OF AMENDMENTS

(Updated 5/9/11)

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Part 7. ULDC Art. 4.B.1.A.91-1, Pain Management Clinic (pages 70-71 of 166), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] The identification of Pain Management Clinics was established to enact the Moratorium, and due to the following, is no longer required: Expiration of moratorium; limitations on ability of County staff to ascertain difference between applications for Business Tax Receipts (BTR) from legitimate pain management specialists and those who aide in prescription drug abuse; licensure requirements for pain management specialists; and, existing and proposed State laws regulating dispensing by physicians and the filling of prescriptions in pharmacies; among others. As such, the use will fall under the original classification of Medical or Dental Office.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 ~~91-1. Pain Management Clinic~~

~~All privately owned pain management clinics, facilities, or offices, which advertise in any medium for any type of pain management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and are required to register with the Florida Department of Health pursuant to Sec. 458.3265, Florida Statutes, as may be amended, regardless of whether such registration is pending, denied or revoked. A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain beyond the usual course of the disease or the injury that is the cause of the pain or more than 90 days after surgery. [Ord. 2010-009][2011-001]~~

9 ~~a. Moratorium~~

- ~~1. The BCC does hereby impose a moratorium beginning April 2, 2010 upon the acceptance of zoning applications and all applicable requests for zoning approval for pain management clinics. [Ord. 2010-009][Ord. 2011-001]~~
- ~~2. This Ordinance shall expire upon the earlier of the following: October 3, 2011, or upon the effective date of ULDC amendments dealing with pain management clinics to be considered by the BCC during the moratorium. [Ord. 2010-009][Ord. 2011-001]~~

11 Part 8. ULDC Art. 4.B.1.A.98, Personal Services (page 72 of 166), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] Add reference to clarify that the sale or dispensing of controlled substances is not considered an accessory use to any Personal Services use.

12 CHAPTER B SUPPLEMENTARY USE STANDARDS

13 Section 1 Uses

14 A. Definitions and Supplementary Standards for Specific Uses

15 ~~98. Personal Services~~

~~An establishment engaged in the provision of frequently or recurrently services of a personal nature; or, the provision of informational, instructional, personal improvement or similar professional services which may involve limited accessory retail sale of products. Typical uses include art and music schools, beauty and barbershops, driving schools, licensed therapeutic massage studios, photography studios, and tanning salons.~~

16 ~~....~~
17 ~~b. Sale or Dispensing of Controlled Substances~~

~~The limited accessory retail sale of products does not include the sale or dispensing of controlled substances, unless in compliance with the requirements for Medical or Dental Office, or General Retail Sales.~~

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EXHIBIT D

PAIN MANAGEMENT CLINICS AND PHARMACIES
SUMMARY OF AMENDMENTS

(Updated 5/9/11)

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Part 9. ULDC Art. 4.B.1.A.114, General Retail Sales (page 85 of 166), is hereby amended as follows:

Reason for amendments: [Zoning/Co. Atty.] Establish standards that limit the dispensing of Schedule II drugs by pharmacies to no more than 15 percent of overall prescriptions filled within a 30 day period. The percentage limitation was developed in 2009 with input from the PBC Pharmacy Association for use in an Ordinance by the City of Delray Beach. Several other municipalities including Boynton Beach, June Beach and Greenacres, have either adopted, or are in the process of adopting, similar restrictions. In reviewing these standards, an Land Development Regulation Advisory Board (LDRAB) subcommittee was convened, and representatives of the PBC Pharmacy Association reiterated their recommendation that the limitation be 15 percent.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

114.Retail Sales, General

An establishment providing general retail sales or rental of goods, but excluding those uses specifically classified as another use type. Uses include typical retail stores such as clothing stores, bookstores, business machine sales, food and grocery stores (excluding convenience stores), window tinting, ~~and~~ marine supply sales (excluding boat sales), and pharmacies. Uses shall also include the sale of bulky goods such as household goods, lawn mowers, mopeds, motorcycles and golf carts. Retail establishments may include limited repair services for their products. For impact fee purposes, general retail also includes services such as entertainment, eating and drinking establishments, and personal services.

....

g. Sale or Dispensing of Controlled Substances - Pharmacy

A pharmacy shall be subject to the following:

- 1) No more than 15 percent of the total number of prescriptions filled within a thirty (30) day period can be derived from the sale of controlled substances that are identified in Schedule II in accordance with F.S. § 893.03, and as further amended by F.S. § 893.035, 893.0355, or 893.0356, as determined by audits or information provided through the Florida Department of Health or any other government agency having the legal right to view such records.

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EXHIBIT E

INTERPRETATIONS
SUMMARY OF AMENDMENTS
(Updated 05/09/11)

1
2 Part 1. ULDC Art. 1.B.1, Interpretation (page 6 - 7 of 114), is hereby amended as follows:
3

Reason for amendments: [Zoning] 1) Reorganize existing language related to interpretation; 2) Add authority for the Director of Parks and Recreations to interpret Art. 5.D, Parks and Recreation – Rules and Recreation Standards; 3) Add authority for the Palm Tran Executive Director to interpret Art. 5.H, Mass Transit Standards; 4) Include authority for interpretation of Art. 16, Airport Regulations to the PBC Airport Director; 5) Add provision that clarifies PZB Executive Director’s ability to delegate interpretation of the Code to specific official or directors within the PZB Department; 6) Delete reference to previously deleted Clean Fill Ordinance and reference to Environmental Control Rules I and II as part of the interpretations done by the PBC Health Department Director as they are contained in Art. 15, Health Regulations; 7) Delete authority of County Attorney to interpret Art. 5.F, Legal Documents, as the interpretation of the Code should be under specified County Officials or Directors, and not to the Attorneys; 8) Add authority to the Flood Damage Prevention Administrator to interpret Art. 18, Flood Damage Prevention; 9) Delete language related to the process for an interpretation application to reference and partially relocate to Art. 2, Development Review Procedures; and, 10) Consolidate sufficiency review applicable to interpretations to Article 2.A.1.G.4, Sufficiency Review.

4 CHAPTER B INTERPRETATION OF THE CODE

5 Section 1 Interpretations

6 A. Authority

7 *Interpretations to this Code and the Official Zoning Map shall be made by the Executive Director*
8 *of PZB or designee with the following exceptions:*

- 9 1. The Director of Parks and Recreations shall have the authority to interpret Art. 5.D, PARKS
10 AND RECREATION – RULES AND RECREATION STANDARDS;
- 11 2. The Executive Director of Palm Tran shall have the authority to make interpretations of Art.
12 5.H, MASS TRANSIT STANDARDS;
- 13 3. The County Engineer shall have the authority to make all interpretations of Art. 6.C,
14 DRIVEWAYS AND ACCESS; Art. 11, SUBDIVISION, PLATTING, AND REQUIRED
15 IMPROVEMENTS; and Art. 12, TRAFFIC PERFORMANCE STANDARDS;
- 16 4. The Impact Fee Coordinator shall have the authority to make all interpretations of Art. 13,
17 IMPACT FEES;
- 18 5. The Director of ERM shall have the authority to make all interpretations of ART. 14,
19 ENVIRONMENTAL STANDARDS and Article 4.D, EXCAVATION;
- 20 6. The County Health Department Director shall have the authority to make all interpretations of
21 Art. 15, HEALTH REGULATIONS;
- 22 7. The PBC Airport Director shall have the authority to interpret Art. 16, AIRPORT
23 REGULATIONS; and,
- 24 8. The Flood Damage Prevention Administrator shall have the authority to interpret Art. 18,
25 FLOOD DAMAGE PREVENTION.

26 ~~Interpretations to this Code shall be made by the Executive Director of PZB, the County Engineer,~~
27 ~~the Director of ERM, the Impact Fee Coordinator, and the County Health Director. The County~~
28 ~~Engineer shall have the authority to make all interpretations of Art. 6.C, DRIVEWAYS AND~~
29 ~~ACCESS; ART. 12, TRAFFIC PERFORMANCE STANDARDS; and Art. 11, SUBDIVISION,~~
30 ~~PLATTING, AND REQUIRED IMPROVEMENTS. The Director of ERM shall have the authority to~~
31 ~~make all interpretations of ART. 14, ENVIRONMENTAL STANDARDS and Art. 4.D,~~
32 ~~EXCAVATION. The Impact Fee Coordinator shall have the authority to make all interpretations of~~
33 ~~Art. 13, IMPACT FEES. The County Health Director shall have the authority to make all~~
34 ~~interpretations of Art. 15, HEALTH REGULATIONS, the Clean Fill Ordinance, and the~~
35 ~~Environmental Control Rules I and II. The County Attorney shall have the authority to make all~~
36 ~~interpretations of Art. 5.F, LEGAL DOCUMENTS. The Executive Director of PZB shall have the~~
37 ~~authority to make interpretations of all other provisions of this Code and the Official Zoning Map.~~

38 **[Partially relocated above]**

39 B. Initiation

40 ~~An interpretation may be requested by any landowner or person having a contractual interest in~~
41 ~~land in unincorporated PBC, or any person that has submitted an application for development~~
42 ~~order pursuant to the procedures of this Code.~~

43 C. Procedures

44 1. ~~Submission of Request for Interpretation~~

45 ~~A Request for Interpretation shall be submitted to the appropriate PBC official in a form~~
46 ~~established by that official and made available to the public. The request shall be~~
47 ~~accompanied by non-refundable fee established by the BCC. **[Relocated under new**~~
48 ~~**section 2.D.6.C.1, Submission of Request for Interpretation]**~~

49 2. ~~Determination of Sufficiency~~

Notes:

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EXHIBIT E

INTERPRETATIONS
SUMMARY OF AMENDMENTS
(Updated 05/09/11)

~~Within five working days after a Request for Interpretation has been submitted, the PBC official responsible for rendering the interpretation shall determine whether it is sufficient.~~

~~a. Insufficient~~

~~If the PBC official determines that the request is not sufficient, a written notice shall be served on the applicant specifying the deficiencies. The PBC official shall take no further action on the Request for Interpretation until the deficiencies are remedied. If the applicant fails to correct the deficiencies within ten working days, the Request for Interpretation shall be considered withdrawn.~~

~~b. Sufficient~~

~~When the Request for Interpretation is determined sufficient, the PBC official shall review and render an interpretation pursuant to the procedures and standards of this Article.~~

~~3. Rendering of Interpretation~~

~~Within 15 working days after the Request for Interpretation has been determined sufficient, the PBC official responsible for rendering the interpretation shall review and evaluate the request in light of the Plan, this Code, the Official Zoning Map, and consultation with the County Attorney, and render an interpretation. [Relocated under new section 2.D.6.C.3, Rendering of Interpretation]~~

~~D. Form~~

~~The interpretation shall be in writing and shall be sent to the applicant by mail within five working days after the interpretation is made by the appropriate PBC official.~~

~~E. Appeal~~

~~1. Initiation~~

~~Within 20 working days after issuance of the written interpretation the applicant may appeal the decision to the Board responsible for appeal, as provided in this Code.~~

~~2. Public Hearing~~

~~The Board [responsible for the appeal] shall hear the appeal within 40 working days of receipt of the appeal.~~

~~3. Standard of Review~~

~~At the appeal hearing, the Board [responsible for the appeal] shall consider the interpretation of the PBC official responsible for rendering the interpretation, and public testimony, in light of the Plan, this Code, and the Official Zoning Map. The Board shall not modify or reject the interpretation if it is supported by substantial competent evidence, unless the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map.~~

~~F. Official Record~~

~~Each PBC official responsible for rendering an interpretation shall maintain a record of the interpretation and forward a copy to the Zoning Director. This record shall be available for public inspection, upon reasonable request, during normal business hours. [Relocated to new Art. 2.D.6.E, Official Records]~~

Part 2. ULDC Art.1.C.2, District Boundaries (page 8 of 114), is hereby amended as follows:

Reason for amendments: [Zoning] Clarify that the interpretation of the Official Zoning Map falls under the authority of the PZB Executive Director, as outlined in Art. 2.G.4.K.2, Jurisdiction, Authority and Duties of the PZB Executive Director.

CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

Section 2 District Boundaries

In case of uncertainty, the ~~PZB Executive Director~~ Zoning Director shall interpret the intent of the Official Zoning Map to determine the location of boundaries. Where uncertainty exists concerning the boundary of a district on the Official Zoning Map, the following rules shall apply.

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EXHIBIT E

INTERPRETATIONS
SUMMARY OF AMENDMENTS
(Updated 05/09/11)

1
2 Part 3. ULDC Art. 2.A.1.G.4, Sufficiency Review (pages 16-17 of 80), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning] 1) Indicate that different articles in the ULDC may have different time period for sufficiency determination; and, 2) amend to clarify time to address deficiencies starts from the date stated in the written notice notifying the insufficiency.

5 CHAPTER A GENERAL

6 Section 1 Applicability

7 G. Application Procedures

8 4. Sufficiency Review

9 The appropriate PBC official responsible for reviewing the application shall determine
10 whether or not the application is sufficient or insufficient within ten days of submittal by
11 reviewing the information required in the application and any additional data necessary to
12 evaluate the application. Sufficiency review procedures specified in other Articles applicable
13 to particular agencies may supersede these provisions, unless stated otherwise. [Ord. 2005-
14 041]

15

16 b. Insufficiency

17 If an application is determined to be insufficient, staff shall provide a written notice to the
18 applicant specifying the deficiencies. The notice shall be mailed within ten days of
19 receipt of the application.

- 20 1) No further action shall be taken on the application until the deficiencies are remedied.
- 21 2) If amended and determined to be sufficient, the application shall be processed in
22 accordance with Art. 2.A.1.G.4.a, Sufficiency. [Ord. 2005-041]
- 23 3) If the deficiencies are not remedied within 20 days of the written notice, the
24 application shall be considered withdrawn. [Ord. 2005-041]

25
26
27 Part 4. ULDC Art. 2.D, Administrative Process (page 41 of 80), is hereby amended as follows:
28

Reason for amendments: [Zoning] 1) Consolidate procedures applicable to interpretation applications to ensure consistency; 2) Refers to sufficiency determination requirements under Art. 2.A.1.G.4, Sufficiency Review; 3) Establishes 30 working days for PBC staff to review the interpretation request and clarifies mailing as the way to notify the applicant; and, 4) Clarifies that interpretations are subject to appeals.

29 CHAPTER D ADMINISTRATIVE PROCESS

30 Section 6 Interpretations

31 A. Purpose

32 To establish a process for Interpretations of this Code as defined in Article 1.B,
33 INTERPRETATION OF THE CODE.

34 B. Applicability

35 Any owner of a parcel of land, and person with a contractual interest in a parcel of land, or any
36 person submitting a Development Order application for a parcel of land may request an
37 interpretation on how one or more provisions in the Code or the Official Zoning Map apply to that
38 parcel of land.

39 C. Procedures

40 1. Submission of Request for Interpretation

41 *A request for interpretation shall be submitted to the appropriate PBC official in a form*
42 *established by that official and made available to the public. The request shall be*
43 *accompanied by fee established by the BCC.* [Partially relocated from Art. 1.B.1.C.1,
44 **Submission of Request for Interpretation]**

45 2. Sufficiency Determination

46 All interpretation requests are subject to requirements pursuant to Art. 2.A.1.G.4, Sufficiency
47 Review.

48 3. Rendering of Interpretation

49 *Within 30 days after the request for interpretation has been determined sufficient, the PBC*
50 *official responsible for rendering the interpretation shall review and evaluate the request in*
51 *light of the Plan, this Code, the Official Zoning Map, and consultation with the County*
52 *Attorney, and render an interpretation. The interpretation result shall be in writing and shall*
53 *be mailed to the applicant.* [Relocated from Art. 1.B.1.C.3, Rendering of Interpretation]

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EXHIBIT E

INTERPRETATIONS
SUMMARY OF AMENDMENTS
(Updated 05/09/11)

D. Appeal

A person applying for an interpretation pursuant to this section may seek an appeal according to Art. 2.A.1.S, Appeal.

E. Official Record

Each PBC official responsible for rendering an interpretation shall maintain a record of the interpretation and forward a copy to the Zoning Director. This record shall be available for public inspection, upon reasonable request, during normal business hours. [Relocated from Art. 1.B.1.F, Official Record]

Part 5. ULDC Art. 2.G.4.A, Building Director (page 75 of 80), is hereby amended as follows:

Reason for amendments: [Zoning] 1) Amend to use correct term for "Building Official" for the position responsible for the PBC Building Division; and, 2) Clarify that the Building Official has the authority to interpret Art. 18, Flood Damage Prevention only when meeting the requirements of FEMA Certified Floodplain Manager designation to be the Flood Damage Prevention Administrator for consistency with the existing language in Art. 18.A.1.H, Interpretations and 18.A.2.A, Designation of Flood Damage Prevention Board and Administrator.

CHAPTER G DECISION MAKING BODIES

Section 4 STAFF OFFICIALS

A. Building Director Official

2. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority and duties which may be conferred upon the Building Director Official of PZB by other provisions of PBC Code, the Building Director Official of PZB shall have the following jurisdictions, authority and duties under this Code:

- a.** *to interpret Article 18, Flood Damage Prevention when the Building Official is also the Flood Damage Prevention Administrator.*
- ab.** *to review and approve, approve with conditions, or deny applications for development permits for building permits; and*
- bc.** *to review and approve, approve with conditions, or deny applications for development permits for certificates of occupancy or completion.*

Part 6. ULDC Art. 2.G.4.K.2.a, [Jurisdiction, Authority and Duties related to PZB Executive Director], (page 79 of 80), is hereby amended as follows:

Reason for amendments: [Zoning] 1) Reference Art.1.B.1.A, Authority to clarify portions of this code not subject to interpretation by the PZB Executive Director; and, 2) Delegate authority from the PZB Executive Director interpretation of applicable articles in this code to the Division directors within the Department.

CHAPTER G DECISION MAKING BODIES

Section 4 STAFF OFFICIALS

K. Executive Director of Planning, Zoning and Building

2. Jurisdiction, Authority and Duties

In addition to the jurisdiction, authority, and duties which may be conferred upon the Executive Director of PZB by other provisions of PBC Code and PBC Charter, the Executive Director of PZB shall have the following jurisdiction, authorities, and duties under this Code:

- a.** *to review and render interpretations to all provisions of this Code and the Official Zoning Map, except for those articles listed under Art. 1.B.1.A, Authority. ~~Article 6.C, DRIVEWAYS AND ACCESS, Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, Article 12, TRAFFIC PERFORMANCE STANDARDS, Article 13, IMPACT FEES, Article 14, ENVIRONMENTAL STANDARDS, Article 15, HEALTH REGULATIONS, Article 16, AIRPORT REGULATIONS.~~ The PZB Executive Director may delegate interpretation of articles subject to his/her authority and Official Zoning Map to the appropriate Division Director within the Department.*

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EXHIBIT E

INTERPRETATIONS
SUMMARY OF AMENDMENTS
(Updated 05/09/11)

1
2 Part 7. ULDC Art. 2.G.4.M.2, Jurisdiction, Authority and Duties [Related to the Planning
3 Director] (page 80 of 80), is hereby amended as follows:
4

Reason for amendments: [Zoning] 1) Allow the Planning Director authority to interpret applications for Entitlement Density and Intensity, WHP and AHP for consistency with language under Development Review Appeal Board in Article 2.G.3.C; and, 2) Amend to include authority given to the PBC Planning Director to interpret the Conceptual Plan of the Agricultural Enclave Overlay (AGEO) for consistency with Art. 3.B.17.D, Allocation Plan Requirements.

5 CHAPTER G DECISION MAKING BODIES

6 Section 4 STAFF OFFICIALS

7 M. Planning Director

8 2. Jurisdiction, Authority and Duties

9 In addition to the jurisdiction, authority and duties which may be conferred upon the Planning
10 Director of PZB by other provisions of PBC Code, the Planning Director of PZB shall have the
11 following jurisdictions, authority and duties under this Code:

- 12 a. to undertake the current and long range comprehensive planning responsibilities of PBC
13 under F.S.§ 63.3161 et seq., as amended;
- 14 b. to review the Plan every seven years;
- 15 c. to recommend annually any necessary amendments to the Plan;
- 16 d. to accept, review and prepare staff reports recommending approval, approval with
17 conditions, or denial of applications for Site Specific (FLUA) amendments to the Plan;
18 ~~and,~~
- 19 e. to administer the process of Development of Regional Impact (DRI) review for projects
20 within municipalities in PBC;
- 21 f. to interpret and decide on application for Entitlement Density and Intensity and Density
22 for Workforce Housing Program (WHP) and Affordable Housing Program (AHP); and,
- 23 g. to interpret the Agricultural Enclave Overlay (AGEO) Conceptual Plan.
24
25

26 Part 8. ULDC Art. 5.E.4.E.2, Applicability [Related to Outdoor Lighting] (page 51 of 90), is
27 hereby amended as follows:
28

Reason for amendments: [Zoning] Amend for consistency with Art. 1.B, Interpretations of the Code that clarifies authority given to the Executive Director of PZB to interpret certain portions of the ULDC.

29 CHAPTER E PERFORMANCE STANDARDS

30 Section 4 Nuisances

31 E. Outdoor Lighting

32 2. Applicability

33 All outdoor lighting shall be subject to the requirements of Table 5.E.4.D – 15, Illumination
34 Levels, and Table 5.E.4.D – 16, Maximum Permitted Luminaire Height, unless exempted or
35 permitted to deviate as described herein. Lighting not specifically listed may be classified by
36 the ~~Executive Director~~ Zoning Director of PZB pursuant to Art. 1.B, Interpretation of the Code.
37 In Addition to the standards in this Section, outdoor lighting shall be consistent with Article 14,
38 Environmental Standards. [Ord. 2005-041]

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EXHIBIT E

INTERPRETATIONS
SUMMARY OF AMENDMENTS
(Updated 05/09/11)

1
2 Part 9. ULDC Art. 18.A.1.A, Authority [Related to Flood Damage Prevention] (page 3 of 12), is
3 hereby amended as follows:
4

Reason for amendments: [Zoning] Delete redundant language related to Building Official authority to interpret Art. 18, Flood Damage Prevention due to inconsistency with definition of Flood Damage Prevention Administrator in Article 1.I.2.F.38 and Art. 18.A.1.H, Interpretations and 18.A.2.A, Designation of Flood Damage Prevention Board and Administrator. The mentioned articles give authority for interpreting Art 18 to the Flood Damage Prevention Administrator who may not be the Building Official.

5 CHAPTER A FLOOD DAMAGE PREVENTION

6 Section 1 General

7 A. Authority

8 Chapter 125, Florida Statutes, authorizes the legislative and governing body of PBC the power to
9 establish and administer programs of flood control; and the BCC of PBC, Florida has the
10 responsibility to adopt regulations designed to promote the public health, safety and general
11 welfare of its citizens. ~~The Palm Beach County Building Official shall interpret this section of the~~
12 ~~ULDC. [Ord. 2008-003]~~

13

14 H. Interpretation

15 In the interpretation and application of this Article all provisions shall be considered as minimum
16 requirements, liberally construed in favor of the governing body, and deemed neither to limit nor
17 repeal any other powers granted under state statutes. The Flood Damage Prevention
18 Administrator shall be responsible for interpretations pertaining to this Article.
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EXHIBIT F

ADMINISTRATIVE INQUIRY
SUMMARY OF AMENDMENTS
(Updated 05/09/11)

1
2 Part 1. ULDC Art. 1.1.2.A.23, Administrative Inquiry (page 30 of 114), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning] Amend administrative inquiry definition to clarify Board of County Commissioner's responsibility to decide on inconsistencies presented on Development Orders that cannot be resolved by PBC staff.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7 A. Terms defined herein or referenced in this Article shall have the following meanings:
8 23. **Administrative Inquiry** - a request by PBC Officials ~~for a~~ to the Board of County
9 Commissioners (BCC) for direction on procedural ~~or interpretative~~ matters or to resolve
10 inconsistencies in a Development Order.
11

12
13 Part 2. ULDC Art. 1.1.3, Abbreviations and Acronyms (page 110 of 114), is hereby amended as
14 follows:
15

Reason for amendments: [Zoning] Add acronym pertaining to Administrative Inquiries.

16 CHAPTER I DEFINITIONS & ACRONYMS

17 Section 3 Abbreviations and Acronyms

....
AI Administrative Inquiry
....

18
19
20 Part 3. ULDC Art. 2.D, Administrative Process (page 41 of 80), is hereby amended as follows:
21

Reason for amendments: [Zoning] 1) To relocate Administrative Inquiry (AI) as a new section under Administrative Process of Article 2.D, Administrative Process, to clarify procedure for existing processes; and, 2) Consolidate related language and reorganize by creating purpose, applicability and procedures.

22 CHAPTER D ADMINISTRATIVE PROCESS

23 **Section 5** Administrative Inquiry (AI)

- 24 **A. Purpose**
25 To establish procedures for PBC Officials when submitting inquiries to the BCC asking for
26 direction on procedural matters or to resolve an inconsistency in a Development Order. [Partially
27 relocated from Art. 2.G.4.N.2.h, Related to Jurisdiction, Authority and Duties of the Zoning
28 Director]
29 **B. Applicability**
30 An inquiry is not a public hearing and is not subject to the advertising and notice requirements of
31 Article 2, DEVELOPMENT REVIEW PROCESS. The decision of the BCC shall be final.
32 [Partially relocated from Art.2.G.4.N.2.h, Related to Jurisdiction, Authority and Duties of
33 the Zoning Director]
34 **C. Procedures**
35 An AI may be made only by a public agency through the Zoning Director using forms and
36 procedures established by the Zoning Division. The AI shall be placed on the BCC agenda by
37 the Zoning Division for the date the inquiry is intended to be presented. [Partially relocated from
38 Art.2.G.4.N.2.h, Related to Jurisdiction, Authority and Duties of the Zoning Director]
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EXHIBIT F

ADMINISTRATIVE INQUIRY
SUMMARY OF AMENDMENTS
(Updated 05/09/11)

1
2 Part 4. ULDC Art. 2.G.4.N.2.h. [Related to Jurisdiction, Authority and Duties of the Zoning
3 Director] (page 80 of 80), is hereby amended as follows:
4

Reason for amendments: [Zoning] Delete Administrative Inquiries language under Zoning Director jurisdiction, authority and duties and relocate to new Art. 2.D.5, Administrative Inquiries to allow for consolidation of related administrative processes.

5 CHAPTER G DECISION MAKING BODIES

6 Section 4 Staff Officials

7 N. Zoning Director

8 2. Jurisdiction, Authority and Duties

9 h. to submit Administrative Inquiries to the BCC pursuant to Article 2.D.5, Administrative
10 Inquiry (AI). These inquiries are not public hearings and are not subject to the advertising
11 and notice requirements of Article 2, DEVELOPMENT REVIEW PROCESS. An
12 administrative inquiry may be made by a public agency through the Zoning Director. The
13 purpose of the inquiry shall be to ask for procedural direction from the board, or resolve
14 an inconsistency in the Code or in a development approval, or provide an interpretation
15 where it is clear there is a question of meaning in a Code provision or a condition of
16 development approval. The decision of the Board shall be binding. Appeals of
17 administrative decisions and Code interpretations filed by an applicant or citizen shall be
18 heard by the BA, pursuant to Article 2.G, DECISION MAKING BODIES. [Partially
19 relocated to new Art.2.D.5, Administrative Inquiry (AI), related to Administrative
20 Process]
21
22

23 Part 5. ULDC Art. 4.C.8.C, Use Limitations [Related to Communication Cell Sites on Wheels
24 (COWs)] (page 137 of 166), is hereby deleted as follows:
25

Reason for amendments: [Zoning] 1) In order to obtain a Special Permit to have COWs on a particular site, the applicant shall demonstrate projected attendance to the large-scale event. This amendment includes provisions to allow COWs for large-scale special events with less than 30,000 people daily, subject to Zoning Director approval when it is demonstrated that unexpected damage has occurred to cell towers servicing the event or remote location of the event does not have enough service coverage. Provide the Zoning Director the authority to allow Communication Cell Sites Wheels (COWs) based on the demonstration of hardships or special circumstances; and, 2) The Administrative Inquiry (AI) to seek for BCC's direction in order to allow COWs under special circumstances has been determined not to be the most effective process, and does not meet the intent of the AI.

26 CHAPTER C COMMUNICATION TOWER, COMMERCIAL

27 Section 8 Communication Cell Sites on Wheels (COWs)

28 C. Use limitations

29 COWs shall be permitted only in association with recognized large-scale special events with a
30 minimum projected daily attendance of 30,000 or greater. The Zoning Director may consider
31 allowing COWs for events with projected attendance of less than 30,000 people. The applicant
32 shall provide documentation that the existing communication facilities cannot accommodate the
33 increase in usage.

34 1. ~~Exception~~

35 ~~The Zoning Director shall seek BCC direction, and approval, through an Administrative~~
36 ~~Inquiry (AI) for any event not meeting the minimum projected attendance standards listed~~
37 ~~above.~~
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EXHIBIT F

ADMINISTRATIVE INQUIRY
SUMMARY OF AMENDMENTS
(Updated 05/09/11)

1
2 Part 6. ULDC Art 5.B.1.B.1.a.2)a), DRO Workshop or BCC Administrative Inquiry (AI) [Related
3 to Temporary Uses or Structures and Emergency or Temporary Government
4 Structures and Uses] (Exhibit I of Ordinance 2011-001, page 21 of 46), is hereby
5 amended as follows:
6

Reason for amendments: [Zoning] 1) Delete Administrative Inquiry as an option for approval of temporary government use or structure approved by the BCC as it contradicts the intent of proposed definition of Administrative Inquiry; and, 2) clarify that the Zoning Director can get input from the BCC on this issue at any regularly scheduled BCC Zoning Hearing as part of the Zoning Director comments in the agenda.

7 CHAPTER B ACCESSORY AND TEMPORARY USES

8 Section 1 Supplementary Regulations

9 B. Temporary Structures

10 1. Emergency or Temporary Government Structures and Uses

11 a. Review and Approval Process

12 2) Temporary Uses or Structures

13 a) ~~DRO Workshop~~ Pre-Application Conference or BCC ~~Administrative Inquiry~~
14 ~~(AI) Direction~~

15 The Zoning Director may require a pre-application conference workshop with the
16 DRO in order to seek input from the various County Agencies on the temporary
17 use or structure, or may seek direction from the BCC ~~approval through an~~
18 ~~Administrative Inquiry~~. The Zoning Director shall consider documentation from
19 the applicant and any other input from ~~the~~ County Agencies before issuance of a
20 Special Permit. [Ord. 2011-001]
21
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23
24
25 Part 7. ULDC Art. 5.C.1.K, Exhaustion of Non-Judicial Remedies (page 43 of 90), is hereby
26 amended as follows:
27

Reason for amendments: [Zoning] Delete for consistency with the purpose of Administrative Inquiries.

28 CHAPTER C DESIGN STANDARDS

29 Section 1 Architectural Guidelines

30 K. Exhaustion of Non-Judicial Remedies

31 Any applicant, the Executive Director of PZB, the BCC member representing the district in which
32 the project or building is to be located, aggrieved by a decision of the ZC regarding an
33 interpretation or decision regarding this shall, within 30 calendar days from the date a decision by
34 the ZC is rendered, file an appeal to the BCC. ~~The appeal shall be heard on the next available~~
35 ~~agenda as an Administrative Inquiry.~~ [Ord. 2005 – 002].
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EXHIBIT G

NORTHLAKE BOULEVARD OVERLAY ZONE (NBOZ)
SUMMARY OF AMENDMENTS
(Updated 05/11/11)

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Part 1. ULDC Art. 3.B.8, NBOZ, Northlake Boulevard Overlay Zone (page 24 - 25 of 231), is hereby amended as follows:

Reason for amendments: [Zoning] Amend to address the NBOZ Task Force direction on April 26, 2011, for all participating jurisdictions in the overlay: PBC, Village of Lake Park, City of Palm Beach Gardens, and, Village of North Palm Beach to extend the compliance date for replacement of existing signs and landscape to May 31, 2014, currently found the in the NBOZ Design Guidelines of March 11, 2002 and referenced in the PBC NBOZ Overlay. Current compliance dates are March 2010 for Landscape and March 2012 for Signage.

CHAPTER B OVERLAYS

Section 8 NBOZ, Northlake Boulevard Overlay Zone

A. Purpose and Intent

The purpose and intent of the NBOZ is to encourage improvement, enhancement, renovation, and/or redevelopment of the Northlake Boulevard Corridor and to provide criteria by which to review development/redevelopment within the Overlay Zoning District. The criteria outlined in "Design Guidelines: Northlake Boulevard Overlay Zoning District (NBOZ)" will serve to unify commercial development along the corridor and provide a positive collective identity for the corridor. These regulations were prepared under the guidance of the Northlake Boulevard Corridor Task Force (NBCTF) – an intergovernmental task force created by ~~interlocal~~ Interlocal agreement composed of two representatives each from PBC, the Town of Lake Park, the Village of North Palm Beach and the City of Palm Beach Gardens.

B. Applicability

The provisions of the NBOZ, as outlined in "Design Guidelines: Northlake Boulevard Overlay Zoning District (NBOZ)" prepared by Michael Redd & Associates, and dated March 11, 2002, which are incorporated herein by reference, shall apply to all proposed development order applications within the boundaries of the NBOZ, as described in Article 3.B.9.C, Boundaries.

C. Boundaries

The NBOZ includes the public R-O-W for Northlake Boulevard and all properties along Northlake Boulevard from Military Trail to U.S. Highway One for one property depth north and south of Northlake Boulevard, including the street intersection properties at U.S. Highway One and at Military Trail. Unincorporated portions of the NBOZ include portions of Section 18, Township 42, Range 43; Section 17, Township 42, Range 43; Section 24, Township 42, Range 42; and Section 19, Township 42, Range 43, as indicated in the Official Zoning Map.

D. Conflict

In the event of a conflict between the NBOZ and other applicable regulations, the more restrictive regulation shall prevail.

E. Deadline to Comply with Requirements for Signage and Landscaping

The deadlines to comply with signage and landscaping requirements contained in the provisions of the Design Guidelines for the NBOZ are hereby extended to May 31, 2014.

1. Notice to Property Owners

Written certified notice shall be provided by PBC Zoning to the property owner at least one year in advance of the May 31, 2014 deadline.

U:\Zoning\CODEREV\2011\LDRAB\Meetings\5-25-11\4 Final packet for LDRAB\Exhibit G - Northlake Boulevard Overlay Zone.docx

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EXHIBIT H

LION COUNTRY SAFARI
SUMMARY OF AMENDMENTS
(Updated 5/13/11)

1
2 Part 1. ULDC Art. 1.I, Definitions and Acronyms (pages 68 and 112 of 114), is hereby amended
3 as follows:
4

Reason for amendments: Add definition and acronym for Lion Country Safari Overlay as established in the Plan by FLUE Objective 1.11.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7 L. Terms defined herein or referenced Article shall have the following meanings:
8 43. Lion Country Safari – for the purposes of Art. 3.E.2.G, RR PUD, shall mean the Lion
9 Country Safari Overlay, as established by FLUE Objective 1.11 of the Plan.
10 [Renumber Accordingly]

11 Section 3 Abbreviations and Acronyms

....
LCS Lion Country Safari
....

12
13
14 Part 2. ULDC Art. 2.A.1.G.3.d, Master Plan (page 14 of 80), is hereby amended as follows:
15

Reason for amendments: [Planning/Zoning] [Planning/Zoning] Recognize the Lion Country Safari Overlay and provisions allowing for the transfer of density within the Overlay, as established by FLUE Objective 1.11, Lion Country Safari Overlay.

16 CHAPTER A GENERAL

17 Section 1 Applicability

18 G. Application Procedures
19 3. Plan Requirements
20 d. Master Plan

- 21
22 1) Preliminary Master Plan (PMP) for Public Hearing Approval
23 The BCC shall approve a PMP for the following PDDs: PUD, RVPD, MHPD, PIPD,
24 PDDs with a MLU or EDC future land use designation; a PUD within the Lion Country
25 Safari (LCS) where the transfer of density from other PDDs within the LCS is
26 proposed; and, an application for a
27 a) Preliminary Site Plan (PSP) or Subdivision Plan (PSBP) Options
28
29 b) IR, UC, UI
30
31 c. Lion Country Safari
32 A Master Plan shall be required for any LCS PUD application that proposes to
33 transfer density from the MUPD or RVPD in accordance with FLUE Objective
34 1.11, Lion Country Safari Overlay. All other Plans within the LCS shall be
35 consistent with the Master Plan.
36 2) Final Master Plan (FMP) for Public Hearing Approval
37
38
39

40 Part 3. ULDC Art. 3.E.2.G, RR PUD (page 167 - 170 of 231), is hereby amended as follows:
41

Reason for amendments: [Planning/Zoning] 1) Add reference to Lion Country Safari Overlay in RR PUD Purpose and Intent to outline additional Open Space Preservation requirements of the Overlay; 2) Deletion of Central Western Communities Sector Plan text to reflect removal of these requirements from the Plan; 3) Deletion of redundant density text, which is addressed under Art. 3.E.1.B.3, Density, as applicable to all PDD's.

42 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

43 Section 2 Planned Unit Development (PUD)

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EXHIBIT H

LION COUNTRY SAFARI
SUMMARY OF AMENDMENTS
(Updated 5/13/11)

1 G. RR PUD

2 1. Rural Residential

3 The following additional regulations apply to the PUDs in the RR FLU Designation.

4 a. Purpose and Intent

5 A PUD is permitted in the RR FLU designations to accommodate low density residential
6 development in conjunction with the protection and maintenance of rural, equestrian, ~~and~~
7 agricultural communities, or to address preservation of specific uses within the Lion
8 Country Safari (LCS). It is the intent of a PUD in these land use designations to provide
9 for the residential development of land in a manner compatible with agriculture, wetlands
10 or other significant open space and which does not detract from the protection and
11 perpetuation of such uses in the area. The areas in which this development alternative is
12 offered are characterized by agriculture, small farming operations, equestrian activities,
13 and open spaces where residents are attracted to low-density lifestyles.

14 b. Conflicts

15 If a conflict exists between this Section and other Sections of this Code, the provisions of
16 this Section shall apply to the extent of the conflict.

17 ~~c. General~~

18 ~~The following additional standards apply to PUDs in the Rural and Exurban tiers except in~~
19 ~~the Central Western Communities Sector Plan area (Plan Map Series: Map LU3.1,~~
20 ~~Special Planning Areas Map), if governed by a Sector Plan pursuant provisions in the~~
21 ~~Plan.~~

22 ~~1) Density~~

23 ~~The density in a PUD with a rural residential FLU designation shall be based on the~~
24 ~~gross land area of the PUD and the FLU assignment in the Plan. No additional~~
25 ~~density shall be assigned as a bonus or through a transfer of development rights.~~

26 c. Lion Country Safari (LCS)

27 An application for a RR-PUD within the LCS that includes the transfer of density from the
28 Lion Country Safari MUPD or RVPD, shall be limited to Option 1, Rural Cluster, and the
29 following:

30 1) Purpose and Intent

31 The purpose of the LCS is to acknowledge the importance of the Lion Country Safari
32 Park as a unique tourist attraction and recognize that the viability of the park is
33 important for the County's tourism industry, pursuant to Plan Objective 1.11, Lion
34 Country Safari Overlay. The Overlay establishes a mechanism to encourage the
35 preservation of the Safari Park (MUPD), RV Park (RVPD) and related commercial
36 recreation activities, while allowing for residential development at an overall density
37 that is compatible with the surrounding area. This is accomplished by allowing the
38 density of the Safari and RV Parks (excluding hotel approval) to be transferred to the
39 development area of a RR PUD within the boundaries of the Overlay.

40 2) Applicability

41 The LCS is approximately one square mile in size, generally located north of
42 Southern Boulevard and West of Seminole Pratt and Whitney Road in Section 23,
43 Range 40, Township 43, as depicted in the Special Areas Planning Map LU 3.1, in
44 the Map Series of the Plan. The provisions of the LCS are optional, and shall only
45 apply to projects that propose to relocate density from the Safari Park to a PUD
46 within the boundaries of the Overlay.

47 3) Application Requirements

48 Any application that proposes to relocate density from the Safari or RV Parks to a RR
49 PUD within the Overlay shall comply with the following:

50 a) Pre-Application Conference

51 Each application shall require a PAC in accordance with Art. 2.A.1.E, Pre-
52 Application Conference.

53 b) Master Plan

54 A Preliminary or Final Master Plan shall be required to depict the overall
55 boundaries of the LCS, include any Zoning approvals, identify Open Space
56 Preserve Areas from which density will be relocated to the development area of a
57 RR-PUD, location of access and interconnectivity, and related tabular data.

58 4) RR PUD Development Area

59 In addition to the Development Area requirements for a Rural Cluster PUD, the
60 following shall apply:

61 a. Clustered residential units which provide a variety of lot sizes to allow for a range
62 of housing choices;

63 b. Smaller sized lots shall be located towards the center of the Development Area
64 and should transition to larger lot sizes located at the edge, adjacent to the
65 existing residential neighborhoods.

66 5) Other Requirements

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EXHIBIT H

LION COUNTRY SAFARI
SUMMARY OF AMENDMENTS
(Updated 5/13/11)

- 1 a) Existing native vegetation and other natural features located within the LCS,
2 including a minimum of 37 acres of upland native vegetation, shall be preserved.
3 b) Interconnectivity shall be provided between uses within the LCS. This shall not
4 preclude the use of security gates within the RR PUD.
5 c) A neighborhood serving commercial store of up to 3,500 square feet shall be
6 permitted within the RVPD to serve campers, or should the RVPD be
7 abandoned, the neighborhood store may be incorporated into a RR-PUD.
8 d) Golf courses are prohibited within the LCS.
9 **6) Additional Notification Requirements**
10 Pursuant to the adoption of a LCS Overall Master Plan, any subsequent applications
11 for a Development Order Amendment within the boundaries of any designated Open
12 Space Preserve Areas or associated RR-PUD shall provide for the following
13 notification to all affected land owners and Property Owners Associations, as follows:
14 a) The Notice shall describe the applicant's request for a DOA;
15 b) The list of landowners and Property Owners' Association(s) shall be pursuant to
16 the latest PBC Property Appraisal list;
17 c) The Notice shall be sent to the landowners and Property Owners' Association(s)
18 by certified mail within ten days of filing its applications; and,
19 d) The applicant shall provide to the Zoning Division a copy of the Notice and
20 written confirmation the Notice requirements have been satisfied.
21 **d. Option 1 – Rural Cluster**
22 **1) Land Area**
23 A minimum of 100 acres.
24 **2) Open Space**
25 A minimum of 60 percent of the land area shall be designated on the master plan as
26 contiguous and compact open space, unless otherwise determined by the Existing
27 Resources and Site Analysis. Open space satisfying this requirement shall have a
28 minimum width of 150 feet and be designated as common area on the master plan or
29 dedication in perpetuity as a preserve, in accordance with Article 3.E.2.F.3.h,
30 Perpetual Preservation.
31 **a) Exception**
32 **(1)** Existing environmental, geological and historic resources identified in the site
33 analysis required by Article 3.E.2.G.4, Existing Resources and Site Analysis,
34 and having a minimum area of five acres are not required to be contiguous.
35 **(2)** A PUD within the LCS may comply with minimum Open Space requirements
36 through use of an Overall Master Plan which identifies Preserve Areas within
37 the Lion Country Safari MUPD or RVPD, subject to the following:
38 **(a)** Open Space is limited to preservation, conservation, passive recreation,
39 wetlands, bona-fide agriculture, regional water management projects and
40 equestrian trails; or,
41 **(b)** The Safari Park MUPD (excluding hotel site) and RVPD shall be
42 permitted to count towards the 60 percent Open Space requirement
43 provided that prior to issuance of the final Development Order, a deed
44 restriction/conservation easement is recorded that limits the use of the
45 site to those listed above, in the event commercial recreation uses were
46 to cease. This shall not preclude any renovation or expansion of park
47 facilities where permitted by this Code.
48 **b) Common Area**
49 If designated as common area, maintenance of the open space shall be the
50 perpetual responsibility of the HOA.
51 **c) Separate Tract**
52 All areas designated as open space on the Master Plan shall be platted and
53 maintained as a separate tract of land. No area designated as open space on
54 the Master Plan shall be platted with, nor made part of, a lot or land in the
55 development area, excluding alternative LCS Open Space Preserve Areas.
56 **d) Plat**
57 All open space shall be platted simultaneously with the first plat in the
58 development area, excluding any previously platted areas identified on a LCS
59 Overall Master Plan.
60 **3) Development Area**
61 A maximum of 40 percent of the land area shall be designated on the master plan as
62 the development area. All residential, civic, and recreation pods shall be limited to
63 the development area. All improvements, including streets, water management tracts
64 for on-site and street drainage (including R-O-W), excavation, and accessory
65 structures shall be limited to the development area.
66 **a) Exception**

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EXHIBIT H

LION COUNTRY SAFARI
SUMMARY OF AMENDMENTS
(Updated 5/13/11)

Mitigation projects, excavation with jurisdictional wetlands, and excavation by public agencies, as defined as exempt in Article 4.D, EXCAVATION, and regional water management facilities certified by the SFWMD, shall be permitted in open space areas.

4) Design

The Development Area shall be designed to emphasize the open space areas identified in the site analysis in accordance with Article 3.E.2.G.4, Existing Resources and Site Analysis. The development areas shall be designed so as to not interfere with the continued or future function of any designated open spaces preserves or areas, identified as environmentally, geologically, or historically significant in the site analysis required by Article 3.E.2.G.4, Existing Resources and Site Analysis. Pods should be located and designed to ensure compatibility with open space and preserves areas. All streets shall terminate in a vista or focal point such as trail head, passive park, waterviews, open space, or an alternative acceptable to the BCC.

2. Pods

a. Residential Pod

Housing type and classification shall be limited to single family detached only, typical residential accessory uses/structures and accessory agricultural or equestrian uses/structures.

1) Lion Country Safari Exception

Townhouses may be permitted within a LCS RR-PUD up to a maximum of 20 percent of all residential units, to the extent necessary to accommodate any density transferred from Open Space Preserve Areas, provided that the units are located within the center of the Development Area.

b. Commercial Pod

A commercial pod is prohibited, with exception of allowances for a 3,500 square foot neighborhood store within the LCS.

c. Civic Pod

Civic and institutional uses shall be limited to government services only. No private civic uses shall be permitted.

d. Recreation Pod

Active recreation uses, such as golf courses and common outdoor recreation areas shall be limited to the development area only. Equestrian uses shall be allowed in accordance with the AGR/P pod provisions in Table 3.E.1.B, PDD Use Matrix.

3. Property Development Regulations (PDRs)

The PDRs for residential lots are in Table 3.E.2.G, RR-PUD Property Development Regulations. Accessory residential uses/structures may use with the nonconforming lot provisions in the AR district.

Table 3.E.2.G- RR-PUD Property Development Regulations

Pod	Lot Dimensions			Density		FAR	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min	Max			Front	Side	Side Street	Rear
Residential Option 1 (1)	1.25 ac	100	125	-	-	.20	20%	50	20	25	25
Residential Option 2	2.5 ac	200	200	-	-	.20	20%	50	40	50	50
Public Civic	1%	Apply PUD public civic pod PDRs									
Recreation		Apply PUD recreation pod PDRs									
[Ord. 2011-]											
Notes:											
1.	<p>The following PDRs shall be permitted within the Development Area of a LCS RR-PUD, to the extent necessary to accommodate density relocated from the Safari Park Open Space Preserve Areas within the MUPD or RVPD:</p> <p>a. Where Townhouses are permitted, the PDRs of Art. 3.D.2.A, Townhouses;</p> <p>b. SFD lots located within the center of the Development Area may apply the PDRs for the RS Zoning district, in accordance with Table 3.D.1.A., Property Development Regulations; and,</p> <p>c. SFD lots located along the perimeter of the LCS adjacent to residential uses may apply the PDRs for the RT Zoning district (LR-1) in accordance with Table 3.D.1.A, Property Development Regulations.</p>										

a. Design Standards

The rural design standards in Article 5.C, DESIGN STANDARDS, shall apply to all development not located on a single family lot (e.g. entry features, recreation, ~~and~~ public civic pods, or when permitted within the LCS, a commercial pod).

4. Existing Resources and Site Analysis

The application shall include an analysis and maps of existing environmental, geological, and historic conditions on the proposed site. At a minimum, the analysis shall contain the

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EXHIBIT H

LION COUNTRY SAFARI
SUMMARY OF AMENDMENTS

(Updated 5/13/11)

1 following information and be subject to review and approval by the DRO prior to certification
2 of the project.

3 **a. Natural Resources and Environmentally Sensitive Areas**

4 Location and identification of environmentally sensitive lands, habitats of endangered
5 species, significant areas of native vegetation, wetlands, canals, ditches, and natural
6 drainage.

7 **b. Historic Resources**

8 Location and identification of all historically and archaeologically significant features, sites
9 and structures.

10 **c. Preservation**

11 Significant environmental, geological, and historic conditions identified in the site analysis
12 shall be incorporated and preserved in open space areas on the master plan or as
13 required by ERM and/or the SFWMD.

14 **d. Open Space Management Plan**

15 The applicant shall submit an Open Space Management Plan for review and approval by
16 the DRO, which ensures that all areas designated as open space on the master plan are
17 maintained in perpetuity. The Open Space Management Plan shall include a bond, or
18 the funding mechanism, in an amount necessary to ensure maintenance of the preserve
19 area on a permanent basis. Bona fide agricultural land shall remain in agricultural
20 production or returned to a natural state acceptable to ERM. Fallow land shall remain
21 free of prohibited species and maintained to prevent the creation of a nuisance on
22 adjacent properties. Wetlands shall remain viable and subject to the permitting and
23 maintenance requirements of the SFWMD.

24 **e. Plat**

25 All open space shall be platted simultaneously with the first plat in the developments
26 area.

27 **5. Landscape Buffer**

28 A landscape buffer shall only be required around the development area, adjacent to the
29 perimeter of the project. The buffer shall be a minimum of 150 feet in width and consist of 100
30 percent native vegetation. Landscape buffers providing continuity between open space areas
31 to be preserved may be counted toward meeting the minimum open space requirement.

32 **a. Landscape Requirements**

33 Portions of the buffer which are not adjacent to a street shall comply with the compatibility
34 landscape requirements in Article 7, LANDSCAPING. All landscape material shall be
35 planted in groups and/or a naturalistic pattern.

36 **b. Trails**

37 A continuous equestrian trail, fitness trail, bike path, walking path, or similar trail system
38 shall be incorporated into the internal street R-O-W sections, around lakes, and/or within
39 the buffers in the development area. Trails and paths in open space areas shall only be
40 paved with pervious materials.

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EXHIBIT I
URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1
2 **Part 1. ULDC Art. 2.A.1.D.1.b, Zoning Commission (ZC) (page 11 of 80), is hereby amended as**
3 **follows:**
4

Reason for amendments: [Zoning] Amend to exclude from the Zoning Commission authority granting of Type II Variance for the Urban Redevelopment Area Overlay (URAO) except for parking provisions included in the URAO. Applications subject to the URAO development standards may apply for waivers.

5 **CHAPTER A GENERAL**

6 **Section 1 Applicability**

7 **D. Authority**

8 **1. Processes**

9 **b. Zoning Commission (ZC)**

10 5) The ZC is also granted the authority to consider, take action, and make decisions on
11 applications for Type II variances. The ZC is not authorized to grant variances from
12 the following Articles of the ULDC: **[Ord. 2006-036]**

13
14 d) Art. 3.B.16, URAO, Urban Redevelopment Area Overlay, except for parking
15 requirements within the URAO;
16 **[Renumber Accordingly]**
17

18
19 **Part 2. ULDC Art. 2.A.1.G.3.d, Master Plan (page 13 of 80), is hereby amended as follows:**
20

Reason for amendments: [Zoning] Delete references to Specialized Development district, which is being deleted elsewhere within these amendments, to reflect the proposed amendment to Policy 1.1.2-c of the Plan.

21 **CHAPTER A GENERAL**

22 **Section 1 Applicability**

23 **G. Application Procedures**

24 **3. Plan Requirements**

25 **d. Master Plan**

26 **1) Preliminary Master Plan (PMP) for Public Hearing Approval**

27 The BCC shall approve a PMP for the following PDDs: PUD, RVPD, MHPD, PIPD,
28 PDDs with a MLU or EDC future land use designation; and, an application for a
29 rezoning to the IR, UC, ~~or UI or SD~~ districts. **[Ord. 2009-040] [Ord. 2010-022]**

30
31 **b) IR, UC, ~~or UI or SD~~ District Requirements**
32
33

34
35 **Part 3. ULDC Art. 2.A.1.G.3.g.2)b) [Related to Regulating Plans] (page 15 of 80), is hereby**
36 **amended as follows:**
37

Reason for amendments: [Zoning] Correct minor scrivener's error regarding applicability for a Final Regulating Plan for any application requiring DRO approval.

38 **CHAPTER A GENERAL**

39 **Section 1 Applicability**

40 **G. Application Procedures**

41 **3. Plan Requirements**

42 **g. Regulating Plans**

43 **2) Final Regulating Plan (FRP) for Legislative Public Hearing Approval or**
44 **Administrative Approval**

45 b) The DRO shall review and approve a FRP for any requests for uses that have a
46 "D" in any Use Matrix in Art. 3.B, Overlays, or Table 4.A.3.A, Use Matrix; or any
47 requests subject to Table 4.A.3.A, Thresholds for Project Requiring DRO
48 Approval. **[Ord. 2009-040]**
49
50

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EXHIBIT I
URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1
2 **Part 4. ULDC Art. 2.A.1.I.1, Review [Related to Review and Certification] (page 17 of 80), is**
3 **hereby amended as follows:**
4

Reason for amendments: [Zoning] Clarify requirement that DRO review Waivers.

5 **CHAPTER A GENERAL**

6 **Section 1 Applicability**

7 **I. Review and Certification**

8 **1. Review**

9 All ~~Rezoning, Conditional Use, Requested Use, Waivers, Development Order Amendment~~
10 ~~and concurrent Type II Variance rezoning, conditional use, requested use and development~~
11 ~~order amendment, and concurrent Type II variance~~ applications, shall be reviewed and
12 certified by the DRO. **[Ord. 2006-036]**
13
14

15 **Part 5. ULDC Art. 2.A.1.K.3.a.2), Rezoning, Class A Conditional Use, Requested Use, DOA**
16 **[Related to Review and Certification] (page 19 of 80), is hereby amended as follows:**
17

Reason for amendments: [Zoning] Clarify Zoning Commission shall also review and make recommendations on request for Public Hearing Waivers.

18 **CHAPTER A GENERAL**

19 **Section 1 Applicability**

20 **K. Public Hearing Procedures**

21 **3. Board Action**

22 **a. Action by ZC**

23 **2) Rezoning, Class A Conditional Use, Requested Use, DOA, Type II Waivers**

24 The ZC shall consider the application, the staff report, the relevant support materials,
25 the DRO certification and public testimony given at the hearing. After close of the
26 public hearing, the ZC shall recommend to the BCC that the application be approved,
27 approved with conditions, modified, continued, postponed or denied based upon the
28 standards in Article 2.B.1.B, Standards, and Article 2.B.2.B, Standards, applicable to
29 all Conditional Uses, Requested Uses; Rezonings, ~~and~~ DOA's ~~and~~ Type II Waivers.
30 **[Ord. 2008-003]**
31
32

33 **Part 6. ULDC Art. 2.B.2, Conditional Uses, Requested Uses, Development Order Amendments,**
34 **and Unique Structures (pages 25-26 of 80), is hereby amended as follows:**
35

Reason for amendments: [Zoning] 1) Consolidate Public Hearing Approval Processes for existing and proposed BCC Waivers, to include applicable standards for review; 2) Clarifies that existing BCC Waivers for Traditional Development Districts allowed are subject to the requirements for Public Hearing Processes; and, 3) Establish a new PRA Waiver to implement proposed amendments to the Plan under Policy 1.2.2-c, PRA Standards for Approval, which will include both Administrative and Public Hearing Waivers.

36 **CHAPTER B PUBLIC HEARING PROCESS**

37 **Section 2 Conditional Uses, Requested Uses, Development Order Amendments, and Unique**
38 **Structures and Type II Waivers**

39 **A. Purpose**

40 Conditional ~~uses~~ Uses, ~~requested-uses~~ Requested Uses, ~~and development order amendments~~
41 Development Order Amendments, ~~and~~ Type II Waivers are generally compatible with the other
42 uses or site design permitted in a district, but require individual review of their location, design,
43 configuration, intensity ~~and~~/or density and may require the imposition of conditions to ensure the
44 appropriateness and compatibility of the use at a particular location. **[Ord. 2007-001]**

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

46 When considering a ~~development order~~ Development Order application for a ~~conditional or~~
47 ~~requested use~~ Conditional or Requested Use, ~~or a development order amendment~~, the BCC and
48 ZC shall consider standards 1 – 9 indicated below. A Conditional or Requested Use ~~conditional~~
49 ~~or requested use~~, ~~or~~ Development Order Amendment ~~development order amendment~~ which fails
50 to meet any of these standards shall be deemed adverse to the public interest and shall not be
51 approved. **[Ord. 2007-001]**

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EXHIBIT I
URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1
2 **G. Type II URAO Waivers**

3 **1. Purpose**

4 The purpose of Type II Waivers is to allow flexibility for mixed use or infill redevelopment
5 projects, or site design or layout, where alternative solutions can be permitted, subject to
6 performance criteria or limitations. Waivers are not intended to relieve specific financial
7 hardship nor circumvent the intent of this Code. A Waiver may not be granted if it conflicts
8 with other sections of this Code, or the Florida Building Code.

9 **2. Applicability**

10 Requests for Type II Waivers shall be limited to the Urban Redevelopment Area Overlay
11 (URAO) in accordance with Art. 3.B.16.G, Type I and II URAO Waivers.

12 **3. Standards**

13 When considering a Development Order application for a Type II Waiver, the BCC shall
14 consider the standards indicated below. A Waiver, which fails to meet any of these
15 standards, shall be deemed adverse to the public interest and shall not be approved.

16 a. The waiver does not create additional conflicts with other requirements of the ULDC, and
17 is consistent with the stated purpose and intent for the Zoning district or Overlay; [Ord.
18 2010-022]

19 b. The waiver will not cause a detrimental effect on the overall design and development
20 standards of the project, and will be in harmony with the general site layout and design
21 details of the development; and, [Ord. 2010-022]

22 c. The alternative design option recommended as part of the waiver approval, if granted, will
23 not adversely impact adjacent properties. [Ord. 2010-022]

24 **HG. Development Order Amendment**

25 **1. General**

26 A ~~development order~~ Development Order for a Class A ~~conditional-use~~ Conditional Use,
27 ~~requested-use~~ Requested Use, or Class B ~~conditional-use~~ Conditional Use, or Type II Waiver
28 may be amended, extended, varied or altered only pursuant to the standards and procedures
29 established for its original approval, or as otherwise set forth in this Section. Before any
30 ~~conditional/requested-use~~ such Development Order is amended, extended, varied or altered,
31 the applicant shall demonstrate and the ZC/BCC shall find that a change of circumstances or
32 conditions has occurred which make it necessary to amend, extend, vary or alter the
33 conditional/requested use. [Ord. 2007-001]

34
35 **IH. Conditions of Approval**

36 **1. Class A- ~~Conditional,~~ Requested Use, Type II Waiver, and/ Development Order**
37 **Amendment**

38 The DRO and ZC may recommend, and the BCC may impose, such conditions in a
39 ~~development order~~ Development Order for a Class A ~~conditional-use~~ Conditional Use,
40 ~~requested-use~~ Requested Use, Type II Waiver, or ~~development order amendment~~
41 Development Order Amendment that are necessary to accomplish the purposes of the Plan
42 and this Code;

43 **J. Effect of Issuance of a Development Order**

44 **1. General**

45 Issuance of a ~~development order~~ Development Order for a ~~conditional-use~~ Conditional Use,
46 ~~requested-use~~ Requested Use, Type II Waiver, or DOA shall be deemed to authorize only the
47 particular site configuration, layout and level of impacts

48 **2. Site Plan Compliance/Initiation of Use**

49
50 The approval of a ~~development order~~ Development Order shall not ensure that subsequent
51 approvals for other ~~development permits~~ Development Permits will be granted unless the
52 relevant and applicable portions of this Code are met.

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Notes:

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EXHIBIT I
URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1
2 **Part 7. ULDC Art. 2.D.1, Administrative Process (pages 34-37 of 80), is hereby amended as**
3 **follows:**
4

Reason for amendments: [Zoning] 1) Establish DRO Authority to amend BCC/ZC Approvals to incorporate Zoning Director Waivers; 2) Consolidate existing Zoning Director Waiver standards for Infill Redevelopment Overlay (IRO), Urban Redevelopment Area Overlay (URAO) and Lifestyle Commercial Center (LCC).

5 **CHAPTER D ADMINISTRATIVE PROCESS**

6 **Section 1 Development Review Officer**

7
8 **B. Application Types**

9 1. The following types of development shall require approval of a master plan, site plan,
10 subdivision plan, regulating plan and other types of plans listed in Art. 2.A.1.G.3, Plan
11 Requirements by the DRO prior to the issuance of a building permit, commencement of any
12 related land development activity, utilization of any use or approval granted by the BCC or
13 ZC, or utilization of any use requiring approval by the DRO: **[Ord. 2009-040]**

14
15 d. All proposed Development Orders within the UC; ~~or UI or SD~~ districts, excluding any
16 improvements permitted under Art. 1.E, Prior Approvals or Art. 1.F, Non-conformities;
17 **[Ord. 2010-022]**

18
19 j. Any amendment to a previously approved site plan; ~~and~~

20 k. All subdivision of land, unless exempt; ~~and,~~

21 l. All requests for Type I Waivers.

22
23 **G. Administrative Review**

24 **1. Amendments to BCC/ZC Approvals**

25
26 j. Modification to IRO or URAO Plans, provided that there are no conflicts with prior
27 conditions of approval, any improvement or amenity used to garner support for a project,
28 or testimony from Public Hearing(s); ~~and,~~ **[Ord. 2010-005] [Ord. 2010-022]**

29 k. Requests for Type I Waivers.

30
31 **Section 7 Type I Waiver**

32 **A. Purpose**

33 The purpose of Type I Waivers is to allow flexibility for mixed use or infill redevelopment projects,
34 or site design or layout, where alternative solutions can be permitted, subject to performance
35 criteria or limitations. Waivers are not intended to relieve specific financial hardship nor
36 circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other sections
37 of this Code, or the Florida Building Code.

38 **B. Applicability**

39 Requests for Type I Waivers shall apply to the following:

40 1. Infill Redevelopment Overlay (IRO), in accordance with Art. 3.B.15.G, IRO Waivers;

41 2. Urban Redevelopment Area Overlay (URAO), in accordance with Art. 3.B.16.G, Type I and II
42 URAO Waivers; and,

43 3. Lifestyle Commercial Center (LCC), in accordance with Art. 3.E.8.D, LCC Waivers.

44 **C. Standards**

45 When considering whether to approve, approve with conditions, or deny a Type I Waiver request,
46 the DRO shall consider the following standards: [Ord. 2010-022]

47 1. The waiver does not create additional conflicts with other requirements of the ULDC, and is
48 consistent with the stated purpose and intent for the Zoning district or Overlay; [Ord. 2010-
49 022]

50 2. The waiver will not cause a detrimental effect on the overall design and development
51 standards of the project, and will be in harmony with the general site layout and design
52 details of the development; and, [Ord. 2010-022]

53 3. The alternative design option recommended as part of the waiver approval, if granted, will not
54 adversely impact adjacent properties. [Ord. 2010-022]

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59 **Notes:**

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EXHIBIT I
URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1
2 **Part 8. ULDC Art. 2.G.1.A, Power and Duties (page 62 of 80), is hereby amended as follows:**
3

Reason for amendments: [Zoning] 1) Expand BCC Powers and Duties to include Urban Redevelopment Area Overlay (URAO) Type II Waivers; and, 2) To clarify that appeals from denials of Type I URAO Waivers are heard by the BCC.
--

4 **CHAPTER G DECISION MAKING BODIES**

5 **Section 1 Board of County Commissioners**

6 **A. Powers and Duties**

7

8 15. to review, hear, consider, and approve, approve with conditions, or deny requests for
9 deviations from: Article 4.B.1.A.70-1,a.1) Homeless Resource Center, Location and
10 Separation Requirements, and Articles 5, 6, and 7 for development supporting government
11 facilities within the PO Zoning District; ~~and~~ **[Ord. 2007-013] [Ord. 2009-040]**

12 16. to hear, consider and approve, approve with conditions, or deny application for Unique
13 Structures; **[Ord. 2009-040]**

14 17. to hear, consider and approve, approve with conditions or deny applications for Urban
15 Redevelopment Area Overlay (URAO) Type II Waivers; and,

16 18. to hear, consider and decide appeals from decisions of the DRO on applications for URAO
17 Type I Waivers.

18
19
20 **Part 9. ULDC Art. 2.G.3.M.2, Power and Duties (page 74 of 80), is hereby amended as follows:**
21

Reason for amendments: [Zoning] 1) Expand ZC Powers and Duties to hearing appeals from denials of Type I IRO and LCC Waivers.
--

22 **CHAPTER G DECISION MAKING BODIES**

23 **Section 3 APPOINTED BODIES**

24 **M. Zoning Commission**

25 **2. Powers and Duties**

26 The ZC shall have the following powers and duties under the provisions of this Code.

27

28 h. to consider and render a final decision on appeals of denials for Zoning Waivers; and,
29 **[Ord. 2010-022]**

30 i. to hear, consider and decide appeals from decisions of the DRO on applications for Infill
31 Redevelopment Overlay (IRO) or Lifestyle Commercial Centers (LCC) Type I Waivers.

32
33
34 **Part 10. ULDC Art. 2.G.4., Power and Duties (page 77 of 80), is hereby amended as follows:**
35

Reason for amendments: [Zoning] Clarify DRO Powers and Duties to include Infill Redevelopment Overlay (IRO) and Lifestyle Commercial Center (LCC) Type 1 Waivers established by prior Ordinances, and consolidated herein;

36 **CHAPTER G DECISION MAKING BODIES**

37 **Section 4 STAFF OFFICIALS**

38 **G. Development Review Officer**

39 **1. Establishment**

40 There is hereby established a Development Review Officer (DRO)

41 **2. Powers and Duties**

42 The DRO shall have the following powers and duties under the provisions of this Code:

43

44 f. to request other PBC officials and other agencies to provide factual information on
45 applications for development permits as is deemed appropriate; ~~and~~

46 g. to recommend to the BCC additional or amended rules of procedure not inconsistent with
47 this Section to govern the DRO; and,

48 h. to hear, consider and approve, approve with conditions or deny applications for Infill
49 Redevelopment Overlay (IRO), Urban Redevelopment Area Overlay (URAO), and
50 Lifestyle Commercial Center (LCC) Type I Waivers.

51
52 **Notes:**

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EXHIBIT I
URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1
2 **Part 11. ULDC Art. 3.B.16, Urban Redevelopment Area Overlay (URAO) (pages 80-110 of 231), is**
3 **hereby amended as follows:**
4

<p>Reason for amendments: [Zoning] The following amendments are being processed concurrently with amendments to the Comprehensive Plan being processed in Round 2011-01 with an anticipated effective date of Fall 2011. See "Summary of Key URAO Amendments."</p>

5 **CHAPTER B OVERLAYS**

6 **Section 16 Urban Redevelopment Area Overlay (URAO)**

7 **A. Purpose and Intent**

8 The purpose and intent of the Urban Redevelopment Area Overlay (URAO) is as follows: **[Ord.**
9 **2010-022]**

- 10 1. Implement the concepts of the July 2007 Palm Beach County Urban Redevelopment Area
11 Planning Study and Corridor Master Plan, prepared by the Treasure Coast Regional Planning
12 Council, inclusive of the 2009 Planning Division addendum; **[Ord. 2010-022]**
- 13 2. Implement the Urban Redevelopment Area (URA) Objectives and Policies of the Plan, with
14 an emphasis on Priority Redevelopment Area (PRA) Policies; **[Ord. 2010-022]**
- 15 3. Utilize Smart Growth and Form Based Coding principles to establish standards that create a
16 predictable regulatory framework and built form that improves the aesthetics of the
17 streetscape and establishes, enhances the pedestrian realm and encourages redevelopment
18 of the PRAs; **[Ord. 2010-022]**
- 19 4. Encourage a compact, mixed use and walkable development form, with an emphasis on
20 safety, comfort and ecological responsibility; **[Ord. 2010-022]**
- 21 5. Create an interconnected pedestrian-friendly street network that establishes parallel,
22 alternate vehicular routes between the PRAs and creates new blocks that are a walkable
23 scale; **[Ord. 2010-022]**
- 24 6. Advocate walking, cycling, mass transit or other modes of transportation as viable
25 alternatives to automobile use by encouraging the development of commercial, civic and
26 recreational uses that provide for the daily needs of residents within walking distance; **[Ord.**
27 **2010-022]**
- 28 7. Promote mixed use development that balances housing with employment, commercial, and
29 civic uses; **[Ord. 2010-022]**
- 30 8. Provide a variety of housing types to support residents of diverse ages, incomes, family
31 sizes, ethnicities and lifestyles; **[Ord. 2010-022]**
- 32 9. Promote sustainability by integrating the social, economic and ecological needs of the
33 community with overall regional, state and national policy advocating management of
34 resources for future generations; **[Ord. 2010-022]**
- 35 10. Redevelop retail uses along the PRA corridors along stipulated street frontages; ~~and~~; **[Ord.**
36 **2010-022]**
- 37 11. Simplify and facilitate the permitting process; ~~and~~; **[Ord. 2010-022]**
- 38 12. To encourage redevelopment and revitalization of commercial corridors by establishing
39 standards that recognize various opportunities, challenges and constraints. Certain
40 standards may be altered through a Waiver process.
41

<p>Reason for amendments: [Zoning] 1) Clarify that interconnectivity requirement applies to all Development Orders within the URAO; and, 2) All other URAO requirements only apply to the Priority Redevelopment Areas (PRAs) – meaning parcels having an Urban Center (UC) or Urban Infill (UI) FLU designation and corresponding Zoning district.</p>
--

42 **B. Applicability**

43 ~~1. FLU Designation~~

44 ~~The requirements of the URAO shall only apply to parcels having an Urban Center (UC) or~~
45 ~~Urban Infill (UI) FLU designation, with exception to general requirements for interconnectivity~~
46 ~~in the URA between complementary neighboring land uses, unless permitted otherwise under~~
47 ~~Art. 1.E, Prior Approvals, Art. 1.F, Non-Conformities, or any other provisions herein. **[Ord.**~~
48 ~~**2010-022]**~~

49 1. Interconnectivity

50 Any Development Order within the boundaries of the URAO shall be subject to the
51 requirements of Art. 3.B.16.F.5, Interconnectivity Standards.

52 2. Priority Redevelopment Areas (PRAs)

53 Any application for a Development Order or change in use for parcels with an Urban Center
54 (UC) or Urban Infill (UI) FLU designation shall comply with all URAO requirements, unless
55 permitted otherwise under Art. 1.E, Prior Approvals, Art. 1.F, Non-Conformities, or any other
56 provisions herein.

57 ~~3. Boundaries~~
58

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EXHIBIT I
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SUMMARY OF AMENDMENTS
(Updated 5/16/11)

The exact boundaries of the URA are depicted in Map LU 3.1 of the Plan, but can be generally described as being bound by Community Drive to the north, the Lake Worth Drainage District L-14 Canal to the south, I-95 to the east, and extending as far west as Jog Road at some points. The UC and UI parcels are located within the Priority Redevelopment Area, generally located along the east and west sides of Military Trail and Congress Avenue and bordered by Southern Boulevard to the north and extend as far south as the Lake Worth Drainage District L-8 Canal. Additional locations are along Lake Worth Road and 10th Avenue North. The PRA boundaries are depicted in Maps LU 9.1 and 9.2 of the Plan. **[Ord. 2010-022]**

43. Other Overlays

Development Orders with UC or UI FLU designation may not be used in conjunction with any other overlays. **[Ord. 2010-022]**

Reason for amendments: [Zoning] Deletion of Specialized Development (SD) District from the Plan allows for Zoning District Requirements to be simplified (consolidation prevents a list of one item "a" that would have been created due to deletion of SD district "b").

54. Zoning District Requirements

~~The There are three~~ Zoning districts permitted within the PRAs are as follows: Urban Center (UC), ~~and~~ Urban Infill (UI) ~~and Specialized Development (SD) districts. As of August 2010, all parcels that have a UC or UI FLU designation, were rezoned to the corresponding UC and UI districts (Zoning applications 2010-00667 and 00668, respectively). Rezoning applications shall only be required for parcels which initially opted out of the PRA and are applying for a concurrent FLU amendment to the UC or UI FLU designation. [Ord. 2010-022]~~

a. UC and UI Districts

~~As of August 2010, all parcels that opted in to the PRA and have a UC or UI FLU designation, were rezoned to the corresponding UC and UI districts (Zoning applications 2010-00667 and 00668, respectively). Rezoning applications shall only be required for parcels which initially opted out of the PRA, and have since processed or are applying for a concurrent FLU amendment to the UC or UI FLU designation. [Ord. 2010-022]~~

b. SD District

~~The SD district is an optional district to accommodate projects that cannot conform to the mixed-use requirements of the PRAs, or are generally desirable and contribute to the furthering of County directions and characteristics of a livable community. Application for a rezoning to the SD district shall be optional, and subject to the standards below. [Ord. 2010-022]~~

1) Permitted Deviations

~~The following deviations from the requirements of Art. 3.B.16, URAO shall be permitted within a SD district where approved by the BCC at time of a rezoning, or as a DOA: [Ord. 2010-022]~~

~~a) Minimum standards for building types (new or existing structures), including requirements for two stories, frontage, build to line, and other general placement standards; and, [Ord. 2010-022]~~

~~b) Location and configuration of uses. [Ord. 2010-022]~~

2) Standards for Approval of Deviations

~~When considering a Development Order application that includes any requests for deviations, the BCC shall consider the extent to which development meets standards a) through e) below. [Ord. 2010-022]~~

~~a) The extent to which development of new buildings demonstrates similar mass and disposition as illustrated in the PRA Master Plan. [Ord. 2010-022]~~

~~b) Redevelopment or expansion of existing structures that do not meet the building placement requirements of the PRAs shall utilize innovative site design elements, such as the introduction of plazas, squares, streets, or other urban configurations to minimize any deviation from the purpose and intent of the URAO. [Ord. 2010-022]~~

~~c) The density, intensity and maximum building height shall not exceed that which would be allowed by the building types permitted in the applicable PRA Sub-area Transect. [Ord. 2010-022]~~

~~d) The extent to which buildings front a street or usable open space area, and should not feature principal entrances accessible from parking lots. [Ord. 2010-022]~~

~~e) Surface parking lots and outdoor uses shall be screened from view of streets, usable open space areas, and abutting residential neighborhoods to the maximum extent feasible by the use of a street wall or incompatibility buffers. [Ord. 2010-022]~~

3) Specific Deviations—Congress Avenue

~~The following deviations shall be allowed by right upon approval of a rezoning to the SD: [Ord. 2010-022]~~

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EXHIBIT I
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- 1 a) ~~Between the L-14 Canal and Melaleuca Lane/6th Avenue South — office and~~
2 ~~other medical related uses are exempt from use restrictions for Mixed Use Type~~
3 ~~II Buildings for the 2nd story; or, [Ord. 2010-022]~~
4 b) ~~Between Melaleuca Lane/6th Avenue South and Lake Worth Road — residential~~
5 ~~and commercial uses oriented to serve and support the educational and~~
6 ~~residential needs of Palm Beach Community College are allowed and~~
7 ~~encouraged. [Ord. 2010-022]~~

8 **4) Conditions of Approval**

9 In granting approval of a rezoning to the SD District, the BCC may adopt conditions
10 of approval that address the goals and objectives of the PRA Master Plan and
11 implementing Policies of the Plan. ~~[Ord. 2010-022]~~

12 **5. Prior Approvals, Non-conformities and Continuation/Change of Uses**

13 The list of allowable uses permitted for any previously approved Development Orders that do
14 not comply with the requirements of this section shall be in accordance with Table 3.B.16.F—
15 PRA Permitted Use Schedule. ~~[Ord. 2010-022]~~

16 **C. Future Land Uses and Density/Intensity**

17 Deviations from FLU and Density/Intensity requirements ~~this section~~ shall be prohibited. **[Ord.**
18 **2010-022]**

19 **1. Density and Intensity**

20 The maximum density and intensity for a PRA Development Order shall only be limited by
21 any applicable site development requirements of this code, or the PRA TCEA (TE Policy 1.2-
22 v of the Plan), ~~and the physical constraints of the site.~~ **[Ord. 2010-022]**

23 **2. Density Bonus Program Prohibitions**

24 The use of TDR, AFH or WHP density bonus incentives are not eligible within the PRAs.
25 **[Ord. 2010-022]**

26 **3. Required Workforce Housing Units**

27 Residential projects comprised of 10 units or more shall comply with Art. 5.G.1, Workforce
28 Housing Program. **[Ord. 2010-022]**

29 **4. Mixed Use**

30 Only those projects that are subject to the requirements of the PRA TCEA may be required to
31 develop as mixed use. **[Ord. 2010-022]**

32 **D. Application Requirements**

33 **1. Pre-Application Conference (PAC)**

34 All PRA applications requiring DRO approval shall require a PAC pursuant to procedures in
35 Art. 2.A.1.E, Pre-Application Conference, with exception to amendments to prior approvals
36 and non-conformities that do not comply with the provisions of the URAO. **[Ord. 2010-022]**

37 **Reason for amendments:** [Zoning] Deletion of redundant requirements listed under Art. 2.A.1.G.3, Plan Requirements – which is sufficiently referenced here.

38 **2. Plan Requirements**

39 Required plans shall comply with Art. 2.A.1.G.3, Plan Requirements, ~~, and the following:~~
40 **[Ord. 2010-022]**

41 **a. Other Plans**

42 ~~The DRO shall approve a Master Sign Plan, and a Regulating Plan or Alternative Design~~
43 ~~Standards. [Ord. 2010-022]~~

44 **3. Waivers**

45 ~~An applicant may apply for a waiver from a specific regulation if listed in Table 3.B.17.G, PRA~~
46 ~~Waivers. [Ord. 2010-022]~~

47 **Reason for amendments:** [Zoning] 1) Administrative Waiver Standards have been relocated and
48 consolidated with other similar standards in Art. 2, Development Review Procedures; and, 2) The deletion
of the SD District and the subsequent creation of “Alternative Standards” in the Plan will allow for the
creation of Legislative Waivers, for which standards will also be added into Art. 2, while the scope and
limitations will be added to existing Table 3.B.17.G, PRA Waivers, as included toward the end of this
amendment.

49 **a. Standards**

50 ~~An application for a waiver shall be submitted in a form specified by the Zoning Director.~~
51 ~~When considering whether to approve, approve with conditions, or deny a waiver~~
52 ~~request, the Zoning Director shall consider the following standards: [Ord. 2010-022]~~

53 ~~1) The waiver does not create additional conflicts with this Section of the ULDC, and is~~
54 ~~consistent with the stated purpose and intent for the URAO; [Ord. 2010-022]~~

55 ~~2) The waiver will not cause a detrimental effect on the overall design and development~~
56 ~~standards of the project, and will be in harmony with the general site layout and~~
57 ~~design details of the development; and, [Ord. 2010-022]~~

58 **Notes:**

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EXHIBIT I
URBAN REDEVELOPMENT AREA OVERLAY (URAO)
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(Updated 5/16/11)

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~~Figure 3.B.16.E – Typical Example of Slip Street Frontage~~



[Ord. 2010-022]

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b. Primary Frontage

~~Primary Frontages are located along adjacent thoroughfares or new internal streets, and accommodate a wide pedestrian zone, lined by the main building façade and entrance(s).~~
[Ord. 2010-022]

~~Figure 3.b.16.E – Typical Example of Primary Frontage~~



[Ord. 2010-022]

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c. Secondary Frontage

~~Secondary frontages are located along existing side streets that intersect the main commercial thoroughfare, or new internal side streets. Secondary frontages provide a planting strip for street trees and a pedestrian zone appropriate for less intense uses and building sides.~~ [Ord. 2010-022]

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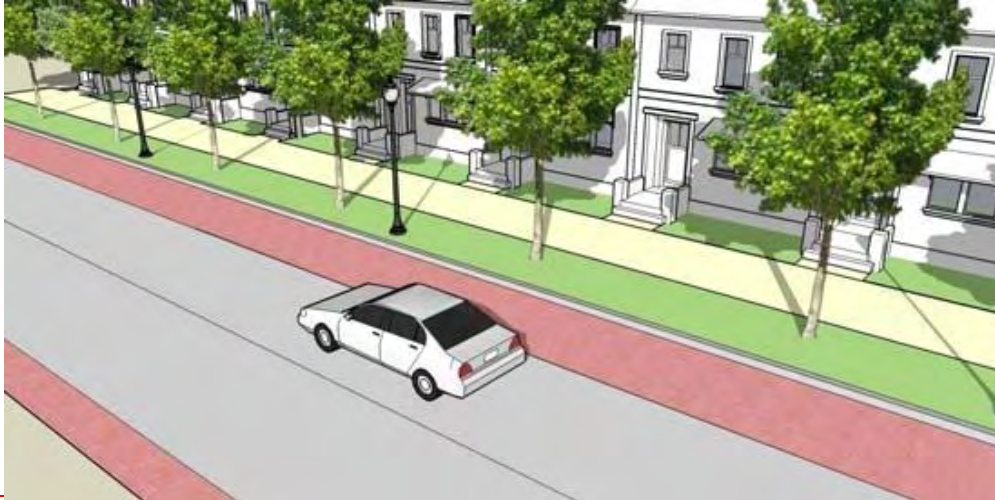
Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

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EXHIBIT I
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SUMMARY OF AMENDMENTS
(Updated 5/16/11)

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Figure 3.B.16.E – Typical Example of Secondary Street Frontage



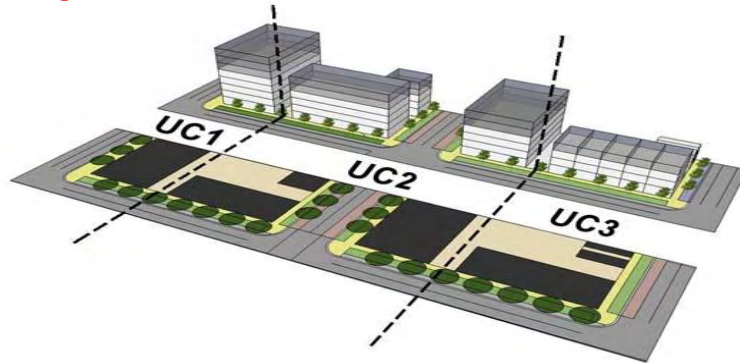
[Ord.2010-022]

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4. PRA Transect Zones (TZ)

~~Transect Zones are distinct categories that define and organize density and intensity ranging from the most urban to the least urban. The URAO establishes the Urban Center (UC) and Urban Infill (UI) FLU designations for the PRAs, and further refines these designations using sub-areas as transect zones. Transect zones facilitate the development of urban forms while providing for gradual transitions in building scale and use intensity, rather than rigid distinctions. The default location for the URAO Transect Zones shall be in accordance with the PRA GIS Regulating Plan maintained by PZB. [Ord. 2010-022]~~

Figure 3.B.16.E – PRA Transect Zones and Sub-areas



[Ord. 2010-022]

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a. Urban Center (UC) Sub-area Transects

~~The UC is designated at prominent intersections and is the most intense PRA district, typically comprised of larger interconnected commercial and buildings containing a wide variety of uses, of at least two stories in height that create a continuous street wall along designated street frontages. A well-balanced mix of residential, commercial, civic, and recreational uses is encouraged, but may also be a requirement of the PRA TGEA. The UC is broken down into three distinct Sub-areas, as follows: [Ord. 2010-022]~~

1) UC 1 Sub-area

~~The most intense Sub-area accommodates the most intense types of uses and largest building scale permitted in the PRAs. Building heights shall be at least two stories and are permitted up to five stories by right, with green building incentives allowing up to eight stories for certain building types. [Ord. 2010-022]~~

2) UC 2 Sub-area

~~This Sub-area allows for the same intensity of uses, but begins a physical transition to the UC 3 Sub-area. Buildings shall be at least two stories in height and are permitted up to four stories by right, with green building incentives allowing up to six stories for certain building types. [Ord. 2010-022]~~

3) UC 3 Sub-area

~~The least intense UC Sub-area intended to provide for a transition between the more intense UC 1 and 2 Sub-areas, and abutting residential neighborhoods or adjacent UI~~

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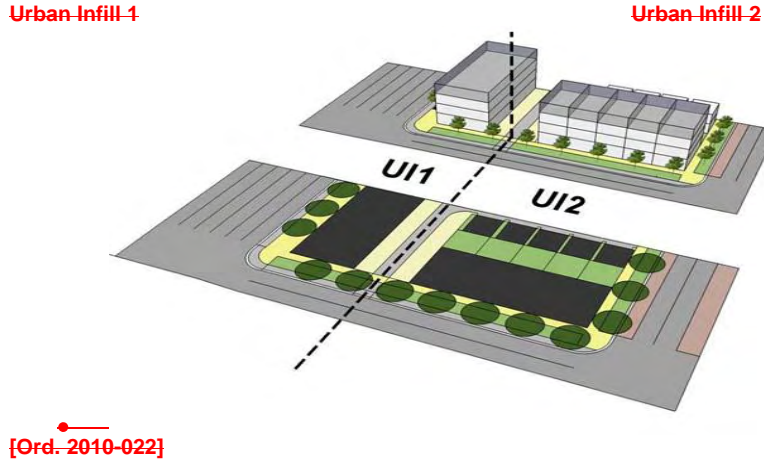
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~~Sub-areas. Buildings shall be at least two stories in height and are limited to a maximum of three stories by right. [Ord. 2010-022]~~

Figure 3.B.16.e – PRA Transect Zones and Sub-areas



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~~b. Urban Infill (UI) Sub-area Transects~~

~~The UI accommodates mixed use redevelopment along the corridors, while providing a transition to the adjacent, existing residential neighborhoods. The UI is broken down into two distinct sub-areas, as follows: [Ord. 2010-022]~~

~~1) UI 1 Sub-area~~

~~A moderately intense Sub-area accommodating commercial, mixed use, and residential uses. Building heights up to three stories are permitted by right, with green building incentives allowing up to four stories for some building types. [Ord. 2010-022]~~

~~2) UI 2 Sub-area~~

~~The least intense UI Sub-area providing for a gradual transition between the UI 1 Sub-area and adjacent residential areas. Buildings shall be at least two stories in height and are limited to a maximum of three stories by right. [Ord. 2010-022]~~

~~c. TZ Sub-area Deviations~~

~~The DRO shall have to authority to allow deviations to the location and boundaries of the default UC or UI Sub-area Transects illustrated in the PRA GIS Regulating Plan, where in compliance with the standards of Table 3.B.16.E, PRA Sub-Area Transect Standards. [Ord. 2010-022]~~

Table 3.B.16.E – PRA Sub-area Transect Standards

Parcel Standards	Transect Zone				
	UC 1	UC 2	UI 1	UC 3	UI 2
Minimum Setback from Abutting Residential [Ord. 2010-022]	400 ft.	200 ft.	200 ft.	N/A	N/A

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Reason for amendments: [Zoning] Building type requirements are proposed to be deleted in Plan text amendments, and do not need to be relocated.

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5. Building Types

~~Six general building types are permitted in the PRAs; however the variation of building height by transect zones in effect yields a wider range of buildings. Permitted building types are determined by Sub-area Transect, and deviations shall be prohibited unless except where permitted by the Specialized Development district. [Ord. 2010-022]~~

~~a. Mixed Use~~

~~A two to six story mixed use building having retail or other non-residential uses at street level, residential units or office uses located on the second floor, and exclusively residential uses on the remaining floors. [Ord. 2010-022]~~

~~b. Block Building~~

~~A two to eight story building limited to the UC Sub-areas, accommodating a predominant single use such as offices, other type of employment center, or residential uses. The provision of ground floor retail or non-residential uses serving the needs of building tenants is encouraged. [Ord. 2010-022]~~

~~c. Liner Building~~

~~A two to six story building limited to the UC 1 and 2 Sub-areas, used to conceal parking garages, offices or other non-residential structures from view of streets or residential neighborhoods. Liner buildings shall have retail or other non-residential uses at street level, with residential or office uses in the upper floors, may be attached to or have rear~~

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~~alley access between the structure to be concealed, and shall be the same height or greater than the use to be concealed. [Ord. 2010-022]~~

d. Civic Building

~~An architecturally distinctive building comprised of or appearing to be between two to six stories, of which a minimum of sixty percent of building area is used to accommodate public or private civic uses. Limited retail or non-residential uses in the form of storefronts or second floor offices serving the needs of the community or building tenants are encouraged. Residential uses providing for workforce of affordable housing are also encouraged. A civic building may also front a plaza, courtyard or square. [Ord. 2010-022]~~

e. Row House

~~A two to four story town house, or multi-family building built with similar characteristics, with accessory structures, vehicular access and parking located to the rear of the building. [Ord. 2010-022]~~

f. Apartment Building

~~A two to four story multi-family residential building. The principal entrance is typically recessed from the sidewalk via a courtyard, forecourt or other similar means. A limited amount of ground floor retail or non-residential uses may be permitted to provide for the needs of tenants where fronting usable open space areas or a primary street frontage. [Ord. 2010-022]~~

6. Parking and Loading

~~Parking and loading for each tenant shall be located behind buildings or a street wall. Parking shall only be permitted in front of buildings in the form of on street parking. [Ord. 2010-022]~~

7. Streetscape and Usable Open Space

~~Examples of required PRA streetscape improvements include: [Ord. 2010-022]~~

~~a. A pedestrian oriented streetscape along all street frontages; [Ord. 2010-022]~~

~~b. Plazas, squares and other forms of usable open space in front of or adjacent to buildings; [Ord. 2010-022]~~

~~c. Additional sidewalks or pathways to establish a complete pedestrian circulation network that links all uses and parking lots to perimeter street frontages; and, [Ord. 2010-022]~~

~~d. Accommodations for Art. [Ord. 2010-022]~~

8. Landscape and Open Space Transitional Elements

~~Landscaping in the PRA shall be in an urban form that compliments the intended intensity and density of the PRA corridors, with an emphasis on the use of materials and design that enhances pedestrian areas, allows for improved visual surveillance from building windows, but also minimizes impacts to adjacent residential developments. Drainage retention areas, preserves and other similar low intensity open space areas shall be located to provide a transition between commercial uses and existing adjacent residential neighborhoods, or parcels with a residential FLU designation, when possible. [Ord. 2010-022]~~

<p>Reason for amendments: [Zoning] 1) Relocate permitted use schedule for PRAs; 2) Clarify applicability of URAO for parcels located outside of the PRA or having opted out of the PRA Future Land Use Amendment process; and, 3) Clarify applicability of PRA Use Matrix for existing development for parcels with UC or UI Zoning.</p>

E. PRA Use Matrix

The list of uses permitted within the URAO shall be in accordance with the following.

1. Standard Districts, PDDs or Other Overlays

Uses permitted in standard Zoning districts, PDDs or other Zoning Overlays shall be in accordance with Table 4.A.3.A, Use Matrix, Table 3.E.1.B, PDD Use Matrix, or any applicable Art. 3.B, Overlays, use matrices.

2. UC or UI Districts

The list of permitted land uses for parcels with UC or UI Zoning shall be in accordance with Table 3.B.16.F, PRA Permitted Use Schedule, and the following:

a. Right to Continue or Change Uses

Those uses that were legally established prior to the adoption of Zoning Resolutions R-10-1344 and R-10-1345 (Applications 2010-00667 and 00668, UC and UI Districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or 1.F, Non-conformities. A change in use shall only be permitted if the proposed use complies with all of the following:

1) Listed in Table 3.B.16.E, PRA Use Matrix;

2) Does not exceed the limitations of Art. 1.F, Non-conformities;

3) Is entirely located within existing buildings; and,

4) Parking is provided in accordance with the minimum parking requirements of Art. 6, Parking, inclusive of the minimum parking requirements of Table 6.A.1.B, Minimum Off Street Parking and Loading Requirements. Previously approved PDDs may

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1 apply any vested parking requirements in accordance with Art. 1.E, Prior Approvals,
2 with exception to applications for Conditional Uses.

3 **b. New Uses in Compliance PRA Requirements**

4 New Uses for Development Orders for new construction of buildings, structures or
5 outdoor uses that complies with all PRA requirements, including any approved Waivers,
6 shall be permitted in accordance with Table 3.B.16.F, PRA Use Matrix for the applicable
7 Zoning District and Transect Zone. Variances or Waivers shall not be permitted from the
8 requirements of Table 3.B.16.F, PRA Permitted Use Schedule.

9 **3. Residential Uses**

10 Residential uses may be permitted on any floor, with exception to the following:

- 11 1) Where located in the same building as non-residential uses, residential uses shall either
12 be located above or internally separated from any non-residential uses; and,
13 2) Single Family Dwelling Units shall not be permitted to front Slip Street or Primary
14 Frontages.

15 **4. Outdoor Uses**

16 *Additional standards are established for non-residential outdoor uses, excluding passive*
17 *recreation areas, ATMs, or other similar uses, to ensure compatibility with the streetscape,*
18 *usable open space areas, and any abutting residential uses or parcels with a residential FLU*
19 *designation. [Ord. 2010-022]*

20 **a. Residential Setbacks**

21 *Outdoor uses shall be setback a minimum of 200 feet from any abutting non-PRA*
22 *residential use or parcel with a residential future land use designation, unless approved*
23 *by the BCC as a Type II URAO Waiver or in conjunction with a Conditional Use approval.*
24 *This shall include vehicular access and parking for vehicular related uses such as*
25 *gasoline sales, car washes, or drive through facilities, but shall not include drive through*
26 *facilities for Financial Institutions or ATM lanes. [Ord. 2010-022]*

27 **b. Screening**

28 *Outdoor uses, excluding uses such as outdoor dining uses in compliance with Residential*
29 *Setbacks, walk up Restaurant take out windows, shall be screened from all streets by the*
30 *use of a Street Wall comprised of either or a combination of the following: [Ord. 2010-*
31 *022]*

- 32 1) Buildings or similar structures; or, [Ord. 2010-022]
33 2) A five foot wide landscape strip that includes a minimum 30 inch high hedge or
34 concrete wall, and canopy, multi-trunk or flowering trees planted 30 feet on center.
35 Breaks to allow for pedestrian or vehicular access shall be permitted. [Ord. 2010-
36 022]

37 **c. Drive-through Uses and Gasoline Service Facilities**

38 *All drive-through lanes and gasoline service areas, inclusive of pump islands, canopies,*
39 *and queuing areas shall be located behind buildings or the Street Wall screening*
40 *requirements above, and shall be consistent with Figure 3.B.16.F, Typical Gasoline*
41 *Service Facilities and Figure 3.B.16.F, Typical Drive-through Configurations. Exceptions*
42 *shall be permitted for drive through facilities that are located inside a building or side*
43 *façade, subject to approval by the County Engineer, where designed similar to Figure*
44 *3.B.16.F, Typical Drive Through Configurations. [Ord. 2010-022]*

Figure 3.B.16.F – Typical Gasoline Service Facilities



[Ord. 2010-022]

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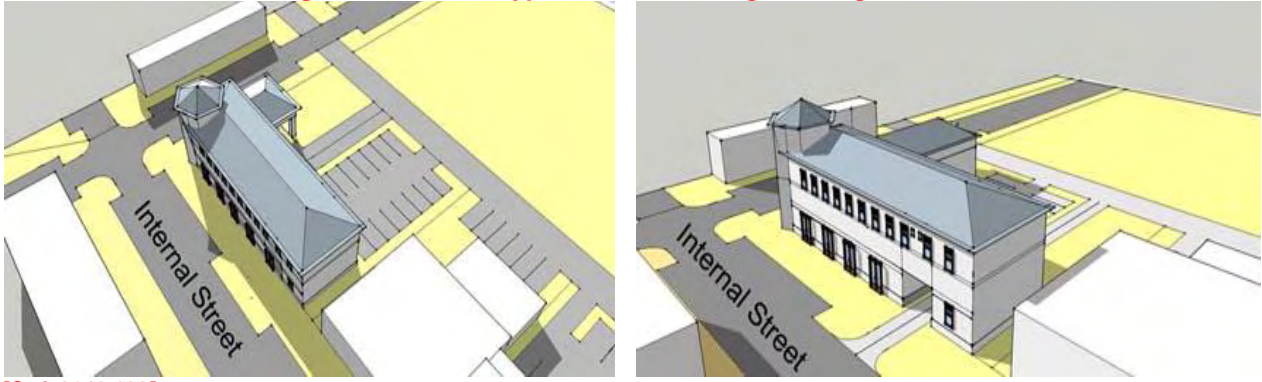
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Figure 3.B.16.F – Typical Drive Through Configurations



[Ord. 2010-022]

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Reason for amendments: [Zoning] 1) Delete Specialized Development (SD) District category; 2) Allow for uses previously limited to the SD District to be permitted in UC and UI; 3) Require Class A Conditional Use Approval for uses that might adversely impact the public or adjacent residential properties; and, 4) Provide for streamlined approvals of some uses that typically require BCC approval where located in the more intense Transect Zones, as a redevelopment incentive; and, 5) Add new uses previously not permitted, based on public or interested party input, as permitted by concurrent amendments to the Plan.

Table 3.B.16.E F – PRA Permitted Use Matrix Schedule (1)(2)(3)

Use Type	Transect Sub-Zones							Note
	UC 1	UC 2	UC 3	UI 1	UI 2	SD (2)	Non-Conforming (3)	
Residential Uses								
Single Family	P	P	P	P	P			122
Zero Lot Line	D	D	D	D	D			142
Townhouse	D	D	D	D	D	D		132
Multi-family	D	D	D	D	D	D		82
Accessory Dwelling	D	D	D	D	D	D		1
Congregate Living Facility, Type 1 I	D	D	D	D	D	D		34
Congregate Living Facility, Type 2 II	D	D	D	D	D	D		34
Congregate Living Facility, Type 3 III	D	D	D	D	D	D		34
Estate Kitchen	D	D	D	D	D			48
Garage Sale	P	P	P	P	P	D		60
Guest Cottage	D	D	D	D	D	D		66
Home Occupation	P	P	P	P	P	D		70
Kennel, Type I (Private)	D	D	D	D	D	D		73
Nursing Convalescent Facility	D	D	D	D	D	D		90
Security or Caretaker Quarters	D	D	D	D	D	D		119
Commercial Uses								
Adult Entertainment	S	S		S		S		2
Auction, Enclosed (4)	D	D	D	D	D			16
Auto Paint or Body Shop	A	A	A	A	A	A		17
Auto Service Station Gas and Fuel Retail	A	A	A	A	A	A		18
Bed and Breakfast	D	D	D	D	D	D		20
Broadcast Studio	D	D	D	D	D	D	D	21
Building Supplies						A		22
Car Wash	D	D	D	D	D	A		25
Catering Services	D	D	D	D	D	D	D	26
Convenience Store	D	D	D	D	D	D		36
Convenience Store with Gas Sales	D	D	D	D	D	A		37
Day Labor Employment Service	A	A	A	A	A			41
Dispatching Office	D	D	D	D	D	D		42
Dog Daycare	D	D	D	D	D	D	D	43
Financial Institution	D	D	D	D	D	L	L	55
Flea Market, Open	A	A	A	A	A			58
Flea Market, Enclosed	D	D	D	D	D	D		57
Funeral Home or Crematory	D	D	D	D	D	A		59
Green Market	D	D	D	D	D	D		64
Hotel, Motel, SRO, Rooming and Boarding	D	D	D	D	D	D		72
Kennel, Type II (Commercial)				D		A		74-1
Kennel, Type III (Commercial Enclosed)	D	D	D	D	D	D		74-2
Kennel, Type IV (Animal Shelter)	A	A	A	A	A			74-3
Kiosk	D	D	D	D	D			75
Laundry Services (4)	D	D	D	D	D	D	P	78
Lounge, Cocktail	D	D	A	D	A	D		79
Medical or Dental Office (4)	D	D	D	D	D	D	P	83
Monument Sales, Retail	D	D	D	D	D			86
Note:								
1.	Deviations from this table shall be prohibited.							
21.	Any outdoor uses shall comply with Art. 4.B.16.E.4, Residential Setbacks. Further restrictions may depend on building type and floor location.							
2.	Any project that wishes to operate a use with a drive-thru must receive a Specialized District designation.							
3.	Those uses that were legally established prior to the adoption of Zoning Resolutions R-10-1344 and R-10-1345 (Applications 2010-00667 and 00668, UC and UI Districts, respectively) shall be permitted to continue in accordance with Art. 1.E, Prior Approvals, or 1.F, Non-conformities. Change in use permitted subject to limitations of Art. 3.B.16.E.2.a, Right to Continue or Change Use. New uses permitted in non-conforming prior approvals.							
4.	The change in use for a previously approved non-residential structure shall be permitted by right, if in compliance with Art. 3.B.16.E.2.a, Right to Continue or Change Use.							
Key:								
P	Permitted by Right (limited to new uses permitted for non-conforming prior approvals).							
S	Permitted subject to Special Permit approval.							
D	Permitted subject to DRO approval.							
B	Permitted subject to Zoning Commission Approval.							
A	Permitted subject to Board of County Commission Approval.							
L	Limited use – Permitted in the UC or UI districts only where allowed as a P or D under Supplementary Standards, and shall not include any drive-through uses, or other similar outdoor vehicular related uses such							

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Table 3.B.16.E F – PRA Permitted Use **Matrix** Schedule (1)(2)(3)

Use Type	Transect Sub-Zones							Note
	UC 1	UC 2	UC 3	UI 1	UI 2	SD (2)	Non-Conforming (3)	
as fueling stations or vehicle sales or rental display or storage.								
Commercial Uses								
Office, Business or Professional (4)	D	D	D	D	D	D	P	91
Parking Garage, Commercial	D	D	D	D	D	D		95
<u>Parking Lot, Commercial</u>	A	A	A	A	A			96
Pawnshop	A	A	A	A	A	A		97
Personal Services (4)	D	D	D	D	D	D	P	98
Printing and Copying Services (4)	D	D	D	D	D	D	P	100
<u>Real Estate Sales Model</u>								102
Repair and Maintenance, General	D	D	D	D	D	A		107
Repair Services, Limited (4)	D	D	D	D	D	D	P	108
Restaurant, Type I	D L	D L	D L	D L	D L	L	L	109
Restaurant, Type II	D	D	D	D	D	D		111
Retail Sales, Auto Accessories and Parts (4)	D	D	D	D	D	D		113
Retail Sales, General (4)	D	D	D	D	D	D	P	114
Retail Sales, Mobile or Temporary	S	S	S	S	S	S	S	115
Self-Service Storage	D A	D A	D	A	D	A		120
Theater, Indoor	D	D	A	D	A	A		129
Vehicle Sales and Rental	D L	D L	D	D L	D	L		135
Veterinary Clinic	D L	D L	D	D L	D	D	L	136
Vocational School (4)	D	D	D	D	D	P	P	137
<u>Work/Live Space</u>	D	D	D	D	D			141-1
<u>Live/Work</u>	D	D	D	D	D			141-2
Public and Civic Uses								
Assembly, Nonprofit Institutional	D	D	D	D	D	D		14
Assembly, Nonprofit Membership	D	D	D	D	D	D		15
College or University ³	D	D	D	D	D	D		30
Day Camp	D	D	D	D	D	D		39
Day Care, General	D	D	D A	D	D A	D		40
Day Care, Limited	D	D	D A	D	D A	D		40
Government Services	D	D	D	D	D	D	D	63
<u>Helipad</u>	A	A		A				10
Hospital or Medical Center	D A	D A	D	D A	D	A		71
<u>Homeless Resource Center</u>	A	A	A	A	A			70-1
Place of Worship	D	D	D	D	D	D		29
School, Elementary or Secondary	D	D	D	D	D	D		118
Recreational Uses								
Entertainment, Indoor	D	D	D	D	D	D	L	45
<u>Entertainment, Outdoor</u>	A	A	A	A	A			46
Fitness Center	D	D	D	D	D	D	L	56
Gun Club, Enclosed	A	A	A	A	A	A		67
Park, Passive	D	D	D	D	D	D		93
Park, Public	D	D	D	D	D	D		94
Park, Neighborhood	D	D	D	D	D	D		92
Special Event	S	S	S	S	S	S		124
Agricultural Uses								
Community Vegetable Garden (4)	D	D	D	D	D	D		32
Farmers Market (4)	D	D	D	D	D	D		52
<u>Nursery, Retail</u>	D	D	D	D	D			88
<u>Produce Stand</u>	S	S	S	S	S			101
Utilities and Excavation								
<u>Air Stripper, Remedial</u>	A	A	A	A	A			11
Communication Cell Sites on Wheels (COWS)	S	S	S	S	S	S		31
Communication Panels, or Antennas, Commercial	A	A	A	A	A	A		31
<u>Communication Tower, Commercial</u>	A	A	A	A	A			31
<u>Electrical Transmission Facility</u>	A	A	A	A	A			44-2
<u>Recycling Collection Station</u>	S	S	S	S	S			106
<u>Recycling Drop Off Bin</u>	S	S	S	S	S			104
Utility, Minor	D	D	D	D	D	D		134
Water or Treatment Plant	A	A	A	A	A	A		139
Industrial Uses								
<u>Data Information Processing</u>	D	D	D	D	D			38
Film Production Studio	D	D	D	D	D	A		54
Laboratory, Industrial Research	D	D	A	D	A	A		76
<u>Machine or Welding Shop</u>						A		80
Medical or Dental Laboratory (4)	D	D	D	D	D	A		84
Transportation Facility	A			A		A		133
[Ord. 2010-022]								

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F. PRA Design and Development Standards

1. General Uses Permitted by Building Type or Floor

~~Table 3.B.17.F, General Uses Permitted by Building Type or Floor, identifies permitted building types by Sub-area Transect, building height, and allowable uses by floor, to ensure development will serve the needs of residents while mitigating adverse impacts to existing neighborhoods. This section shall only apply to uses in the PRAs. See Art. 3.B.16.F.7, for a listing of specific uses permitted and related approval processes. [Ord. 2010-022]~~

Table 3.B.16.F -- General Uses Permitted by Building Type or Floor

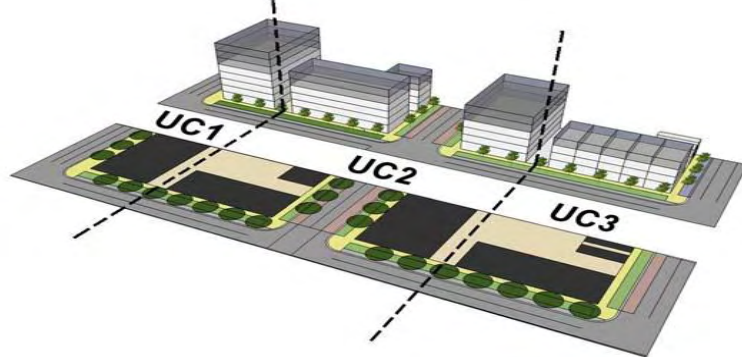
TZ	Urban Center								Urban Infill																															
	UC-1				UC-2				UC-3				UI-1				UI-2																							
Elevation																																								
Plan View																																								
Sub-areas	UC-1								UC-2								UC-3								UI-1								UI-2							
Floor	1	2	3	4	5	6	7	8	1	2	3	4	5	6	1	2	3	4	1	2	3	4	1	2	3	4														
Mixed Use	C-O	O	R	R	(gs)	N/A	N/A	N/A	C-O	O	R	R	(gs)	n/a	C-O	O	R	R	C-O	O	R	R	C-O	O	R	R	C-O	O	R	R										
Block (1)	All	O-R-CV							(gs)	(gs)	All	O-R-CV							(gs)	(gs)	All	O-R-CV							(gs)	(gs)	All	O-R-CV							(gs)	(gs)
Liner (2)	All	O-R	O-R	O-R	R-(gs)	N/A	N/A	N/A	All	O-R	O-R	O-R	R	n/a	All	O-R	O-R	O-R	All	O-R	O-R	O-R	All	O-R	O-R	O-R	All	O-R	O-R	O-R										
Civic (3)																																								
Apartment	R								R						R				R				R				R													
Rowhouse	(4)								(4)						(4)				(4)				(4)				(4)													
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1. PRA Transect Zones (TZ)

Transect Zones are distinct categories that define and organize density and intensity ranging from the most urban to the least urban. The URAO establishes the Urban Center (UC) and Urban Infill (UI) FLU designations for the PRAs, and further refines these designations using sub-areas as transect zones. Transect zones facilitate the development of urban forms while providing for gradual transitions in building scale and use intensity, rather than rigid distinctions. The default location for the URAO Transect Zones shall be in accordance with the PRA GIS Regulating Plan maintained by PZB. [Ord. 2010-022]

Figure 3.B.16.E – PRA Transect Zones and Sub-areas



[Ord. 2010-022]

a. Urban Center (UC) Sub-area Transects

The UC is designated at prominent intersections and is the most intense PRA district, typically comprised of larger interconnected commercial and buildings containing a wide variety of uses, of at least two stories in height that create a continuous street wall along designated street frontages. A well-balanced mix of residential, commercial, civic, and recreational uses is encouraged, but may also be a requirement of the PRA TCEA. The UC is broken down into three distinct Sub-areas, as follows: [Ord. 2010-022]

1) UC 1 Sub-area

The most intense Sub-area accommodates the most intense types of uses and largest building scale permitted in the PRAs. [Ord. 2010-022]

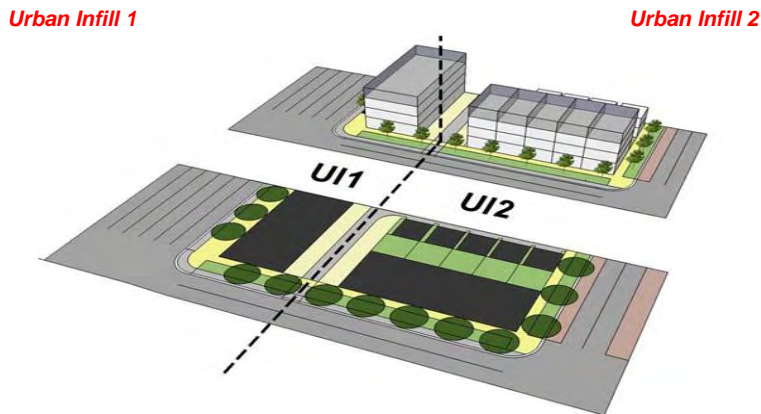
2) UC 2 Sub-area

This Sub-area allows for the same intensity of uses, but begins a physical transition to the UC 3 Sub-area. [Ord. 2010-022]

3) UC 3 Sub-area

The least intense UC Sub-area intended to provide for a transition between the more intense UC 1 and 2 Sub-areas, and abutting residential neighborhoods or adjacent UI Sub-areas. [Ord. 2010-022]

Figure 3.B.16.e – PRA Transect Zones and Sub-areas



[Ord. 2010-022]

b. Urban Infill (UI) Sub-area Transects

The UI accommodates mixed use redevelopment along the corridors, while providing a transition to the adjacent, existing residential neighborhoods. The UI is broken down into two distinct sub-areas, as follows: [Ord. 2010-022]

1) UI 1 Sub-area

A moderately intense Sub-area accommodating commercial, mixed use, and residential uses. [Ord. 2010-022]

2) UI 2 Sub-area

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The least intense UI Sub-area intended to provide for a gradual transition between the UI 1 Sub-area and adjacent residential areas. [Ord. 2010-022]

c. TZ Sub-area Modifications

The DRO shall have the authority to allow modifications to the location and boundaries of the default UC or UI Sub-area Transects illustrated in the PRA GIS Regulating Plan, where in compliance with the standards of Table 3.B.16.F, PRA Sub-Area Transect Standards. [Ord. 2010-022]

Table 3.B.16.F – PRA Sub-area Transect Standards

Parcel Standards	Transect Zone				
	UC 1	UC 2	UI 1	UC 3	UI 2
Minimum Setback from Abutting Residential [Ord. 2010-022]	400 ft.	200 ft.	200 ft.	N/A	N/A

2. Access and Lot Frontage

Access shall be limited to minimize curb cuts to streets to improve traffic flow and reduce pedestrian-vehicular conflicts. Where available, access from rear alleys is required. [Ord. 2010-022]

a. External Access

One access point shall be permitted for each 160 linear feet of street frontage. Access shall be in the form of a street or alley, unless exempted otherwise herein. ~~Parcels with secondary street frontages shall be required to provide rear alley access or a wider street, unless bounded by a street along the rear property line.~~ [Ord. 2010-022]

b. Internal Access

No more than one access point or alley shall be permitted for each 160 linear feet of street frontage to allow for access to parking and loading, drive through facilities, or other similar uses. A maximum of two access points shall be permitted per block face. [Ord. 2010-022]

c. Existing Small Parcel Exception

Parcels ~~that existing prior to the adoption of the URAO~~ with less than 160 feet of frontage shall be permitted to establish one access point along a perimeter street; ~~however, alley access shall be encouraged as the primary means of vehicular access where feasible.~~ [Ord. 2010-022]

3. Block Standards Design

Blocks shall be created by utilizing streets and alleys to provide continuous pedestrian and vehicular circulation, interconnectivity and accessibility in PRA projects. Cul-de-sacs and other dead-end streets shall not be permitted unless it can be demonstrated that physical constraints prohibit practical alternatives. Any new blocks shall comply with the following: [Ord. 2010-022]

a. Applicability

Blocks are required for projects five or more acres in size, or where the subdivision of land is proposed, excluding lot recombination. [Ord. 2010-022]

b. Minimum Dimensions

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

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

c. Block Frontage

All blocks shall have frontage on a perimeter or internal street. Streets shall be used to interconnect blocks. When using alleys to meet block requirements, they shall only be permitted along the side or rear of a block where streets are not required. [Ord. 2010-022]

d. Subdivision

Any subdivision of land shall comply with all lot dimensions applicable to the UC ~~or~~ UI ~~or~~ ~~SD~~ district, with exception to townhouse ~~or~~ ZLL lots. [Ord. 2010-022]

e. PDD Subdivision Alternative

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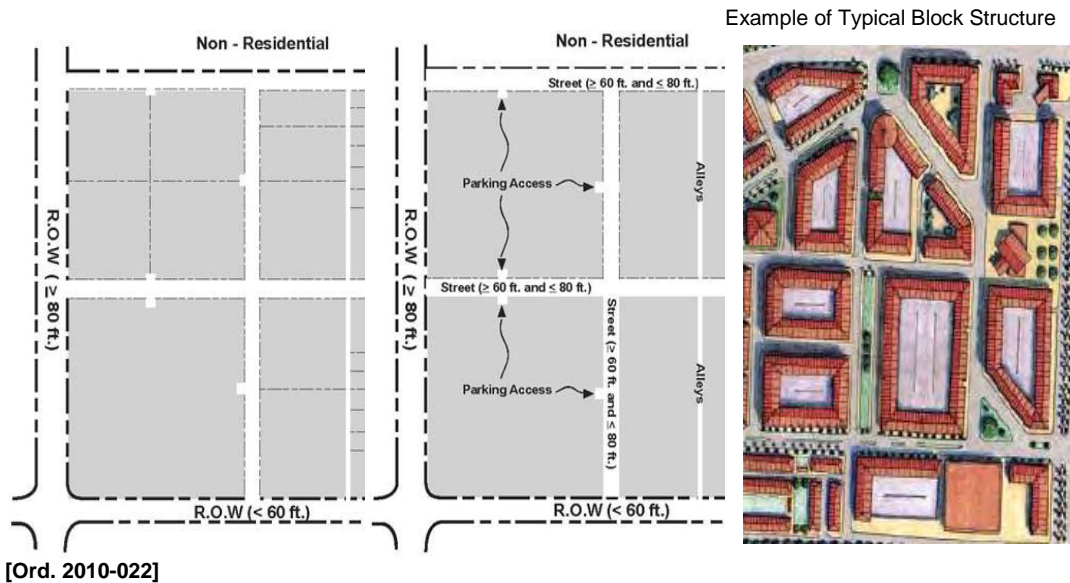
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A PRA Development Order may apply for an exemption from subdivision recordation requirements and subdivide by fee title conveyance of individual lots in accordance with the approval process and requirements of Art. 11.A.6.B, Subdivision of Commercial and Industrial Building Sites. **[Ord. 2010-022]**

Figure 3.B.16.F – Typical Example of PRA Blocks, Streets and Subdivision



[Ord. 2010-022]

4. Frontage Classifications and Street Standards

This code addresses the design of perimeter and internal streets and establishes related standards to ensure that pedestrian amenities and walkways, buildings and other improvements are properly and safely situated. **[Ord. 2010-022]**

a. ~~Perimeter Street Frontages~~

~~Perimeter streets are defined in accordance with the frontage types of the GIS Regulating Plan, as slip street, primary or secondary frontages. **[Ord. 2010-022]**~~

a. Frontage Classifications

*Frontage classifications define the details of the pedestrian realm located between the public R-O-W or internal streets and the building facade. Three frontage types are established, as follows: Slip Street, Primary, and Secondary. The default location for the PRA Frontage Types shall be in accordance with Maps LU 9.1 and LU 9.2, Urban Redevelopment Area Regulating Plan. **[Ord. 2010-022]***

1) ~~Slip Streets~~

~~The slip street establishes a pedestrian-oriented parallel street with on-street parking accommodations immediately abutting a commercial corridor. **[Ord. 2010-022]**~~

1) Slip Street Frontage

The Slip Street is an optional designation for areas that were determined to have sufficient depth to accommodate landscaping along the existing thoroughfare, a one-way vehicular lane, a parallel parking lane, and a wide pedestrian zone.

a) Applicability

- (1) The parcel, or group of parcels, has 400 feet of frontage; or*
- (2) The parcel, or group of parcels, is located between two side streets; or*
- (3) The parcel, or group of parcels, is located adjacent to an existing slip street. Applicants may opt to utilize the slip street in areas not designated for slip street, provided the parcel or group of parcels has at least 400 feet of frontage where a Primary Frontage type is identified. **[Ord. 2010-022]***

b) Standards

- (1) ~~a)~~ Vehicular traffic shall be one way, in the direction of the closest lanes on the abutting R-O-W; **[Ord. 2010-022]***
- (2) ~~b)~~ The street shall be a minimum of 12 feet wide, or as required by the County Engineer; **[Ord. 2010-022]***
- (3) ~~e)~~ Vehicle stacking and interaction with any access points shall be as required by the County Engineer; and, **[Ord. 2010-022]***
- (4) ~~e)~~ On-street parking shall only be required on one side of the street. **[Ord. 2010-022]***

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Figure 3.B.16.E – Typical Example of Slip Street Frontage



[Ord. 2010-022]

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2) Primary Street Frontage

Primary Frontages are located along adjacent thoroughfares or new internal streets, and accommodate a wide pedestrian zone, lined by the main building façade and entrance(s). Shall comply with streetscape standards. [Ord. 2010-022]

Figure 3.b.16.E - Typical Example of Primary Frontage



[Ord. 2010-022]

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3) Secondary Street Frontage

Secondary frontages are located along existing side streets that intersect the main commercial thoroughfare, or new internal side streets. Secondary frontages provide a planting strip for street trees and a pedestrian zone appropriate for less intense uses and building sides. Shall comply with streetscape standards. [Ord. 2010-022]

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Figure 3.B.16.E – Typical Example of Secondary Street Frontage



[Ord.2010-022]

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b. Internal Streets

The design for the street and on-street parking shall comply with Figure 3.F.2.A, TDD Commercial Street, or the TMD design exception summarized in Art. 3.F.4.D.2.a.1), Design Exception as illustrated in Figure 3.F.4.D, Typical Example of TMD Commercial Street with Angled Parking. Internal streetscapes shall be designed as either Primary or Secondary Frontages. Internal streets may include access ways designed to comply with minimum street standards. [Ord. 2010-022]

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c. Alleys

Alleys shall provide primary access to parking lots, service areas, residential garages or driveways. A continuous network of alleys ~~may shall~~ serve as the primary means of vehicular ingress/egress to individual parcels. Alleys shall provide rear access to all buildings except for Block and Liner Buildings. Alleys shall conform to the requirements of Art. 3.F.2.A.a.1, Alleys. [Ord. 2010-022]

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5. Interconnectivity Standards

Interconnectivity to adjacent residential parcels is encouraged, but not required. Interconnectivity shall be required between similar uses. In addition, the following shall apply. ~~Deviations shall be prohibited unless stated otherwise herein.~~ [Ord. 2010-022]

a. Street Connections

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

b. Parallel Alley

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

c. Gates

The use of gates or other similar barriers is prohibited. Exceptions are permitted for the following: dumpsters, loading areas, and private garages or parking lots. [Ord. 2010-022]

d. Cross Access Agreement

When interconnectivity is required, an irrevocable cross access easement shall be provided prior to final DRO plan approval. [Ord. 2010-022]

Reason for amendments: [Zoning] Requested amendments to Plan FLUE Policy 1.2.2-h to allow Zoning to establish exemptions from inter-connectivity for small parcels where multiple connections would adversely impact ability for site to develop. Emphasis is to be placed on establishing a parallel alley system with existing or new blocks being the preferred method to address improved vehicular circulation.

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e. Small Parcel Exemptions

Legal lots of record of less than one acre in size prior to the adoption of the URAO, may be exempt from interconnectivity standards, by complying with any of the following standards:

1) Interconnectivity has been provided to adjacent parcels establishing or allowing for a future parallel alley; or,

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2) Applicant can demonstrate that interconnectivity requirements, other than those allowing for the establishment of a parallel alley, would adversely impact the development potential of the project.

6. Building Standards

The provisions of this section shall be applied in conjunction with any other applicable ULDC standards or limitations for buildings or structures, unless stated otherwise herein. **[Ord. 2010-022]**

Reason for amendments: [Zoning] 1) Deletion of redundant text; and, 2) Relocate minimum story requirements to subsequent section for building height.
--

a. Building Placement

~~The provisions of this section shall be applied in conjunction with any other applicable ULDC standards or limitations for buildings or structures, unless stated otherwise herein. [Ord. 2010-022]~~

1) General

~~a) All buildings shall be a minimum of two stories, except civic buildings, or other buildings approved as a Special Development district. [Ord. 2010-022]~~

~~ab) To maximize the street frontage of buildings and minimize the visibility of parking areas from the street, a building should be articulated so that the longest side fronts the street. When located at an intersection, the façade with the greatest length shall be considered the front. This standard does not preclude two or more facades from being designated as front facades. [Ord. 2010-022]~~

~~be) Taller buildings should not cast a shadow line on existing neighborhoods. To avoid this, building height should be compatible with adjacent development, which may require reducing building heights or stepping back upper stories in certain instances. [Ord. 2010-022]~~

2) Corners

Where a parcel is located at the intersection of two streets, at least one building shall be placed at the corner meeting the build-to-lines for both streets. **[Ord. 2010-022]**

3) Building Hierarchy

Building placement shall follow an established order, with initial buildings required to meet minimum placement and frontage requirements along the most intense perimeter streets. Additional buildings may be located on interior ~~main~~ streets, but shall be ordered so as to create a consistent streetscape. ~~Frontage requirements must be addressed for the most intense perimeter streets first.~~ **[Ord. 2010-022]**

4) Civic Buildings

If civic buildings are proposed they shall be located in visually prominent centralized locations, easily recognizable and accessible to the public. **[Ord. 2010-022]**

5) Parking Structures

Parking structures may be allowed ~~within a block~~ provided they are located in the interior of a block and are completely screened by buildings with habitable uses on all stories ~~for Slip Street and Primary Frontages~~. Parking structures located on a ~~secondary frontage~~ Secondary Frontage shall be completely screened by habitable uses on at least the first story. Parking structures are allowed to face an alley without meeting the requirement for habitable screening on the alley façade. **[Ord. 2010-022]**

b. Building Property Development Regulations

~~The primary façade of all buildings shall front a street and shall be designed in compliance with the following: [Ord. 2010-022]~~

1) Perimeter Street Building Frontage

Building frontage is the percentage of the total width of a lot which is required to be occupied by the primary façade of a building. **[Ord. 2010-022]**

2) Perimeter Frontage Exceptions

Buildings located on secondary frontages, except for Row Houses, are not required to meet minimum building frontage requirements. Frontage requirements may be reduced for lots with no rear or side access to required parking as necessary to accommodate a drive aisle for ingress/egress. **[Ord. 2010-022]**

3) Internal Building Frontage

Internal buildings shall only be permitted when located facing an internal street frontage, unless exempted herein. **[Ord. 2010-022]**

4) Setback Measurement

~~Setbacks shall be in accordance with Table 3.B.16.F, PRA Liner Building Configuration PDRs, and the following: [Ord. 2010-022]~~

a) Perimeter Streets

Setbacks shall be measured from the edge of ultimate R-O-W, or from the property line, whichever is applicable. **[Ord. 2010-022]**

b) Internal Streets

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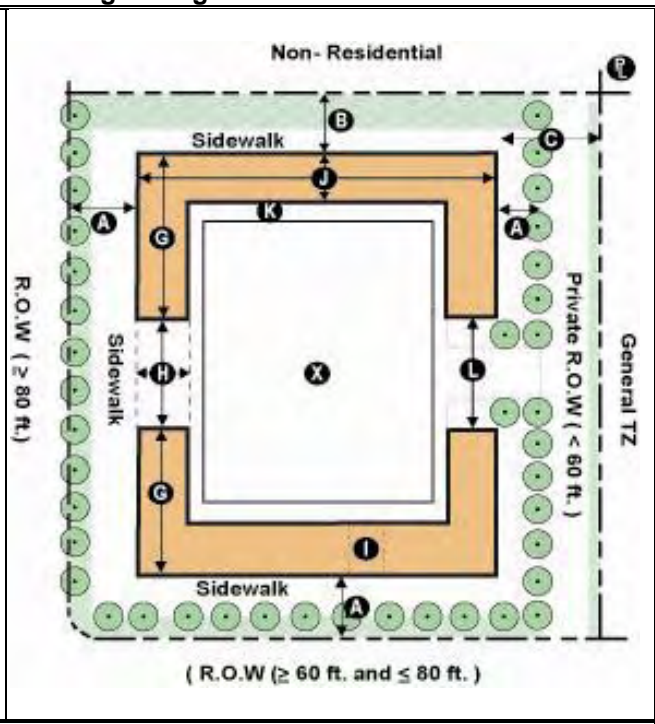
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Table 3.B.16.F. – PRA Liner Building Configuration PDRs

Building Placement		Min.	Max. (1)
A.	Slip Street Frontage	45 ft.	50 ft.
	Primary Frontage	20 ft.	25 ft.
	Secondary Frontage	10 ft.	20 ft.
B.	Non-Residential	6 ft. (2)	N/A
C.	Residential (PRA)	6 ft.	N/A
	Residential (Non-PRA) (4 7)	30 ft.	N/A
D.	Between rear parking and alley	5 ft. (3)	N/A
Building Frontage % (5 4)		Min.	Max.
G.	Slip Street and Primary	65%	100%
Individual Building Length		Min.	Max.
G.		200 ft.	400 ft.
Courtyard % of Footprint		Min.	Max.
H.		N/A	10%
Courtyard Dimensions (Optional)		Min.	Max.
H.		15 ft.	30 ft.
Pedestrian Pass Thru (5 4)(6 5)		Min.	Max.
I.	Separation ⁴	100 ft.	300 ft.
	Width	10 ft.	20 ft.
Liner and Interior Standards		Min.	Max.
J. (7 6)	Depth	30 ft.	100 ft.
	Length	75 %	100 %
K.	Separation	N/A	N/A
L.	Parking Access	N/A	10%
X.	Internal Use	N/A	N/A



[Ord. 2010-022

- Notes:**
1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.
 2. May be reduced to 0 ft. where in compliance with provisions for side setback reduction.
 3. Shall be exempt for parcels eligible to use parking drive isles to comply with alley requirements.
 4. *Means adjacent residential parcels that are not located within a development using PRA regulations.*
 - 5 4. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings.
 - 6 5. Maximum pedestrian pass thru requirement does not apply for buildings with a length of 300 ft. or less.
 - 7 6. Liner dimensions shall apply to all façades used to conceal a large footprint tenant that front a perimeter-street, slip-street, primary-street, and usable open space. Additional standards may apply to parking garage structures.
 7. *Means adjacent residential parcels that are not located within a development using IRO regulations.*

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Table 3.B.16.F. – PRA Townhouse Rowhouse Lot and Building Configuration PDRs

Building Lot Placement		Min.	Max. (2 1)
A. (1)	<u>Required Slip Street</u> Frontage	45 ft.	50 ft.
	Primary Street Frontage	15 ft.	25 ft.
	Secondary Street Frontage	10 ft.	15 ft.
B.	<u>Non-Residential</u>	6 ft.	N/A
C.	Residential (PRA)	6 ft.	N/A
	Residential (non PRA) (4)	10 30 ft.	N/A
F.	No minimum or maximum	N/A	N/A
Building Frontage % (3 2)		Min.	Max.
G.		70%	N/A 96%
Individual Building Length		Min.	Max.
G.		32 ft.	250 ft.
Wing Standard (5 3)		Min.	Max.
M.	Wing Width	N/A	50%
Building Setbacks (4 3)		Min.	Max.
N.	Rear Setback to Alley	5 ft.	N/A
O.	<u>Front/End Setbacks</u>	5 ft.	10 ft.

Notes:

- Dimension for building placement (A) regardless of whether or not streetscape, alleys or other similar uses are included on the lot or as a separate tract.
1. Required maximum build to line may be increased, where necessary, to accommodate utility easements, landscape buffer, slip street, safe sight lines, corner clips, or other similar need as may be required by the County Engineer.
- 3 2. Percentage shall be based upon length of applicable property line. Where multiple buildings are proposed, the applicable length shall be result of the overall length divided by the number buildings.
- 4 4. Means adjacent residential parcels that are not located within a development using PRA IRO regulations.
- 5 3. Townhouse, including wings, garages or accessory dwellings shall comply with minimum common wall requirements unless set back from the side PL a minimum of five feet; and, shall comply with Art. 3.D.2.C, Prohibited Openings and Attachments except for any first floor that is set back a minimum of ten feet from the PL.

Reason for amendments: [Zoning] Relocate and clarify minimum number of stories required by FLUE Policy 1.2.2-a, including requested amendments to allow for exemptions from minimum 2-story requirements.

c. Building Height and Floors

1) Building Floors

a) Minimum Floors Required

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

b) Maximum Floors

The maximum number of floors permitted in any building shall be determined by the parcels Zoning District and Transect Zone, as indicated in the following table:

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

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

Notes:

P Permitted.
Not permitted.

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

[Ord. 2010-]

2) Exterior Height

- All building frontages abutting Slip Street, Primary or Secondary Frontages a required, primary, secondary or side street shall be exempt from Art. 3.D.1.E.2, Multifamily, Nonresidential Districts and PDDs. [Ord. 2010-022]
- Maximum building height shall be in accordance with Table 3.B.16.F, Maximum Building Floors, Table 3.B.16.F, Maximum Building Height, the maximum floor limitations of Table 3.B.17.F, General Uses Permitted by Building Type or Floor, and the following: [Ord. 2010-022]

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

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

32) Green Building Incentive Program

The Green Building Incentive Program is intended to stimulate private sector investment to construct sustainable buildings by allowing for “bonus height” for projects meeting industry criteria and standards for certification. Where applicable, bonus height shall only be permitted subject to the following: **[Ord. 2010-022]**

a) Applicability

Allowable increases in building height are indicated in Table 3.B.17.F, General Uses Permitted by Building Type or Floor. **[Ord. 2010-022]**

b) Standard for Certification

The standard for certification shall be the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Green Building Rating System (LEED Silver or Gold/Platinum levels), or appropriate Florida Green Building Coalition designation standards, or other similar standard approved by the County. **[Ord. 2010-022]**

c) Application Procedures

All applications for bonus height shall be submitted concurrently with an application for Public Hearing or DRO approval, as applicable. The application form and requirements shall be submitted on forms specified by the PBC Official responsible for reviewing the application. **[Ord. 2010-022]**

d) Review Process

(1) Public Hearing Certification

If applicable, projects requiring BCC approval and including a request for bonus height shall provide a LEED scorecard accompanied by a detailed analysis of each credit and why the standard can or cannot be achieved. **[Ord. 2010-022]**

(2) DRO Approval

Documentation indicating the project has been registered with the Green Building Certification Institute (GBCI) as a LEED project or other standard for certification as noted above. If applicable, bonus height requested at time of BCC approval may be reduced if the GBCI registration is inconsistent with the original LEED scorecard and proposed level of certification. **[Ord. 2010-022]**

(3) Monitoring

During plan review and construction, the applicant’s LEED certified inspector or architect will provide documentation and submit quarterly reports to Planning/Monitoring demonstrating compliance with the LEED standards and scorecard and the approved site plan. If during construction, the developer is unable to include required green building components, or if the inspector/architect finds that the developer failed to include these components, the County shall pursue enforcement, actions which may include revocation of building permits, remand back to DRO to remove the bonus height awarded, or release of surety to the County. **[Ord. 2010-022]**

(4) Amendments

If during construction of the building, the developer is unable to include all of the approved green building components previously identified in the GBCI registration, the developer may be permitted to replace components not provided with other green building components where documented as approved by the GBCI for the project. Any amendment to an exterior component shall require DRO approval. **[Ord. 2010-022]**

(5) Completion

UGCI certification shall be obtained within two years of the date of issuance of Certificate of Occupancy. **[Ord. 2010-022]**

e) Surety

Prior to DRO approval of the site plan, the County (Planning Division) and the developer shall enter into a development agreement requiring that the green building components identified in the GBCI registration be constructed or installed in the building and that any third-party inspection fees will be paid for by the developer. Furthermore, the developer shall post a surety with the County. The amount of the surety shall be based on the number of dwelling units contained within the “bonus height” stories. Non-residential uses shall be based upon the equivalent of one dwelling unit for each 1,000 square feet of non-

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1 residential use area (measured by gross square footage). The number of
2 dwelling units shall be multiplied by the BCC's established price for TDRs at the
3 date of the application. [Ord. 2010-022]

4 **(1) Default**

5 If the applicant fails to comply with the requirements above after CO, the
6 County may, at its discretion collect the surety and apply the funds to a TDR
7 contract to purchase an equivalent number of units to those proposed for the
8 original bonus height consideration. [Ord. 2010-022]

9 **(2) Release of Surety**

10 If in compliance with the review process requirements above, upon receipt of
11 the GBCI certification by the County, the property owner shall submit a in
12 writing to the Planning Director a request that the posted surety shall be
13 returned. [Ord. 2010-022]
14

Reason for amendments: [Zoning] Deleted by removal of Building Types from the Plan.

15
16 **d. ~~Special Civic Building Standards~~**

17 ~~A single story civic building shall be designed and constructed to have the appearance of~~
18 ~~a two to six story building for each facade fronting a street or usable open space area.~~
19 ~~The facade shall be designed to appear as a minimum of two stories, with additional~~
20 ~~floors based on the maximum height per floor indicated in Table 3.B.16.F, PRA Maximum~~
21 ~~Building Height. [Ord. 2010-022]~~

22 **d e. Additional Architectural Design Standards**

23 Architecture shall be in accordance with Art. 5.C, Design Standards, unless specified
24 otherwise herein. [Ord. 2010-022]

25 **1) Primary Entrances**

26 ~~A primary entrance shall occur at a minimum of every 75 feet for primary facades.~~
27 The primary entrance for all 1st floor tenants must directly face a street, courtyard,
28 plaza, square or other form of usable open space fronting a street. ~~Access for~~
29 ~~tenants located on upper floors shall provide similar entrances, but may be permitted~~
30 ~~to deviate from this requirement on sites less than one acre in size. Street access~~
31 ~~may be in the form of common lobbies, elevators, stairwells, or other form of~~
32 ~~consolidated access. [Ord. 2010-022]~~

33 **2) Secondary Entrances**

34 Each tenant may be permitted to have additional entrances located at side or rear
35 facades facing a parking lot or other area, ~~subject to the following limitations:~~ [Ord.
36 2010-022]

37 ~~a) Shall not exceed the number of primary entrances; and, [Ord. 2010-022]~~

38 ~~b) Limitations shall not apply to service access or emergency exits. [Ord. 2010-~~
39 ~~022]~~

40 **3) Fenestration**

41 Non-residential and multi-family building facades facing perimeter and primary streets
42 or usable open space shall provide transparent windows covering a minimum of 35
43 percent of the wall area of each story as measured between finished floors, to allow
44 transmission of visible daylight. [Ord. 2010-022]

45 **4) Storefronts**

46 The storefront is a first floor facade improvement required for all non-residential retail
47 uses that face a street or usable open space area: [Ord. 2010-022]

48 a) Storefronts shall extend across 70 percent of the non-residential commercial
49 space; [Ord. 2010-022]

50 b) Storefronts shall have transparent glazing of at least 70 percent of the linear
51 width of the applicable facade area, comprised of storefront windows and doors;
52 [Ord. 2010-022]

53 c) Storefront windows shall have a base one and one-half feet to three feet high,
54 with transparent glazed areas extending from the base to at least eight feet in
55 height as measured from sidewalk grade. [Ord. 2010-022]

56 d) A minimum of 50 percent of all required storefronts shall have an awning, gallery,
57 or arcade shading the sidewalk. [Ord. 2010-022]

58 **5) Architectural Appurtenances**

59 Table 3.B.16.F, PRA Appurtenances by Building Type identifies where
60 appurtenances shall be required, and what additional appurtenances are permitted.
61 Where indicated by a checkmark, each building type shall be required to provide a
62 minimum of one appurtenance. [Ord. 2010-022]
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Table 3.B.16.F – PRA Appurtenances by Building Type

Building Type	Appurtenances (1)								
	Arcade (2)	Gallery (2)	Awning (2)	Balcony (2)	Bay (3)	Forecourt (3)	Patio (3)	Porch (3) (4)	Stoop (3) (4)
Mixed Use	✓ P	✓ P	✓ P	P	P	P			
Block	✓ P	✓ P	✓ P	P	P	P			
Liner	✓ P	✓ P	✓ P	P	P	P			
Civic	— P	— P	— P	P	P	P	P	P	P
Apartment	✓ P	✓ P	✓ P	P	P	P	P		
Townhouse				P	P				
Rowhouse				P	P		✓ P	✓ P	✓ P

[Ord. 2010-022]

Notes:

✓ Means that a A minimum of one of the appurtenances checked shall be required for each building type.

P Means that the The appurtenance may also be permitted.

(1) The clear height of appurtenances that project or hang from a building shall be at a minimum eight feet above the sidewalk elevation, unless specified otherwise.

(2) Appurtenance may project into pedestrian circulation zone, subject to a minimum five foot setback from utility easements.

(3) Shall not encroach into the pedestrian circulation zone, and may only encroach into the shy zone for upper stories.

(4) Shall not encroach into the pedestrian circulation zone.

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Additional minimum standards shall apply to the following types of appurtenances
[Ord. 2010-022]

a) Arcades and Galleries

Arcades shall comply with Figure 3.B.14.G, WCRAO Arcades and Galleries.
[Ord. 2010-022]

b) Balcony

A balcony above a storefront shall be a minimum of three feet in depth. **[Ord. 2010-022]**

~~**c) Forecourt**~~

- ~~(1) May be elevated up to 18 inches above ground level. **[Ord. 2010-022]**~~
- ~~(2) 20 percent (maximum) of the front facade may be recessed beyond the build-to zone at a depth no greater than the length, unless the forecourt serves as an entry to a courtyard. **[Ord. 2010-022]**~~
- ~~(3) Prohibited at all street corners. **[Ord. 2010-022]**~~

~~**cd) Porch or Stoop**~~

- ~~(1) Required to be open, un-air-conditioned. **[Ord. 2010-022]**~~
- ~~(2) Minimum three feet deep by four feet wide. **[Ord. 2010-022]**~~
- ~~(3) Minimum elevation 18 inches above the adjacent sidewalk elevation. **[Ord. 2010-022]**~~

~~**6) Outdoor Uses**~~

~~Additional standards are established for non-residential outdoor uses, excluding passive recreation areas or other similar uses, to ensure compatibility with the streetscape, usable open space areas, and any abutting residential uses or parcels with a residential FLU designation. **[Ord. 2010-022]**~~

~~**a) Residential Setbacks**~~

~~Outdoor uses shall be setback a minimum of 200 feet from any abutting non-PRA residential use or parcel with a residential future land use designation, unless approved by the BCC as or in conjunction with a Conditional Use approval. This shall include vehicular access and parking for vehicular related uses such as gasoline sales, car washes, or drive-through facilities **[Ord. 2010-022]**~~

~~**b) Screening**~~

~~Outdoor uses shall be screened from all streets by the use of a streetwall comprised of either or a combination of the following: **[Ord. 2010-022]**~~

- ~~(1) Buildings or similar structures; or, **[Ord. 2010-022]**~~
- ~~(2) A five foot wide landscape strip that includes a four foot high concrete wall, a 30-inch high hedge, and multi-trunk or flowering trees planted 30 feet on center. Breaks to allow for pedestrian or vehicular access shall be permitted. **[Ord. 2010-022]**~~

~~**c) Drive-through Uses and Gasoline Service Facilities**~~

- ~~(1) Shall only be permitted in the Specialized Development District or where approved by the BCC as a Conditional Use approval. **[Ord. 2010-022]**~~
- ~~(2) All drive-through lanes and gasoline service areas, inclusive of pump islands, canopies, and queuing areas shall be located behind buildings that comply with minimum frontage standards, and shall be consistent with Figure 3.B.16.F, Typical Gasoline Service Facilities and Figure 3.B.16.F, Typical Drive-through Configurations. Exceptions shall be permitted for drive through facilities that are located inside a building or side façade where vehicular traffic exits onto a side street, subject to approval by the County~~

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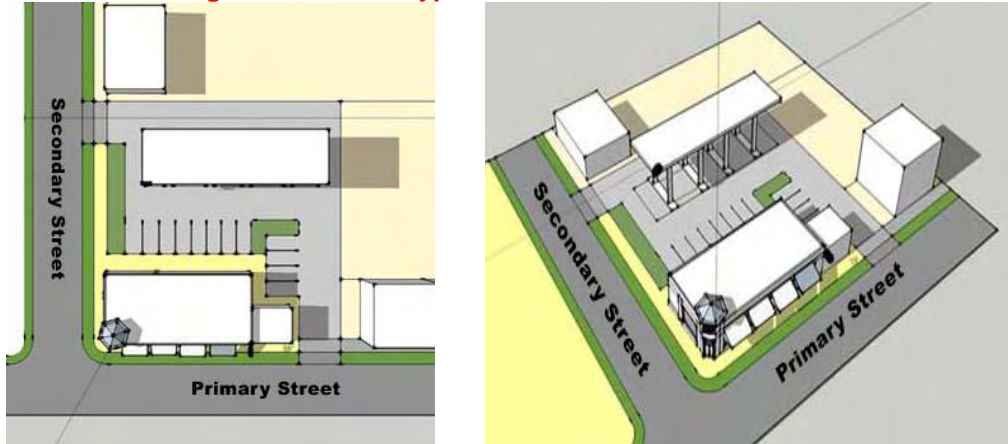
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~~Engineer, where designed similar to Figure 3.B.16.F, Typical Drive Through Configurations. [Ord. 2010-022]~~

[Relocated to Art. 3.B.16.E, PRA Permitted Use Schedule]

Figure 3.B.16.F – Typical Gasoline Service Facilities

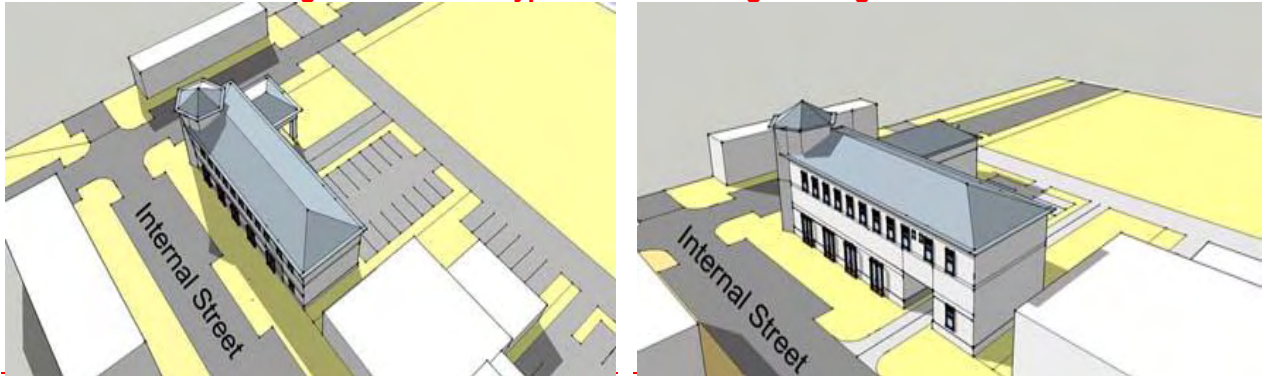


[Ord. 2010-022]

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[Relocated to Art. 3.B.16.E, PRA Permitted Use Schedule]

Figure 3.B.16.F – Typical Drive Through Configurations



[Ord. 2010-022]

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[Relocated to Art. 3.B.16.E, PRA Permitted Use Schedule]

~~7. PRA Use Standards~~

~~If permitted, only those uses that have been indicated on a DRO approved final FSP or FSBP are eligible to apply for building permits or a business tax receipt (BTR), with exception to uses permitted for non-conforming prior approvals. Deviations from the use limitations of this section shall be prohibited unless permitted under the provisions for a Specialized Development District. Table 3.B.16.F, PRA Permitted Use Schedule, identifies the uses permitted in the PRA by TZ sub-area, SD district, and for non-conforming prior approvals, and the required approval processes. [Ord. 2010-022]~~

[Relocated to new Art. 3.B.16.E, Permitted Use Schedule]

~~7.8. Streetscape Standards~~

~~Streetscape standards are established to improve both the physical and visual appearance of the streetscape while creating a pedestrian friendly environment for the areas located between building facades and abutting streets. [Ord. 2010-022]~~

~~a. General Standards~~

~~The following standards shall apply to all streetscapes. [Ord. 2010-022]~~

- ~~1) Required street trees shall be located in the planting amenity zone; [Ord. 2010-022]~~
- ~~2) Required pedestrian sidewalks shall not be encumbered; [Ord. 2010-022]~~
- ~~3) All paving materials for the pedestrian sidewalks shall be compliant with ADA accessibility standards, and shall be constructed of concrete acceptable to the Engineering Department; [Ord. 2010-022]~~
- ~~4) Consistent paving patterns and materials for streetscapes are required for all individual projects, and are encouraged for parcels abutting a PRA Development Order; [Ord. 2010-022]~~
- ~~5) Where a sidewalk or a path crosses curb cuts at ingress/egress points and internal drives, the pedestrian crossing shall be paved with a material that provides a different~~

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- 1 texture or a color contrast with the vehicular surface, but preferably consistent with
2 the paving material of the path; **[Ord. 2010-022]**
- 3 6) Where a street tree planting area is required, improvements shall be in accordance
4 with the requirements of the planting/amenity zone; **[Ord. 2010-022]**
- 5 7) Consistency in street tree species shall be encouraged within a block, if applicable,
6 and shall be reflective of the character of the surrounding area; **[Ord. 2010-022]**
- 7 8) Where applicable, sidewalks located within a perimeter R-O-W may be incorporated
8 into the streetscape requirements of this section, subject to a sidewalk easement
9 agreement with the DEPW; **[Ord. 2010-022]**
- 10 9) All paving materials in planting/amenity and pedestrian circulation zones shall be
11 constructed entirely of pervious/porous materials, allowing some storm-water to
12 percolate into the underlying soil and promote healthy street tree growth; and, **[Ord.**
13 **2010-022]**
- 14 10) If an existing or proposed utility easement is located adjacent to subject roadways,
15 streetscape requirements shall be applied from the inner edge of the utility easement,
16 and shall be landscaped with appropriate groundcover, with exception to the
17 following: **[Ord. 2010-022]**
- 18 a) Utility easements may be improved hardscaped or landscaped to be consistent
19 with required streetscape areas; **[Ord. 2010-022]**
- 20 b) Utility easements may encroach into required streetscape areas up to a
21 maximum of five feet, subject to Engineering approval and consent from
22 easement holder; and, **[Ord. 2010-022]**
- 23 c) Street trees may be located in utility easements subject to use of tree root barrier
24 approved by County Landscape and easement holder. **[Ord. 2010-022]**

25 **b. Streetscape Components**

26 The area between a front facade and the vehicular lanes of required, primary, secondary
27 and side streets shall include two distinct zones: planting/amenity zone and pedestrian
28 circulation zone. **[Ord. 2010-022]**

29 **1) Planting/Amenity Zone**

30 The planting/amenity zone shall be a minimum of five feet in width, and serves as the
31 transition between the vehicular and pedestrian areas. Bus stop locations, lighting,
32 benches, trash receptacles, art, street trees, groundcovers and pavers may be
33 placed in these areas. **[Ord. 2010-022]**

- 34 a) Street trees shall be installed in accordance with 3.F.2.A.4.d, Street Trees.
35 Exceptions to tree spacing may be permitted where necessary to accommodate
36 bisecting utility easements, or other similar improvements; **[Ord. 2010-022]**
- 37 b) Street lights shall be required for all perimeter and internal streets in accordance
38 with Art. 3.F.2.A.1.f.2, Lighting; **[Ord. 2010-022]**
- 39 c) Trees shall be planted in tree wells/grates with an approved groundcover or other
40 acceptable treatment over the top to protect the roots, when planted along a
41 street frontage. **[Ord. 2010-022]**
- 42 d) One bench shall be provided for every 50 linear feet of street frontage. Signage
43 or advertising is prohibited on benches. **[Ord. 2010-022]**
- 44 e) A minimum of one trash receptacle shall be provided at each bench location.
45 **[Ord. 2010-022]**
- 46 f) Moveable chairs and sidewalk cafes are strongly encouraged in the
47 planting/amenity zone, but may not encroach into the pedestrian circulation zone.
48 **[Ord. 2010-022]**

49 **2) Pedestrian Circulation Zone**

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

- 54 a) The surface shall be constructed entirely of plain poured concrete. **[Ord. 2010-**
55 **022]**
- 56 b) The pedestrian circulation zone shall function as a continuous unobstructed
57 space along the street frontage, with the exception of an arcaded sidewalk and
58 gallery. **[Ord. 2010-022]**

59 **3) Slip Street Planting/Amenity Zone**

60 The following standards shall apply for all slip street frontages: **[Ord. 2010-022]**

- 61 a) A ten foot wide landscape planting area shall be required between a perimeter R-
62 O-W and the slip street;
- 63 b) Additional width may be permitted to accommodate utility easements or
64 Engineering requirements, but shall not be increased otherwise;
- 65 c) Street trees shall be planted in the landscape area in accordance with Art.
66 3.F.2.A.4.d, Street Trees, but shall be generally consistent with the tree species
67 and spacing provided in the enhanced sidewalk area; and,
- 68 d) Ground treatment shall comply with the standards for the planting/amenity zone.

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8.9. Civic and Usable Open Space Standards

A minimum of five percent of the gross acreage of all PRA projects shall be dedicated or provided as usable open space. Plaza's or squares that provide a concentrated focal point for pedestrians shall be the preferred method for providing usable open space, but credit may be given for required pedestrian streetscapes or other similar usable open space amenities such as playgrounds and greens. All required usable open space areas shall meet the minimum dimensions provided under Table 3.B.17.F, PRA Dimensions for Usable Open Space, unless exempted otherwise herein. [Ord. 2010-022]

Table 3.B.17.F - PRA Dimensions for Usable Open Space

	Size Min.	Length Min.	Width Min.
Central Plaza or Square	10,000 s.f.	120 ft.	80 ft.
Other Plazas or Square	5,000 s.f.	60 ft.	40 ft.
Greens	0.25 acre	100	100
Playground	n/a	n/a	n/a
[Ord. 2010-022]			

a. General

- 1) Required usable open space areas shall be provided prior to the issuance of CO for 50 percent any residential units within the subject site, if applicable. [Ord. 2010-022]
- 2) At least 95 percent of the residences within the subject site must be within a 1/4 mile walk of usable open space. [Ord. 2010-022]
- 3) Usable open space areas shall feature visible, open, and unimpeded pedestrian access from adjacent streets and sidewalks, allowing passersby to see directly into the open space. [Ord. 2010-022]

b. Plazas and Squares

A plaza or square shall be defined by building facades or streets. It is primarily comprised of hardscape/pavers, with trees and containerized plants serving as the primary vegetative material. [Ord. 2010-022]

~~**c. Playground**~~

~~Playgrounds shall be interspersed within residential areas, and may be placed within a block, adjacent to street frontage. Playgrounds may also be included in greens. There is no minimum or maximum size. [Ord. 2010-022]~~

~~**cd. Greens**~~

~~Greens are commonly developed with grassy lawn areas unstructured recreation, intended for less intensive foot traffic. It shall be defined by building facades or streets on two or more sides. The minimum size shall be 0.25-acre and the maximum shall be 6 acres. It may also be partially depressed below the street grade for the purposes of accommodating temporary storm-water retention. [Ord. 2010-022]~~

- 1) Minimum 80 percent unpaved surface area (turf, groundcover, soil or mulch). [Ord. 2010-022]
- 2) The remaining balance may be any paved surface up to a maximum 20 percent of the green. [Ord. 2010-022]

~~**de. Streetscape Credit**~~

~~Projects that have net land areas of less than two and one-half acres in size may count all streetscape areas towards the usable open space requirement. All others may count up to fifty percent of streetscape areas towards usable open space requirements. [Ord. 2010-022]~~

~~**ef. Street Frontage**~~

~~If applicable, required usable open space areas shall front on a secondary or side street frontage and be located in a prominent or central area internal to the development. Frontage on a required or primary frontage shall not be permitted unless there are no secondary or side streets abutting or internal to the development. [Ord. 2010-022]~~

~~**fg. Shade**~~

~~A minimum of 15 percent of each plaza, square or other usable open space area shall be shaded by landscape material or shade structures at time of construction. Where applied to streetscape galleries, awnings or other building amenities may be counted towards shade requirement. [Ord. 2010-022]~~

~~**h. Pervious Areas and Landscaping**~~

~~A minimum of 30 percent of all usable open space areas, excluding streetscape where applicable, shall be pervious, and covered with appropriate ground cover in accordance with Art. 7, Landscaping. [Ord. 2010-022]~~

~~**gi. Pedestrian Amenities**~~

- 1) Required usable open space areas shall have a minimum of one linear foot of seating for each 200 square feet of overall area. Movable chairs are encouraged, and shall count as two-and one-half linear feet of seating area. [Ord. 2010-022]
- 2) One trash receptacle for each 5,000 square feet of each physically separated Civic Open Space. [Ord. 2010-022]

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- 3) Art is encouraged to be placed within usable open space areas. **[Ord. 2010-022]**
 4) One drinkable water fountain for each 5,000 square feet of each landscaped Civic Open Space. **[Ord. 2010-022]**

9 10. Parking and Loading Standards

Parking and loading for each tenant shall be located behind buildings or a street wall. Parking shall only be permitted in front of buildings in the form of on-street parking. Parking and loading shall comply with Art. 6, PARKING, unless otherwise stated below: **[Ord. 2010-022]**

a. Location and Access

Parking may be provided in surface lots, attached/detached garages or outbuildings, or a parking structure. ~~Parking and service areas shall be located along or at the rear of building(s) with exception to on-street parking, including required frontage streets.~~ **[Ord. 2010-022]**

1) On-street Parking

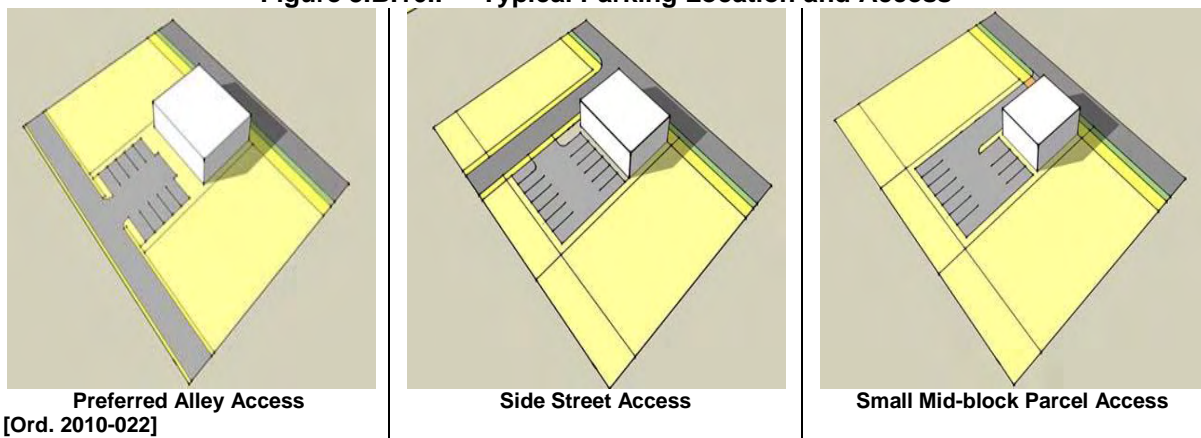
Parking in front of buildings shall only be permitted where on-street parking is allowed. **[Ord. 2010-022]**

2) Parking Lots

It is the intent that parking lots shall be located behind buildings to screen from view from all street frontages and usable open space areas, unless specified otherwise herein. Exceptions shall be permitted for parking lots adjacent to a building where a Street Wall is used, or lots on secondary streets. The perimeter of parking lots shall be framed by a street-wall using: **[Ord. 2010-022]**

- a) Buildings; or,
- b) A five foot wide landscape strip that includes a minimum 30 inch high hedge or concrete street-wall, with canopy, multi-trunk or flowering trees planted 30 feet on center. Breaks to allow for pedestrian and vehicular access shall be permitted.
- c) Separation between parking and parallel alleys shall not be required for any project that does not have streets or blocks, and alleys may be incorporated into parking lots as standard drive isles.

Figure 3.B.16.F – Typical Parking Location and Access



3) Requirement for Parking Garages

Parking for any use in excess of five spaces per 1,000 square feet of non-residential floor area shall be located in a parking structure/garage.

a) Liner Building Requirements

~~Parking garages shall not front a street unless constructed as a Liner Building, and shall comply with the following: **[Ord. 2010-022]**~~

- ~~(1) Parking structures located on Slip Street and Primary frontages shall be completely screened by buildings with habitable uses on all stories. **[Ord. 2010-022]**~~
- ~~(2) Parking structures located on a Secondary frontage shall be completely screened by buildings with habitable uses on at least the first story. **[Ord. 2010-022]**~~
- ~~(3) Parking structures facing alleys do not have a habitable use screening requirement on the alley façade. **[Ord. 2010-022]**~~

b) Threshold

~~Parking for any use in excess of five spaces per 1,000 square feet of non-residential floor area shall be located in a parking structure/garage.~~

4) Townhouse Row House

Parking for Row Houses Townhouses shall only be permitted to the rear and shall meet the requirements for town house parking. Garage setbacks shall be in accordance with PDRs for Row Houses. **[Ord. 2010-022]**

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1 **5) Service and Loading Areas**

2 All service and loading areas shall be located along the rear or side of buildings, and
3 shall not be visible from usable open space areas, streets or abutting residential
4 neighborhoods. The service areas shall be located within the footprint of the building
5 or immediately adjacent to the building. Required loading space areas may be
6 waived, reduced in number or dimension, in accordance with Art. 6.B, Loading
7 Standards, or by PRA waivers. **[Ord. 2010-022]**

- 8 1) Waste and recycling containers shall be integrated within ~~in~~ the building or
9 entirely screened from view. **[Ord. 2010-022]**
10 2) Loading docks, service areas and trash disposal facilities shall not face usable
11 open space areas, a street frontage or an abutting residential neighborhood
12 unless screened from view or integrated within a building. **[Ord. 2010-022]**
13 3) Trash collection and other services shall be accessed through the alley or other
14 vehicular use areas behind buildings. **[Ord. 2010-022]**

15 **b. Parking Ratios**

16 The required number of parking spaces shall correspond to broad uses and not to a
17 specific use, and shall be responsive to the long term transition of tenants within a non-
18 residential or mixed use development. The applicant may choose from the following
19 parking requirements: **[Ord. 2010-022]**

20 **1) Non-residential**

- 21 a) Minimum: one space per 333 square feet of GFA (3/1000) excluding assembly,
22 and 1 space per 5 seats for assembly uses; **[Ord. 2010-022]**
23 b) Where uses are not intended to allow for transition to other uses, the general
24 parking standards outlined in Art. 6, PARKING, may be applied, provided that
25 use limitations are identified on the DRO approved site plan; **[Ord. 2010-022]**
26 c) Reduction in required parking through use of a shared parking study, as defined
27 in Art. 6, Parking; or, **[Ord. 2010-022]**
28 d) If eligible, credit may be given for any perimeter on-street parking spaces located
29 along secondary streets, subject to approval by the County Engineer (use of this
30 option may be limited to where the developer pays for required improvements),
31 or for any new slip street or internal street parking developed. **[Ord. 2010-022]**

32 **2) Residential**

33 Multi-family residential parking ratios may be reduced in accordance with Table
34 3.B.14.I, WCRAO Mixed Use Parking Deviations. **[Ord. 2010-022]**

35 **c. Bicycle Parking**

36 One parking area shall be provided for every five units in multi-family housing and for
37 every 20 vehicle parking spaces serving non-residential uses. Bicycle parking spaces
38 shall be indicated on the site plan in visible, well-illuminated areas. For each bicycle
39 parking space required, a stationary object shall be provided to which a user can secure
40 the bicycle. The stationary object may either be a freestanding bicycle rack or a DRO
41 approved alternative. **[Ord. 2010-022]**

42 **10 44. Landscape Standards**

43 *Landscaping in the PRA shall be in an urban form that compliments the intended intensity*
44 *and density of the PRA corridors, with an emphasis on the use of materials and design that*
45 *enhances pedestrian areas, allows for improved visual surveillance from building windows,*
46 *but also minimizes impacts to adjacent residential developments. Drainage retention areas,*
47 *preserves and other similar low intensity open space areas shall be located to provide a*
48 *transition between commercial uses and existing adjacent residential neighborhoods, or*
49 *parcels with a residential FLU designation, when possible.* Landscaping shall be in
50 accordance with Art. 7, LANDSCAPING, unless stated otherwise herein: **[Ord. 2010-022]**

51 **a. Perimeter Buffers**

52 **1) Streetscape Exemptions**

53 Required landscape perimeter buffers pursuant to Art. 7, Landscaping shall not be
54 required where an PRA streetscape is required. **[Ord. 2010-022]**

55 **2) Compatibility Buffers**

56 The PRAs shall be exempt from compatibility buffer requirements. **[Ord. 2010-022]**

57 **3) Alternative Incompatibility Buffer**

58 The following incompatibility buffer option may be utilized subject to the following:
59 **[Ord. 2010-022]**

- 60 a) Shall be a minimum of ten feet in width, and, easement encroachment shall be
61 prohibited, with exception to drainage easements; **[Ord. 2010-022]**
62 b) ~~A An eight six~~ foot tall solid concrete block or panel wall shall be installed along
63 the affected property line, with a setback a minimum of two feet to allow for
64 maintenance of the exterior side of the wall. Setback may be increased as
65 needed to accommodate required footers; **[Ord. 2010-022]**
66 c) The required wall shall be constructed of materials and with a design consistent
67 with the principal building, and shall have the same architectural finish treatment
68 and color on both sides of the wall. **[Ord. 2010-022]**

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EXHIBIT I
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- 1 d) Exterior landscape areas shall have groundcover that is low maintenance and
2 does not impede necessary access for maintenance; **[Ord. 2010-022]**
3 e) Canopy trees shall be planted along the internal side of the wall to be spaced a
4 minimum of 20 feet on center; **[Ord. 2010-022]**
5 f) A hedge shall be installed in accordance with the standards for medium shrubs,
6 as specified in Table 7.F.7, Shrub Planting Requirements; and, **[Ord. 2010-022]**
7 g) A drainage easement may be permitted within the buffer on the interior side of
8 the wall to be used as a storm-water management system, subject to approval by
9 Land Development. **[Ord. 2010-022]**

10 **b. Foundation Planting**

11 The PRAs shall be exempt from foundation planting requirements, unless stated
12 otherwise herein. **[Ord. 2010-022]**

13 **c. Alternative Parking Lot Design Options**

14 This section provides landscape or alternatives, or reductions for interconnectivity that
15 allow for the use of innovative design or green building materials necessary for smaller
16 sites or desired for larger projects. The following may be used individually or in
17 combination: **[Ord. 2010-022]**

18 **1) Option 1**

19 Projects that are one-half acres or less in size, with 20 or fewer parking spaces may
20 relocate all interior landscape parking materials into one open space preserve; **[Ord.**
21 **2010-022]**

22 **2) Option 2**

23 Projects that are two acre or less in size may reduce required terminal island
24 landscape width to a minimum of five feet in width of landscape area; **[Ord. 2010-**
25 **022]**

26 **3) Option 3**

27 Landscape area and shrub requirements for terminal, interior and divider median
28 islands may be replaced with bio-swales and appropriate landscaping, provided that
29 required canopy trees can be accommodated. Alterations to required curbing may be
30 permitted subject to demonstration that vegetated areas are protected from vehicles
31 and that there will be no adverse impacts to pedestrians; **[Ord. 2010-022]**

32 **4) Option 4**

33 Up to a maximum of 25 percent of required terminal, interior and divider median
34 landscape areas shall not be required provided those parking areas provide shade
35 by installing covered parking that utilizes materials with appropriate solar reflectance
36 index (SRI) depending on the pitch of the roof of the structure. **[Ord. 2010-022]**

37 **5) Option 5**

38 Required terminal, interior and divider median landscape areas and required shrubs
39 shall not be required, subject to the following: **[Ord. 2010-022]**

40 a) The number of required terminal, interior and divider median trees are doubled;
41 **[Ord. 2010-022]**

42 b) Trees are protected by curbing, wheel stops or other similar methods of
43 protection; **[Ord. 2010-022]**

44 c) Green building standards for tree wells and related root growth areas are utilized;
45 **[Ord. 2010-022]**

46 d) All abutting parking spaces utilize pervious pavement that has an SRI of at least
47 29 to improve solar reflectance; and, **[Ord. 2010-022]**

48 e) Land Development approval. **[Ord. 2010-022]**

49 **6) Option 6**

50 No interior island required if parking spaces are abutting landscape buffers, street
51 walls or tree planting areas. **[Ord. 2010-022]**

52 **d. Rear or Side Entrances**

53 Buildings with secondary entrances located on the side or rear facades shall either apply
54 the streetscape standards for a side street building frontage; or shall provide foundation
55 planting along a minimum of 50 percent of the applicable façade, with a minimum depth
56 of five feet, to be planted in accordance with Art. 7, LANDSCAPING, with a sidewalk a
57 minimum of five feet in width as needed to separate pedestrians from abutting vehicle
58 use areas along the building façade. **[Ord. 2010-022]**

59 **11 12. Signage Standards**

60 Signage shall be in accordance with Art. 8, SIGNAGE, unless stated otherwise herein. **[Ord.**
61 **2010-022]**

62 **a. Freestanding Signage Prohibitions**

63 Freestanding signs, including outparcel identification signs, shall be prohibited, with
64 exception to Development Orders that include buildings located on internal streets that do
65 not have any frontage on a perimeter street, subject to the limits of Table 8.G.2.A,
66 Freestanding Sign Standards, or the following, whichever is more restrictive: **[Ord. 2010-**
67 **022]**

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- 1) Signs shall not exceed 150 square feet of sign face area, and shall be limited to 15 feet in height; and, **[Ord. 2010-022]**
- 2) A maximum of one freestanding sign per right of way frontage shall be permitted. **[Ord. 2010-022]**

Reason for amendments: [Zoning] 1) Establish new Type II Waiver to implement proposed amendments to the Plan under Policy 1.2.2-c, Alternative Standards; 2) Amend former PRA Waivers to Type I Waivers to match amendments in Part 6, and in accordance with "Alternative Standards" expand the list of Type I Waivers.

G. Type I and II URAO PRA Waivers

The ~~An~~ applicant may apply for waivers for development standards in accordance with Article 2.B.2.G, Type II Waivers or Art. 2.D.5, Type I Waivers. Applications for Type I or Type II Waivers shall be expressly limited to those Articles or Requirements listed in Article 3.B.16.D.3, Waivers and Table 3.B.16.G, PRA URAO Type I and Type II Waivers. Type II Waiver requests shall be submitted concurrently with any other DRO application request for Public Hearing certification, where applicable, ~~and shall reviewed by the Zoning Director for denial, approval or approval with conditions, prior to either DRO certification or approval~~. ~~The following table summaries the development standards that could be requested through a waiver process:~~ **[Ord. 2010-022]**

Table 3.B.16.G – PRA Waivers

Requirements	Maximum Waiver	Minimum Criteria of Review
Street Standards		
Article 3.B.16.F.4, Street Standards	Allow additional lanes, or minor increases in lane width.	<ul style="list-style-type: none"> — Where required to accommodate traffic, or where required by the DEP/W or Palm Tran. — Minimum deviation required and remains generally consistent with TDD street standards. — Consistent with livable street standards that prioritize pedestrian safety.
Block Standards		
Table 3.B.16.F, Block Dimension Requirements	Allow smaller block sizes.	<ul style="list-style-type: none"> — Location of existing streets precludes meeting desired average block face or perimeter; or, — Demonstration that smaller blocks are necessary for traffic circulation, and do not adversely impact pedestrian circulation or requirement that parking be located behind the street wall.
Interconnectivity Standards		
Article 3.B.16.F.5, Interconnectivity Standards	No interconnectivity requirement.	<ul style="list-style-type: none"> — Document prohibition by Federal, State, local or other laws that serve to establish limited access standards necessary to protect facilities such as water treatment plants, jails, or other similar facilities.
Article 3.B.16.F.5.c, Gates	Allow use of gates within the development.	<ul style="list-style-type: none"> — Special circumstances between adjacent uses. — Specific user requirements within the PRA project requires the use of gates, provided such does not impact the continuity of required blocks, streets or alleys.
Building Standards		
Art. 3.B.16.F.6.a.3), Building Hierarchy	Allow deviations from perimeter placement.	<ul style="list-style-type: none"> — Internal streets shall be required to establish building frontage. — Necessary to allow for expansion of existing buildings or uses. — Will not result in inability of perimeter frontages to be developed in accordance with PRA requirements.
Article 3.B.16.F.6.e.1), Primary Entrances	Allow 100% increase in distance.	<ul style="list-style-type: none"> — Façade is less than 150 feet in length.
Usable Open Space Standards		
Art. 3.B.16.F.9, Civic and Usable Open Space Standards	Allow for reduction.	<ul style="list-style-type: none"> — Lot less than 2.5 acres in size having insufficient frontage to accommodate usable open space in pedestrian streetscape areas.
Parking Standards		
Article 3.B.16.F.10.a.5, Service and Loading Areas, and, Article 6.B.1, Loading.	Waive or reduce required loading spaces, dimensions for width, length, maneuvering area, and location.	<ul style="list-style-type: none"> — Limitations due to access, lot size; location of residential uses; proximity to streets or alleys; or vehicular circulation. — Document that any loading alternatives will not adversely impact pedestrian or vehicular circulation, including alleyways, drive isles, handicapped accessibility, or other similar functional considerations. — Document that any loading alternatives will not conflict with DEP/W or FDOT requirements.
Landscape Standards		
Article 7.F.9, Incompatibility Buffer	Allow use of Compatibility Buffer in lieu of Incompatibility Buffer.	<ul style="list-style-type: none"> — Where abutting any PRA residential building type, provided that such buildings provide screening from any commercial or civic uses. — Upon demonstration of site design that uses preserves, passive open space areas, drainage retention areas a minimum of 50 feet in width, or other screening a minimum of 6 feet in height to create buffers between non-residential uses and residential neighborhoods.
[Ord. 2010-022]		

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

Art./Table Reference and Title	Type I Waivers Limitations/Criteria	Type II Waiver Limitations/Criteria
Art. 3.B.16.A, Purpose and Intent		
n/a	No Waiver	No Waiver
Art. 3.B.16.B, Applicability		
n/a	No Waiver	No Waiver
Art. 3.B.16.C, Future Land Use and Density		
n/a	No Waiver	No Waiver
Art. 3.B.16.D, Application Requirements		
n/a	No Waiver	No Waiver
Art. 3.B.16.E, PRA Use Matrix		
Art. 3.B.16.F.1.a, Residential Setbacks	10% reduction provided the use is screened.	Waiver Permitted.
Art. 3.B.16.F.4.c, Drive Through Uses and Gasoline Service Facilities	Exceptions to Street Wall requirements may be permitted for vehicular and pedestrian access points.	Waiver Permitted. Requires submittal of alternative design that meets the intents of these provisions.
Art. 3.B.16.F, PRA Design and Development Standards		
PRA Transect Zones		
Art. 3.B.16.F.1.a, Urban Center (UC) Sub-area Transects	No Waiver	Limited Waiver permitted only for reference to minimum number of stories required in this TZ.
Table 3.B.16.F, PRA Sub-area Transect Standards	No Waiver	Limited Waiver permitted: <ul style="list-style-type: none"> • Additional 25% deviation for minimum TZ minimum setback abutting residential: Minimum UC 1 = 300 ft.; UC-2 and UI 1 = 150 ft. • Subject to height of buildings, site layout, proposed uses, incompatibility buffer or other design alternative.
Block Design Standards		
Art. 3.B.16.F, Block Dimension Requirements.	Allow 5% deviation due to unusual lot confirmation.	Waiver Permitted
Frontage Classifications		
Art. 3.B.16.F.4.a.1), Slip Street Frontage	No Waiver	Waiver Permitted
Art. 3.B.16.F.4.b, Internal Streets	Allow additional lanes or minor increases in lane width: <ul style="list-style-type: none"> • Where required by DEPW or Palm Tran; • Minimum modification necessary and remains consistent with TDD street standards; and, • Consistent with standards for Livable Streets which emphasis pedestrian safety. 	Waiver Permitted
Art. 3.B.16.F.4.c, Alleys	No Waiver.	Waiver Permitted.
Interconnectivity		
Art. 3.B.16.F.5, Interconnectivity Standards	No interconnectivity required for the following: <ul style="list-style-type: none"> • Document prohibition by Federal, State, local or other laws that serve to establish limited access standards necessary to protect facilities such as water treatment plants, jails or other similar uses. 	No Waiver
Building Standards		
Art. 3.B.16.F.5.a, Building Placement	No Waiver	Waiver Permitted
Art. 3.B.16.F.5.b, Building Development Regulations	No Waiver	Waiver Permitted
Table 3.B.16.F, PRA Block Building PDRs	No Waiver	Waiver Permitted
Table 3.B.16.F, PRA Liner Building PDRs	No Waiver	Waiver Permitted
Table 3.B.16.F, PRA Townhouse Building PDRs	No Waiver	Waiver Permitted
Art. 3.B.16.F.6.c.1), Building Floors	No Waiver	Limited Waiver permitted from minimum number of floors required.
Table 3.B.16.F, Maximum Building Floors	No Waiver	Limited Waiver permitted from minimum number of floors required.
Table 3.B.16.F, Maximum Building Height	No Waiver	Waiver Permitted
Art. 3.B.16.F.6.c.3), Green Building Incentive Program	Allow deviations for different certifying standards as may be approved by the County.	No Waiver
Art. 3.B.16.F.6.d.1), Primary Entrance	No Waiver	Waiver Permitted
Art. 3.B.16.F.6.d.3), Fenestration	Limited Waiver Permitted to allow > 20% and < 35%	Waiver Permitted
Art. 3.B.16.F.6.d.4), Storefronts	Limited Waiver Permitted to allow > 50% and < 75%	Limited Waiver permitted to allow > 35% and < 75%
Table 3.B.16.F, PRA Appurtenances	No Waiver	Limited Waiver Permitted to allow similar alternative
Streetscape Standards		
Art. 3.B.16.F.7.b.1), Planting Amenity Zone	No Waiver	Waiver Permitted
Art. 3.B.16.F.7.b.2), Pedestrian Circulation Zone	No Waiver	Waiver Permitted
Art. 3.B.16.F.7.b.3), Slip Street Planting Amenity Zone	No Waiver	Waiver Permitted
Civic and Usable Open Space Standards		
Art. 3.B.16.F.8, Civic and Usable Open Space Standards	No Waiver	Waiver Permitted

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

Art./Table Reference and Title	Type I Waivers Limitations/Criteria	Type II Waiver Limitations/Criteria
<u>Table 3.B.16.F, PRA Dimensions for Usable Open Space</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
<u>Art. 3.B.16.F.8.a, General</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
<u>Art. 3.B.16.F.8.b, Plazas and Squares</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
<u>Art. 3.B.16.F.8.c, Greens</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
<u>Art. 3.B.16.F.8.d, Streetscape Credit</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
<u>Art. 3.B.16.F.8.e, Street Frontage</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
<u>Art. 3.B.16.F.8.f, Shade</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
<u>Art. 3.B.16.F.8.g, Pedestrian Amenities</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
Parking and Loading Standards		
<u>Art. 3.B.16.F.9, Parking and Loading Standards</u>	<u>No Waiver</u>	<u>Limited Waiver Permitted for location of parking only</u>
<u>Art. 3.B.16.F.9.a.1), On Street Parking</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
<u>Art. 3.B.16.F.9.a.2), Parking Lots</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
<u>Art. 3.B.16.F.9.a.3), Requirement for Parking Garages</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
<u>Art. 3.B.16.F.9.a.4), Townhouse</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
<u>Art. 3.B.16.F.9.a.5), Service and Loading Areas</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
<u>Art. 3.B.16.F.9.c, Bicycle Parking</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
Signage Standards		
<u>Art. 3.B.16.F.11.a, Freestanding Signage Prohibitions</u>	<u>No Waiver</u>	<u>Waiver Permitted</u>
Art. 3.B.16.G, Type I and II URAO Waivers		
<u>n/a</u>	<u>No Waiver</u>	<u>No Waiver</u>
[Ord. 2011-]		
Notes:		
1. <u>Deviations from the limitations or permissions granted for Waivers shall be prohibited.</u>		

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Part 12. ULDC Art. 3.B.15. Infill Redevelopment Overlay, (pages 54-55 and 79 of 231), is hereby amended as follows:

Reason for amendments: [Zoning] Delete redundant waiver provisions and relocate/consolidate under Art. 2.D, Administrative Approval.

CHAPTER B OVERLAYS
Section 15 INFILL REDEVELOPMENT OVERLAY (IRO)

D. Application Requirements

~~3. Zoning Director Waivers~~

~~An applicant may apply for a waiver from as specified in Table 3.B.15.G, IRO Waivers. [Ord. 2010-005]~~

~~a. Standards~~

~~An application for a waiver shall be submitted in a form specified by the Zoning Director. When considering whether to approve, approve with conditions, or deny a waiver request, the Zoning Director shall consider the following standards: [Ord. 2010-005]~~

- ~~1) The waiver does not create additional conflicts with this Section of the ULDC, and is consistent with the stated purpose and intent and standards for the IRO; [Ord. 2010-005]~~
- ~~2) The waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-005]~~
- ~~3) The alternative design option recommended as part of the waiver approval, if granted, will not adversely impact users of the IRO project or adjacent properties. [Ord. 2010-005]~~

~~b. Appeal~~

~~An appeal on any Zoning Director's decision shall be made to the Zoning Commission pursuant to Art. 2.A.1.S.1, Non-Judicial Relief, in an application form specified by the Zoning Director. [Ord. 2010-005]~~

G. IRO Waivers

The applicant may apply for waivers for development standards in accordance with Art. 2.D.7, Type I Waiver ~~Art. 3.B.15.D.3, Zoning Director Waivers~~ and Table 3.B.15.G, IRO Waivers. ~~Waiver requests shall be reviewed by the Zoning Director for denial, approval or approval with~~

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1 ~~conditions, prior to either DRO certification or approval.~~ The following table summarizes
2 summaries the development standards that could be requested through a waiver process: **[Ord.**
3 **2010-005]**

4
5
6 **Part 13. ULDC Art. 3.E.8, Lifestyle Commercial Center Development (LCC) (pages 184 and 190**
7 **of 231), is hereby amended as follows:**
8

Reason for amendments: [Zoning] Delete redundant waiver provisions and relocate/consolidate under Art. 2.D, Administrative Approval.

9 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

10 **Section 8 Lifestyle Commercial Center Development (LCC)**

11

12 **A. General**

13 ~~**4. Waivers**~~

14 ~~An applicant may apply for a waiver from the design and dimensional requirements indicated~~
15 ~~in Article 3.E.8.C, Design and Development Standards pursuant to Table 3.E.8.D, LCC~~
16 ~~Waivers. **[Ord. 2010-005]**~~

17 ~~**a. Standards**~~

18 ~~An application for a waiver shall be submitted in a form specified by the Zoning Director.~~
19 ~~When considering whether to approve, approve with conditions, or deny a waiver~~
20 ~~request, the Zoning Director shall consider the following standards: **[Ord. 2010-005]**~~

21 ~~1) The waiver does not create additional conflicts with this Section of the ULDC, and is~~
22 ~~consistent with the stated purpose and intent and design principles of the LCC; **[Ord.**~~
23 ~~**2010-005]**~~

24 ~~2) The waiver will not cause a detrimental effect on the overall design and development~~
25 ~~standards of the project, and will be in harmony with the general site layout and~~
26 ~~design details of the development; and, **[Ord. 2010-005]**~~

27 ~~3) The alternative design option recommended as part of the waiver approval, if~~
28 ~~granted, will not adversely impact LCC users and adjacent properties. **[Ord. 2010-**~~
29 ~~**005]**~~

30 ~~**b. Appeal**~~

31 ~~An appeal on any Zoning Director's decision shall be made to the Zoning Commission~~
32 ~~pursuant to Art. 2.A.1.S.1, Non-Judicial Relief, in an application form specified by the~~
33 ~~Zoning Director. **[Ord. 2010-005]**~~

34

35 **D. LCC Waivers**

36 An applicant may seek waivers from specific code requirements listed in accordance with Art.
37 2.D.7, Type I Waiver, and Table 3.E.8.D, LCC Waivers, ~~by submitting an application on forms~~
38 ~~provided by the Zoning Division.~~ Waiver approval shall be granted prior to DRO certification. ~~The~~
39 ~~Zoning Director shall consider the following "criteria of review" and any justification provided by~~
40 ~~the applicant in considering a waiver request. The following table summarizes the development~~
41 ~~standards that could be requested through a waiver process.~~

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EXHIBIT I
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SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1
2 **Part 14. ULDC Table 4.A.3.A – Thresholds for Projects Requiring Board of County Commission**
3 **Approval (page 20 of 166), is hereby amended as follows:**
4

Reason for amendments: [Zoning] Clarify that there are no additional square footage or acreage thresholds that trigger requirement to obtain BCC approval in accordance with the directions of FLUE Policy 1.2.2-e, which encourages administrative approvals (note that projects that don't comply with the Form Based Code requirements of this Policy may require BCC approval as a Type II Waiver).

5 **Table 4.A.3.A – Thresholds for Projects Requiring Board of County Commission Approval (1) ¹**

FLU Designation (2) (3) ²	Number of Square Footage or Units (4) ³	Acreage
Residential (Excluding RR FLU)	200 du	50 acres
AGR (Residential Only)	-	250 acres
CLO	30,000	-
CHO	50,000	-
CL	30,000	-
CH	50,000	-
IND	100,000	-
INST	50,000	-
CR	100,000	-
MLU	50,000	-
EDC	100,000	-

Notes:

1. Land area devoted to retention pursuant to the requirements of the C-51 drainage basin, or land area devoted to vegetation preservation pursuant to the Environmentally Sensitive Lands Ordinance, excluding AGR or Sector Plan preserve areas, shall not be counted toward the maximum acreage threshold. **[Ord. 2006-004]**
2. PDDs or TDDs in the AGR Tier are limited to the 80/20 PUD, 60/40 PUD or AGR TMD (FLUE Policy 1.5.1-a).
3. There are no thresholds for the UC or UI FLU designations.
- 4.3. Dwelling units shall include any density awarded as part of a density bonus program. **[Ord. 2006-004]**

6
7
8 **Part 15. ULDC Art. 4.B.1.A.29.b.1), DRO Approval (pages 40-41 of 166), is hereby amended as**
9 **follows:**
10

Reason for amendments: [Zoning] Expand administrative approval for small places of assembly to include UC and UI Districts, which would include provisions for change in use for prior approvals pre-dating the adoption of the URAO.

11 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

12 **Section 1 Uses**

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

14 **29. Place of Worship**

15 **b. Use Limitations**

16 **1) DRO Approval**

17 A place of worship not exceeding 3,000 square feet of GFA or 150 seats, including
18 collocated or accessory uses, shall be permitted in the CN, CC, CG, UC or UI,
19 MUPD, MXPD, TMD districts, and a commercial pod in a PDD or TDD subject to
20 DRO approval. **[Ord. 2005 – 002] [Ord. 2006-013]**

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EXHIBIT I
URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1
2 **Part 16. ULDC Table 4.B.1.A.55, Financial Institution (page 52 of 166), is hereby amended as**
3 **follows:**
4

Reason for amendments: [Zoning] 1) Incorporate deletion of Specialized Development District and change in list of uses permitted in UC and UI Districts; and, 2) Note that financial institutions in the PRA's may be approved by the DRO unless drive through facilities are located adjacent to existing non-PRA residential uses, which would require approval by the BCC in accordance with Art. 3.B.16.F.6.E.6), Outdoor Uses.

5 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

6 **Section 1 Uses**

7 **A. Definitions and Supplementary Standards for Specific Uses**
8 **55. Financial Institution**
9

Table 4.B.1.A – Financial Institution Development Threshold and Approval Process

Zoning District	Development Thresholds			Approval Process
	GFA		Drive-thru (1) ^(*)	
CN and CLO	5,000 s.f. max	and	Prohibited	DRO
UC or UI	N/A	and	Prohibited	DRO
CC and CHO; CL and CLO PDDs; COM Pod of PUD;	5,000 s.f. max	and	No drive thru lanes	Permitted by Right
SD	N/A	and	≤ 3 drive thru lanes	Class A Conditional Use
CC; and, CL and CLO PDDs, and COM Pod of PUD	5,000 s.f. max	and	≤ 3 drive thru lanes	DRO
CG; CH and CHO PDDs; PIPD COM Use Zone; and, TDDs	5,000 s.f. max	and	≤ 3 drive thru lanes	Permitted by Right
UC or UI (2)	N/A	And	Any number of drive thru lanes (3)	DRO (2)
CC, CHO and CG; CL, CH, CLO and CHO PDDs; COM Pod of PUD; PIPD COM Use Zone; and, TDDs	> 5,000 s.f.	or	> 3 drive thru lanes	Class A or Requested Use
[Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-022]				
Notes:				
1. An ATM lane shall not be considered a drive thru lane for purposes of development thresholds.				
2. Does not apply to Prior Approvals. See Art. 3.B.16.E.2.a, Right to Continue or Change Uses [Related to PRA Permitted Use Schedule].				
3. Drive thru facilities, including vehicular access and queuing shall not be located within 200 feet of abutting non-PRA residential use or parcel with a residential FLU designation, unless permitted otherwise by Art. 3.B.16, URAO.				

10
11
12 **Part 17. ULDC Art. 4.B.1.A.59, Funeral Home, (page 53 of 166), is hereby amended as follows:**
13

Reason for amendments: [Zoning]

14 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

15 **Section 1 Uses**

16 **A. Definitions and Supplementary Standards for Specific Uses**
17 **59. Funeral Home**

18 An establishment which arranges and manages funeral and prepares the human deceased
19 for burial.

20 **a. CG, IL and MUPD Districts**

21 A funeral home may include a crematorium located within the principal building.

22 **b. IL District**

23 A funeral home shall be limited to an embalming service. No public observances,
24 sermons or funerals shall be permitted.

25 **c. UC and UI Districts DRO Approval**

26 A funeral home without a crematorium may be approved by the DRO.
27
28

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EXHIBIT I
URBAN REDEVELOPMENT AREA OVERLAY (URAO)
SUMMARY OF AMENDMENTS
(Updated 5/16/11)

1 **Part 18. ULDC Art. 4.B.1.A.109.b, Approval Process Exceptions, (page 83 of 166), is hereby**
2 **amended as follows:**
3

Reason for amendments: [Zoning] 1) Allow Type I Restaurants without drive through lanes to be permitted in existing buildings (e.g. Prior Approvals) in the UC and UI Districts; and, 2) Delete 25% limitation for Type I Restaurants without drive through lanes, as originally intended purpose of preventing large clusters of unhealthy “fast food” restaurants unduly restricts free market opportunity nor guarantees the intended outcome.

4 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

5 **Section 1 Uses**

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

7 **109.Restaurant, Type I**

8 **b. Approval Process Exceptions**

9 **1) DRO Approval**

10 A Type I restaurant without a drive-through may be approved by the DRO in a district
11 where the use is permitted by Table 3.E.1.B, PDD Use Matrix, Table 3.F.1.F,
12 Traditional Development Permitted Use Schedule, Table 4.A.3.A, Use Matrix, ~~or~~ in an
13 MUPD with a CL FLU designation, or in the UC or UI District, provided the subject to
14 the following: [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013]

15 ~~a) GFA including outdoor dining areas does not exceed 5,000 square feet; and~~
16 ~~[Ord. 2007-013]~~

17 ~~b) The use is not located in an out parcel or freestanding building, unless it is the~~
18 ~~sole use of the property. [Ord. 2007-013]~~

19 **2) Permitted by Right**

20 A Type I restaurant without a drive-through or located in an out parcel, may be
21 permitted by right in any PDD or TDD with a commercial or institutional FLU
22 designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD
23 or RVPD; or the IL and all commercial Zoning districts, provided: **[Ord. 2006-004]**

24 a) GFA including outdoor dining areas does not exceed 1,500 square feet; and,
25 **[Ord. 2006-004]**

26 b) All district specific requirements are addressed; **[Ord. 2006-004]**

27 ~~c) The total of all Type I restaurant uses does not exceed 25 percent of the overall~~
28 ~~GFA of the development, unless it is the sole use of the property; and [Ord.~~
29 ~~2006-004]~~

30 ~~d) The restaurant is not located in a freestanding building, unless it is the sole use~~
31 ~~of the property. [Ord. 2006-004]~~

34 **Part 19. ULDC Art. 4.B.1.A.115, Mobile or Temporary Retail Sales, (page 85 of 186), is hereby**
35 **amended as follows:**
36

Reason for amendments: [Zoning] Recognize prevalence of existing Mobile or Temporary Retail Sales existing in the URAO and allow for continuation of uses.

37 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

38 **Section 1 Uses**

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

40 **115.Retail Sales, Mobile or Temporary**

41 ~~....~~
42 **b. Temporary Sales**

43 ~~....~~
44 **1) Districts**

45 Limited to the CN, CC, CG, IPF, AGR, UC, UI, MUPD, or MXPD Zoning districts.

46 ~~....~~
47 **d. Mobile Sales [Ord. 2005 – 002]**

48 ~~....~~
49 **1) District**

50 Mobile sales shall be limited to the CC, CG, IL, PO, UC, UI, and MUPD Zoning
51 districts Districts.

52 ~~....~~
53

54
55 U:\Zoning\CODEREV\2011\LDRAB\Meetings\5-25-11\4 Final packet for LDRAB\Exhibit I - Urban Redevelopment Area Overlay 5-
56 16.docx

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EXHIBIT J

APPEALS
SUMMARY OF AMENDMENTS
(Updated 05/16/11)

1
2 Part 1. ULDC Art. 1.B.1.E, Appeals [Related to Interpretations of the ULDC], (page 7 of 114), is
3 hereby amended as follows:
4

Reason for amendments: [Zoning] Delete language related to Appeals for interpretations to be relocated to existing Article 2.A.1.S, Appeals.

5 CHAPTER B INTERPRETATION OF THE CODE

6 Section 1 Interpretations

7 ~~EB.~~ Appeal

8 ~~An appeal to contest an interpretation of this Code may be filed pursuant to Article 2.A.1.S,~~
9 ~~Appeal.~~

10 ~~1. Initiation~~

11 ~~Within 20 working days after issuance of the written interpretation the applicant may appeal~~
12 ~~the decision to the Board responsible for appeal, as provided in this Code.~~

13 ~~2. Public Hearing~~

14 ~~The Board [responsible for the appeal] shall hear the appeal within 40 working days of receipt~~
15 ~~of the appeal.~~

16 ~~3. Standard of Review~~

17 ~~At the appeal hearing, the Board [responsible for the appeal] shall consider the interpretation~~
18 ~~of the PBC official responsible for rendering the interpretation, and public testimony, in light of~~
19 ~~the Plan, this Code, and the Official Zoning Map. The Board shall not modify or reject the~~
20 ~~interpretation if it is supported by substantial competent evidence, unless the interpretation is~~
21 ~~found to be contrary to the Plan, this Code, or the Official Zoning Map.~~

22
23
24 Part 2. ULDC Art. 1.I.2.A.75, Appeals [Related to Definitions] (page 36 of 114), is hereby
25 deleted as follows:
26

Reason for amendments: [Zoning] Delete definition of Appeal since there is no need to define a process which is being described in Article 2.A.1.S.

27 CHAPTER I DEFINITIONS & ACRONYMS

28 Section 2 Definitions

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

30

31 ~~75. Appeal—~~

32 ~~a) for the purposes of Art. 18, a request for a review of the Flood Damage Prevention~~
33 ~~Administrator's interpretation of any provision of, or a request for a variance, from this~~
34 ~~Article. [Ord. 2004-013]~~

35
36
37

38 Part 3. ULDC Art. 1.I.3, Abbreviations and Acronyms (page 111 of 114), is hereby amended as
39 follows:
40

Reason for amendments: [Zoning] Add acronym for the Environmental Appeals Board and Environmental Control Board.

41 CHAPTER I DEFINITIONS & ACRONYMS

42 Section 3 Abbreviations and Acronyms

43

EAB Environmental Appeals Board

ECB Environmental Control Board

44

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EXHIBIT J

APPEALS
SUMMARY OF AMENDMENTS
(Updated 05/16/11)

Part 4. ULDC Art. 2.A.1.S, Appeals (page 22-23 of 80), is hereby amended as follows:

Reason for amendments: [Zoning] 1) Amend to consolidate most of appeal processes and standards into this section. The language has been organized to include an introductory part to indicate who can appeal, when an appeal has to be filed, and the notification process; and, 2) Add language to non-judicial processes to specify time to consider an appeal, who is expected at the appeal hearing, what is heard and presented before the appeal Board or Hearing Officer, and, direction of the appeal board on a final decision.

CHAPTER A GENERAL

Section 1 Applicability

S. Appeal

1. General

Appeals from Decision Making Bodies and Officials shall be conducted as set forth in this section unless specifically provided for elsewhere in this Code.

2. Non-Judicial Relief

a. Standards

1) Filing Time

The appeal shall be filed within 20 days after the notice indicating the decision is mailed to the applicant, unless stated otherwise. A written request for the appeal shall state the grounds for the objection and use established forms and procedures.

2) Notification

The official responsible for the decision or an interpretation shall mail a written notification containing the date, time and place of the appeal hearing to the applicant, at least ten days prior to the hearing.

b. Processes

1)a. Class B Conditional Use

Any Person aggrieved by the decision of the Zoning Commission regarding a Class B Conditional Use may appeal that decision to the BCC according to the following:

~~An appeal of ZC decision shall be made to the BCC within ten working days after the notice, indicating the decision, is mailed to the applicant. A Person with a contractual interest or is directly affected by the proposal may contest the decision by filing an appeal to the BCC using the established procedures.~~

1) Procedure

a) The BCC shall consider the appeal petition within 45 60 days of its filing. The Zoning Director shall notify the petitioner, the applicant (if the petitioner is not the applicant), a Person with a contractual interest or is directly affected by the proposal.

b) At the hearing, the BCC shall provide the petitioner, the applicant (if the applicant is not the petitioner), any person Person who appeared before the ZC and PBC staff an opportunity to present arguments and testimony.

c) In making its decision, the BCC shall consider only the record before the ZC at the time of the decision, and the correctness of the findings of fact or any specific condition of approval imposed by the ZC. The notice and hearing provisions for a Class A conditional use shall govern the appeal.

2) Standards

d) The BCC shall reverse the decision of the ZC only if there is substantial competent evidence in the record before the ZC that the decision failed to comply with the standards of Article 2.B.2.B, Standards.

2)b.DRO Review Appeal

Any Person seeking Development Order approval from the DRO may appeal that decision to the DRAB according to the following: Appeal of any DRO decision shall be made to the DRAB within ten days after the notice indicating the decision is mailed to the applicant. DRAB review shall be in accordance with rules and procedures in Article 2.G.1, Board of County Commissioners. [Ord. 2005-002]

a) The DRAB shall consider the appeal petition within 60 days of its filing or a date agreed upon the applicant and Zoning staff. The Zoning Division shall coordinate and establish the date for the DRAB hearing.

b) The DRAB may reverse or affirm or modify the decision of the DRO.

c) At the hearing, the DRAB shall only consider testimony and argument relating to the application, supporting documentation, and any staff report or documentation presented at the time of the DRO decision.

d) The decision of the DRO shall be presumed correct and the Person seeking the appeal shall have the burden of demonstrating error. The DRAB shall defer to

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EXHIBIT J

APPEALS
SUMMARY OF AMENDMENTS
(Updated 05/16/11)

1 the discretion of the DRO in interpreting the ULDC and shall not modify or reject
2 the interpretation if it is supported by substantial competent evidence, unless the
3 interpretation is found to be contrary to the Plan, this Code, or the Official Zoning
4 Map.

5 **3)e. Special Permit**

6 Except for appeals regarding Adult Entertainment Special Permit applications, set
7 forth in Art. 4.B.1.A.2.d, License, Any person any Person aggrieved by a decision of
8 the Zoning Director regarding on an application for a Special Permit special permit
9 shall may appeal that decision to the Hearing Officer according to the following:
10 within ten days from the date of the decision using the application and procedure
11 established by the Zoning Director. [Ord. 2006-036]

- 12 a) The Zoning Division shall coordinate and establish the date for the Hearing
13 Officer to consider the appeal which shall be within 40 days of the filing of the
14 appeal.
15 b) The Hearing Officer may reverse or affirm or modify the decision of the Zoning
16 Director.
17 c) At the hearing, the Hearing Officer shall only consider testimony and argument
18 relating to the application, supporting documentation, and any staff report or
19 documentation presented at the time of the Zoning Director's decision.
20 d) The Zoning Director's decision shall be presumed correct and the Person
21 seeking the appeal shall have the burden of demonstrating error. The Hearing
22 Officer shall defer to the discretion of the Zoning Director in interpreting the
23 ULDC and shall not modify or reject the interpretation if it is supported by
24 substantial competent evidence, unless the interpretation is found to be contrary
25 to the Plan, this Code, or the Official Zoning Map.

26 **4)d. Interpretations and Decisions**

27 The Person who sought the interpretation may appeal that interpretation to the
28 Hearing Officer, unless stated otherwise, according to the following:

29 The Hearing Officer shall hear and decide appeals from interpretation or decisions of
30 the Zoning Director, County Engineer, or Airport Director pursuant to the procedures
31 and standards in Article 2, DEVELOPMENT REVIEW PROCESS. Within ten days of
32 an interpretation or decision, an aggrieved person may contest the decision by filing
33 an appeal to the Hearing Officer using the applicable forms and procedures. [Ord.
34 2006-036]

- 35 a) The agency responsible for the interpretation shall coordinate and establish the
36 date for the Hearing Officer to consider the appeal which shall be within 40 days
37 of the filing of the appeal or a date agreed upon the applicant and agency staff.
38 b4) The Hearing Officer may reverse or affirm, wholly or partly, or may modify the
39 interpretation or decision made by the applicable authority pursuant to this Code.
40 [Ord. 2006-036]
41 c2) The interpretation or decision of the applicable authority shall be presumed to be
42 correct and the applicant shall have the burden to demonstrate the error. At the
43 hearing, the Hearing Officer shall only consider testimony and argument relating
44 to documentation submitted by the Person seeking the interpretation, and any
45 staff report or documentation presented at the time of the interpretation.
46 d3) When an appeal from an interpretation or decision of the Zoning Director has
47 been filed with the Hearing Officer all proceedings and work on the premises
48 shall be stayed unless the Zoning Director certifies to the Hearing Officer that a
49 stay would cause imminent peril to life or property. [Ord. 2006-036]. The
50 interpretation shall be presumed correct and the Person seeking the appeal shall
51 have the burden of demonstrating error. The Hearing Officer shall defer to the
52 discretion of the applicable authority in interpreting the ULDC and shall not
53 modify or reject the interpretation if it is supported by substantial competent
54 evidence, unless the interpretation is found to be contrary to the Plan, this Code,
55 or the Official Zoning Map.

56 **5)e. Type IA and Type IB Administrative Variance Decisions**

57 Any person Person aggrieved by a decision of the Zoning Director on an application
58 for a Type IA or Type IB aAdministrative Vvariance shall may appeal to the Hearing
59 Officer within 30 days of the decision, according to the following: [Ord. 2006-036]

- 60 a) The Zoning Division shall coordinate and establish the date for the Hearing
61 Officer to consider the appeal which shall be within 40 days of the filing of the
62 appeal or a date agreed upon the applicant and Zoning staff.
63 b) The Hearing Officer may reverse or affirm or modify the decision.
64 c) At the hearing, the Hearing Officer shall only consider testimony and argument
65 relating to the application, supporting documentation, and any staff report or
66 documentation presented at the time of the Zoning Director's decision.

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APPEALS
SUMMARY OF AMENDMENTS
(Updated 05/16/11)

d) The Zoning Director's decision shall be presumed correct and the Person seeking the appeal shall have the burden of demonstrating error. The Hearing Officer shall defer to the discretion of the Zoning Director in interpreting the ULDC and shall not modify or reject the interpretation if it is supported by substantial competent evidence, unless the interpretation is found to be contrary to the Plan, this Code, or the Official Zoning Map.

6) URAO, IRO, and LCC Type I Waiver and Green Architecture Waiver

a) Any Person seeking a URAO Type I Waiver from the DRO may appeal that decision to the BCC pursuant to the procedures in Art. 2.A.1.S.3.b.1, Class B Conditional Use.

b) Any Person seeking an IRO Type I Waiver or LCC Type I Waiver from the DRO and a Green Architecture Waiver may appeal that decision to the Zoning Commission subject to the following:

(1) The ZC shall consider the appeal petition within 60 days of its filing.

(2) At the hearing, the ZC shall provide the petitioner, the applicant, and PBC staff an opportunity to present arguments and testimony.

(3) The ZC shall consider only the evidence presented to county staff at time of the decision and the correctness of findings of fact or any condition imposed by the DRO.

(4) The ZC shall modify or reject only if substantial evidence is contrary to the Plan, ULDC, or Official Zoning Map.

7) Zoning Director Waiver

Any Person seeking a Waiver from the Zoning Director may appeal that decision to the Hearing Officer subject to the same procedures stated in Art. 2.A.1.S.3.b.4, Interpretations.

[Renumber Accordingly]

Part 5. ULDC Art. 2.F.4, Entitlement Density and Entitlement Intensity (page 57-58 of 80), is hereby amended as follows:

Reason for amendments: [Zoning] 1) Clarify for consistency with interpretation of this Code in Art. 1.B.1, Authority, which clarifies that the PZB Executive Director is responsible for the decisions to the Entitlement Density and Entitlement Intensity to be consistent also with the power and duties of the DRAB included in Article 2.G.3.C; 2) add reference to the sufficiency determination of an application consolidated under Art. 2.A.1.G.4, Sufficiency Review; and, 3) Break down large paragraph for the Entitlement Density and Entitlement Intensity standards.

CHAPTER F CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD)

Section 4 Entitlement Density and Entitlement Intensity

A. General

If after an appeal on an application for a concurrency reservation is denied by the Zoning PZB Executive Director and that decision is affirmed by the DRAB, the applicant may submit an application for entitlement density or entitlement intensity pursuant to the procedural and substantive requirements of this Section.

B. Submission of Application

An application for entitlement density or entitlement intensity shall be submitted to the Zoning PZB Executive Director on a form established by the Zoning PZB Executive Director and made available to the public. The application shall be accompanied by a Zoning fee established by the BCC from time to time for the filing and processing of each application. The fee shall be non-refundable.

C. Determination of Sufficiency

The Zoning PZB Executive Director shall initiate review of an application for entitlement density or entitlement intensity upon receipt of the application, and within 15 working days, determine whether the application is sufficient and includes data necessary to evaluate the application.

1. If it is determined that the application is not sufficient, written notice shall be sent to the applicant specifying the deficiencies. The Zoning Director shall take no further action on the application unless the deficiencies are remedied.

2. If the application is determined sufficient, the Zoning Director shall notify the applicant in writing of the application's sufficiency, and that the application is ready for review pursuant to the procedures and standards of this Section.

D. Decision by Zoning PZB Executive Director

Within 30 working days after the PZB Executive Zoning Director determines the application is sufficient, the PZB Executive Zoning Director shall review the application and shall approve, approve with conditions, or deny the application based upon whether it complies with the

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EXHIBIT J

APPEALS
SUMMARY OF AMENDMENTS
(Updated 05/16/11)

standards in Article ~~2.F.5.C, Procedure~~ 2.F.4.E, Standards for Entitlement Density and Entitlement Intensity.

E. **Standards for Entitlement Density and Entitlement Intensity**

- 1. An entitlement density for the proposed development must be consistent with the entitlement densities permitted in the FLUE of the Plan or a minimum of one dwelling unit, provided that the maximum density (dwelling unit per gross acre) as depicted on Figure 2 of the FLUA of the Plan is not exceeded.
- 2. An entitlement intensity for the proposed development must be consistent with the entitlement intensities permitted in the FLUE of the Plan provided the square footage does not exceed two one-half percent of the maximum square footage allowed under this Code.
- 3. If the above conditions are met, an entitlement density or entitlement intensity for the proposed development shall be granted if;
 - 4a. A concurrency reservation has been denied for the proposed development pursuant to the requirements of Article 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation, and an appeal to the DRAB has affirmed that decision;
 - 2b. The LOS for drainage facilities for the development proposed in the application is met pursuant to the requirements of Article 2.F.3.C, Standards for Review of Application for Adequate Public Facilities Determination and Concurrency Reservation;
 - 3c. A plan demonstrates how the proposed development will be designed (a) at its entitlement density or entitlement intensity and (b) at its allowable density or entitlement intensity under the Plan and this Code at the time the necessary public facilities are available to adequately serve the development. Any ~~development-order~~ Development Order issued for an application for development permit for which entitlement density or entitlement intensity has been approved shall be consistent with the plans for development in this Subsection. The review of a plan for development at the allowable density or intensity under this Section shall in no way reserve capacity for public facilities;
 - 4d. Approval of the entitlement density or entitlement intensity is conditioned on the initiation of development of the proposed project at its allowable density or intensity subject to receipt of a concurrency reservation within two years of the time the necessary public facilities are available to serve the proposed development at its allowable density or intensity; and
 - 5e. In the USA, ~~development-orders~~ Development Orders for development proceeding at entitlement densities or entitlement intensities may be permitted at rural LOS for potable water and sanitary sewage while the development is at its entitlement density or entitlement intensity.

Part 6. **ULDC Art. 2.F.5, Administrative Appeal Process (page 58 of 80), is hereby amended as follows:**

Reason for amendments: [Zoning] 1) Amend for consistency with the DRAB Power and Duties in Article 2.G.3.C, and timing of filing an appeal of 20 days as it is through the ULDC; and, 2) Delete redundant DRAB membership language already contained in Article 2.G.3.C.

CHAPTER F CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD)

Section 5 Administrative Appeal Process

A. General

An applicant may appeal a decision of the Zoning PZB Executive Director denying an application for a concurrency reservation, Entitlement Density, Entitlement Intensity, or a Concurrency Exemption Extension by filing a petition with the Zoning Director appealing the decision to the DRAB within ~~ten~~ **20** days of the rendition of the decision by the Zoning Director.

~~**B. DRAB Membership**~~

~~The DRAB shall consist of the Executive Director of the Department of PZB, the County Attorney and the County Engineer.~~

[ReNUMBER Accordingly]

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EXHIBIT J

APPEALS
SUMMARY OF AMENDMENTS
(Updated 05/16/11)

1
2 Part 7. ULDC Art. 2.G.3.D.3.a, Qualifications [Related to the Environmental Appeal Board
3 membership] (page 68 of 80), is hereby amended as follows:
4

Reason for amendments: [Zoning] To clarify that the Environmental Control Board (ECB) selects the Environmental Appeal Board (EAB) members for consistency with EAB definition contained in Art.1.1.2.E.27.

5 CHAPTER G DECISION MAKING BODIES

6 Section 3 APPOINTED BODIES

7 D. Environmental Appeals Board (EAB)

8 3. Board Membership

9 a. Qualifications

10 The EAB shall be composed of five members appointed by the Environmental Control
11 Board (ECB). The membership of the EAB shall consist of one professional engineer
12 registered by the State of Florida and nominated by the Palm Beach branch of the
13 American Society of Civil Engineers, one water resource professional employed by
14 SFWMD, one drinking water engineer employed by the FDEP, one member of the Gold
15 Coast Builders Association, and one attorney nominated by the PBC Bar Association.
16

17
18 Part 8. ULDC Art. 2.G.3.M.2, Power and Duties [Related to Zoning Commission] (page 74 of
19 80), is hereby amended as follows:
20

Reason for amendments: [Zoning] Delete language related to authority of the ZC to consider and render final decisions on appeals of only denial of Green Architecture applications to now consider any appeal of Green Architecture decisions.

21 CHAPTER G DECISION MAKING BODIES

22 Section 3 APPOINTED BODIES

23 M. Zoning Commission

24 2. Powers and Duties

25 The ZC shall have the following powers and duties under the provisions of this Code.
26

27 g. to consider and render a final decision on appeals of ~~denials of green architecture~~ Green
28 Architecture application. [Ord. 2009-040]
29

30
31
32 Part 9. ULDC Art. 2.G.4.G.4.f, Appeals [Related to Development Review Officer procedures]
33 (page 78 of 80), is hereby amended as follows:
34

Reason for amendments: [Zoning] Delete provision for appeals to DRO to reference consolidated language under Art. 2.A.1.S, Appeals.

35 CHAPTER G DECISION MAKING BODIES

36 Section 4 STAFF OFFICIALS

37 G. Development Review Officer (DRO)

38 4. Procedures

39

40 f. Appeal

41 Appeal of any decision of the DRO shall be made to the DRAB ~~within ten working days~~
42 ~~after the notice indicating the decision is rendered based on the requirements in Art.~~
43 2.A.1.S.2.b.2, DRO Review, unless stated otherwise.
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Notes:

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EXHIBIT J

APPEALS
SUMMARY OF AMENDMENTS
(Updated 05/16/11)

1
2 Part 10. ULDC Art. 4.B.1.A.2.d, License [Related of Adult Entertainment use regulations] (page
3 24 of 166), is hereby amended as follows:
4

Reason for amendments: [Zoning] Amend to clarify that only a person seeking for an Adult Entertainment Special Permit may appeal the denial of the application sufficiency, the denial of the Special Permit, or revocation or suspension of a permit.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 2. Adult Entertainment

9 d. License

10 An establishment that possesses an adult entertainment license is presumed to be an
11 adult entertainment establishment. An adult entertainment use shall comply with the
12 following supplementary use standards: A Special Permit for an adult entertainment
13 establishment shall be issued or denied within 21 days of a determination of application
14 sufficiency pursuant to the standards and procedures in Art. 2.D.2, Special Permit, and
15 the requirements of the Code. The standards set forth in Art. 2.D.2.D.1 and Art.
16 2.D.2.D.4 shall not be applied to Special Permits for adult entertainment uses. ~~An~~
17 ~~aggrieved party~~ A Person seeking a Special Permit or a Person holding a previously
18 approved Special Permit has the right to immediately appeal a denial of application
19 sufficiency for a Special Permit, denial of a Special Permit, or revocation or suspension of
20 a permit, as applicable, to the Circuit Court in the Fifteenth Judicial Circuit of the State of
21 Florida in accordance with the procedure and within the time provided by the Florida
22 Rules of Appellate Procedure. [Ord. 2004 - 051] [Ord. 2009-040]

23
24
25

26 Part 11. ULDC Art. 4.D.9.G, Appeals [Related to Administration and Enforcement of
27 Excavations](page 165-166 of 166), is hereby amended as follows:
28

Reason for amendments: [Zoning] 1) Clarify appeals to the Director of ERM on decisions to Excavations are made to the Hearing Officer instead of the Environmental Ordinance Appeal Board (EOAB) as the Board was deleted by Ordinance 2003-016; and, 2) clarify reference to appeals to the Zoning Director and Land Development Director are done through the standards in Article 2.G, Decision Making Bodies.

29 CHAPTER D EXCAVATION

30 Section 9 Administration and Enforcement

31 G. Appeals

32 An applicant may appeal a final determination made by:

33 1. Director of ERM

34 Appeal shall be made to the ~~Environmental Ordinance Appeals Board (EOAB) Hearing~~
35 ~~Officer pursuant to this Section.~~ The applicant shall comply with the following appeal
36 procedures.

37 a. Submittal

38 An appeal must be made within 20 days of the applicant's receipt of the final action.

39 b. Hearing

40 Each hearing shall be held within 60 days of submittal of all documents which the ~~EOAB~~
41 ~~Hearing Officer~~ deems necessary to evaluate the appeal. At the conclusion of the
42 hearing, the ~~EOAB Hearing Officer~~ shall orally render its decision (order), based on the
43 evidence entered into record, the decision shall be stated in a written order and mailed to
44 the applicant not later than ten days after the hearing. Written order of the ~~EOAB~~
45 ~~Hearing Officer~~ shall be final.

46 2. Director of Zoning or Director of Land Development

47 Appeal shall be made to the appropriate appeals board as provided in ~~Art. 2.G, Decision~~
48 ~~Making Bodies Article 2.D.1, Development Review Officer or Article 2.B.3, Variances,~~ as
49 applicable.

50 3. Judicial Relief

51 An applicant or ERM may appeal a final written order of the ~~EOAB Hearing Officer~~ within 30
52 days of the rendition of the written order by filing a petition for Writ of Certiorari in Circuit
53 Court of the Fifteenth Judicial Circuit in and for PBC, Florida.
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Notes:

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EXHIBIT J

APPEALS
SUMMARY OF AMENDMENTS
(Updated 05/16/11)

1
2 Part 12. ULDC Art. 5.C.1.E.3.c, Review Process [Related to Green Architecture] (page 35 of 90),
3 is hereby amended as follows:
4

Reason for amendments: [Zoning] Relocate language related to appeal review process of Green Architecture to a new subsection outside of Review Process for clarification purposes.
--

5 CHAPTER C DESIGN STANDARDS

6 Section 1 Architectural Guidelines

7 E. Review Process

8 3. Green Architecture

9 c. Review Process

10 The Green Architecture designation application shall be reviewed and approved,
11 approved with conditions, or denied in conjunction with one of the review processes
12 outlined in Article 5.C.1.E, Review Process. ~~If the application is denied the applicant can~~
13 ~~appeal the decision to the Zoning Commission with within 30 days of the decision date on~~
14 ~~a form prepared by the Zoning Director.~~ The registered architect shall complete the
15 required Zoning application, which will require compliance with the Green Architecture
16 Designation Rating Program, Table 5.C.1.E. [Ord. 2009-040]

17

18 d. Appeals

19 *If the application is denied, the applicant may appeal the decision to the Zoning*
20 *Commission in compliance with the standards of Art. 2.A.1.S.3.b.6, URAO, IRO, and LCC*
21 *Type I Waiver and Green Architecture Waiver. [Partially relocated from above]*
22

23
24 Part 13. ULDC Art. 5.C.1, Architectural Guidelines (page 43 of 90), is hereby amended as
25 follows:
26

Reason for amendments: [Zoning] 1) Delete to reference appeal language to the procedures established in Art. 2.A.1.S, Appeal; and, 2) Delete appeal language to avoid repeated standards already contained in Art. 2.A.1.S, Appeal, that clarifies judicial and non-judicial relief.
--

27 CHAPTER C DESIGN STANDARDS

28 Section 1 Architectural Guidelines

29 J. Appeal

30 1. Non-Judicial Remedies

31 Any applicant aggrieved by an administrative interpretation or decision regarding this Chapter
32 who wishes to appeal the interpretation or decision shall file an appeal to the ZC and follow
33 the appeal procedures established in Art. 2.A.1.S.3.b.6, URAO, IRO, and LCC Type I Waiver
34 and Green Architecture Waiver. within 30 calendar days from the date a written interpretation
35 or decision is rendered. The appeal shall be heard on the next available ZC agenda. [Ord.
36 2005 – 002]

37 ~~K2.~~ Exhaustion of Non-Judicial Remedies

38 Any applicant, the Executive Director of PZB, the BCC member representing the district in
39 which the project or building is to be located, aggrieved by an appeal decision of the ZC
40 regarding an interpretation or decision on this Chapter regarding this shall, within 30 calendar
41 days from the date a decision by the ZC is rendered, file an appeal to the BCC and comply
42 with the appeal procedures stated in Art. 2.A.1.S.2.b.1, Class B Conditional Use. The appeal
43 shall be heard on the next available agenda as an Administrative Inquiry. [Ord. 2005 – 002].

44 ~~L.~~ Appeals

45 ~~An appeal shall be pursuant to the judicial relief standards in Art. 2.A.1.S, Appeal. [Ord. 2005 –~~
46 ~~002]~~

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Notes:

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EXHIBIT K

PUBLIC NOTICE
SUMMARY OF AMENDMENTS
(Updated 05/13/11)

Part 1. ULDC Art. 2.A.1.J, Notification (page 17 - 18 of 80), is hereby amended as follows:

Reason for amendments: [Zoning] 1) Clarify procedures for Notification, which includes publication of legal ads, mailing of courtesy notices and other postings applicable to Public Hearings or Type IB Variance; and, 2) Amend to indicate certified mail as the method of notification to property owners and municipalities within specified distance of any site that is subject to public hearing.

CHAPTER A GENERAL

Section 1 Applicability

J. Notification

~~Notice for any required Applications subject to public hearing Public Hearing or Type IB Variance processes shall require notification to the public as follows: shall be provided by publication of an advertisement, mailed notice and posting of property in accordance with this Section.~~

1. **Newspaper Publication**

~~Public notice Notice shall be published in a newspaper of general circulation in PBC in accordance with the following standards: accordance with F.S. §125.66 and Chapter 163. Type IB Variance shall be exempt from this requirement.~~

a. ~~ZC and BCC~~

~~Notice shall be required in accordance with F.S. §125.66 and Chapter 163.~~

2. **Courtesy Notice Mailing**

a. **Applicability and Mailing Boundary**

~~Courtesy notices shall be mailed to the property owners, interested parties or other entities identified in Table 2.A.1.J, Property Notice Requirements.~~

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

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

~~a. A notice shall be mailed to all property owners within 300 feet for Type IB and Type II variance applications, and appeals being heard before the Hearing Officer; and, within 500 feet or greater for all other public hearings, as required by the Zoning Director. This distance shall be measured from the property line of the affected area and shall include: [Ord. 2006-036] [Ord. 2008-003]~~

- ~~1) All owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser;~~
- ~~2) Condominium associations and all real property owners when real property consists of a condominium;~~
- ~~3) All Property Owners Associations (POAs), Homeowners Associations (HOAs) and cooperatives within the affected area; and~~
- ~~4) All counties and municipalities within one mile of the request.~~

~~b. An extended 300-500 foot notice notification boundary shall be required to include future annexation areas, identified on the PBC Future Annexation Map in the Planning Division, that are located within one mile of the request; [Ord. 2008-003]~~

~~c. If the area within 300 or 500 feet is owned by the applicant or a related entity, the 300 or 500 foot notification boundary shall be extended from these parcels;~~

~~d. A larger notification boundary may be required by the Zoning Director for properties located in the Exurban or Rural tiers.~~

be. Notice Content

Notes:

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EXHIBIT K

PUBLIC NOTICE
SUMMARY OF AMENDMENTS
(Updated 05/13/11)

- 1 ~~The notice shall~~ Courtesy notices shall include the following information:
- 2 1) ~~State the substance of the proposal~~ A general summary of the application;
- 3 2) ~~Include a A~~ date, time and place for the Public Hearing(s) ~~public hearing;~~
- 4 3) ~~Include a A~~ general location map of the subject property; and,
- 5 4) ~~Include a A~~ statement indicating that interested parties may appear at the ~~public~~
- 6 hearing Public Hearing and be heard regarding the request.
- 7 **cf. No-Notice Failure to Receive Courtesy Notice**
- 8 ~~The failure~~ Failure to receive a ~~courtesy~~ notice ~~by any property owner,~~ shall not be
- 9 deemed a failure to comply with this requirement, ~~or be grounds to challenge the validity~~
- 10 ~~of any decision made by the approving authority.~~
- 11 **3. Posting Signs**
- 12 The ~~land~~ property subject ~~to of~~ the application shall ~~be~~ have notices posted by the applicant
- 13 with ~~a notice~~ information of the public hearing on a sign provided by the PBC at least 15 days
- 14 in advance of any public hearing. One sign shall be posted for each 100 feet of frontage
- 15 along a street up to a maximum of ten signs. All signs shall be:
- 16 a) evenly Evenly spaced along the street ~~or in a location acceptable to the Zoning Director;~~
- 17 b) All signs shall be setback Setback no more than 25 feet from the property line; and,
- 18 c) All signs shall be erected Erected in full view of the public.
- 19 Where ~~land~~ the property does not have ~~significant~~ sufficient frontage on a street, signs shall
- 20 be in a location acceptable to the Zoning Director. The applicant shall submit photographs ~~to~~
- 21 ~~the Zoning Division~~ confirming the signs have been posted. The failure of any such posted
- 22 notice to remain in place after it has been posted shall not be deemed a failure to comply with
- 23 this requirement or be grounds to challenge the validity of any decision made by the
- 24 approving authority. The applicant shall also be required to ensure the signs have been
- 25 removed no later than five days after the final hearing. **[Ord. 2010-022]**
- 26 **a. Exceptions**
- 27 Signs posted by a public agency or the BCC may be posted on the nearest street or at
- 28 major intersections leading to and within the subject property.
- 29 **4. Postponements**
- 30 All applications postponed for three or more consecutive hearings shall require the applicant
- 31 ~~to provide new notification pursuant to Art. 2.A.1.J, Notification, to pay all additional costs~~
- 32 ~~associated with new notification, and compliance with publication and courtesy mailing~~
- 33 ~~requirements pursuant to Art. 2.A.1.J.3 Posting. The applicant shall update all posted signs~~
- 34 ~~including new information such as the revised hearing date and any modifications to the~~
- 35 ~~request.~~ **[Ord. 2010-022]**

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Notes:

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EXHIBIT L

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 03/07/2011)

1
2 Part 1. ULDC Art. 1.I.2.C.36, Coastal Construction [Related to Definitions] (page 45 of 114), is
3 hereby amended as follows:
4

Reason for amendments: [ERM] To clarify that the definition for coastal construction only applies to a limited portion of Art. 14 that deals with ERM’s role in regulating development where associated with either Sea Turtle Protection or Sand Preservation.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7 C. Terms defined herein or referenced Article shall have the following meanings

8 36. **Coastal Construction** - means the carrying out of any activity within jurisdictional boundaries
9 specified in Art. 14. ~~A, Coastal Protection~~ Sea Turtle Protection and Sand Preservation, to
10 modify or improve site conditions including, but not limited to, building, clearing, filling,
11 excavation, grading, removal or planting of vegetation, or the making of any material change
12 in the size or use of any structure or the appearance of site conditions, or the placement of
13 equipment or material upon such sites.
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Notes:
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EXHIBIT M

ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

1
2 Part 1. ULDC Art. 2.F.6.A, General [Related to the Monitoring Program] (page 59 of 80), is
3 hereby amended as follows:
4

Reason for amendments: [Zoning] Annual Public Facilities Update Report was deleted under Ordinance 2010-022, Exhibit L per BCC direction. This deletes similar requirements listed under Concurrency to be consistent with prior BCC's direction.

5 CHAPTER F CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD)

6 ~~Section 6—Monitoring Program~~

7 ~~A.—General~~

8 ~~To ensure that adequate potable water, sanitary sewer, solid waste, drainage, public school, park~~
9 ~~and recreation and linked open space, traffic, mass transit, and fire-rescue public facilities are~~
10 ~~available concurrent with the impacts of development on public facilities, the PBC shall establish~~
11 ~~the following management and monitoring practices. Their purpose is to evaluate and coordinate~~
12 ~~the timing, provision, and funding of the public facilities so that:~~

- 13 ~~1. they are being adequately planned for and funded to maintain the LOS for public facilities and~~
14 ~~2. to evaluate the capacity of the public facilities for use in the regulatory program to ensure:~~
15 ~~a. there are no development orders issued unless there are adequate public facilities~~
16 ~~available to serve the development concurrent with the impacts of development on the~~
17 ~~public facilities, or~~
18 ~~b. no development orders are issued unless they are conditioned on the availability of public~~
19 ~~facilities to serve the development concurrent with the impacts of development on public~~
20 ~~facilities.~~

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Notes:
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EXHIBIT N

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 03/11/11)

Part 1 ULDC, Art. 5.B.1.A.19, Mechanical Equipment, (page 26 of 90), is hereby amended as follows:

Reason for amendment: [Zoning] The current Code inadvertently exempts mechanical equipment screening for structures that are adjacent to non-industrial uses. The proposed clarifies different scenarios where mechanical equipment screening could be exempted.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

19. Mechanical Equipment

a. Applicability

2) Screening Requirements

a) New and replacement equipment, shall be screened on all sides by an opaque barrier constructed of materials, and color compatible with the building or structure, or equivalent landscaping, ~~if for~~ ground mounted equipment, to a minimum height equal to the highest point of the equipment. [Ord. 2006-004] [Ord. 2008-037]

b) Exemption for Roof Mounted Mechanical Equipment

(1) ~~The following shall be exempt from screening requirements~~ Screening shall not be required: [Ord. 2006-004]

~~(1a) if the equipment is less than one foot in height, measured from the roof deck, provided it and is painted to match the color of the structure it is attached to or servicing; and [Ord. 2006-004] [Ord. 2008-037]~~

~~(2b) for any industrial use with industrial FLU designation if adjacent to a parcel with an industrial use and industrial FLU designation; equipment located on structures adjacent to:~~

~~(a) non-industrial properties or use; or [Ord. 2006-004] [Ord. 2008-037]~~

~~(b) parcels with an Industrial FLU or Industrial use, or unless obstructed from view from a R.O.W by vegetation or structure. [Ord. 2008-037]~~

~~(3c) if if an existing roof cannot structurally support additional weight associated with required screening materials. A certified letter, from a structural engineer or architect registered in the State of Florida, shall be submitted with the applicable permit, substantiating that the roof cannot support the additional weight. [Ord. 2008-037]~~

(2) Subject to Zoning Director discretion, the screening may not be required for any industrial use with industrial FLU designation if the equipment cannot be viewed from adjacent R.O.W. A line of sight drawing may be required to ensure compliance with screening of equipment.

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Notes:

Underlined language indicates proposed new language.

Language crossed out indicates language proposed to be deleted.

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as italicized with reference in parenthesis.

EXHIBIT O

ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

Part 1 ULDC, Art. 6.A.1.D.6, Parking Spaces for Persons Who Have Disabilities (page 14 of 38), is hereby amended as follows:

Reason for amendment: [Zoning/Building] 1) Include reference to the Florida Building Code, Chapter 11, Florida Accessibility Code, for Building Construction that requires increase in the number of disabled parking spaces for medical uses serving persons with mobility impairments; and, 2) Includes reference to the Florida Statutes §553.513, which transfers to local governments the enforcement of the Accessibility by Handicapped Persons as contained in part of Chapter 553, Building Construction Standards.

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

6. Parking Spaces for Persons Who Have Disabilities

The provision of parking spaces and passenger loading areas for persons who have disabilities shall be governed by F.S. §316.1955, F.S. §316.1957, ~~and~~ F.S. §553.5041, Chapter 11, Florida Accessibility Code for Building Construction of the Florida Building Code, and F.S. §553.513. These Sections shall govern the signage, identification and reservation of spaces for persons who have disabilities. The minimum number of parking spaces for persons who have disabilities shall comply with the following table: [Ord. 2005 – 002]

Table 6.A.1.D - Parking Spaces for Persons Who Have Disabilities

Total Spaces	Required Number of Spaces to be Reserved for Persons Who Have Disabilities
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 250	7
251 to 300	8
301 to 400	9
401 to 500	10
501 to 1000	2.2 % of total
over 1000	22 plus 1 for each 100 over 1000
[Ord. 2005-002]	

Part 2 ULDC, Figure 6.A.1.D – Striping Standards (page 24 of 38), is hereby amended as follows:

Reason for amendment: [Zoning] Correct the striping standards figure for consistency with the dimensions included in the written language per Article 6.A.1.D.14.b.5, Stripes, as follows; “The width of the painted stripe shall be four inches. Double striping separation from inside edge of stripe to inside edge of stripe shall be no less than eight inches and no more than 16 inches. The effective width of the double stripes shall range from 16 inches to 24 inches, measured from outside edge of stripe to outside edge of stripe.”

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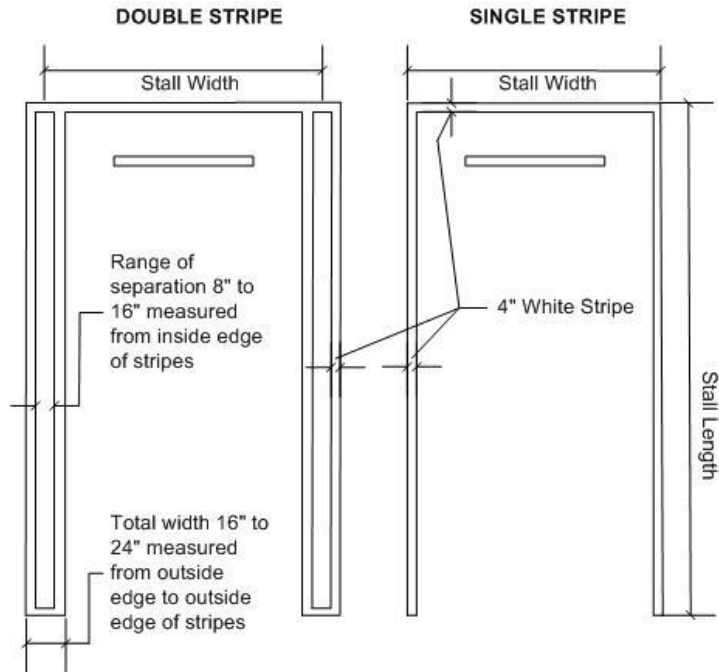
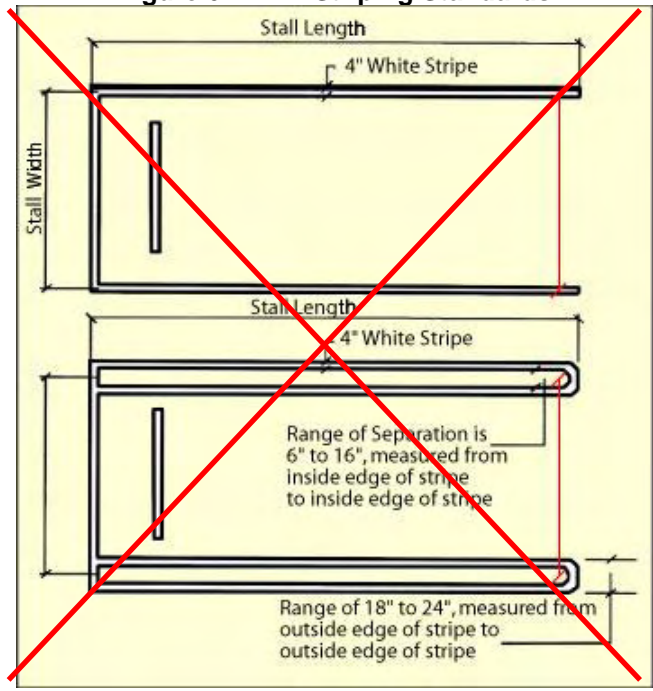
Notes:

- Underlined language indicates proposed new language.
- Language ~~crossed-out~~ indicates language proposed to be deleted.
- (ellipses) indicates language not amended which has been omitted to save space.
- Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT O

ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

Figure 6.A.1.D- Striping Standards



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Notes:

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Language ~~crossed out~~ indicates language proposed to be deleted.
.... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT P

ARTICLE 8 – SIGNAGE
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

1
2 Part 1. ULDC Table 8.G.2.A, Freestanding Signs: Maximum Heights [Related Ground Mounted
3 Signs] (page 27 of 39), is hereby amended as follows:
4

Reason for amendments: [ZONING] Corrects a minor glitch in Ordinance 2007-013 which amended the symbols used to clarify applicable R-O-W Width for purposes of calculating maximum height of freestanding signs; by 1) correcting the middle category which incorrectly stated width greater than 80 feet to read greater than or to equal to 80 feet; and, 2) converting the use of symbols such as \geq to “> or =” to make it clear that either or applies. Amendment also includes correction to clarify that abbreviations for S and PDD applies to districts; and, current practice of correcting table footnote references from superscript to normal sized text in brackets to improve legibility.

5

Table 8.G.2.A - Freestanding Signs: Maximum Heights

R-O-W Width	Maximum Height					
	C/C ⁺⁽¹⁾		C/R ⁺⁽²⁾		R ⁺⁽³⁾	
	S ⁺⁽⁴⁾	PDD ⁺⁽⁵⁾	S ⁺⁽⁴⁾	PDD ⁺⁽⁵⁾	S ⁺⁽⁴⁾	PDD ⁺⁽⁵⁾
→ <u>> or =</u> 110 ft.	20	15	15	12	10	10
<u>> or =</u> 80 ft. or < 110 ft.	15	10	10	8	8	8
< 80 ft.	10	8	8	6	6	6
[Ord. 2007-013]						
Notes:						
1. C/C = commercial, industrial, or non-residentially zoned parcels adjacent to commercial, industrial or non-residentially zoned parcels.						
2. C/R = commercial industrial or non-residentially zoned parcels adjacent to any residentially zoned parcel.						
3. R = residentially zoned parcel.						
4. S = Standard Development District .						
5. PDD = Planned Development District .						

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EXHIBIT Q

ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

1
2 Part 1. ULDC Art. 11.A.3, General Requirements [Related to Platting Requirement and
3 Required Improvements Installation Requirement] (page 8 of 47), is hereby amended
4 as follows:
5

Reason for amendments: [ENGINEERING] 1) Amend references for consistency with Florida Minimum Technical Standards to clarify the type of Survey required for platting submittal; and, 2) includes boundary survey as the official survey document applicable for the required improvements installation requirement.

6 CHAPTER A GENERAL REQUIREMENTS

7 Section 3 General Requirements

8 A. Platting Requirement

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

13 B. Required Improvements Installation Requirement

14 The adequacy of necessary public or private facilities and services for traffic and pedestrian
15 access and circulation, public schools, solid waste, wastewater disposal, potable water supply,
16 stormwater management, fire-rescue, parks and recreation and similar facilities and services, and
17 potential adverse impacts on adjacent land uses and facilities shall be considered in the review of
18 all development proposals. No Final Plat or certified boundary survey shall be recorded until all
19 required improvements set forth in Article 11.E.1, Required Improvements, except those
20 specifically waived pursuant to Article 11.A.8.C, Exceptions to Installation of Improvements
21 Requirement, are either completed in accordance with the requirements of Article 11.B.7,
22 Construction of Required Improvements, or are guaranteed to be completed by the developer in
23 accordance with the provisions of Article 11.B.4.A, Land Development Permit Application
24 Submittal.

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27
28 Part 2. ULDC Art. 11.A.4, Application of Ordinance [Related to General Application and
29 Building Permits and Other Approvals] (page 9 of 47), is hereby amended as follows:
30

Reason for amendments: [ENGINEERING] Amend to clarify that a survey should be understood as a boundary survey for purposes of subdivision regulations contained in this article.

31 CHAPTER A GENERAL REQUIREMENTS

32 Section 4 Application of Ordinance

33 A. General Application

34 No person shall create a subdivision or develop any lot within a subdivision in unincorporated
35 PBC except in conformity with this Article. No Final Plat or certified boundary survey of any
36 subdivision shall be recorded unless such subdivision meets all applicable provisions of this
37 Article, the provisions of other applicable PBC ordinances, and the applicable laws of the State of
38 Florida. Provided, however, that the subdivision of contiguous lands under single ownership
39 where none of the resulting lots are less than 40 acres shall not be subject to compliance with the
40 provisions of this Article, unless such compliance is required as a specific condition of a
41 development order for a conditional use or special use approved pursuant to Article 2.C, FLU
42 PLAN AMENDMENTS.

43 B. Building Permits and Other Approvals

44 1. Except as provided in this Section, no building permit shall be issued for any structure on any
45 lot created by subdivision of land in violation of this Article unless and until such lot is shown
46 on a plat of record or certified boundary survey, as applicable, recorded in the manner
47 prescribed in this Article.

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EXHIBIT Q

ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

1
2 Part 3. ULDC Art. 11.A.8, Exceptions to General Requirements [Related to Authority, Plat
3 Waiver with Certified Survey and Effect of Approval] (page 12 of 47), is hereby
4 amended as follows:
5

Reason for amendments: [ENGINEERING] 1) Amend references for consistency with Florida Minimum
Technical Standards; and, 2) and to clarify the type of Survey required for submittal.

6 CHAPTER A GENERAL REQUIREMENTS

7 Section 8 Exceptions to General Requirements

8 B. Plat Waiver with Certified Boundary Survey

9 If, after review of the preliminary subdivision plan, the County Engineer determines that the
10 proposed subdivision meets one of the conditions specified in Article 11.A.8.B.1, Application for
11 Plat Waiver, the requirement to file a plat may be waived and an ~~certified~~ abstracted boundary
12 survey shall be recorded in lieu of a plat along with an affidavit documenting approval of said
13 waiver and restrictive covenants applicable to the subdivision, as prescribed by this Article.

14 3. Effect of Approval

15 The approved ~~certified~~ abstracted boundary survey shall constitute the approved Final
16 Subdivision Plan for the subdivision when such subdivision is not encompassed by a Final
17 Subdivision Plan approved pursuant to Article 2.D.1, Development Review Officer. The
18 granting of a plat waiver in no manner reduces or waives the requirements of Article 11.B.3,
19 Technical Compliance through Article 11.B.7, Construction of Required Improvements,
20 governing construction plan approval, land development permit issuance, and installation of
21 the required improvements. Failure by the applicant to submit all documents required for the
22 recordation of the affidavit of waiver within six months of approval by the County Engineer
23 shall void said approval.

24

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26
27 Part 4. ULDC Art. 11.B.2.B, Applicability] (page 15 of 47), is hereby amended as follows:
28

Reason for amendments: [ENGINEERING] Amend to reflect new title of reference in article 11.A.8.B.

29 CHAPTER B SUBDIVISION REQUIREMENTS

30 Section 2 Final Subdivision Plan

31 B. Applicability

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

37
38
39 Part 5. ULDC Art. 11.B.3.B.2 , Certified Survey (page 16 of 47), is hereby amended as follows:
40

Reason for amendments: [ENGINEERING] 1) Amend references for consistency with Florida Minimum
Technical Standards; and, 2) and to clarify the type of Survey required for submittal.

41 CHAPTER B SUBDIVISION REQUIREMENTS

42 Section 3 Technical Compliance

43 B. Application

44 2. Certified Boundary Survey

45 The developer of a subdivision for which the requirement to plat has been waived pursuant to
46 Article 11.A.8.B, Plat Waiver with Certified Boundary Survey, shall submit the applicable
47 ~~certified~~ abstracted boundary survey meeting the requirements of Article 11.B.9,
48 Requirements for Certified Boundary Survey.

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EXHIBIT Q

ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

1 Part 6. ULDC Art. 11.B.3.D.3, [Related to Technical Compliance Approval for the Amount of
2 Fees Due for Recordation of Final Plat or Certified Survey] (page 17 of 47), is hereby
3 amended as follows:
4

Reason for amendments: [ENGINEERING] 1) Amend references for consistency with Florida Minimum
Technical Standards; and, 2) to clarify the type of Survey required for submittal.

5 CHAPTER B SUBDIVISION REQUIREMENTS

6 Section 3 Technical Compliance

7 D. Technical Compliance Approval

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

10 3. The amount of recording fees due for recordation of the final plat or certified boundary
11 survey, which fees are payable to the Clerk of the Circuit Court of PBC;
12

....

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14
15 Part 7. ULDC Art. 11.B.4.A, Land Development Permit, [Related to Application Submittal,
16 Certified Survey and Developers Acknowledgement of Responsibility], (page 18 of 47),
17 is hereby amended as follows:
18

Reason for amendments: [ENGINEERING] 1) Amend references for consistency with Florida Minimum
Technical Standards; and, 2) to clarify the type of Survey required for submittal.

19 CHAPTER B SUBDIVISION REQUIREMENTS

20 Section 4 Land Development Permit

21 A. Land Development Permit Application Submittal

22 A Land Development Permit shall be required prior to commencement of construction of any
23 required improvement. The effective date of the Land Development Permit shall be the date the
24 County Engineer signs it. The Land Development Permit shall expire not more than 21 months
25 from the effective date, unless extended pursuant to Article 11.B.7.B, Time of Completion of
26 Required Improvements. Except when the installation of all required improvements has been
27 waived pursuant to Article 11.A.8.C, Exceptions to Installation of Improvements Requirement, the
28 Final Plat or certified boundary survey, as applicable, shall not be recorded until the developer
29 has either installed the improvements or has guaranteed the installation of the improvements
30 pursuant to the requirements of Article 11.B.4.A.6, Guarantees, below. As the final step in the
31 review procedures to obtain development approval under this Article, the developer shall have
32 prepared and shall submit, prior to expiration of the Technical Compliance, an application for
33 Land Development Permit. The application for Land Development Permit shall be accompanied
34 by the required fee and the required number, as determined by the County Engineer, of the
35 following documents applicable to the subdivision or approved phase thereof:
36

....

37 2. Certified Boundary Survey

38 The developer of a subdivision for which the requirement to plat has been waived pursuant to
39 this Article shall submit a check payable to the Clerk of the Circuit Court of PBC for the
40 recordation of the certified boundary survey. When construction plans are not required, the
41 certified boundary survey may be recorded without further review, provided, however, that the
42 County Engineer shall review any documents submitted in compliance with Article 11.B.4.A.3,
43 Maintenance and Use Documents.
44

....

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

47 The application shall indicate whether the required improvements are to be constructed prior
48 to recordation or after recordation of the plat or certified boundary survey. When the required
49 improvements are to be constructed after recordation, the Developer shall submit a statement
50 acknowledging responsibility for completion of said required improvements. The statement
51 shall be in the form contained in the latest version of the Land Development Forms Manual
52 and shall be executed by all owners shown on the applicable final plat. The statement shall
53 be accompanied by a guaranty for completion of required improvements, pursuant to Article
54 11.E.1.A, Minimum Required Improvements for All Subdivisions. Said guaranty shall meet
55 the applicable requirements of Article 11.B.4.A.6, Guarantees.
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EXHIBIT Q

ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

1
2 Part 8. ULDC Art. 11.B.7.C, Land Development Permit Application Submittal [Related to
3 Certified Survey], (page 22 of 47), is hereby amended as follows:
4

Reason for amendments: [ENGINEERING] 1) Amend references for consistency with Florida Minimum Technical Standards; and, 2) to clarify the type of Survey required for submittal.

5 CHAPTER B SUBDIVISION REQUIREMENTS

6 Section 7 Construction of Required Improvements

7 C. Completion Prior to Plat Recordation

8 When the developer elects to complete required improvements prior to recording of the final plat
9 or certified boundary survey, the following procedures shall apply, as applicable.

10

11 2. When the County Engineer finds that the certified boundary survey and completion of the
12 required improvements are in compliance with all requirements of this Article, he shall cause
13 the certified boundary survey to be recorded in the Office of the Clerk of the Circuit Court.
14

15
16 Part 9. ULDC Art. 11.B.9, Requirements for Certified Survey (page 26 of 47), is hereby
17 amended as follows:
18

Reason for amendments: [ENGINEERING] 1) Amend references for consistency with changes to Chapter number in the Florida Administrative Code (F.A.C.) that are applicable to Florida Surveyors and Mappers; and, 2) Clarify the type of Survey required for subdivision submittals.

19 CHAPTER B SUBDIVISION REQUIREMENTS

20 Section 9 Requirements for Certified Boundary Survey

21 A. General

22 The County Engineer shall adopt and amend, from time to time, the criteria for the certified
23 boundary survey. At a minimum, the certified boundary survey shall meet the requirements for
24 boundary surveys established by the Minimum Technical Standards set forth by the Florida Board
25 of Professional Surveyors and Mappers in ~~Chapter 61G17-6, F.A.C.~~ Chapter 5J-17.050-.052,
26 F.A.C., pursuant to F.S. §472.027.

27 B. Alternatives

28 The County Engineer shall reserve the right to require a certified sketch and legal description in
29 lieu of a certified boundary survey. The certified sketch and legal description shall meet the
30 requirements for certified sketches and descriptions set forth by ~~Chapter 61G17-6, F.A.C.~~
31 Chapter 5J-17.050-.052, F.A.C., pursuant to F.S. § 472.027, as amended, and the PBC
32 Description Checklist pursuant to policies and procedures established by the County Engineer
33 and made available to the public.

34 C. Recordation

35 The certified boundary survey or sketch and legal description shall not require approval of the
36 Board prior to recordation.
37

38
39 Part 10. ULDC Art. 11.D.1.A, Preliminary Plat, (page 27 of 47), is hereby amended as follows:
40

Reason for amendments: [ENGINEERING] 1) Amend references for consistency with Florida Minimum Technical Standards; and, 2) to clarify the type of Survey required for submittal.

41 CHAPTER D PLATTING

42 Section 1 Requirements for the Preliminary and Final Plat

43 A. Preliminary Plat

44 The preliminary plat shall meet the requirements of the Final Plat, except that it shall be submitted
45 without the required signatures and seals. It may also be submitted without maintenance and use
46 covenants, condominium documents, deeds, or other legal documents not related to the
47 boundary survey or engineering design of the project.
48

49
50 Part 11. ULDC Art. 11.E.1.A, Minimum Required Improvements for All Subdivisions, (page 32 of
51 47), is hereby amended as follows:

Notes:

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EXHIBIT Q

ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

Reason for amendments: [ENGINEERING] 1) Amend references for consistency with Florida Minimum Technical Standards; and, 2) to clarify the type of Survey required for submittal.

CHAPTER E REQUIRED IMPROVEMENTS

Section 1 Required Improvements

A. Minimum Required Improvements for All Subdivisions

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

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EXHIBIT R

ARTICLE 13 – IMPACT FEES
SUMMARY OF AMENDMENTS
(Updated 04/11/11)

1
2 Part 1. ULDC Art. 2.G.3.J.6, Annual Report [Related to Impact Fee Review Committee] (page 72
3 of 80), is hereby amended as follows:
4

Reason for amendments: [OFMB/CTY ATTORNEY] Delete language that requires the Impact Fee Review Committee to submit Annual Reports to the BCC. The reports are provided to coincide with the biennial review of the impact fee ordinance.

5 CHAPTER G DECISION MAKING BODIES

6 Section 3 APPOINTED BODIES

7 J. Impact Fee Review Committee

8 ~~6. Annual Report~~

9 ~~The IFRC shall submit an annual report to the BCC. The form, substance and submittal date~~
10 ~~for the report shall be established by the County Administrator in a Policy and Procedure~~
11 ~~Memorandum. [Ord. 2009-040]~~

12

13
14
15 Part 2. ULDC Art. 13.A.6.G, Appeal (page 8 of 45), is hereby amended as follows:
16

Reason for amendments: [OFMB] 1) To delete the word "Section" and replace it with the word "Chapter" to clarify that the Impact Fee Appeal Board (IFAB) may reverse the Impact Fee Coordinators decision when the evidence indicates contradiction in the standards in Article 13 chapter and not just the independent fee calculation study section; and, 2) To correct scriveners error by deleting the word "impact" before the word "fee" as the sentence here refers to the funds collected for the preparation of the record to be paid by a petitioner when an appeal is filed.

17 CHAPTER A GENERAL

18 Section 6 Independent Fee Calculation Study

19 G. Appeal

20

21 3. At the hearing, the IFAB shall provide the applicant and the Impact Fee Coordinator an
22 opportunity to present testimony and evidence, provided such information was part of the
23 review before the Impact Fee Coordinator. The IFAB shall reverse the decision of the Impact
24 Fee Coordinator only if there is substantial competent evidence in the record that the Impact
25 Fee Coordinator erred from the standards in this ~~Section~~ Chapter.

26 4. Any aggrieved party, including PBC, may appeal an order of the Impact Fee Appeals Board
27 to the Fifteenth Judicial Circuit Court of PBC. Such appeal shall not be a hearing de novo,
28 but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review
29 of the record created before the Board. PBC may assess a reasonable ~~impact~~ fee for the
30 preparation of the record to be paid by the Petitioner in accordance with F.S. §119.07, as
31 amended from time to time.
32

33
34 Part 3. ULDC Art. 13.A.10.B.4.a, Appeals (page 12 of 45), is hereby amended as follows:
35

Reason for amendments: [OFMB] To delete redundant language previously listed under Art. 13.A.6.G.1 [Related to Appeal].

36 CHAPTER A GENERAL

37 Section 10 Refunds

38 B. Procedure to Obtain Refund

39 4. Action by Impact Fee Coordinator

40 Within 45 working days after the application is determined sufficient, the Impact Fee
41 Coordinator shall review and approve or deny the application based upon the standards in
42 Article 13.A.10, Refunds. The decision of the Impact Fee Coordinator may be appealed
43 pursuant to Art. 13.A.6.G, Appeal. [Ord. 2008-015]

44 ~~a. Appeal~~

45 ~~1) Regulation~~

46 ~~The decision of the Impact Fee Coordinator may be appealed pursuant to Article~~
47 ~~13.A.6.G, Appeal.~~
48

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EXHIBIT R

ARTICLE 13 – IMPACT FEES
SUMMARY OF AMENDMENTS
(Updated 04/11/11)

Part 4. ULDC Tables 13.B.3, Parks and Recreation Fee Schedule for Unincorporated PBC thru 13.B.3, Parks and Recreation Impact Fee Schedule for Schedule “Y” Municipalities* [Related to Fee Schedule] (pages 20 - 23 of 45), is hereby amended as follows:

Reason for amendments: [OFMB] Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for various Impact Fee Schedules, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

Table 13.B.3-2 - Parks and Recreation Fee Schedule for Unincorporated PBC
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
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Table 13.B.3-3 Park & Recreation Impact Fee Table For Schedule “A” Municipalities*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

Table 13.B.3-4 - Parks and Recreation Impact Fee Schedule for Schedule “B” Municipalities*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

Table 13.B.3-5 - Parks and Recreation Impact Fee Schedule for Schedule “E” Municipalities*
Effective Date 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

Table 13.B.3-6 - Parks and Recreation Impact Fee for Schedule “F” Municipalities*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

Table 13.B.3-7 - Parks and Recreation Impact Fee Schedule for Schedule “I” Municipality*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

Table 13.B.3-8 - Parks and Recreation Impact Fee Schedule for Schedule “J” Municipality*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

Table 13.B.3-9 - Parks and Recreation Impact Fee Schedule for Schedule “K” Municipality*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

Table 13.B.3-10 - Parks and Recreation Impact Fee Schedule for Schedule “P” Municipalities*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

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EXHIBIT R

ARTICLE 13 – IMPACT FEES
SUMMARY OF AMENDMENTS
(Updated 04/11/11)

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Table 13.B.3-11 - Parks and Recreation Impact Fee Schedule for Schedule “W” Municipality*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

Table 13.B.3-12 - Parks and Recreation Impact Fee Schedule for Schedule “X” Municipality*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
....						

Table 13.B.3-13 - Parks and Recreation Impact Fee Schedule for Schedule “Y” Municipalities*
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credit	Park Impact Fee	Discount	Net Park Impact Fee
....						

Part 5. ULDC Table 13.C.2-14, Fire Rescue Fee Schedule, (pages 26 of 45), is hereby amended as follows:

Reason for amendments: [OFMB] Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for the Fire Rescue Fee Schedule, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

Table 13.C.2-14 – Fire Rescue Fee Schedule
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units, by Type	Calls For Service	Cost Per Unit	Credits	Fire-Rescue Impact Fee	Adjustment	Net Fire- Rescue Impact Fee
....						

Part 6. ULDC Table 13.D.2-15, Library Fee Schedule, (pages 29 of 45), is hereby amended as follows:

Reason for amendments: [OFMB] Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for the Library Fee Schedule, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

Table 13.D.2-15 - Library Fee Schedule
Effective 12:01 AM, ~~09/10/2010~~ 10/01/2010

Land Use Type (Unit) Residential Units by sq. ft	Functional Population	Cost Per Unit	Credits	Library Impact Fee	Discount	Net Library Impact Fee
....						

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Notes:

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EXHIBIT R

ARTICLE 13 – IMPACT FEES
SUMMARY OF AMENDMENTS
(Updated 04/11/11)

1
2 Part 7. ULDC Table 13.E.2-17, Law Enforcement Patrol Fee Schedule for Unin. PBC Benefit
3 Zone 2, (pages 33 of 45), is hereby amended as follows:
4

Reason for amendments: [OFMB] Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for the Law Enforcement Patrol Fee Schedule for Unincorporated Palm Beach County Benefit zone 2, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

5
Table 13.E.2-17 – Law Enforcement Patrol Fee Schedule for Unin.
PBC Benefit Zone 2
Effective 12:01 AM, ~~09/10/2010~~01/2010

Land Use Type (Unit) Residential units by sq. ft.	Service Calls	Cost Per Unit	Credits	Law Enforcement Impact Fee	Discount	Net Law Enforcement Impact Fee
....						
[Ord, 2010-018]						

6
7
8 Part 8. ULDC Table 13.F.2-18, Public Building Fee Schedule, (pages 36 of 45), is hereby
9 amended as follows:
10

Reason for amendments: [OFMB].Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for the Public Buildings Fee Schedule, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

11
Table 13.F.2-18 – Public Buildings Fee Schedule
Effective 12:01 AM, ~~09/10/2010~~01/2010

Land Use Type (Unit) Residential units by Sq. Ft.	Functional Population	Cost Per Unit	Credits	Public Buildings Impact Fee	Discount	Net Public Buildings Impact Fee
....						

12
13
14 Part 9. ULDC Table 13.G.2-19, School Fee Schedule, (pages 39 of 45), is hereby amended as
15 follows:
16

Reason for amendments: [OFMB] Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for the School Fee Schedule, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

17
Table 13.G.2-19 – School Fee Schedule
Effective Date 12:01 AM, ~~09/10/2010~~01/2010

Residential units By Square Footage	Average Total Occ.	Occupancy Ages 5-17	School Impact	School Impact Fee	Discount	Net School Impact Fee
....						

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EXHIBIT R

ARTICLE 13 – IMPACT FEES
SUMMARY OF AMENDMENTS
(Updated 04/11/11)

1
2 Part 10. ULDC Table 13.H.4-20, Fair Share Road Impact Fee Schedule, (pages 43 - 44 of 45), is
3 hereby amended as follows:
4

Reason for amendments: [OFMB] Correct scrivener’s error for the effective date of September 1, 2010 specified in Ordinance 2010-018 for the Fair Share Road Impact Fee Schedule, which was superseded by a revised staff recommendation (October 1, 2010) subsequently adopted by the BCC on June 29, 2010. However, the date in the Ordinance was not updated to reflect the revised recommendation before being forwarded to the State for filing.

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Table 13.H.4-20 – Fair Share Road Impact Fee Schedule
Effective 12:01 AM, ~~09/10/2010~~**10/01/2010**

Type of Land Development Activity	Official Daily Trip Generation Per Rate Dwelling Unit or Area	Pass-By Trip Rate (percentage)	Gross Impact Fee	Discount	Net Road Impact Fee Per Unit
....					

Table 13.H.4-20 – Fair Share Road Impact Fee Schedule – Continued
Effective 12:01 AM, ~~09/10/2010~~**10/01/2010**

Type of Land Development Activity	Official Daily Trip Generation Per Rate Dwelling Unit or Area	Pass-By Trip Rate (percentage)	Gross Impact Fee	Discount	Net Road Impact Fee Per Unit
....					

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EXHIBIT S

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 3/22/11)

1
2 **Part 1. ULDC Art. 15.A.4.C. [Related to Permit Conditions and Approvals for OSTDS] (page 4**
3 **of 23 and Ordinance 2011-02 page 5), is hereby amended as follows:**
4

Reason for amendments: [Health Department] Amend Article 15, Chapter A (Environmental Control Rule I) – Onsite Sewage Treatment and Disposal to reflect updates to the Chapters 381, 386 and 403 of the Florida Statutes and Chapter 64E-6, Florida Administrative Code to clarify that any new building or structure cannot be occupied until Health Department final approval.

5 **CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND**
6 **DISPOSAL**

7 **Section 4 Permit Conditions and Approvals**

8 C. The OSTDS shall not be used or covered with earth before it has passed an inspection by the
9 Health Department and a notice of approval has been issued. Should the installer or general
10 contractor fail to notify the Health Department prior to covering the system, the Health
11 Department shall require that the system be uncovered for inspection. If the system is approved,
12 the Health Department shall issue a notice of approval to the owner. Any new building or
13 structure shall not be occupied until final approval has been issued by the Health Department.
14 **[Ord. 2011-002]**
15
16

17 **Part 2. ULDC Art. 15.A.5.A [Related to Application Data for an OSTDS: Single Lot or Parcel**
18 **and Application and Supporting Data Required for Approval] (page 4 of 23), is hereby**
19 **amended as follows:**
20

Reason for amendments: [Health Department] Amend Article 15, Chapter A (Environmental Control Rule I) – Onsite Sewage Treatment and Disposal to reflect updates to include Chapter 64E-6, of the Florida Administrative Code in reference to comply with the standards for onsite sewage treatment and disposal systems.

25 **CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND**
26 **DISPOSAL**

27 **Section 5 Application Data for an OSTDS: Single Lot or Parcel**

28 A. The application and supporting data required for approval of an OSTDS for a single lot or parcel
29 of property shall be submitted to the Health Department by the owner or his authorized
30 representative, or a contractor licensed under F.S. Chapter 489 in accordance with Chapter 64E-
31 6, F.A.C. The completed application form shall be submitted together with the following:
32 **....**
33
34

35 **Part 3. ULDC Art. 15.A.7, Approval Standards: OSTDS [Related to Minimum Net Usable Land**
36 **Area of a Lot] (pages 6 of 23), is hereby amended as follows:**
37

Reason for amendments: [Health Department] Amend Article 15, Chapter A (Environmental Control Rule I) – Onsite Sewage Treatment and Disposal to reflect updates to the Chapters 381, 386 and 403 of the Florida Statutes and Chapter 64E-6, Florida Administrative Code: 1) To eliminate the loading rates for Wellfield Protection Zones; and, 2) delete maximum sewage loading as language is already addressed.

43 **CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND**
44 **DISPOSAL**

45 **Section 7 Approval Standards: OSTDS**

46 In considering applications for permitting construction of an OSTDS, the Health Department shall be
47 governed by the following standards:

- 48 A. The lot, unless exempt under Art. 15.A.7.E, of this Article, shall have a minimum net usable land
49 area of: **[Ord. 2005 – 003]**
50 1. ~~One~~one-half acre if the water supply is by means of a community well;
51 2. ~~One~~one acre if the water supply is by means of an onsite well.
52 **....**

53 ~~F. The following additional restrictions apply to OSTDS that are proposed within the 210-day travel~~
54 ~~time contour of an existing or proposed wellfield. These restrictions apply to requests for permits~~

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EXHIBIT S

ARTICLE 15 – HEALTH REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 3/22/11)

on individual lots, existing subdivisions and new subdivisions. (The zones of influence are indicated on the PBC Wellfield protection maps, which are available from the PBC ERM).

Table 15.A.7.F-1 – Sewage Loading Rates in Wellfield Protection Zones

Travel Time (Days)	Maximum Sewage Loading (Gallons/acre/day)
Less than or equal to 30 (Zone one)	350
Greater than 30, but less than or equal to 210 (Zone two)	600

[Renumber accordingly]

~~6F.~~ The following standards shall apply when the soil profile, as required under Art. 15.A.5.A.4, of this Article, shows the presence of hardpan or bedrock or of soils classified as sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, clay and organic soils. The PBC Soil Survey prepared by the USDA Soil Conservation Service or other available data may be used by the Health Department to determine the presence of the above noted soils. [Ord. 2005 – 003]

~~1. The maximum sewage loading shall not exceed 450 gallons per acre per day after is of satisfactory quality and is not threatened by a source of contamination.~~

~~21.~~ The OSTDS shall be placed no closer than the minimum distances indicated for the following:
....

Part 4. ULDC Art. 15.A.8.E [Related to Non-Approval of an OSTDS] (pages 7 of 23), is hereby amended as follows:

Reason for amendments: [Health Department] Amend Article 15, Chapter A (Environmental Control Rule I) – Onsite Sewage Treatment and Disposal to reflect updates to the Chapters 381, 386 and 403 of the Florida Statutes and Chapter 64E-6, Florida Administrative Code, to eliminate the restrictions for commercial establishments where food is processed.

CHAPTER A (ENVIRONMENTAL CONTROL RULE I) – ONSITE SEWAGE TREATMENT AND DISPOSAL

Section 8 Conditions for Non-Approval of an OSTDS

An OSTDS shall not be approved:

.....

~~E. For commercial establishments where food is processed, handled, prepared or served. This restriction does not apply to retail or prepackaged food stores and to convenience stores where food service is limited to coffee, soft drinks and hot dogs.~~

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EXHIBIT T

CRITERIA FOR REZONING
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

1
2 Part 1. ULDC Art. 1.E.1.C.1, Determination of Extent of Vested Status in the Area of
3 Modification [Related to Prior Approvals] (page 15 of 114), is hereby amended as
4 follows:
5

Reason for amendments: [Zoning] This amendment serves to clarify that vesting for prior approvals does not include an exemption from any rezoning thresholds, regardless of whether or not the prior approval is conforming or non-conforming. Noting that Art. 1.E.B, Prior Approvals, allows for "...information clearly shown..." to be vested, but that Art. 1.E.C, Modification for Prior Approvals, establishes thresholds for when a "...proposed modification shall comply with current the current Code to the greatest extent feasible...", this amendment clarifies that where a parcel has a previous Zoning district or district that is inconsistent with it's Future Land Use (FLU) designation, that some modifications requiring Public Hearing approval may also trip the threshold requiring a rezoning. See subsequent Parts for additional information on rezoning thresholds and applicability.

6 CHAPTER E PRIOR APPROVALS

7 Section 1 General

8 C. Modification of Prior Approvals

9 1. Determination of Extent of Vested Status in the Area of Modification

10 The proposed modification shall comply with the current Code to the greatest extent possible
11 in the affected area, which also includes the determination of whether the prior approval has
12 nonconformities. A prior approval may be subject to rezoning in accordance with the
13 requirements of Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas
14 (FLUA). [Ord. 2010-005]
15
16

17 Part 2. ULDC Art. 3.A, General [Related to Overlays & Zoning Districts] (pages 15 and 16 of
18 231), is hereby amended as follows:
19

Reason for amendments: [Zoning] 1) Consolidate Standard, PDD and TDD requirements for ensuring consistency between future land use (FLU) designation and corresponding Zoning districts; and, 2) outline requirements to rezone prior zoning districts to the current applicable district and clarify thresholds.

20 CHAPTER A GENERAL

21 Section 1 Overlays and Districts

22 A. Purpose and Intent

23 In order to ensure that all development in unincorporated PBC is consistent with the Plan, it is
24 necessary to establish a series of districts and overlays to ensure that each use is compatible
25 with surrounding uses, served by adequate public facilities, and sensitive to natural resources.
26 Standard, PDD and TDD Zoning Districts, and Overlays, where applicable, have been adopted to
27 be in compliance with the Plan. [Relocated from Art. 3.C.1.A, Purpose and Intent] Each
28 district and overlay has its own purpose and permitted uses, conditional uses, special uses and
29 other regulations that control the use of land. All development within each district shall be
30 consistent with the purposes stated in this Article.

31 B. Overlays and Zoning Districts

32 In order to carry out and implement the Plan, the following ~~14~~ **14** Overlays, ~~48~~ **48** Standard Zoning
33 Districts, ~~six~~ **six** Planned Development Districts (PDDs), and ~~three~~ **three** Traditional Development Districts
34 (TDDs) are hereby established.

35 1. Overlays

- 36
37 ~~LWRCCO, Lake Worth Road Commercial Corridor Overlay~~
38
39 IRO, Infill Redevelopment Overlay
40 URAO, Urban Redevelopment Area Overlay
41 AGEO, Agricultural Enclave Overlay
42 SR-7 EDO, State Road 7 Economic Development Overlay

43 2. Standard Districts

- 44
45 IR, Infill Redevelopment
46 UI, Urban Infill
47 UC, Urban Center
48 SD, Specialized Development District

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EXHIBIT T

CRITERIA FOR REZONING
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

- 3. Planned Development Districts (PDD)
 -
 - LCC, Lifestyle Commercial Center
- 4. Traditional Development Districts (TDD)
 -

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

A. Purpose and Intent

A parcel's Zoning District shall be consistent with its Future Land Use (FLU) designation. Any request for a Development Order shall be reviewed to determine consistency with the requirements of this Section. Unless exempted otherwise, all applications for a Development Order shall be in a zoning district corresponding to the FLU designations indicated in the following tables:

- 1. Standard Districts: Table 3.A.3.B, Future Land Use Designations and Corresponding Standard Zoning Districts; or
- 2. Planned Development Districts: Table 3.A.3.C, PDD Corresponding Land Use; or
- 3. Traditional Development Districts: Table 3.A.3.D, TDD Corresponding Land Use.

[Relocated from Art. 3.C.1.A, Purpose and Intent]

B. Standard Districts

Any application for a rezoning to a Standard Zoning District shall correspond to a FLU designation indicated in the table below.

Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1)

FLU Designation	Zoning District (2)					
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR (2)	AGR				
Residential						
RR-20	AR					
RR-10	AR	CRE				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR (3)	RE	RT	AP		
LR-2	AR (3)	RE (3)	RT			
LR-3	AR (3)	RE (3)	RT			
MR-5	AR (3)	RE (3)	RT (3)	RS	RM	
HR-8	AR (3)	RE (3)	RT (3)	RS	RM	
HR-12	AR (3)	RE (3)	RT (3)	RS (3)	RM	
HR-18	AR (3)	RE (3)	RT (3)	RS (3)	RM	
Commercial						
CL-O	CLO	IR				
CL	CN	CC	CLO	IR		
CH-O	CLO	CHO	IR			
CH	CN	CC	CLO	CHO	CG	IR
CR	CRE					
UI	UI	SD				
UC	UC	SD				
Industrial						
IND	IL	IG	CRE			
EDC	IL	IG				
Institutional/Civic						
INST	IPF					
PARK	IPF					
U/T	PO					
Notes:						
1. Unless exempted otherwise, all applications for a Development Order shall require the subject site be rezoned to a shaded district.						
2. Typical Example of a "shaded district." 						
3. Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with the exceptions listed below.						

[Relocated from Table 3.C.1.A, Future land Use (FLU) Designation and Corresponding Standard Districts]

- 1. Standard District Exceptions and Limitations**
The following list of exceptions shall be permitted:

Notes:

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EXHIBIT T

CRITERIA FOR REZONING
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

- a. A rezoning shall not be required for an existing legal lot of record for the development of a SFD with accessory uses, provided the existing zoning is identified in Table 3.A.3.B, Future Land Use Designation and Corresponding Standard Zoning Districts.
- b. The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only.
- c. The AR Zoning District may be considered consistent with all FLU designations in the U/S Tier for existing agricultural uses or the purpose of permitting new agricultural uses, where in accordance with Art. 3.C.1.F.1.c, Agricultural Uses in the U/S Tier.
- d. The PO District is consistent with all FLU designations.
- e. The AGR District is consistent with the SA FLU designation in the AGR Tier only.
- f. The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan.
- g. The AP District is consistent with the LR-1 designation in the Glades Tier only for legal lots of records located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point.
- h. The RM District is consistent with the MR-5 designation only for those areas already zoned RM, prior to the Plan's August 31, 1989 adoption.
- i. Certain uses in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards.
- j. Existing institutional or civic uses in the AR, RE, RT, RS or RM districts with an INST FLU designation shall not be considered non-conforming. However, a rezoning shall be required for any action exceeding DRO Authority.
- k. A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU designation provided that any subdivision or development is consistent with all development standards and use regulations for the PC district.

[Relocated from Art. 3.C.1.B, Standard District Exceptions and Limitations, unless identified otherwise above]

C. Planned Development Districts (PDDs)

Any application for a rezoning to a PDD shall correspond to a FLU designation indicated in the table below.

Table 3.C.1.C – FLU Designation and Corresponding Planned Development Districts ¹

	AGR ²	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
PUD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
MHPD	✓	✓	✓	✓	✓	✓	✓	✓	✓		
MXPD								(3)	(3)		

	AGR ¹	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
MUPD			✓	✓	✓	✓	✓	✓	✓	✓	✓
MXPD				✓		✓				✓	✓
PIPD							✓			✓	✓
RVPD		✓							✓		
LCC			✓	✓							

Notes:

1. Check (✓) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation.
2. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD.
3. MXPD shall be permitted when located at an intersection, as defined by the Plan, or when adjacent to a parcel with a CH FLU designation.

[Relocated from Table 3.E.1.B, FLU Designation and Corresponding Planned Development Districts]

D. Traditional Development Districts (TDDs)

Any application for a rezoning to a TDD shall correspond to a FLU designation indicated in the table below.

Table 3.C.1.D - TDD Corresponding Land Use

	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
TND			✓	✓	✓	✓	✓	✓	✓	✓	✓
TTD			✓	✓	✓	✓	✓	✓	✓	✓	
	AGR	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
TMD			✓	✓	✓	✓			✓	✓	✓

Legend: Check (✓) indicates the TDD corresponds to the FLU category. Any application for a rezoning to a TDD shall be to a TDD that corresponds to a FLU designation. [Ord. 2008-037]

[Relocated from Table 3.E.1.B, FLU Designation and Corresponding Planned Development Districts]

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EXHIBIT T

CRITERIA FOR REZONING
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

E. Exceptions for Prior Approvals

Any application for a Development Order that requires Public Hearing approval, excluding Status Reports, EAC, Class B Conditional Uses or Type II Variances, shall be accompanied by an application to rezone to a current Zoning district. Any application for a Development Order that does not exceed the threshold requiring rezoning shall comply with the applicable requirements of the corresponding district, except for any information permitted to be carried forward from a prior approval. [Relocated from Art. 3.C.1.C.2 (Related to Previous Standard Zoning Districts) and Art. 3.E.1.A.2, Applicability (related to PDDs)]

1. Standard Districts

The following previously established zoning districts shall correspond to the current districts indicated:

- a. The Specialized Agriculture (SA) District shall correspond to the AP District in the Glades Tier, the AGR District in the AGR Tier, and the AR District in the Rural Tier.*
- b. Rural Services (RSER) District shall correspond to the AR District.*
- c. Residential Transitional Suburban (RTS) District shall correspond to the RT District.*
- d. Residential Transitional Urban (RTU) District shall correspond to the RS District.*
- e. Multifamily Residential High Density (RH) District shall correspond to the RM District.*
- f. Specialized Commercial High (CSH) and Specialized Commercial (CS) District shall correspond to the Commercial High Office District (CHO) District.*

[Relocated from Art. 3.C.1.C, Previous Zoning Districts]

2. Planned Development Districts

The following previous approvals shall correspond to the current districts indicated:

- a. Special exceptions for PUDs shall correspond to a PUD. [Relocated from Art. 3.E.2.A.2, Applicability (Related to PUDs)]*
- b. Special exceptions for large-scale community or regional shopping centers (30,000 square feet or 50,000 square feet of total floor area or more), Planned Commercial Developments (PCDs), Planned Neighborhood Commercial Developments (PNCs), Planned General Commercial Developments (PGCDs), Planned Office Business Parks (POBPs) and Planned Industrial Developments (PIDs) shall correspond to a MUPD. [Relocated from Art. 3.E.3.A.2, Applicability (Related to MUPDs)]*
- c. Special exceptions for PIPDs shall correspond to a PIPD. [Relocated from Art. 3.E.2.A.2, Applicability (Related to PIPDs)]*
- d. Special exceptions for MHPDs shall correspond to a MHPD. [Relocated from Art. 3.E.2.A.2, Applicability (Related to MHPDs)]*
- e. Special exceptions for RVPDs shall correspond to a RVPD. [Relocated from Art. 3.E.2.A.2, Applicability (Related to RVPDs)]*
- f. Any of the above where approved as a conditional use approval as opposed to a special exception.*

Part 3. ULDC Art. 3.C.1, Future Land Use Designation and Corresponding Districts (page 117-118 of 231), is hereby amended as follows:

Reason for amendments: [Zoning] Delete FLU Designation and Corresponding Districts and relocate to new Art. 3.A.3, Future Land Use (FLU) Designation and Corresponding Districts to allow for consolidation of related requirements for standard districts, PDD's and TDD's.

CHAPTER C STANDARD DISTRICTS

Section 1 General Future Land Use (FLU) Designation and Corresponding Districts

~~**A. Purpose and Intent**~~

~~The purpose of this section is to ensure that all development (land uses) is consistent with the Future Land Use Atlas of the Plan. Standard, PDD and TDD zoning districts have been adopted to be in compliance with the Plan. Unless exempted otherwise, all new development or subdivision of property shall be in a zoning district corresponding to the FLU designations indicated in the following tables:~~

- ~~1. Standard Districts: Table 3.C.1.A, Future Land Use Designations and Corresponding Standard Zoning Districts; or~~
- ~~2. Planned Development Districts: Table 3.E.1.B, PDD Corresponding Land Use; or~~
- ~~3. Traditional Development Districts: Table 3.F.1.E, TDD Corresponding Land Use.~~

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EXHIBIT T

CRITERIA FOR REZONING
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

Table 3.C.1.A – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1)

FLU Designation	Zoning District (2)					
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR (2)	AGR				
Residential						
RR-20	AR					
RR-10	AR	CRE ⁴				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR (3)	RE	RT	AP		
LR-2	AR (3)	RE (3)	RT			
LR-3	AR (3)	RE (3)	RT			
MR-5	AR (3)	RE (3)	RT (3)	RS	RM	
HR-8	AR (3)	RE (3)	RT (3)	RS	RM	
HR-12	AR (3)	RE (3)	RT (3)	RS (3)	RM	
HR-18	AR (3)	RE (3)	RT (3)	RS (3)	RM	
Commercial						
CL-O	CLO	IR				
CL	CN	CC	CLO	IR		
CH-O	CLO	CHO	IR			
CH	CN	CC	CLO	CHO	CG	IR
CR	CRE					
Industrial						
IND	IL	IG	CRE			
EDC	IL	IG				
Institutional/Civic						
INST	IPF					
PARK	IPF					
U/T	PO					
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005]						
Notes:						
1. Unless exempted otherwise all new development such as any application for a rezoning, conditional use or subdivision of property shall require the subject site be rezoned to a shaded district.						
2. Typical Example of a "shaded district." 						
3. Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with Art. 3.C.1.B.1.						

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B. Standard District Exceptions and Limitations

The following list of exceptions shall be permitted: **[Ord. 2008-003]**

1. A rezoning shall not be required for an existing legal lot of record for the development of a SFD with accessory uses, provided the existing zoning is identified in Table 3.C.1.A, Future Land Use Designation and Corresponding Standard Zoning Districts. **[Ord. 2008-003]**
2. The PO District is consistent with all FLU designations. **[Ord. 2008-003]**
3. The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only. **[Ord. 2008-003]**
4. The AGR District is consistent with the SA FLU designation in the AGR Tier only. **[Ord. 2008-003]**
5. The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan. **[Ord. 2008-003]**
6. The AP District is consistent with the LR-1 designation in the Glades Tier only for legal lots of records located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point. **[Ord. 2008-003]**
7. The RM District is consistent with the MR-5 designation only for those areas already zoned RM, prior to the Plan's August 31, 1989 adoption. **[Ord. 2008-003]**
8. Certain uses in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards. **[Ord. 2008-003]**
9. Existing institutional or civic uses in the AR, RE, RT, RS or RM districts with an INST FLU designation shall not be considered non-conforming. However, a rezoning shall be required for any action exceeding DRO Authority **[Ord. 2008-003]**
10. A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU designation provided that any subdivision or development is consistent with all development standards and use regulations for the PC district. **[Ord. 2008-003]**
11. The AR district may be considered consistent with all FLU designations in accordance with Art. 3.C.1.F.1.c.2), New Agricultural Uses. **[Ord. 2008-037]**

C. Previous Zoning Districts

1. The following previously established zoning districts correspond to the current districts:

Notes:

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EXHIBIT T

CRITERIA FOR REZONING
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

- 1 ~~a. The Specialized Agriculture (SA) District shall correspond to the AP District in the Glades~~
- 2 ~~Tier, the AGR District in the AGR Tier, and the AR District in the Rural Tier.~~
- 3 ~~b. Rural Services (RSER) District shall correspond to the AR District.~~
- 4 ~~c. Residential Transitional Suburban (RTS) District shall correspond to the RT District.~~
- 5 ~~d. Residential Transitional Urban (RTU) District shall correspond to the RS District.~~
- 6 ~~e. Multifamily Residential High Density (RH) District shall correspond to the RM District.~~
- 7 ~~f. Specialized Commercial High (CSH) and Specialized Commercial (CS) District shall~~
- 8 ~~correspond to the Commercial High Office District (CHO) District.~~
- 9 ~~2. Where the corresponding district for a parcel is consistent with its FLU designation, a~~
- 10 ~~rezoning shall not be required, provided that any development is consistent with the~~
- 11 ~~requirements of the corresponding district. Any application that requires Public Hearing~~
- 12 ~~approval shall be accompanied by an application to a current Zoning district. [Relocated to~~
- 13 ~~new Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA)]~~

AD. Agricultural District

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BE. Conservation District

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CF. Residential Districts

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DG. Commercial Districts

....

EH. PRA, Priority Redevelopment Area Districts

....

FI. Industrial Districts

....

GJ. Public and Institutional Districts

....

Part 4. ULDC Art. 3.C.1.F, Agricultural Residential District, (page 122 of 231), is hereby amended as follows:

Reason for amendments: [Zoning] Correct scrivener's error that inadvertently misconstrued allowance for bona-fide agricultural uses in the U/S Tier without required Conditional Use approval.

CHAPTER C STANDARD DISTRICTS

Section 1 Future Land Use (FLU) Designation and Corresponding Districts

F. Residential Districts

1. AR, Agriculture Residential District

The AR district is to protect and enhance the rural lifestyle and quality of life of residents in areas designated rural residential, to protect watersheds and water supplies, wilderness and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes.

a. Previously Approved RSER and Non-residential Uses

The previously approved site in the RSER zoning district (Petition 1999-011 Everglades Farm Equipment Co.) requested before the effective date of this ordinance, may be developed as a conforming use ~~in accordance with an approved DOA~~. [Ord. 2005 – 002]

b. Special Agriculture Uses

Additional non-residential uses may be allowed in the AR/Rural/Exurban district with a SA FLU.

c. Agricultural Uses in the U/S Tier

1) Existing Agricultural Uses Applicability

Agricultural uses *in the U/S Tier* existing at the time of adoption of this Code permitting agricultural uses ~~in the U/S Tier~~ shall be considered conforming. Any expansion of existing agricultural uses shall be ~~consistent with~~ *subject to* all applicable requirements ~~and subject to review and/or approval by the appropriate staff or review board as identified in this Code~~.

2) New Agricultural Uses

Agricultural uses not listed as permitted in the U/S Tier shall only be permitted as an interim use subject to Class A conditional use approval. ~~The AR Zoning District shall be considered consistent with all FLUA designations in the U/S Tier for the purpose of permitting agricultural uses~~. [Relocated to new Art. 3.A.3.B, Standard District Exceptions and Limitations]

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EXHIBIT T

CRITERIA FOR REZONING
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

Part 5. ULDC Art. 3.E, Planned Unit Development Districts (PDDs), (pages 138-139, 158, 170-171, 176, 179 and 182 of 231), is hereby amended as follows:

Reason for amendments: [Zoning] 1) Delete Zoning district and corresponding FLU requirements and relocate to new Art. 3.A.3 to consolidate all similar standards; and, 2) Clarify where specific PDD standards apply to "Previous Approvals".

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

A. General

2. Applicability

In addition to the other Articles in this Code, the requirements of this Chapter shall apply to all PDDs, modifications to previously approved PDDs, and modifications to previously approved special exceptions for planned developments, unless otherwise stated.

a. Previous Approvals

Previously approved planned developments with a valid development order that does not conform to provisions in this Code shall be considered conforming in accordance with Art. 1.E, Prior Approvals, where in compliance with the requirements of Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA). ~~Nonconforming uses shall comply with 1.F, Nonconformities, and any other applicable requirements, unless stated otherwise herein.~~ [Ord. 2009-040]

1) Development Order Amendment

Shall be in compliance with Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA). ~~Any DOA to a prior approval, including but not limited to additional requested uses, changes exceeding the thresholds for DRO amendments, rezoning, or any other Zoning process requiring BCC approval, shall be required to rezone to a PDD. An exception shall be permitted where the affected area of the request does not include all property owners and consent cannot be obtained.~~ [Relocated to new Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA)]

....

B. FLU Consistency, FAR, Density, and Use Standards

1. Future Land Use (FLU) Designation

~~The FLU designation which correspond to each PDD are indicated in Table 3.E.1.B, FLU Designation and Corresponding Planned Development Districts.~~ [Ord. 2009-040]

Table 3.E.1.B – FLU Designation and Corresponding Planned Development Districts¹

	AGR ²	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
PUD	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
MHPD	✓	✓	✓	✓	✓	✓	✓	✓	✓		
MXPDP								(3)	(3)		

	AGR ³	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
MUPD			✓	✓	✓	✓	✓	✓	✓	✓	✓
MXPDP				✓		✓				✓	✓
PIPD							✓			✓	✓
RVPD		✓							✓		
LCC			✓	✓							

Notes:[Ord. 2008-037] [Ord. 2010-005]
 1. Check (✓) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037]
 2. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]
 3. MXPDP shall be permitted when located at an intersection, as defined by the Plan, or when adjacent to a parcel with a CH FLU designation. [Ord. 2010-005]

[Relocated to new Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA)]
[ReNUMBER Accordingly]

Section 2 Planned Unit Development (PUD)

A. General

2. Applicability

Notes:
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EXHIBIT T

CRITERIA FOR REZONING
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

The requirements of this Section shall apply to all PUDs, modifications to previously approved PUDs, and modifications to previous approvals specified in Art. 3.A.3.A.2, Planned Development Districts ~~previously approved special exceptions for PUDs~~, unless otherwise stated. ~~Refer to Art. 3.E.1.A.2.a, Previous Approvals, for additional requirements.~~ [Ord. 2009-040] [Relocated to new Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA)]

....

Section 3 Multiple Use Planned Development (MUPD)

A. General

....

2. Applicability

The requirements of this Section shall apply to all MUPDs, modifications to previously approved MUPDs, and modifications to previous approvals specified in Art. 3.A.3.A.2, Planned Development Districts ~~previously approved special exceptions for large-scale community or regional shopping centers (30,000 square feet or 50,000 square feet of total floor area or more), Planned Commercial Developments (PCDs), Planned Neighborhood Commercial Developments (PNCDs), Planned General Commercial Developments (PGCDs), Planned Office Business Parks (POBPs) and Planned Industrial Developments (PIDs)~~, unless otherwise stated. ~~Refer to Art. 3.E.1.A.2.a, Previous Approvals, for additional requirements.~~ [Ord. 2009-040] [Relocated to new Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA)]

....

Section 5 Planned Industrial Park Development (PIPD)

A. General

....

2. Applicability

The requirements of this Section shall apply to all PIPDs, modifications to previously approved PIPDs, and modifications to previous approvals specified in Art. 3.A.3.A.2, Planned Development Districts ~~previously approved special exceptions for PIPDs~~, unless otherwise stated. ~~Refer to Art. 3.E.1.A.2.a, Previous Approvals, for additional requirements.~~ [Ord. 2009-040] [Relocated to new Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA)]

....

Section 6 Mobile Home Planned Development District (MHPD)

A. General

....

2. Applicability

The requirements of this Section shall apply to all MHPDs, modifications to previously approved MHPDs, and modifications to previous approvals specified in Art. 3.A.3.A.2, Planned Development Districts ~~previously approved special exceptions for MHPDs~~, unless otherwise stated. ~~Refer to Art. 3.E.1.A.2.a, Previous Approvals, for additional requirements.~~ [Ord. 2009-040] [Relocated to new Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA)]

....

Section 7 Recreational Vehicle Planned Development District (RVPD)

A. General

....

2. Applicability

The requirements of this Section shall apply to all RVPDs, modifications to previously approved RVPDs, and previous approvals specified in Art. 3.A.3.A.2, Planned Development Districts ~~modifications to previously approved special exceptions for RVPDs~~, unless ~~otherwise stated a rezoning is required pursuant to Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA).~~ [Relocated to new Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA)]

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EXHIBIT T

CRITERIA FOR REZONING
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

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Part 6. ULDC Art. 3.F.1.E, Residential Density and Plan Land Use Designations and Density (page 157 of 195), is hereby amended as follows:

Reason for amendments: [Zoning] Delete Zoning district and corresponding FLU requirements and relocate to new Art. 3.A.3 to consolidate all similar standards.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 1 General Provisions for TDDs

~~E. FLUA Consistency, FAR and Residential Density and Plan Land Use Designations and Density~~

~~The Plan land use designations which correspond to the various TDDs shall be determined by Table 3.F.1.E, TDD Corresponding Land Use.~~

~~1. Land Use Categories~~

~~Any application for a rezoning to a TDD shall be in accordance with Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA). The Land Use categories in the Plan, which correspond to each TDD are indicated in Table 3.F.1.E, TDD Corresponding Land Use.~~

~~....~~

~~Table 3.F.1.E – TDD Corresponding Land Use~~

	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC
TND			∨	∨	∨	∨	∨	∨	∨	∨	∨
TTD			∨	∨	∨	∨	∨	∨	∨	∨	
	AGR	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
TMD			∨	∨	∨	∨			∨	∨	∨

~~Legend: Check (∨) indicates the TDD corresponds to the FLU category. Any application for a rezoning to a TDD shall be to a TDD that corresponds to a FLU designation. [Ord. 2008-037]~~

[Relocated to new Art. 3.A.3, Zoning District Consistency with Future Land Use Atlas (FLUA)]

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Notes:

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EXHIBIT U

GENERATORS
SUMMARY OF AMENDMENTS
(Updated 03/07/11)

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Part 1 ULDC Art.3.F.2.A.7, Recreation Clubhouse Emergency Generators [Related to Traditional Development District] (page 210 of 231), is hereby amended as follows:

Reason for amendments: [Zoning] Per BCC direction, Ordinance 2005-004 required that club houses greater than 2,500 square feet and all CLF's and Nursing Homes provide emergency generators. The following year, at the request of industry, the threshold for clubhouses was increased from 2,500 to 20,000 square feet, as adopted in Ordinance 2007-013. At this time, the requirement listed under TDDs was inadvertently left at 2,500 square feet.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 2 General Standards

A. Applicability

The following standards shall apply to all TDDs:

....

7. Recreation Clubhouse Emergency Generators

A permanent emergency generator shall be required for all TDD clubhouses ~~2,500~~ **20,000** square feet or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators. [Ord. 2006-004]

Part 2 ULDC Art.5.B.1.A.18.a.2).a), Exceptions [Related to Permanent Generators] (page 24 of 90), is hereby amended as follows:

Reason for amendments: [Zoning] 1) The use of the term "exception" as applies to requirements for generators has been changed to "exemption" for consistency with language in the subsequent text; and, 2) Ordinance 2010-005 included reorganization of Article 1.E, Prior Approvals, and 1.F, Nonconformities, which requires the following amendments to Permanent Generator requirements: a) prior references to Art. 1.E.1.C.2, Structural Renovations and Additions are no applicable, as thresholds are applied within the affected area of a Development Order, therefore the previous reference is hereby deleted, and b) the terminology for "current assessed value" has been replaced with the term "improvement value" for purposes of determining percentage valuation for improvements to prior approvals and non-conformities.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

18. Permanent Generators

a. Applicability

2) Type II and III CLF, Club Houses and Nursing or Convalescent Facility

A permanent emergency generator shall be required for all Type II and III CLFs, Nursing or Convalescent Facilities, and PDD or TDD clubhouses 20,000 square feet, or greater. [Ord. 2006-004] [Ord. 2007-013]

a) ~~Exceptions~~ **Exemptions**

- (1) Developments that have a BCC or DRO approved plan that graphically indicates a clubhouse(s) shall be exempt from the generator requirement except for projects that exceed 75 percent or more of the assessed value as stated below. [Ord. 2007-013]
- (2) Renovations or additions that do not exceed 75 percent or more of the ~~current assessed value~~ **Improvement Value** may be exempt ~~from these requirements in accordance with Art. 1.E.1.C.2, Structural Renovations and Additions.~~ [Ord. 2007-013]
- (3) A PDD or TDD clubhouse located in the Coastal High Hazard Area as defined by the Plan, shall be exempt from this requirement. [Ord. 2007-013]
- (4) A PDD or TDD that has one or more clubhouses with a generator meeting the requirements of this Section, shall be exempt for any other remaining clubhouses within the development. [Ord. 2007-013]

....

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EXHIBIT V

**GAS AND FUEL RETAIL
SUMMARY OF AMENDMENTS
(Updated 04/19/11)**

1
2 **Part 1. ULDC Art.1.1.2, Definitions (pages 39 and 49 of 114), is hereby amended as follows:**
3

Reason for amendments: [Zoning] Establish new Retail Gas and Fuel use to allow for more flexibility when collocated with other uses such as: Type I Restaurants, General Repair and Maintenance, Car Washes, or other similar uses. Convenience Store with Gas Sales use will be retained. Development of new auto station uses has essentially been phased out due to changes in the marketplace and industry trends towards the use of convenience store/gas sales uses, large retail auto parts stores/auto service centers, and specialty auto service centers such as oil lube facilities, brake and muffler shops, the latter of which generally fall under the general repair and maintenance use. Definition for Auto Service Station is being retained to coordinate with amendments to Supplementary Standards that recognize that these previous approvals will not be rendered non-conforming.

4 **CHAPTER I DEFINITIONS & ACRONYMS**

5 **Section 2 Definitions**

6
7 **A. Terms defined herein or referenced Article shall have the following meanings:**

8
9 **107. Auto Service Station** –an establishment primarily engaged in the retail sale of gasoline or
10 motor fuels, ~~including An auto service station may include~~ accessory activities such as the
11 sale of vehicle accessories or supplies, the lubrication of motor vehicles, the minor
12 adjustment or minor repair of motor vehicles, the sale of convenience food items, or an
13 accessory restaurant.

14
15 **C. Terms defined herein or referenced Article shall have the following meanings:**

16
17 **101. Convenience Store** - an establishment ~~serving a limited market area and~~ engaged in the
18 retail sale of food, beverages, and other frequently or recurrently needed items for household
19 use or consumption.

20 **102. Convenience Store with Gas Sales** - ~~a convenience store an establishment engaged in the~~
21 ~~retail sale of food, beverages, and other frequently or recurrently needed items for household~~
22 ~~use or consumption, and which~~ includes ~~accessory gasoline~~ retail sales of motor fuels to the
23 general public.

24
25 **G. Terms defined herein or referenced Article shall have the following meanings:**

26
27 **4. Gas and Fuel, Retail** – an establishment engaged in the sale of motor fuels to the general
28 public.

29 **54. Gas and Fuel, Wholesale** - the use of land for bulk storage and wholesale distribution of
30 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of
31 flammable gas, excluding below-ground storage which is clearly accessory to the principal
32 use on the site.

33 **[Renumber Accordingly.]**

34
35
36 **Part 2. ULDC Table 3.B.2.B, Airport Use Regulations (page 18 of 231), is hereby amended as**
37 **follows:**
38

Reason for amendments: [Zoning] Establish new Retail Gas and Fuel Sales use and applicability within AZO.

39
40 **Table 3.B.2.B - Airport Use Regulations**

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs ⁽¹⁾	Note ⁽²⁾	Use Applicable to Specific Airport
Residential Uses					
Security or Caretaker Quarter	S	S	CG or IG	119	All
Commercial Uses					
.... <u>Gas and Fuel, Retail</u>		<u>A</u>	<u>CG</u>	<u>18</u>	<u>All</u>
....					
[Ord. 2006-036] [Ord. 2008-003][Ord. 2010-009] [Ord. 2010-022]					

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EXHIBIT V

GAS AND FUEL RETAIL
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

1
2 Part 5. ULDC Table 3.E.1.B, PDD Use Matrix (pages 106-107 of 195), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning] 1) Establish new Retail Gas and Fuel Sales use and applicability within PDDs; and, 2) Recognize PDDs as developments with minimum acreage standards with additional requirements for design and layout that merits allowing for more intense commercial uses for parcels with a Commercial Low (CL) Future Land Use designation, noting the fact that auto service stations have previously been permitted.

FLUE Plan Objectives and Policies to support the above:

- FLUE Policy 4.4-6 [MXPDP] indicates that a MXPDP "...shall include an integrated mix of residential uses, open space, high intensity commercial uses..." with multiple other policies to address transition and compatibility.
- Objective 1.3 and 1.4 (Exurban and Rural Tiers) provide for policies that encourage the clustering of central community places, require commercial development to either be in the form of a TMD or utilize rural design guidelines to protect the character of the tier or minimize impacts on surrounding development.
- Commercial Low FLU category: Allows for a limited range of neighborhood-oriented uses intended to primarily serve adjacent residential areas, requiring additional site design requirements in order to ensure compatibility with adjacent uses.
- PIPD: Primarily intended as an economic activity center to accommodate manufacturing, research and development and other value added activities. While support services as permitted, it is necessary to limit such to commercial use zones to ensure that the overall purpose and intent of a PIPD is consistent with the Plan.
- MUPD with IND FLU designation: Commercial uses should either be accessory to industrial uses, or of an industrial nature.

5

Table 3.E.1.B - PDD Use Matrix cont'd

Use Type	PUD					MUPD					MXPDP		PIPDP			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 R	I N D	I N D S T	C H	C H	O	I N D	C M		I N D	M D P D	R V D	C L	C H
Commercial Uses																							
....																							
Auto Service Station		R				R	R			R			R			P	P	P				R	18
Gas and Fuel, Retail		R				R	R						R			P	R	P				R	18
....																							
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2007-013] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-009]																							
Notes:																							
P Permitted by right																							
D Permitted subject to approval by the DRO																							
S Permitted in the district only if approved by Special Permit																							
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																							

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EXHIBIT V

GAS AND FUEL RETAIL
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

Part 6. ULDC Table 4.A.3.A – Use Matrix (pages 14 -15 of 166), is hereby amended as follows:

Reason for amendments: [Zoning] Establish new Retail Gas and Fuel use and applicability within Standard Zoning Districts.

Table 4.A.3.A - Use Matrix Continued

Use Type	Zoning District/Overlay																NOTE	
	Agriculture/Conservation			Residential				Commercial					Industry/Public					
	P C	A G R	A P	AR		R E S	R T S	R M	C N	C L O	C C O	C H O	C G E	I L	I G	P O		I P F
				R S A	U S A													
Commercial Use																		
....																		
<u>Auto Service Station</u>												<u>A</u>	<u>A</u>		<u>B</u>	<u>D</u>	<u>18</u>	
<u>Gas and Fuel, Retail</u>									<u>A</u>	<u>A</u>	<u>A</u>			<u>B</u>	<u>D</u>		<u>18</u>	
....																		
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2010-005] [Ord. 2010-009].																		
Key:																		
P Permitted by right																		
D Permitted subject to approval by the DRO																		
S Permitted in the district only if approved by Special Permit																		
B Permitted in the district only if approved by the Zoning Commission (ZC)																		
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																		

Part 7. ULDC Art. 4.B.1.A.18, Auto Service Station (pages 35-37 of 166), is hereby amended as follows:

Reason for amendments: [Zoning] Establish new Retail Gas and Fuel use to replace outdated Auto Service Station use, which may still be accommodated through the collocation of other uses permitted in the applicable district (e.g. an auto service station would be the combination of Retail Gas and Fuel and General Repair and Maintenance).

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

18. ~~Gas and Fuel, Retail Auto Service Station~~

An establishment primarily engaged in the retail sale of motor fuels to the general public. ~~An auto service station may include accessory activities such as the sale of vehicle accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, the sale of convenience food items, or an accessory restaurant.~~

a. Approval Criteria

Prior to approving a Conditional conditional or Requested Use requested use for Retail Gas and Fuel an auto service station, the BCC shall make a finding that the use is appropriately located. In making the determination that the use is appropriately located, the BCC shall consider whether or not:

- 1) Adequate ingress and egress have been provided. [Ord. 2006-004]
- 2) Adequate buffering and setbacks from residential areas have been provided. [Ord. 2006-004]
- 3) Sufficient vehicle stacking, circulation, access, and area for turning movements have been provided. [Ord. 2006-004]
- 4) The number of fueling positions proposed is excessive. [Ord. 2006-004]
- 5) There are an excessive number of similar stations in the vicinity. [Ord. 2006-004]

b. Location Criteria

1) Intersection Criteria

A maximum of two Retail Gas and Fuel, Convenience Store with Gas Sales, ~~auto service stations convenience stores with gas sales,~~ or any combination thereof, shall

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EXHIBIT V

GAS AND FUEL RETAIL
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

- 1 ~~may~~ be permitted at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria.
2 **[Ord. 2006-004]**
- 3 **2) Separation Criteria**
- 4 ~~Retail Gas and Fuel An auto service station~~ shall be separated from any other Retail
5 Gas and Fuel, or Convenience Store with Gas Sales, auto service station or
6 convenience store with gas sales pursuant to Art. 5.E.2.C.1. **[Ord. 2006-004]**
- 7 **3) CL FLU in U/S Tier**
- 8 ~~Where permitted in a Use Matrix, Retail Gas and Fuel An auto service station~~ with a
9 CL FLU designation shall ~~also~~ comply with ~~the Major Intersection Criteria in~~ Article
10 5.E.1, Major Intersection Criteria. **[Ord. 2006-004]**
- 11 **4) CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers**
- 12 ~~Where permitted in a Use Matrix, Retail Gas and Fuel An auto service station~~ shall
13 ~~also~~ be located within 1,000 feet of at the intersection of one collector and arterial
14 street, or two arterial streets, as listed in the Florida Department of Transportation
15 (FDOT) PBC Federal Functional Classification Table. **[Ord. 2006-004]**
- 16 **5) WCRA Overlay**
- 17 ~~Retail Gas and Fuel Auto Service Stations~~ are prohibited in the NR, NRM, and NG
18 sub-areas, as per Table 3.B.1445.E – WCRAO Sub-area Use Regulations. **[Ord.**
19 **2006-004]**
- 20 **c. Collocated Uses Restaurant**
- 21 ~~Other uses, such as general repair and maintenance, general retail sales, restaurants,~~
22 ~~convenience stores, and car washes A restaurant~~ may be collocated with retail gas and
23 fuel an auto service station and subject to the Supplementary Use Standards use
24 regulations applicable to the Collocated Use restaurant. **[Ord. 2006-004]**
- 25 **d. Parking for Accessory Automatic Car Wash**
- 26 Parking for an accessory automatic car wash may be exempt from the parking
27 requirements of Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements,
28 subject to DRO approval. **[Ord. 2006-004]**
- 29 **e. Additional Accessory or Collocated Use Standards**
- 30 **1) Enclosed Repair**
- 31 All ~~accessory~~ repair activities shall be conducted within an enclosed structure. No
32 outdoor storage of disassembled vehicles, or parts thereof, shall be permitted on site.
- 33 **2) Delivery Vehicles**
- 34 Parking of delivery vehicles shall be permitted only within a designated loading
35 space. Overnight parking of delivery vehicles on-site shall be prohibited.
- 36 **3) Vehicle Testing**
- 37 Vehicles shall not be tested off-site on residential streets.
- 38 **4) Loudspeakers**
- 39 No outdoor speaker or public address systems audible off-site shall be permitted.
- 40 **f. TMD and LCC Districts**
- 41 ~~Retail Gas and Fuel Automotive service stations~~ shall ~~only~~ be permitted ~~only~~ on sites that
42 are within 500 feet of the perimeter of the development. ~~The maximum site area is per~~
43 ~~station shall not exceed 10,000 square feet of GFA.~~ Gasoline pumps shall be located in
44 the rear or side of a building with access from an alley, interior parking area, or a street
45 not designated as a main street. **[Ord. 2010-005]**
- 46 **g. Infill Redevelopment Overlay (IRO) Approval Process Exceptions**
- 47 ~~Retail Gas and Fuel An automotive service station~~ located on a parcel with a CH FLU
48 designation within the Core Transect Zone may be approved by the DRO. **[Ord. 2010-**
49 **005]**
- 50 **h. Previously Approved Auto Service Stations**
- 51 A prior approval for an Automotive Service Station shall correspond to Retail Gas and
52 Fuel. An Auto Service Station that complies with the requirements for Retail Gas and
53 Fuel shall not be considered a Non-conforming Use. Any other approved uses shall be
54 subject to the Additional Accessory or Collocated Use standards above.
- 55 **i. h. Nonconformities**
- 56 For Retail Gas and Fuel or a Automotive Service Station ~~an automotive service station~~
57 ~~with gasoline sales~~, the applicant may be allowed to either increase the floor area of the
58 store or increase the number of pumps subject to the percentage ten percent limitation of
59 Art. 1.F, Nonconformities, and approval of a Traffic Study by the Engineering
60 Department. **[Ord. 2010-005]**

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EXHIBIT V

GAS AND FUEL RETAIL
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

1
2 Part 8. ULDC Art. 4.B.1.A.37, Convenience Store with Gas Sales (pages 45-46 of 166), is
3 hereby amended as follows:
4

Reason for amendments: [Zoning] Clarify applicability of limitations on expansion for Non-conformities.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 37. Convenience Store with Gas Sales

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

10

11 k. Nonconformities

12 For a Convenience Store with Gas Sales ~~convenience store with gasoline sales~~, the
13 applicant may be allowed to either increase the floor area of the store or increase the
14 number of pumps subject to the percentage ~~ten-percent~~ limitation of Art. 1.F,
15 Nonconformities, and approval of a Traffic Study by the Engineering Department. [Ord.
16 2010-005]
17
18

19 Part 9. ULDC Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements (page 45-
20 5 of 38), is hereby amended as follows:
21

Reason for amendments: [Zoning] Apply parking requirements for deleted Auto Service Station to new
Retail Gas and Fuel Sales. Existing or proposed accessory or collocated uses would apply the
appropriate parking standards.

22 Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd

Use Type: Commercial	Parking ¹	Loading ²
....		
<u>Auto service station</u> <u>Gas and Fuel, Retail</u>	1 space per 250 sq. ft., excluding bays; plus 2 spaces per repair bay	E
....		
[Ord. 2005-002] [Ord. 2009-040]		
Loading Key:		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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EXHIBIT W

DAY CARE
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

1
2 Part 1. ULDC Art. 1.1.2.D.5, Day Care [Related to Definitions] (page 50 of 114), is hereby
3 amended as follows:
4

Reason for amendments: [ZONING/HEALTH DEPT] 1) Update definition of Day Care to match revised
language in Art. 4, Use Regulations as contained in Part 3 of this exhibit; 2) Introduce new definitions for
consistency with language proposed in Article 4 for Day Care.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

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

- 8 5. Day Care - An establishment that provides care, protection and supervision for children when
9 licensed by the Palm Beach County Health Department, or for adults when licensed by the
10 Agency for Health Care Administration (AHCA), as specified below:
11 a. General - A Day Care an establishment licensed by the Health Department, which
12 provides care, protection and supervision for 21 or more children or adults for a period of
13 less than 24 hours per day on a regular basis.
14 b. Limited - A Day Care an establishment licensed by the Health Department, which
15 provides daytime care, protection and supervision for six to 20 children, or three to 20
16 adults, for a period of less than 13 hours per day on a regular basis. Limited day care
17 does not include nighttime or overnight care.
18 c. Family Day Care Home - An occupied residence in which custodial care is rendered to
19 one to six children, inclusive, and for which the owner or operator receives a payment,
20 fee, or grant for any of the children receiving care, whether or not operating for profit,
21 shall be permitted by right in Residential Zoning districts, in accordance with F.S. §
22 125.0109, and exempt from any standards other than those applicable to residential
23 uses.
24 d. Large Family Child Care Home (LFCCH) - An occupied single family residence in which
25 custodial care is regularly provided for up to 12 children, and for which the owner or
26 operator receives a payment, fee, or grant for any of the children receiving care, whether
27 or not operated for profit, and has at least two-full time child care personnel on the
28 premises during the hours of operation. One of the full-time child care personnel must be
29 the owner or occupant of the residence.

31
32 Part 2. ULDC Art. 1.1.3, Abbreviations and Acronyms (page 112 of 114), is hereby amended as
33 follows:
34

Reason for amendments: [ZONING/HEALTH DEPT] Introduce new acronym for Large Family Child
Care Home.

35 CHAPTER I DEFINITIONS & ACRONYMS

36 Section 3 Abbreviations and Acronyms

LFCCH Large Family Child Care Home

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EXHIBIT W

DAY CARE
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

1
2 Part 3. ULDC Art. 4.B.1.A.40, Day Care [Related to Supplementary Use Standards] (page 46-47
3 of 166), is hereby amended as follows:
4

Reason for amendments: [ZONING/HEALTH DEPT/ DEPT. OF AIRPORTS] 1) Correct definition of Day Care to clarify that facilities caring for children are licensed by the PBC Health Department and those for adults are licensed by the Agency for Health Care Administration (AHCA); 2) Incorporate provisions from Chapter 2010-249, Special Acts Laws of Florida, F.S. § 402.313, and F.S. § 402.3131 to include Family Day Care Home and Large Family Child Care Home (LFCCH); 3) Codify current practice that allows home based Day Care through home occupation as a Family Day Care Home to be permitted by right in residential zoning districts in accordance with F.S. § 125.0109; and, include provisions for LFCCH as a facility that offers care for 8 to 12 children to be permitted by right or subject to DRO approval depending on lot size; and, to allow the use in Residential Zoning Districts where Limited Day Care is allowed; 4) Add reference to Art. 16, Airports, which is being amended in Part 4 to clarify that new Limited or General Day Care are prohibited within airport runway area; and, 5) Delete outdoor activity area square footage and reference to authority for Child Care Facilities Board to approve its reduction when a Day Care has split shifts as it is not longer applicable; and, instead include reference for outdoor activity area square footage to be in compliance with the PBC Rules and Regulations Governing Child Care Facilities.

5 CHAPTER B SUPPLEMENTARY USE STANDARDS

6 Section 1 Uses

7 A. Definitions and Supplementary Standards for Specific Uses

8 40. Day Care

9 An establishment that provides care, protection and supervision for children when licensed by
10 the Palm Beach County Health Department, or for adults when licensed by the Agency for
11 Health Care Administration (AHCA), as specified below:

12 a. General

13 ~~A Day Care An establishment licensed by the Health Department, which provides care,~~
14 ~~protection and supervision~~ for 21 or more children or adults for a period of less than 24
15 hours per day on a regular basis.

16 b. Limited

17 ~~A Day Care An establishment licensed by the Health Department, which provides~~
18 ~~daytime care, protection and supervision~~ for six to 20 children, or three to 20 adults, for a
19 period of less than 13 hours per day on a regular basis. Limited ~~Day~~ Care does not
20 include nighttime or overnight care.

21 c. Family Day Care Home

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

27 d. Large Family Child Care Home (LFCCH)

28 An occupied single family residence in which custodial care is regularly provided for up to
29 12 children, and for which the owner or operator receives a payment, fee, or grant for any
30 of the children receiving care, whether or not operated for profit, and has at least two-full
31 time child care personnel on the premises during the hours of operation. One of the full-
32 time child care personnel must be the owner or occupant of the residence. The use shall
33 be subject to the following:

34 1) Applicability

35 Provide documentation that the establishment has operated as a licensed Family Day
36 Care Home for at least two years and meet other licenses and regulations
37 established by the PBC Health Department including the maximum number of
38 children permitted.

39 2) Zoning District Limitation

40 Shall be permitted only in Residential Zoning Districts where Limited Day Care is
41 allowed.

42 3) Approval Process

43 Shall be subject to DRO approval unless located on lots 20,000 square feet or more
44 in which case the use shall be permitted by right.

45 4) Site Requirements

46 In addition to the property development regulations applicable to Single Family
47 Residential, the following shall apply:

48 a) Outdoor Activity Area

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EXHIBIT W

DAY CARE
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

- 1 All outdoor activity area provisions applicable to a Day Care shall apply.
- 2 **b) Drop Off**
- 3 Shall comply with all drop-off access standards applicable to Day Care.
- 4 **c) Parking**
- 5 Shall provide at least four parking spaces including those required for a Single
- 6 Family residential unit. Parking dimensions shall comply with Art. 6, PARKING.
- 7 **d) Site Egress**
- 8 Shall not allow backward egress from a driveway or parking area into a street.
- 9 **e) Signage**
- 10 Signs shall not be permitted.

[Renumber accordingly]

....

g. Airport Zoning Overlay

The establishment of new Limited or General Day Care facilities shall be prohibited in accordance with Art. 16.C.1.E.2, Prohibited Land Uses.

[Renumber accordingly]

....

h. Outdoor Activity Area

....

2) Child Care Square Footage

Shall be in compliance with the Palm Beach County Rules and Regulations Governing Child Care Facilities contained in Section D of Article X of Chapter 1 of Appendix D to the Palm Beach County Code, as may be amended.

~~a) General~~

~~A child day care shall provide a minimum of 1,500 square feet of outdoor activity area or 75 square feet of outdoor activity area for each child (licensed capacity), whichever produces the larger area. The Child Care Facilities Board may approve a reduction in the size of this area where the operator utilizes split shifts. Under no circumstances shall the outdoor activity area be reduced to less than the area required to accommodate one-third of the area required by this standard.~~

~~b) Infants~~

~~Where a child day care is limited solely to the care of infants (two years of age and younger), the outdoor activity area provided shall be a minimum of 45 square feet per child. The Child Care Facilities Board may approve a reduction in the size of this area where the operator utilizes split shifts. Under no circumstances shall the outdoor activity area be reduced to less than one-half of the area required by this standard.~~

3e) Location of Outdoor Play Equipment

[Renumber Accordingly]

....

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EXHIBIT W

DAY CARE
SUMMARY OF AMENDMENTS
(Updated 04/19/11)

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Part 4. ULDC Art. 16.C.1.E.2, Prohibited Land Uses [Related to General Land Use Regulations-Off-Airport Land Use Compatibility Schedule (Appendix 8)], (page 11 of 14), is hereby amended as follows:

Reason for amendments: [DEPT. OF AIRPORTS] Incompatible land uses around an airport affect the safe and efficient operation of aircraft and the facility. Incompatible uses, such as residential and public facilities (schools, churches and public health facilities) are sensitive to the high noise levels associated with the airport use. Chapter 333.03 of the Florida Statutes requires the creation of airport zoning regulations to address these incompatible uses. Subsection (3) requires the restriction of incompatible uses, such as public and private schools, from being located within five miles in a direct line from the end of an airport runway. The subsection also requires the regulation of uses that results in the “*congregation of people* (emphasis added), emissions of light or smoke, or attraction of birds.” Article 16.C.1.E.2 already prohibits new educational facilities from locating within five miles of either end of an airport runway. The proposed amendment would expand this prohibition to include the similar Day Care uses, which provides for the congregation of children, workers and parents in one location. This amendment would only affect new commercial Day Care facilities and not impact any existing Day Care facilities when expansions or alterations do not increase the number of occupants on the site.

CHAPTER C AIRPORT LAND USE REGULATIONS

Section 1 Airport Land Use Regulations

E. General Land Use Regulations-Off-Airport Land Use Compatibility Schedule (Appendix 8)

2. Prohibited Land Uses

- a. In no case shall a new educational facility, Limited or General Day Care, or a public or private school be permitted at either end of a runway within an area that extends five statute miles in a direct line along the centerline of the runway and which has a width of the length of ½ the runway.
 - 1) Nothing in subsection a. above shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or expansion to contiguous properties of any public or private educational structure in existence, or real property in use, on November 1, 1996. Construction of new education structures shall meet the provisions of Art. 16.B.1.H, Airspace Height Review Procedures, and the provision of sound insulation materials in accordance with established architectural and acoustical principles as contained in document DOT/FAA/PP-92-5 (or later version), Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations, is encouraged.
 - 2) The language in subsection a. above shall not be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or expansion of any Limited or General Day Care use in existence, or real property in use, or with a valid development order prior the effective date of this Ordinance. Expansion or alterations of a Day Care located within the runway area that represents an increase in the number of occupants shall be prohibited.

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EXHIBIT X

REASONABLE ACCOMMODATION
SUMMARY OF AMENDMENTS
(Updated 04/27/11)

1
2 Part 1. ULDC Art. 1.I.2.D [Related to Definitions] (page 52 of 114), is hereby, as follows:
3

Reason for amendments: [Co. Atty./Zoning] Establish definition of disabled to correspond to the adoption of procedures for Reasonable Accommodations for persons with disabilities.

4 CHAPTER I DEFINITIONS & ACRONYMS

5 Section 2 Definitions

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

7
8
9 39. Disabled – for the purposes of Art. 2.D.8, Reasonable Accommodation, a disabled person is
10 an individual that qualifies as disabled or handicapped under the FHA or ADA.
11 [ReNUMBER Accordingly.]
12

13 Part 2. ULDC Art. 1.I.3, Abbreviations and Acronyms (page 52 of 114), is hereby amended to
14 add a new Section 4, titled Reasonable Accommodation, as follows:
15

Reason for amendments: [Co. Atty./Zoning] Establish acronym for Federal Fair Housing Act to correspond to the adoption of procedures for Reasonable Accommodations for persons with disabilities.

16 CHAPTER I DEFINITIONS & ACRONYMS

17 Section 3 Abbreviations and Acronyms

18
19 FHA Federal Fair Housing Amendments Act
20

21 Part 3. ULDC Art. 2.D, Administrative Process (page 41 of 80), is hereby amended to add a
22 new Section 4, titled Reasonable Accommodation, as follows:

Reason for amendments: [Co. Atty./Zoning] To establish procedures for processing requests from persons with disabilities for Reasonable Accommodation to certain parts of the County’s Unified Land Development Code (ULDC), in accordance with the protections of the Federal Fair Housing Amendments Act (FHA) and the American’s with Disabilities Act (ADA).

23 CHAPTER D ADMINISTRATIVE PROCESS

24 Section 7 Reasonable Accommodation

25 A. Purpose and Intent
26 The purpose of this section is to establish procedures for processing requests for Reasonable
27 Accommodation from the County’s Unified Land Development Code and related rules, policies,
28 practices and procedures, for persons with disabilities as provided by the Federal Fair Housing
29 Amendments Act (42 U.S.C. 3601, et. seq.) (FHA), or Title II of the Americans with Disabilities
30 Act (42 U.S.C. Section 12131, et. seq.) (ADA). Any person who is disabled, or qualifying entities,
31 may request a Reasonable Accommodation, pursuant to the procedures set out in this section.

32 B. Notice to the Public of Availability of Accommodation
33 The County shall endeavor to provide notice to the public, advising that disabled individuals or
34 qualifying entities may request a Reasonable Accommodation.

35 C. Application Procedures
36 The application forms and requirements for submitting a request for Reasonable Accommodation
37 shall be on forms specified by the County Administrator or designee.

38 1. Application Contents
39 The following considerations shall be applicable for any application information or
40 documentation required:

41 a. Confidential Information
42 Upon submittal of any medical information or records, including but not limited to
43 condition, diagnosis, or history related to a disabled individual, an applicant may request
44 that the County, to the extent allowed by law, treat the information or records as
45 confidential. The County shall thereafter endeavor to provide notice to the disabled
46 individual, or their representative, of any request received by the County for disclosure of

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EXHIBIT X

REASONABLE ACCOMMODATION
SUMMARY OF AMENDMENTS
(Updated 04/27/11)

1 the medical information or documentation previously requested to be treated as
2 confidential. The County will cooperate with the disabled individual, to the extent allowed
3 by law, in actions initiated by such individual to oppose the disclosure of such medical
4 information or documentation, but the County shall have no obligation to initiate,
5 prosecute or pursue any such action, or to incur any legal or other expenses, whether by
6 retention of outside counselor, or allocation of internal resources in connection therewith,
7 and may comply with any judicial order without prior notice to the disabled individual.

8 **b. Address of Applicant**

9 Unless governed by 42 U.S.C. §290d.d., in which case the address shall not be required,
10 but the applicant may be requested to provide documentation to substantiate a claim
11 verifying applicability.

12 **c. Address of housing**

13 Address of housing or other location at which accommodation is requested unless
14 governed by 42 U.S.C. §290d.d., in which case address shall not be required, but the
15 applicant may be requested to provide documentation to substantiate a claim verifying
16 applicability.

17 **2. Fee**

18 There shall be no fee imposed by the County for a request for Reasonable Accommodation
19 under this section or an appeal of a determination on such request, and the County shall
20 have no obligation to pay a requesting party's, or an appealing party as applicable, attorneys'
21 fees or costs in connection with the request, or an appeal.

22 **3. County Assistance**

23 The County shall provide such assistance and accommodation as is required pursuant to
24 FHA and ADA in connection with a disabled person's request for Reasonable
25 Accommodation, including assistance with reading application questions, and responding to
26 questions related to completing application or appeal forms, among others, to ensure the
27 process is accessible.

28 **4. Findings for Reasonable Accommodation**

29 In determining whether the Reasonable Accommodation request shall be granted or denied,
30 the requesting party shall be required to establish that they are protected under the FHA or
31 ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA.
32 Although the definition of disability is subject to judicial interpretation, for purposes of this
33 ordinance the disabled individual must show:

- 34 a. a physical or mental impairment which substantially limits one or more major life
35 activities;
- 36 b. a record of having such impairment; or
- 37 c. that they are regarded as having such impairment.

38 The requesting party will have to demonstrate that the proposed accommodations being
39 sought are reasonable and necessary to afford disabled persons equal opportunity to use
40 and enjoy housing. The foregoing, as interpreted by the Courts, shall be the basis for a
41 decision upon a Reasonable Accommodation request made by the appropriate PBC official.

42 **5. Authority**

43 The determination of which appropriate PBC official has the authority to consider and act on
44 requests, or appeals of a decision for Reasonable Accommodation, shall be consistent with
45 Art. 1.B.1.A, Authority.

46 **6. Action by Appropriate PBC Official**

47 A written determination shall be issued by the appropriate PBC official within 45 days of the
48 date of receipt of an application (when determined to be sufficient).

49 **a. Additional Information**

50 If reasonably necessary to reach a determination on the request for Reasonable
51 Accommodation, the appropriate PBC official, may, prior to the end of said 45 day period,
52 request additional information from the requesting party, specifying in sufficient detail
53 what information is required. The requesting party shall have 15 days after the date of
54 the request for additional information to provide the requested information. In the event a
55 request for additional information is made, the 45 day period to issue a written
56 determination shall no longer be applicable, and the appropriate PBC official shall issue a
57 written determination within 30 days after receipt of the additional information. If the
58 requesting party fails to provide the requested additional information within said 15 day
59 period, the appropriate PBC official shall issue written notice advising that the requesting
60 party had failed to timely submit the additional information and therefore the request for
61 Reasonable Accommodation shall be deemed abandoned or withdrawn and no further
62 action by the County with regard to said Reasonable Accommodation request shall be
63 required.

64 **b. Determination**

65 In accordance with Federal law, the appropriate PBC official, shall:

- 66 1) grant the accommodation request;

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 X

REASONABLE ACCOMMODATION
SUMMARY OF AMENDMENTS
(Updated 04/27/11)

- 2) grant a portion of the request and deny a portion of the request;
- 3) impose conditions upon the grant of the request; or
- 4) deny the request. Any such denial shall be in writing and shall state the grounds therefore.

c. Notice of Proposed Decision

All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested.

7. Appeal

Within 30 days after the appropriate PBC official has rendered a decision on a Reasonable Accommodation, the applicant may appeal the decision. This timeframe shall be based upon the date of the letter mailed to the requesting party. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the applicant of the public hearing for appeal, render a determination as soon as reasonably practicable, but in no event later than 60 days after an appeal has been filed. Such hearing shall be de novo. A Hearing Officer's decision may be appealed to the 15th Judicial Circuit Court by petition for writ of certiorari.

8. Stay of Enforcement

While an application for Reasonable Accommodation, or appeal of a determination of same, is pending before the County, the County will not enforce the subject ULDC requirement, or related rules, policies, practices or procedures, against the applicant.

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