ORDINANCE 2002-012

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 92-20, KNOWN AS THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA AS FOLLOWS: ARTICLE 1, GENERAL PROVISIONS; TO REVISE PROVISIONS; ARTICLE 3, RULES OF CONSTRUCTION AND DEFINITIONS, TO REVISE AND UPDATE DEFINITIONS; ARTICLE 5, DEVELOPMENT REVIEW PROCEDURES, TO REVISE VARIANCE PROCEDURES; ARTICLE 6, ZONING DISTRICTS, TO REVISE DISTRICTS USE REGULATIONS AND DEFINITIONS, SUPPLEMENTARY REGULATIONS, AND PLANNED DEVELOPMENT REGULATIONS; ARTICLE 7, SITE DEVELOPMENT STANDARDS, TO REVISE SIGNAGE STANDARDS; ARTICLE 8, SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS, TO REVISE REQUIREMENTS; ARTICLE 11, ADEQUATE PUBLIC FACILITY STANDARDS, TO CREATE SCHOOL CONCURRENCY REGULATIONS AND REVISE GENERAL CONCURRENCY REQUIREMENTS; PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare, and safety of the existing and future residents by enacting and enforcing land development and administrative regulations necessary for the protection of the public; and

WHEREAS, Palm Beach County Ordinance 92-20 provided for the adoption of the Unified Land Development Code on June 16, 1992, pursuant to Section 163.3202, Florida Statutes to further growth management requirements; and

WHEREAS, Chapters 125 and 163, Florida Statutes, grant authority to the Board of County Commissioners to adopt and enforce land development regulations within the unincorporated area of Palm Beach County; and

WHEREAS, current information and increased population require re-evaluation and adoption of updated development standards; and

WHEREAS, the Board of County Commissioners has entered into an interlocal agreement with twenty-six municipalities and the School District of Palm Beach County to ensure that public schools are provided concurrent with new development; and

WHEREAS, the Board of County Commissioners has mandated that County staff conduct periodic reviews of the Unified Land Development Code to evaluate its various provisions and propose amendments to resolve new or outstanding issues and comply with the Comprehensive Plan, State Statutes and federal law; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of public welfare to ensure developments are constructed and continuously operated in accordance with the Unified Land Development Code, conditions of approval and adequate public facilities; and

WHEREAS, the proposed amendments to the ULDC have been reviewed by the Citizens Task Force at public meetings and recommendations of the Citizens Task Force were forwarded to the Board of County Commissioners; and

WHEREAS, the Citizens Task Force, sitting as the Land Development Regulation Commission, finds that this amendment to the Unified Land Development Code is consistent with the Comprehensive Plan; and

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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 (6.4.D.35.a.) in parentheses.*

WHEREAS, the Board of County Commissioners determines the proposed amendments will improve the procedures and standards of the Unified Land Development Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

The Unified Land Development Code of Palm Beach County is amended as follows:

PART 1

SUBPART 1.1 Section 3.2, Definitions, is hereby amended to add and delete language as follows:

Concurrency requirements of the Plan mean the provisions in the Plan and the implementing land development regulations requiring that public facilities for traffic circulation, mass transit, sanitary sewer, potable water, public schools, recreation/open space, fire-rescue, solid waste, and drainage are available at the minimum levels of service concurrent with the impact of the Development; and, as to the applicability of expanded or more stringent traffic performance standards pursuant to State mandates under Ch. 163, Florida Statutes and F.A.C. Rule 9J-5 such requirements as set forth in the future traffic performance standards ordinance(s). ...

SUBPART 1.2 Table 6.8-2, is hereby amended to add and delete language as follows:

Notes to Table 6.8-2:

1 Publicly owned civic uses shall consist of land uses which are required to provide services to meet concurrency requirements such as, but not limited to, required parks, public school facilities, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, ~~public schools or~~ libraries.

2 Recreational land uses as required by Article 17, Park and Recreation Standards, and the applicable planned development district regulations shall be allowed according to Sec. 6.4, Use Regulation Schedule, active and passive recreation.

3 Additional land uses not indicated in Table 6.8-2, may be specifically allowed within individual Planned Development Districts as specified.

SUBPART 1.3 Section 6.8.B.4.a(4)(e)(ii)b), is hereby amended to add and delete language as follows:

B. PUD, Residential Planned Unit Development District.

1. Purpose and intent. ...
2. Applicability. ...
3. Previous Approvals. ...
4. Application. ...
a. Preliminary Development Plan. ...
(1) Minimum thresholds. ...
(2) Contiguous addition of land. ...
(3) Density. ...
(4) Pods. ...
(a) Design intent. ...
(b) Land use mix percentages. ...
(c) Other land use designations. ...

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(d) Land use percentage calculations. ...

(e) Exceptions to land use mix calculations. ...

i) Special Provisions for Civic Pods providing public benefit.

ii) Evaluation Criteria. Public civic sites shall meet criteria ~~(i)-(vi)~~ a)-g) below. Private civic sites shall meet ~~(ii)-(vi)~~ b)-g) below.

a) There is reduced cost to the public for site acquisition, development or operation of civic uses;

b) Public civic or private civic uses required to provide services to meet recreational, fire rescue, public school or mass transit concurrency requirements in accordance with Chapter 163, Florida Statutes or accommodate impacts of development on educational facilities such as ~~schools, or~~ regional libraries;

c) The proposed civic use shall fulfill a direct service and immediate need, as projected in the County's capital improvement element or, if applicable, further the County's goal to provide adequate primary and secondary education facilities.

d) Land Uses within the PUD shall be located and designed to be compatible with surrounding land uses both internal and external to the PUD.

e) The resulting mix of land uses further the goals to integrate and share facilities, thereby encouraging efficient use of land and reduction in use of public funding sources;

f) The residents of the PUD can directly benefit from the location and layout of the civic use and the civic use satisfies the design criteria in Sec. 6.8.A. and 6.8.B.

g) Private Civic uses which provide education in accordance with Chapter 623, Florida Statutes. ...

5. Administration. ...

6. Land uses.

a. Pods. ...

(1) Recreation. ...

(2) Civic pod. ...

(a) Publicly owned civic land uses. A portion of a PUD may be required to be conveyed in fee simple title to the BCC for civic purposes in response to an increase in services or other impacts required concurrent with the development of the PUD or by voluntary commitment by the applicant.

i) Conveyances. These conveyances shall be in the form as provided by BCC conditions, or as indicated in the development agreement for a project in accordance with Ord. 91-16, "Palm Beach County Development Agreement Ordinance" as may be amended, and shall meet the Facilities Planning, Design and Construction Department's requirements for civic land acquisition. Conveyance of land for civic sites shall not include land utilized for dry or wet retention for land uses located outside of the civic site; or

(ii) Land uses. Publicly owned civic lots shall consist of land uses which are required to provide services to meet Concurrency requirements such as, but not limited to, regional parks, public school facilities, water treatment facilities and fire stations, and services required to mitigate other impacts of the development to service providers such as, but not limited to, ~~public schools or~~ libraries. ...

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SUBPART 1.4 Section 8.3, General Requirements, is hereby amended to add and delete language as follows:

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

SUBPART 1.5 Section 11.1, General, is amended to add and delete language as follows:

A. Purpose and intent. The purpose and intent of this article is to ensure that adequate potable water, sanitary sewer, solid waste, stormwater management, public school, park, road and mass transit public facilities and fire-rescue are available to accommodate development concurrent with the impact of development on such public facilities, consistent with the LOS standards for those public facilities adopted in the Comprehensive Plan. This objective is accomplished by (1) establishing a management and monitoring system to evaluate and coordinate the timing and provision of the necessary public facilities to service development, and (2) by establishing a regulatory program that ensures that each public facility is available to serve development concurrent with the impacts of development on public facilities. ...

SUBPART 1.6 Section 11.3, Review for Adequate Public Facilities, is hereby amended to add and delete language as follows:

A. General. To ensure that adequate potable water, sanitary sewer, solid waste, drainage, parks and recreation, road, mass transit, and fire-rescue public facilities are available concurrent with the impacts of development on each public facility, Palm Beach County shall establish the following development review procedures. To ensure public schools are available concurrent with the impacts of development, Palm Beach County has adopted the Public School Concurrency Ordinance of Palm Beach County which is codified in Section 11.8.

B. Procedure for review of application for Adequate Public Facilities Determination (APF) and a Concurrency Reservation. ...

C. Standards for review of application for Adequate Public Facilities Determination and Concurrency Reservation. The following standards for each facility shall be used in deciding whether to issue or deny an Adequate Public Facilities Determination or Concurrency Reservation.

1. **Potable water, sanitary sewer, solid waste and park and recreation and linked open space and fire rescue facilities.** The standards for the above facilities are as follows.
   a. Facilities to provide the proposed development sufficient services based on the LOS for facilities are in place, or under construction and bonded; or subject of a binding and executed contract; or are included in the County's Capital Improvement Annual Budget or the Service Provider's annual budget; or the Palm Beach County Health Department has verified and approved that capacity is available.
2. **Stormwater management facilities.** The stormwater management component shall be approved if the proposed development has a legal right to convey stormwater to a point of legal outfall or meets the exemption provisions of Art. 8.24.A.3.
3. **Traffic facilities.** The road component shall be approved if the proposed development complies with Sec. 15.1, Traffic Performance Standards. In determining whether the road component meets the requirements of this subsection, the Six (6) Year Capital Improvement Schedule in the Capital

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Improvements Element may be considered only if the development proposed in the application is phased so that the impacts of the proposed development and the capacity provided by the road projects in the Six (6) Year Road Improvement Schedule will occur concurrently. The phasing of development and transportation improvements to ensure the LOS for road facilities is met may be addressed through a Development or Road Agreement.

4. **Mass transit facilities.** The mass transit component shall be approved if the travel demand of the proposed development does not deteriorate the LOS for mass transit facilities below the adopted LOS for mass transit facilities.
5. **Public school facilities.** The public school component for the proposed development shall be subject to the application and review procedures set forth in the Public School Concurrency Ordinance of Palm Beach County which is codified in Section 11.8.

SUBPART 1.7 Section 11.7, Monitoring Program, is hereby amended to add and delete language as follows:

A. General. To ensure that adequate potable water, sanitary sewer, solid waste, storm water management, public school, park and recreation and linked open space, traffic, mass transit, and fire-rescue public facilities are available concurrent with the impacts of development on public facilities, the County shall establish the following management and monitoring practices. Their purpose is to evaluate and coordinate the timing, provision, and funding of the public.

B. Annual Public Facilities Update Report (AUR). By March 1 of each year, the Executive Director of PZB shall submit to the Office of Management and Budget (OFMB) an Annual Public Facilities Update Report (hereinafter "AUR"). The AUR shall (a) determine the existing conditions of all potable water, sanitary sewer, solid waste, drainage, public school, park, road, mass transit, and fire-rescue public facilities, (b) determine and summarize the available capacity of these public facilities based on their LOS, and (c) forecast the capacity of existing and planned capital improvements identified in the five (5) year capital improvement schedule for each of the five (5) succeeding years. ...

1. A summary of development exempted pursuant to Sec. 11.1.D.
2. A summary of development activity.
3. An evaluation of public facilities (potable water, sanitary sewer, solid waste, drainage, public school, park and recreation, road, mass transit, and fire-rescue facilities) indicating: ...

SUBPART 1.8 Article 11.8, Public School Concurrency, is hereby created as follows:

Section 11.8 Public School Concurrency.

A. Short title. This Section shall be known as, and may be cited as, "the Public School Concurrency Ordinance of Palm Beach County, Florida."

B. Authority. The Board of County Commissioners of Palm Beach County has the authority to adopt this ORDINANCE pursuant to the Palm Beach County Charter; Florida Statutes Chapter 125, Florida Statutes Chapter 163, and the AGREEMENT.

C. Definitions.

1. For purposes of this ORDINANCE, except as specifically provided herein or unless the context clearly indicates otherwise, the terms used herein shall be defined as set forth in the Palm Beach County Unified Land Development Code and the Palm Beach County Comprehensive Plan. In the event of a

conflict between the Palm Beach County Unified Land Development Code and the Palm Beach County Comprehensive Plan, the Palm Beach County Comprehensive Plan shall prevail. The capitalization of defined terms herein is for the reader's convenience only. Failure to capitalize shall not be construed as an intent not to use the term in its defined meaning.

2. The following terms shall have the meanings set forth below, unless the context clearly indicates otherwise:

Agreement means the Interlocal Agreement between the Palm Beach County Board of County Commissioners, the MUNICIPALITIES of Palm Beach County, and the Palm Beach County School Board effective January 25, 2001, and recorded in the Official Records Book 12272, Page 973, Public Records, Palm Beach County, Florida.

Applicant means the owner, approved agent, or contract purchaser seeking a SITE SPECIFIC DEVELOPMENT ORDER or any amendment thereto.

Building permit means a DEVELOPMENT ORDER issued by the Building Division of Planning, Zoning and Building in the unincorporated area or similar department in a MUNICIPALITY authorizing the construction of a residential structure.

Concurrency Service Area (CSA) means the specific geographic unit within a SCHOOL DISTRICT in which school concurrency is applied and measured.

Development Order means as defined in Section 163.3164(7), Florida Statutes.

Florida inventory of school houses (FISH) means the report of the capacity of existing facilities. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on using a percentage of the number of existing satisfactory student stations and a designated size for each program. In Palm Beach County, permanent capacity does not include the use of relocatables unless they meet the standards for long term use pursuant to Section 235.061, Florida Statutes.

Level of service (LOS) means the measure of the utilization, expressed as a percentage, which is the result of comparing the number of students enrolled in any school with the satisfactory student stations (FISH capacity) at a given location or within a designated area (i.e., a CSA), e.g., a facility with 1000 students and a FISH capacity of 970, has a LOS of 103%. Also referred to as the utilization of a facility.

Municipalities means ALL MUNICIPALITIES in Palm Beach County, except those that are exempt from participating in the school concurrency program, pursuant to Section 163.3180, Florida Statutes.

Proposed new residential development means any application for RESIDENTIAL DEVELOPMENT or amendment to a previously approved RESIDENTIAL DEVELOPMENT that increases the number of housing units. This shall include any request for any approval of the type that establishes a density of development and which approves a SITE SPECIFIC DEVELOPMENT ORDER on a specific parcel of property.

Residential development means any development that is comprised in whole, or part, of dwelling units; for permanent human habitation.

School district means the school district for Palm Beach County created and existing pursuant to Section 4, Article IX of the State Constitution.

School District Five Year Capital Facilities Plan means the School District of Palm Beach County Five Year Work Plan and Capital Budget as authorized by Section 235.185, Florida Statutes.

Site specific Development Order means a DEVELOPMENT ORDER issued by a LOCAL GOVERNMENT which establishes the density, or maximum density, and which approves a specific plan of development on a lot or lots pursuant to an application by or on behalf of an owner or contract purchaser, including applications initiated by a LOCAL GOVERNMENT. It may apply to a lot or lots under single ownership or a group of lots under separate ownership. It shall apply to all parcels or lots in their entirety take together of any subdivision. It includes site specific rezonings, special exceptions, conditional uses, special permits, master plan approvals, site plan approvals, plat approvals, BUILDING PERMITS and any "Development of Regional Impact" as defined in Section 380.06, F.S. It may or may not authorize the actual commencement of development. Two (2) or more DEVELOPMENT ORDERS which individually do not constitute a SITE SPECIFIC DEVELOPMENT ORDER shall be considered a SITE SPECIFIC DEVELOPMENT ORDER if when taken together they meet the definition of a SITE SPECIFIC DEVELOPMENT ORDER.

Type of school means schools in the same categories of education, i.e., elementary, middle or high school.

D. Applicability.

1. Area of Jurisdiction.

a. This ORDINANCE shall apply in the unincorporated area of Palm Beach County.

b. This ORDINANCE shall also apply within those MUNICIPALITIES that have opted into this County ORDINANCE by not adopting an implementing ordinance within the time frame specified in the AGREEMENT. Any such MUNICIPALITY may opt out of this ORDINANCE at any time by adopting its own implementing ordinance consistent with the AGREEMENT. Once a MUNICIPALITY has opted out of this ORDINANCE, this ORDINANCE shall not apply within that MUNICIPALITY.

2. Time of Application of ORDINANCE.

a. This ORDINANCE shall not apply to PROPOSED NEW RESIDENTIAL DEVELOPMENT until the commencement of the School Concurrency Program as specified in Article V., Section A. of the AGREEMENT.

b. This ORDINANCE shall not apply to PROPOSED NEW RESIDENTIAL DEVELOPMENT whenever and wherever the School Concurrency Program is suspended pursuant to the terms of the AGREEMENT.

c. This ORDINANCE shall terminate, or its effect shall be suspended, in the event termination or suspension of the School Concurrency Program occurs as set forth in the AGREEMENT.

3. Applications Requiring Concurrency Review. Unless otherwise provided herein, this ORDINANCE shall apply to all SITE SPECIFIC DEVELOPMENT ORDERS for PROPOSED NEW RESIDENTIAL DEVELOPMENT.

4. Exemptions. The following are exempt from the school concurrency requirements contained in this ORDINANCE:

a. Single family lots of record, existing as such at the time this ORDINANCE is adopted.

b. Any RESIDENTIAL DEVELOPMENT that received final approval of a SITE SPECIFIC DEVELOPMENT ORDER prior to the commencement of the School Concurrency Program, as specified in Article V., Section A. of the AGREEMENT, is considered vested for that which was previously approved and shall not be considered as PROPOSED NEW RESIDENTIAL DEVELOPMENT for purposes of school concurrency. Any RESIDENTIAL DEVELOPMENT which is exempt from school concurrency under a LOCAL GOVERNMENT's concurrency regulations shall not be considered as PROPOSED NEW RESIDENTIAL DEVELOPMENT for purposes of school concurrency.

c. Any PROPOSED NEW RESIDENTIAL DEVELOPMENT that has filed a complete application prior to the commencement of the School Concurrency Program, as specified in Article V., Section A. of the AGREEMENT.

d. Any amendment to any previously approved RESIDENTIAL DEVELOPMENT which does not increase the density of the development.

e. Any previously approved RESIDENTIAL DEVELOPMENT or any other previously approved DEVELOPMENT with a residential component located within any existing "Transportation Concurrency Exception Area," as defined in Section 163.3180(5), Florida Statutes.

E. Standard.

1. LEVEL OF SERVICE (LOS). The Palm Beach County Public School Facilities Element, the MUNICIPALITIES' Comprehensive Plans, and the AGREEMENT establish the adopted LOS set forth below. The actual LOS (utilization) for all schools of each TYPE OF SCHOOL in each CSA and each individual school shall be established each year by the first student count of the second semester.

a. Tiered LEVELS OF SERVICE shall be in force pursuant to the Tiered LEVEL OF SERVICE Table in the Public School Facilities Element until August 1, 2004. Individual schools of each type may exceed the tiered LOS during the period in which tiered LOS are in effect, provided that the CSA's tiered LOS is not exceeded. However, each individual school's LOS which exceeds the tiered LOS, during the time that the tiered LOS is in effect, shall not exceed the utilization standards for that school type as shown in the Maximum Utilization Table of the Public School Facilities Element. During the time that the tiered LEVEL OF SERVICE standard is in effect, the SCHOOL DISTRICT shall initiate necessary program and/or boundary adjustments so that the tiered LOS is not exceeded in each CSA.

b. After August 1, 2004, the following LOS standards shall be established for all schools of each type within each CSA and each individual school:

(1) 110% of capacity (utilization) as determined by the FLORIDA INVENTORY OF SCHOOL HOUSES (FISH); or

(2) A higher LOS up to 120% of FISH capacity (utilization/LOS) for individual schools if a School Capacity Study (SCS) undertaken pursuant to the AGREEMENT determines that the school can operate at the higher LEVEL OF SERVICE.

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2. **Concurrency Service Areas.** School concurrency shall be measured and applied on the basis of twenty-one (21) CSA's as described in the Public School Facilities Element.

3. **Three Year Rule.** In determining whether capacity is available, the SCHOOL DISTRICT shall consider any new capacity which will be in place or under actual construction in the first three years of the SCHOOL DISTRICT FIVE YEAR CAPITAL FACILITIES PLAN.

4. **Adjacent CSA Capacity.** In determining whether capacity is available, the SCHOOL DISTRICT shall consider adjacent CSA capacity as specified in the AGREEMENT.

F. Review of residential development proposals.

1. **Application.** At the time of and in conjunction with the application for an adequate public facilities review in accordance with the Palm Beach County Unified Land Development Code, or in the case of a MUNICIPALITY, in accordance with its public facilities review process, the APPLICANT for a PROPOSED NEW RESIDENTIAL DEVELOPMENT shall submit to the appropriate LOCAL GOVERNMENT a Request for a School Concurrency Determination.

   a. The Request for School Concurrency Determination shall contain the following information: location of the development; the build out time frame of the development; and the number, type and size of all the residential units anticipated to be occupied each calendar year. The APPLICANT shall include with its Request for School Concurrency Determination, a non-refundable fee established by the SCHOOL DISTRICT. The COUNTY, or any MUNICIPALITY that provides initial review, shall review the Request for completeness and shall in addition determine whether the project is exempt from School Concurrency as set forth in Section 11.8.D.4 of this ORDINANCE. Notwithstanding the foregoing, this fee shall be returned to the APPLICANT if the COUNTY, or any MUNICIPALITY that provides initial review, determines that the APPLICANT is exempt and that no further review is required by the SCHOOL DISTRICT.

   b. If the project is in the unincorporated area and found not exempt by the COUNTY, the COUNTY shall review the Request for completeness and submit the Request to the SCHOOL DISTRICT within ten (10) working days of finding the Request complete. The COUNTY shall collect the required fees submitted with all Requests for School Concurrency determination and shall transmit these fees, less 2% for administrative costs, to the School District on a monthly basis. For projects located within a MUNICIPALITY, the MUNICIPALITY may follow the same process set forth in the sentence above. In the alternative, the MUNICIPALITY may, after reviewing the Request for completeness and determining that the project is not exempt, instruct the APPLICANT to submit the Request and the required fee directly to the SCHOOL DISTRICT.

   c. The SCHOOL DISTRICT shall review the application in accordance with the provisions of Article V., Section F. of the AGREEMENT.

   d. Within the times set forth in Article V., Section F. of the AGREEMENT, the SCHOOL DISTRICT shall review the application and notify the applicant and the LOCAL GOVERNMENT of its determination. The Letter of Determination of School Concurrency determining the

DEVELOPMENT to be in compliance shall be valid for one year from the date of issuance, unless extended by the SCHOOL DISTRICT. Once the LOCAL GOVERNMENT SITE SPECIFIC DEVELOPMENT ORDER is issued, the concurrency determination shall run with the DEVELOPMENT ORDER.

G. Development Order approval.

1. No DEVELOPMENT ORDER for a PROPOSED NEW RESIDENTIAL DEVELOPMENT shall be approved unless there is a valid Letter of Determination of Concurrency from the SCHOOL DISTRICT finding the DEVELOPMENT in compliance.

2. If the Letter of Determination of Concurrency requires conditions or mitigation to be placed on the DEVELOPMENT, the DEVELOPMENT ORDER issued by the COUNTY or MUNICIPALITY shall incorporate those conditions.

3. If the Letter of Determination of Concurrency requires the DEVELOPMENT to be phased for mitigation, the conditions of approval of the DEVELOPMENT ORDER shall implement the phasing requirements by specifying that BUILDING PERMITS will be withheld if the conditions are not fulfilled.

H. Appeals. APPLICANTS seeking relief from SCHOOL DISTRICT decisions shall appeal such decisions as provided for by law.

PART 2

SUBPART 2.1 Section 1.5, Exemptions, Effect of Code Amendments on Previously Approved Development Orders, is hereby amended to add and delete language as follows:

A. General. ...

B. Subsequent Development Orders and Applications in Process.

1. **General. ...**
2. **No final development order. ...**
3. **Applications filed prior to the effective date of this code.** An application for a special exception, special permit, district boundary change (rezoning), site plan review committee approval, subdivision plan or land development permit, or building permit which is filed with and accepted by the development prior to the effective date of this Code may be reviewed and processed under the terms of Ordinances No. 73-2 and 73-4, as amended. In addition, all relevant application shall be certified by prehearing conference on or before the effective date of this Code and receive site plan or subdivision certification on or before September 30, 1992, in order to continue to be reviewed and processed under the terms or Ordinances 73-2 and 73-4, as amended. However, these applications must also comply with Sec. 1.5.B.2.a. (4). (b) herein. After approval, the application shall be considered a project with a valid development order for the purposes of modification and applicability of the general requirements of ~~the~~ this Code, or any amendments hereto. Applications submitted after September 30, 1992 shall be reviewed under the standards of this Code.
4. **Subsequent development orders and modifications to previously approved development orders and permits.** The provisions of the ULDC shall apply to any request to modify and development order or permit. However, only the area directly ~~effected~~ affected by the proposed modification shall be subject to the ULDC, except that non-residential projects shall provide additional landscape improvements provided no

required parking or intensity is lost. A Landscape Betterment Plan may be submitted to ensure no required parking or intensity is lost.

C. Existing uses. ...

D. Invalid approvals. ~~Development orders and permits that are invalid shall be subject to all applicable provisions of this Code. Invalid development orders and permits are projects which have been revoked, have expired or have been found by any Board empowered to enforce this Code to be not in compliance with any conditions of development approval or time certain requirement pursuant to Section 5.8 of this code, or any amendments hereto~~. If a development order or permit for a parcel of land is invalid, any future development order or permit for that parcel shall be subject to all applicable provisions of this Code. Invalid development orders and permits are those which have been revoked or have expired. ...

SUBPART 2.2 Section 5.7, Variances And Appeal of Administrative Decisions, is hereby amended to add and delete language as follows:

A. Definition and purpose. ...

B. Authority. ...

C. Applicability. ...

D. Initiation. ...

E. Procedures. ...

1. Types of application. ...

2. Contents of application.

a. Forms. The application shall be filed on forms prescribed by the department, executed and sworn to by the owner or owner of at least fifty (50) percent of the property as described in the application, or by tenant or tenants, with owner's written sworn-to-consent or by duly authorized agents, evidenced by a written power of attorney, if not a member of the Florida Bar, or contract purchasers, or by the Executive Director of PZB, or by an person aggrieved by an order, requirement, decision or determination of an administrative official when appealing the same.

b. Description. All properties described in one (1) application must be contiguous and immediately adjacent to one another, and the director may require more than one (1) application if the property concerned contains more than forty (40) acres, or the fee paid for one (1) application would not equal the cost of processing the same.

c. Request for time limitation waiver. If a variance is requested for property that does not require a building permit to implement the use, then the applicant may request a waiver from the time limitation in Section ~~5.7.H.2~~ 5.7.I of this section. If a waiver from the time limitation is requested, the applicant shall specifically request the waiver simultaneous with submittal of the application and provide a written justification for the request. The Board of Adjustment shall review the justification and if sufficient make a finding, as a condition of approval, that the variance is not subject to the time limitations of this section, or may require compliance with the variance approval by a specified time, as deemed appropriate.

F. Standards. ...

G. Conditions. ...

H. *Administrative variance.* *The Zoning Director may impose such conditions in a development order for an administrative variance as necessary to accomplish the goals, objectives and policies of the Comprehensive Plan and this Code, including but not limited to limitations on size, bulk, location, requirements for landscaping, buffering, lighting, and provisions of adequate ingress and egress. The Zoning Director may issue the following types of administrative variances:*

1. *Structural encroachments into setbacks.* *If a structural encroachment does not enter an easement R-O-W or is on a zero lot line zero side, a variance of no more than five (5) percent may be granted.*

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2. ***Preservation of vegetation.*** *To accommodate the preservation of existing native tree(s) pursuant to Article 9.5, (Vegetation Preservation), a variance may be granted for*
   a. *up to five (5) percent of a required setback;*
   b. *up to five (5) percent of the required parking spaces.*

This section may not be combined with any other section that allows variations from the same property development regulations.

3. ***Native Ecosystem Overlay District - flexible development regulations.*** *A variance may be issued pursuant to the extent permitted by Section 6.7.A, The Native Overlay District, from the following development regulations:*
   a. *off-street parking;*
   b. *off-street loading;*
   c. *density/intensity;*
   d. *heights; and,*
   e. *setbacks.*
4. ***Appeal of decision by the Zoning Director.*** *Any person aggrieved by a decision of the Zoning Director shall, within thirty (30) calendar days, file an appeal to the Board of Adjustment using the forms and procedures established by the Zoning Director.*

(Relocated from Sec. 5.7.I. and revised)

I. Effect of development order.

1. ***General.*** *Issuance of a development order for a variance shall be deemed to authorize any permitted use in the underlying zoning district, unless a specific Condition of Approval limits the specific use for which it is issued. A development order for a variance shall run with the land.*
2. ***Time limitation.*** *Unless otherwise specified in the development order or condition for the variance, construction shall be initiated within twelve (12) months of the date of the approval of the variance, otherwise it shall become null and void. If more than one variance was granted, the use of one of the variances shall vest the other variances. Permitted time frames do not change with successive owners. Upon written request, an extension of time for the variance or any condition thereof may be granted for a maximum of twenty-four (24) months. No request for an extension shall be considered unless a written application requesting the extension is submitted to the appropriate Department at least one (1) month prior to the date the development order or condition is to expire. Failure to submit an application for an extension within the time limits established by this section shall render the development order for the variance null and void.*
3. ***Staying of work on premises.*** *When an appeal from the decision of the Zoning Director has been filed with the Board of Adjustment, all proceedings and work on the premises shall be stayed unless the Zoning Director shall certify to the Board of Adjustment that a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a court of record.*

(Relocated from Sec. 5.7.H and revised.)

SUBPART 2.3 Section 6.4.D., Use Regulations and Definitions, is hereby amended to add and delete language as follows:

77. Repair and maintenance, general means an establishment engaged in the repair and maintenance of motor vehicles or other heavy equipment or machinery, including automobiles, boats, golf carts, mopeds, motorcycles, personal watercraft and trucks, excluding paint and body work. Typical uses include automobile repair garages, automobile tune-up stations, automotive glass shops, quick-lubes and muffler shops. A general repair and maintenance use shall comply with the following supplementary use standards.

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a. CC district. ...
b. Enclosed repair activities. ...
c. Setbacks. No repair or maintenance building or activity shall be conducted within one hundred (100) feet of any property line adjacent to a residential district, except in the Westgate CRA. In the Westgate CRA, no service bay door shall be located within one hundred (100) feet of any residential structure.
d. Service bay orientation. ...
e. No loud speakers. ...
f. Vehicle testing on residential streets. ...

83. Retail sales, mobile, or temporary means retail sales operations without a fixed or permanent location.

a. General requirements. ...
b. Temporary sales. A temporary sales operation shall be conducted without a fixed or permanent location. Typical uses include Christmas tree or sparklers as defined in Fla. Stat. Chapter 791.01, or special event sales, such as the sale of furniture, plants, or toy sales, that may or may not require a tent or temporary structure. Temporary sales shall:
(1) District. ~~be~~ Be limited to the ~~CG,~~ CN, CC, CG, AGR, ~~or~~ SA, MUPD, or MXPD district.
(2) Duration. ~~not~~ Not exceed thirty (30) days in duration, provided that an additional fifteen (15) days duration may be approved once a year. Issuance of permits shall be limited to four (4) times a year per site.
(3) ~~Tent~~ Number.
(a) CN, CC, CG, AGR, and SA districts. Be limited to one (1) per project. ~~not have more than one (1) temporary tent or structure for each lot;~~
(b) MUPD and MXPD districts. Be limited to two (2) per project.
(4) Signage. ~~meet~~ Meet the following requirements for signage:
(a) Size. For a temporary sale, one (1) on-site, non-illuminated freestanding sign shall be permitted. This sign shall not exceed thirty-two (32) square feet in sign area, shall not exceed six (6) feet in height from finished grade and shall be located at least five (5) feet from all base building lines.
(b) Duration. The sign may remain on the site only for the approved duration of the temporary sale
(5) Debris. ~~remove~~ Remove all debris within forty-eight (48) hours of expiration of permit and return the property to an orderly and sanitary condition.
(6) *Electrical service.* ~~*Temporary electrical service to a site shall be*~~ Be *provided by an approved temporary connection. If a generator is used on site, it shall meet the supplemental requirements established by the Palm Beach County Chief Electrical Inspector and Palm Beach County Fire-Rescue Department.* **(Relocated from Sec. 6.4.D.83.b.(7)(d) and revised.)**
(7) AGR and SA districts. : ~~shall be~~ limited to plants, pumpkins and Christmas trees, ~~and~~ and shall exclude sparkler sales ~~in the AGR and SA districts~~.
(8) Parking. If the project is developed, the use shall not occupy more than ten (10%) percent of the project's required parking spaces.
(~~7~~ 9) Special provisions for the sale of sparklers. In addition to the requirements set forth above, sales of sparklers shall comply with the following requirements.
(a) Seasonal limitations. Seasonal sales shall be limited to June 20 through July 5 and December 10 through January 2 of any given year.
(b) Location. The sale of sparklers shall be limited to CG and IL districts.

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(c) **Hours of operation.** Hours of operation shall be limited from 7 a.m. to 11 p.m.

(d) ~~**Electrical service.** Temporary electrical service to a site shall be provided by an approved temporary connection. If a generator is used on site, it shall meet the supplemental requirements established by the Palm Beach County Chief Electrical Inspector and Palm Beach County Fire-Rescue Department.~~

Storage trailers. Temporary storage trailers may be permitted in conjunction with the temporary sales. Trailers shall be parked a minimum of seventy-five (75) feet from primary circulation routes and shall be parked the maximum extent possible from all buildings on or surrounding the site.

(~~f~~ e) **Supplemental application requirements.** An application for each location shall be submitted. Each permit application shall be supplemented with the following documentation:

i) **Hold harmless affidavit** which holds the County harmless for any liability connected with the operation.

ii) **Certification.** A certification of registration from the State Fire Marshal authorizing sale of sparklers.

iii) **Affidavit of compliance.** A signed and notarized affidavit of compliance with the Approved List of Sparklers. The affidavit shall be signed under oath affirming that only products on the State Fire Marshall's approved List of Sparklers and Novelty Items will be sold and that violation of the affidavit can result in an injunction.

iv) **Location plan.** A plan approved by the Department of Fire-Rescue delineating tent, parking, and signage.

v) **Documentation.** The applicant shall submit copies of state registration documents for any corporate or other business entity, evidence of registering any fictitious name to be used and driver's licenses for the applicant's authorized agents. ...

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SUBPART 2.4 **Section 7.14, Signage, is hereby amended to add and delete language as follows:**

A. Purpose and intent. ...
B. Applicability. ...
C. Effect on previously permitted signs. ...
D. Definitions. ...
E. Required signs and required procedure. ...
F. Exemptions. ...
G. Prohibited signs. ...
H. Signs requiring a special permit from Zoning Division. ...
I. Signs subject to special standards and requiring no permit. ...
J. On-site signs subject to special standards.

1. **Electrical sign. ...**
2. **Entrance wall signage. ...**
3. **Freestanding flagpole and flag size. ...**
4. **Directional signage internal to residential developments. ...**
5. **Directional signage internal to non-residential development. ...**
6. **Directional signage for non-residential development internal to a LS/MU or MLU overlay. ...**
7. **Project identification signs. ...**
8. **Point of purchase signs**. Point of purchase signs in any zoning district are subject to the standards of this section.

   a. **Freestanding signs.** The maximum number, height, and area and the location of freestanding signs shall be governed by the following Table and supplementary standards.

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TABLE 7.14-1
TABLE OF SIGN STANDARDS

Right-of-Way in Width[1] in Feet	Maximum Height in Feet			Maximum Single Face Sign Area in Square Feet			Maximum Number of Signs by R-O-W Frontage
	C/C	C/R	R	C/C	C/R	R	
≥110	30	20	10	240	180	100	3≥400 2<400 1≤250
≥80 <110	25	15	10	180	140	80	3≥400 2<400 1≤250
<80	10	8	6	124	96	60	3≥400 2<400 1≤250

Notes to TABLE 7.14-1:

<	=	less than
>	=	greater than
≤	=	less than or equal to
≥	=	greater than or equal to;
C/C	=	commercial, industrial or non-residentially zoned parcels adjacent to commercial, industrial or non-residentially zoned parcels
C/R	=	commercial, industrial or non-residentially zoned parcels adjacent to any residentially zoned parcel
R	=	residentially zoned parcels.

[1]The ultimate rights-of-way distances indicated on the Thoroughfare R-O-W Protection Map adopted by Palm Beach County shall be used for determining sign height and sign area. See Section 6.5.G.7, Base building line.

(1) Location. Freestanding signs shall be located at least five (5) feet from all base building lines, or from the existing R-O-W when encroachment approval has been granted pursuant to Sec. 6.5.C.7.c. In addition, signs shall be located so as to meet visibility requirements for landscaping within safe sight distance triangles in accordance with Sec. 7.3. ...

(2) Sign face area. ...

(3) Freestanding signs shall not be permitted in conjunction with roof signs or projecting signs.

(4) The primary identification sign at a shopping center may show name or logo of an outparcel, outbuilding, or adjacent parcel, provided; ...

(5) Changeable copy shall cover no more than ten percent (10%) of the face area.

(a) Exemption. The following uses shall be exempt from the changeable copy restriction: church or place of worship, schools and indoor and outdoor theatres.

b. Wall signs.

(1) No sign shall be mounted at a distance measured perpendicular to the surface of a building greater than thirty-six (36) inches from the surface of the building to the face of the sign. The total square footage of all wall signs on any wall of the individual business establishment shall not exceed in surface area or sign area one and one-half (1/2) times the length of the wall to which it is attached. A wall shall be considered continuous if the recesses or projections are less than five (5) feet in any direction.

(2) Side wall or rear wall signage shall not exceed fifty (50) percent of the maximum square footage specified by Sec. 7.14.J.8.b.(1). Side wall or rear

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wall signage adjacent to residential parcels shall not exceed twenty-five (25) percent of the maximum square footage specified by Sec. 7.14.J.8.b.(1).

(3) There shall be a minimum separation of three (3) feet between wall signs. No wall sign shall cover wholly or partially any required wall opening.

(4) No wall sign shall coexist with any projecting sign, except projecting signs under cover in Sec. 7.14.J.6.c.

(5) Signs located on the building shall be considered wall signs. The top of a wall sign shall be located at least six (6) inches below the peak of the roof.

(6) Solid doors with signage shall be included in calculating the maximum allowed square footage of wall signage.

(7) Awning signs. ...

(8) Maximum number of wall signs. ...

(9) Wall signs shall contain no advertising copy, other than logo or company name.

(10) Changeable copy. Changeable copy shall cover no more than ten percent (10%) of the face area.

(a) Exemption. The following uses shall be exempt from the changeable copy restriction: church or place of worship, schools and indoor and outdoor theatres. ...

SUBPART 2.5 7.14.T, Billboard replacement and relocation, is hereby amended to add and delete language as follows:

The following definitions shall be utilized for the purposes of this section. ...

Billboard apron means a separate panel from the billboard sign face located at the bottom of the billboard and used only for identification of the billboard company owner and County required labeling. The dimensions shall not exceed the width of the billboard face nor a height of three (3) feet.

Billboard temporary embellishment means ~~additional billboard area attached to and extending beyond the side and top of a billboard.~~ a temporary extension of the billboard sign face with width no greater than an additional two (2) feet on the side of the sign face and height no greater than an additional five and a half (5.5) feet above the top of the sign face which is added, modified, or removed when the message is changed. For the purposes of this definition, temporary shall mean not subject to the building code and not permanent.

1. Billboard inventory. ...

2. Billboard registration permits. ...

3. Billboard owners not party to the stipulated settlement agreement. ...

4. Removal of billboard sign faces. ...

5. Relocation of billboards. Billboards may be relocated subject to the provisions of the billboard stipulated settlement agreement or similar agreement. Billboard relocation shall occur as indicated below.

a. A billboard company must notify the Zoning Division in writing of its intent to relocate a billboard.

b. The written notification must be provided at least thirty (30) days prior to the intended date of demolition and relocation, unless otherwise waived by the Zoning Director.

c. Each billboard to be relocated must be assigned a billboard registration permit.

d. The Zoning Division shall verify the request for relocation, subject to the billboard stipulated settlement agreement.

e. Upon verification of the request for relocation, the Building Division shall issue a demolition permit for removal of the affected billboard.

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f. For each billboard demolished, a billboard company shall provide verification of the demolition. The verification shall be provided in a form acceptable to the County Attorney's Office.

g. Each billboard demolished subject to this section may be relocated. The combination of a demolition permit and assignment of a registration permit shall be deemed to be a billboard relocation permit.

h. A billboard relocation permit shall be valid for a period of four (4) years from the issuance of the demolition permit.

i. A billboard relocation permit shall permanently lapse if relocation does not occur within four (4) years following issuance of the demolition permit.

j. Once a relocation permit has lapsed, the affected billboard shall not be relocated.

k. A billboard relocation permit shall allow construction of a billboard with the same or lesser number of faces as contained on the demolished billboard. Two relocated single face, single billboard structures may be combined into a new two face billboard structure.

l. A relocated billboard may be constructed only within the following comprehensive plan land use categories: "CH" (Commercial High), "CL" (Commercial Low), or "I" (Industrial).

m. With in the "CH" (Commercial High), "CL" (Commercial Low) and "I" (Industrial) future land use categories, a relocated billboard may only be located within the following zoning districts: "CG" (Commercial General), "CC" (Community Commercial), "IL" (Industrial, Light), "IG" (Industrial, General), "MUPD" (Multiple Use Planned Development), and "PIPD" (Planned Industrial Park District).

n. Any billboard proposed for relocation within a conditional use, planned development, or similar project with an approved signage plan must obtain approval for the relocation from the Board of County Commissioners, which shall retain the same discretion it exercised when granting the original development approval. If the billboard relocation requires modification of a signage plan that does not require Board of County Commissioners approval, the relocation shall be approved by the Development Review Committee, subject to the requirements of this section and the billboard stipulated settlement agreement.

o. Relocation of a billboard to a planned development district shall comply with the height and setback requirements for structures approved in the master plan.

p. If modification of signage located within a planned development district does not require Board of County Commissioners approval, such modification of signage shall be approved by the Development Review Committee.

q. A relocated billboard shall not be relocated on property assigned a residential, agricultural, or conservation zoning designation. For the purposes of this section, residential, agricultural, and conservation zoning districts shall be as described in the billboard stipulated settlement agreement.

r. All relocated billboards must be located within an area containing a front dimension ~~containing~~ having at least five hundred (500) linear feet~~.~~ of contiguous commercial or industrial zoning. ~~This linear dimension may include property abutting a public R-O-W.~~ Public R-O-W adjacent to commercial or industrial zoning districts shall be included in the calculation of linear feet.

s. The height of any relocated billboard shall not exceed forty (40) feet above finished grade, unless a sound barrier wall constructed by a government entity is located directly adjacent to, and within one hundred and twenty-five (125) feet, of the billboard. In such case, the sign face of the relocated billboard may be increased in existing height by a maximum extension of twenty (20%) percent of the sound barrier wall height located adjacent to the billboard, excluding temporary embellishments. In no event, shall the area of the sign face, or the billboard apron, increase in square footage.

t. A relocated billboard shall comply with the setbacks listed below: ...

~~**u. A billboard shall not be relocated to a site on on a road with a R-O-W width of less than eighty (80) feet.**~~ The billboard front setback shall be located on a street with a R-O-W width of at least eighty (80) feet. Parallel contiguous streets may be combined to provide a total width of at least eighty (80) feet. ...

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6. **Billboard replacement.** A replacement for an existing billboard may be constructed consistent with the provisions of this Section.
   - **a. A replacement billboard shall be located ...**
   - **b. A replacement billboard shall remain ...**
   - **c. A replacement billboard may retain ...**
   - **d. For replacement billboards, the front setback shall be measured from the property line.**
   - **e.** A replacement billboard may be constructed at the same or lesser height of the existing billboard, unless a sound barrier wall constructed by a government entity is located directly adjacent to, and within one hundred and twenty-five (125) feet, of the billboard. In such case, the sign face of the replacement billboard may be increased in existing height by a maximum extension of twenty (20%) percent of the sound barrier wall height located adjacent to the billboard, excluding temporary embellishments. In no event, shall the area of the sign face, or the billboard apron, increase in square footage. ...

7. **Supplemental billboard regulations.**
   - **a.** Roof-mounted billboards are prohibited.
   - **b.** ~~A billboard shall not be relocated to a site on a road with a R-O-W width of less than eighty (80) feet.~~ The billboard front setback shall be located on a street with a R-O-W width of at least eighty (80) feet. Parallel contiguous streets may be combined to provide a total width of at least eighty (80) feet. ...

PART 3

SUBPART 3.1 Section 3.2, Definitions, is hereby amended to add and delete language as follows:

Base building line means a line horizontally offset from and running parallel to the centerline of a street form which setbacks for front yard, corner side yard, and lot standards are measured as set forth in Sec. 6.5.G.5.

SUBPART 3.2 Section 6.6, Supplementary Regulations, is hereby amended to add and delete language as follows:

A. Accessory uses and structures.
- **1. General. ...**
- **2. Fences, walls and hedges. ...**
- **3. Outdoor storage. ...**
- **4. Fuel, gas, or chemical storage tanks. ...**
- **5. Dumpsters. ...**
- **6. Multi-family recyclable material storage areas. ...**
- **7. Commercial recyclable material storage. ...**
- **8. Accessory outdoor recreation. ...**
- **9. Swimming pools and spas. ...**
  - **a. Principal and accessory use. ...**
  - **b. Setbacks for pools or spas.**
    - **(1)** Setbacks for swimming pools and spas. Setbacks shall be measured to the water's edge. ...
    - **(2)** Exceptions to setbacks.
      - **a.** Single family design clusters. Single family design clusters are a type of single family dwellings that were permitted under previous zoning codes. Although this type of housing has been excluded from the ULDC, pools and spas shall comply with the setbacks indicated on the certified site plan. If setbacks are not indicated on the certified site plan, setbacks for ZLL homes shall be applied.

b. Single family and ZLL homes. Swimming pools or spas may be constructed with a three (3) foot rear or side interior setback in accordance with the ~~open space~~ setback reductions of Sec. 6.5.~~,~~ ~~(~~Property Development Regulations~~)~~.

(3) Recreation parcels less than one (1) acre. Swimming pools or spas may be constructed with a minimum ten (10) foot rear or side interior setback for recreation parcels less than one (1) acre in size in accordance with the ~~Open Space Setback Reductions~~ setback reduction of Sec. 6.5.~~,~~ ~~(~~Property Development Regulations~~)~~.

(4) Planned developments. Setbacks for swimming pools or spas may be reduced in accordance with the flexible regulations in Sec. 6.8.A.4.a and administrative deviations in Sec. 6.8.A.4.b. ~~of Sec. 6.8.(Planned Development Districts)~~.

10. Screen Enclosures

a. General

b. Setbacks for screen enclosures with screened roofs. ...

(1) Setbacks. Setbacks for screen enclosures with screen roofs shall be measured as specified in the chart below.

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Setbacks	Front	Side Interior	Side Street	Rear
Single family	25 feet	7.5 feet	15 feet	7.5 feet
ZLL				
Interior lot	20 feet	Non ZLL 2 feet ZLL 0 feet	N/A	2 feet
Corner lot	20 feet	0 feet	10 feet	2 feet
Side street home lot	20 feet	2 feet	10 feet	2 feet
Townhouse, Row house				
Measured from lot boundary	10 feet	0 feet	From lot line - 5 feet From street line - 15 feet	0 feet
Measured from inside edge of landscape buffer or tract boundary	15 feet	15 feet	15 feet	15 feet
Separation between groups	25 feet	15 feet	N/A	15 feet
Townhouse, Quad				
Measured from lot boundary	0'	0'	From lot line - 0 feet From street line - 15 feet	0 feet
Measured from inside edge of landscape buffer or tract boundary	15 feet	15 feet	15 feet	15 feet
Separation between groups	25 feet	15 feet	N/A	15 feet
Multi-family, Home Owners Assoc., Rec. parcels less than 1 acre	25 feet	20 feet	20 feet	20 feet
Multi-family, Home Owners ~~Association~~, Non-profit assembly, Social, Civic, and Rec. parcels greater than 1 ac	30 feet	25 feet	25 feet	25 feet

(This space intentionally left blank.)

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Relocated language is shown as *italicized with reference (6.4.D.35.a.) in parentheses.*

(2) Exceptions to setbacks.

(~~b~~ a) Single family and ZLL homes. ~~Swimming pools or spas~~ Screen roof enclosures may be constructed with a ~~three (3)~~ zero (0) foot rear or side interior setbacks in accordance with the setback reductions of Sec. 6.5., Property Development Regulations.

(~~c~~ b) Recreation parcels less than one (1) acre. ~~Swimming pools or spas~~ Screen roof enclosures may be constructed with a minimum ~~ten (10)~~ five (5) foot rear or side interior setbacks for recreation parcels less than one (1) acre in size in accordance with the setback reductions of Sec. 6.5., ~~(~~Property Development Regulations~~)~~.

(~~d~~ c) Planned developments. Setbacks for screen enclosures may be reduced in accordance with the flexible regulations in Sec. 6.8.A.4.a and administrative deviations in Sec. 6.8.A.4.b.

PART 4. CAPTIONS: The captions, section headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

PART 5. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

PART 6. SEVERABILITY: If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

PART 7. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE: The provision of this ordinance shall become and be made a part of the Unified Land Development Code of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

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PART 8. EFFECTIVE DATE: The provisions of this ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 16 **day of** April **, 2002.**

ATTEST:
DOROTHY H. WILKEN, Clerk

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS PALM BEACH COUNTY FLORIDA

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: _____
Warren H. Newell, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 25 **day of** April **, 2002.**

U:\ZONING\CODEREV\2002 Code Revision\Ordinances\Gen Issues 3\Adopt\Adopt Gen Issues #3 sent with AIS.doc

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on April 16, 2002.
DATED at West Palm Beach, FL on 5/7/02.
DOROTHY H. WILKEN, Clerk
By: _____ D.C.

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