August 17, 2011

Department of Planning, Zoning & Building

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West Palm Beach, FL 33411-2741
(561) 233-5000

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Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
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Palm Beach County Board of County Commissioners

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Robert Weisman

"An Equal Opportunity Affirmative Action Employer"

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

RE: August 24, 2011 LDRAB Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB meeting on Wednesday, August 24, 2011.

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

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

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: August 24, 2011 LDRAB Agenda

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

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

AUGUST 24, 2011

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Gold Coast Build. Assoc.)

Vacant (League of Cities)

Terrence N. Bailey (Florida Engineering Society)

Jose Jaramillo (A.I.A.)

Rosa Durando (Environmental Organization)

Michael Cantwell (PBC Board of Realtors)

Gary Rayman (Fl. Surveying and Mapping Society)

Maurice Jacobson (Condominium Association)

Vacant (Association Gen. Cont. of America)

Joanne Davis (District 1)

Barbara Katz (District 3)

Jim Knight (District 4)

Lori Vinikoor (District 5)

Vacant (District 6)

Martin Klein, Esq. (District 7)

Robert Schulbaum (Member at Large/Alternate)

Patrick Gleason (Member at Large/Alternate)

Board of County Commissioners

Karen T. Marcus
Chair, District 1

Shelley Vana
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Commissioner, District 2

Steven L. Abrams
Commissioner, District 4

Burt Aaronson
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Jess R. Santamaria
Commissioner, District 6

Priscilla A. Taylor
Commissioner, District 7

Robert Weisman
County Administrator

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, AUGUST 24, 2011 AGENDA
2300 NORTH JOG ROAD
1ST FLOOR KENNETH S. ROGERS HEARING ROOM (VC-1W-47), 2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of May 25, 2011 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B - Article 2, Development Review Procedures
2. Exhibit C - Article 4, Use Regulations
3. Exhibit D - Article 9, Archaeological and Historic Preservation
4. Exhibit E - Article 11, Subdivision, Platting and Required Improvements
5. Exhibit F - Article 13, Impact Fees

C. PUBLIC COMMENTS

D. STAFF COMMENTS

1. Response to LDRAB Inquiry on Meeting Procedures
2. Code of Ethics – Board Members Re-Training Notification
3. ULDC Supplement 10 - Paper copies versus web page version?

E. ADJOURN

EXHIBIT A

PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of May 25, 2011 Meeting

On Wednesday, May 25, 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 1:05 p.m. Ann DeVeaux, Code Revision Zoning Technician, called the roll.

Members Present: 13 *
Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
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) **
Joanne Davis (District 1)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Martin Klein (District 7)

Members Absent: 1
Terrence Bailey (Florida Eng. Society)

Member At Large: 2 (Not Attending)
Robert Schulbaum (Member At Large, Alt.)
Patrick Gleason (Member At Large, Alt.)

Vacancies: 3
Vacant (League of Cities)
Vacant (Assoc. Gnrl. Cntrctrs. of America)
Vacant (District 6)

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
Bryan Davis, Principal 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
Robert Kraus, Senior Site Planner, ERM

2. Additions, Substitutions, and Deletions

An Amendment to the Agenda sheet was presented for Exhibit C, Renewable Energy (Wind), Exhibit H, Lion Country Safari and Exhibit I, Urban Redevelopment Area Overlay (URAO).

3. Motion to Adopt Agenda

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

4. Adoption of April 27, 2011 Minutes (Exhibit A)

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

B. ULDC Amendments

1. Exhibit B: Article 12 – Traffic Performance Standards

Reordered for presentation after Exhibit K.

Motion to reorder agenda item B.1, Exhibit B, Article 12, Traffic Performance Standards by Martin Klein, seconded by David Carpenter. The motion passed unanimously (12-0*).

2. Exhibit C: Renewable Energy (Wind)

Mr. Cross explained that the amendment was initiated by BCC direction to accommodate potential large scale commercial wind farms in the agricultural area or the Agriculture Tier of unincorporated Palm Beach County. He summarized the exhibit as amendments to the existing renewable wind energy ordinance adopted two years ago and the proposed amendment is the result of a subcommittee that was convened on the topic. He continued stating that the amendment provides for definitions; establishes an

expedited approval process for temporary MET Towers; provides parking exemptions; addresses changes in industry standards; and, adds setback provisions of 1,000 feet separation from residential structures.

He informed that George Gentile of Gentile & Associates and Robin Saiz of Wind Capital Group, has a Zoning application for a large scale wind farm in the Agricultural Production (AP) Zoning District in the Glades Tier. Mr. Cross mentioned that Cliff Hertz, a representative of Florida Crystals, anticipated being present to make comments regarding the setbacks from the perimeter of the project.

***** Jose Jaramillo arrives at 1:10 p.m.

The amendment also provides for DRO authority to relocate or increase the number of turbines (up to ten percent), approved by the BCC.

Amendments to the Agenda:
- Item #1 – Page 23, line 39, Part 3 (increased required Setback and Separation from Existing Habitable Structures);
- Item #2 – Page 24, lines 8-16, Part 3 (clarified turbine removal agreement requirements); and,
- Item #3 – Page 24, lines 36-44, Part 3 (added additional requirements to address potential adverse impacts to low flying aircraft)

Discussion ensued regarding:
- Turbine color;
- 1,000 setback from habitable structures;
- environmental permitting and adverse impacts to migratory bird routes;
- identification and location of customers that will be serviced, which was pointed out may not necessarily be for the express use of Palm Beach County residents;
- sacrifice of land for tower placement; and,
- obligation of FP&L to buy electricity, to which it was again clarified that electricity generated would be sold as a commodity, not necessarily to utilities in Florida.

Motion to adopt as amended by Martin Klein, seconded by Raymond Puzzitiello. The motion passed (11-2). Ms. Durando and Mr. Carpenter voted nay.

1. Exhibit B: Article 12 – Traffic Performance Standards

Mr. Cross requested that Exhibit B, Traffic Performance Standards be presented at this time, as Mr. Ennis of Traffic Engineering was now present.

Motion to reorder item B.1, Exhibit B, Article 12, Traffic Performance Standards after Exhibit C, by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (13-0).

Mr. Ennis summarized the amendment as an update of Traffic Performance Standards (TPS) methodology and references for consistency with the Comprehensive Plan Transportation Element Policy 1.2-d(4). The amendment involves several technical changes to the analysis method for signalized intersections with ramps. The amendment also corrects errors in the TPS Database which shows the amount of traffic approved for un-built projects. Mr. Ennis also mentioned that changes to the procedure for Constrained Roadway at Lower Level-of-Service (CRALLS) application are needed for clarification of 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.

****** Maurice Jacobson leaves the room 1:12 p.m.

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

3. Exhibit D: Pain Management and Pharmacies

Mr. Cross summarized the amendments and noted that a subcommittee was convened to address ongoing multi-jurisdictional efforts to address prescription drug abuse. It was noted that the Pain Management Clinic Moratorium, which had been extended six

months and was set to on October 3, 2011, spurred the need for the County to act should the 2011 Legislative Session fail to address this serious issue. The amendment requires that County Code Enforcement coordinate with the Palm Beach County Health Department relative to regulations, inspections and the method of storage of drugs by pharmacies, as well as the Palm Beach County Sheriff's Office (PBSO). He noted that the State Legislature and the Governor were considering allowing the previously approved prescription drug database to be implemented, in addition to other laws that would better manage Pain Management Clinics, pharmacies and dispensing physicians, among others. The amendment was summarized as follows:

- deletes prohibitions on Pain Management Clinics, which as noted above, was set to occur with the expiration of the Moratorium;
- adds provisions that allow the County to regulate pharmacies, by limiting the number of prescriptions that can be issued in a 30-day period for Schedule II, Controlled Substances;

- adds Pharmacy as a definition and clarifies it as a use under the category of General Retail Sales;
- deletes Pain Management Clinic as a use from the Supplementary Use Standards and matrices; and,
- clarifies that the sale or dispensing of controlled substances is not included within the limited accessory retail sale of products for uses such as Personal Services.

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

4. **Exhibit E: Interpretations**
   Ms. Cantor summarized the proposed amendment as a consolidation of language related to interpretation of the ULDC. The amendment primarily adds or deletes authority for officials, directors or administrators to interpret various articles of the ULDC for consistency through the Code. Also clarifies sufficiency review process including time periods applicable to interpretations.

   ******* Jim Knight leaves the room at 2:22 p.m.

   ****** Maurice Jacobson reenters the room at 2:23 p.m.

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

5. **Exhibit F: Administrative Inquiry**
   ******* Jim Knight enters the room at 2:25 p.m.

   Ms. Cantor explained that the amendment consolidates the Administrative Inquiry procedures in Article 2 and clarifies that only PBC officials can apply for Administrative Inquiry.

   Motion to adopt by Martin Klein, seconded by David Carpenter. The motion passed unanimously (13-0).

6. **Exhibit G: Northlake Boulevard Overlay Zone (NBOZ)**
   Mr. Cross explained that the amendment extends the compliance date for replacement of existing signage and landscaping for development in the NBOZ to May 31, 2014 for several participating jurisdictions. It was noted that the NBOZ is comprised of the County and surrounding municipalities, that there were only 19 parcels within the County's jurisdiction, and that the Zoning Division had sent out correspondence advising affected property owners of the proposed time extension.

   Motion to adopt by David Carpenter, seconded by Martin Klein. The motion passed unanimously (13-0).

7. **Exhibit H: Lion Country Safari (LCS)**

Mr. Cross summarized that the amendment adds purpose, applicability and requirements to the RR-PUD for consistency with the Lion Country Safari Overlay established by the Future Land Use Element (FLUE) Objective 1.11 of the Plan.

Amendments to the Agenda:

- Item #4 – Page 43, lines 41-47, Part 3 - added clarification regarding County oversight of required deed restriction or conservation easement; and,
- Item #5 – Page 45, lines 14-23, Part 3 - added 1) Lion Country Safari Exemption from Open Space Management Plan bonding requirements.

Discussion ensued regarding the preservation of existing native vegetation including a minimum of 37 acres of upland native vegetation, the calculation of the preservation area which may conflict with other sections of the ULDC, and, the percentage of the existing park that is related to open space.

Mr. Kerry Kilday from Urban Design Kilday Studios stated that the total property is a square mile and the existing park facility is approximately 50 percent of that property, and ten percent of the property is the preservation area. He also related that other areas in the upland area will need to be preserved and that the language pertaining to the 37 acres of upland is taken directly from the Comprehensive Plan. The 37 acres is preserved currently and is set up as part of the Lion Country Safari and because of concern for neighbors, it was essentially placed up against the edges of an abutting residential neighborhood.

Ms.. Davis interjected that the concept of the Comprehensive Plan was to ensure that there was no retreat or loss of 37 acres in the existing buffer that was effectively already provided.

Discussion continued on the upland habitat and 25 percent preservation, the use of the RV Park as open space, and water management and drainage on the site.

Mr. Kraus clarified that the requirement is for 25 percent of good quality upland habitat be preserved on the site. Mr. Cross added that in the Planned Unit Development (PUD) section, the Rural Residential PUD requires that any drainage related to the development has to be retained in the development area. The preserves could not be used to meet the drainage requirement for the development area. It does not preclude drainage being done on the preserve area, but not for the purpose of development for a PUD.

Staff agreed to incorporate Ms. Davis' request that future development address upland vegetation habitat preservation requirements.

Motion to adopt as amended by Martin Klein, seconded by Maurice Jacobson. The motion passed (11-2). Joanne Davis and Rosa Durando voted nay.

8. Exhibit I: Urban Redevelopment Area Overlay (URAO)

Mr. Cross explained that most of the amendments relate to changes that are being processed in the Comprehensive Plan which:

- Delete the Specialized Development (SD) District that allows Zoning District requirements to be simplified;
- Establish approval process for URAO Type I and II Waivers (noting that IRO, LCC and URAO Type I Waivers would be consolidated);
- Clarify applicability of PRA Use Matrix for existing development for parcels within UC and UI Zoning; and,
- Provide streamlined approvals of some uses and add new uses not previously permitted.

In response to requests from LDRAB members, Mr. Cross reviewed maps he brought to help illustrate the spatial relationship between the URA and the Priority Redevelopment Areas (PRA).

Amendments to the Agenda

- Item #6 – Page 61, line 2, Part 11 - to further amend Table 3.B.16.F- PRA Permitted Use Schedule, to require Conditional Use Approval for Funeral Homes (noting that

those without crematoriums would be permitted by the DRO), and allowing Self Service Storage Facilities to be approved by the DRO;

- Item #7 – Page 70, lines 20, Part 11 - to further amend Table 3.B.16.F – PRA, Mixed Use, Block, Civic and Apartment Building PDRs, by removing deleted building types from the title (Mixed Use, Civic and Apartment);
- Item #8 – Page 83, lines 1, Part 11 - to further amend new Table 3.B.16.G –Type I and II URAO Waivers, to address minor scriveners errors; and,
- Item #9 – Page 87, line 13, Part 17 - Added note to allow for Funeral Homes without Crematoriums to be permitted by the DRO, as noted in Item #6 above;

Motion to adopt as amended by Martin Klein, seconded by Maurice Jacobson. The motion passed unanimously (13-0).

Mr. Cantwell recognized the efforts made by PZ&B staff to address comments from industry and property owners in prior forums, but reiterated his concerns with the viability of the overall concept of the URA, with emphasis on the current recession, increased vacancy rates and other limitations making it difficult to further encourage investors to do what is being required.

9. Exhibit J: Appeals

Ms. Cantor summarized that the amendment consolidates processes and standards for Appeals in Article 2, Development Review Procedures and updates references.

Motion to adopt as amended by Martin Klein, seconded by Maurice Jacobson. The motion passed unanimously (13-0).

10. Exhibit K: Public Notice

Mr. Cantor explained that the amendment consolidates public notice requirements and codifies existing practice of using certified mail to properties within 300 feet of projects subject to Public Hearing approval.

******Maurice Jacobson leaves the room 3:26 p.m.

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

Adjourned as LDRAB at 3:28 p.m.

C. Convene as LDRC

1. Proof of Publication

Motion to approve, by Martin Klein, seconded by Joanne Davis. The motion passed unanimously (12-0******).

2. Consistency Determination

a. Mr. Davis stated that the proposed amendments B.1 through B.10 were consistent with the Comprehensive Plan.
b. Mr. Davis stated that the previously presented amendments Exhibit L. through Exhibit X. were consistent with the Comprehensive Plan.

Motion to approve consistency determination by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0******).

Adjourned as LDRC.

D. Reconvene as LDRAB

E. Public Comments

There were no public comments.

F. Staff Comments

Mr. Cross mentioned that a consensus on how to address mining was not reached in the Fourth EAA Mining Consensus Building Workshop. Staff and Administration continue to work toward resolving the issues, and anticipated developing an Agenda Item to present to

the BCC to obtain feedback on how to proceed. He informed the LDRAB meeting for June will be canceled and Staff will advise if July's meeting will take place.

Mr. Martin Klein commented that during LDRAB meetings, more time should be spent hearing policy issues and less time moving approval of items that routinely must be done, such as relocating ULDC language. Consideration should be given to routine items being placed on a consent agenda at the beginning of a meeting similar to the BCC process. Staff indicated that the issue is going to be addressed by the next LDRAB meeting.

G. Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 3:36 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. _____ 6-24-11
Name (signature) **Date**

Part 1. ULDC Art. 2.B.1.B, Standards [Related to Official Zoning Map Amendments] (page 24 of 81), is hereby amended as follows:

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

CHAPTER B PUBLIC HEARING PROCESS

Section 1 Official Zoning Map Amendment (Rezoning)

B. Standards

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

1. **Consistency with the Plan**
   The proposed amendment is consistent with the Plan. **[Ord. 2007-001]**
2. **Consistency with the Code**
   The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. **[Ord. 2007-001]**
3. **Compatibility with Surrounding Uses**
   The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district. **[Ord. 2007-001]**
4. **Effect on the Natural Environment**
   The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment. **[Ord. 2007-001]**
5. **Development Patterns**
   The proposed amendment will result in a logical, orderly, and timely development pattern. **[Ord. 2007-001]**
6. ~~**Consistency with Neighborhood Plan**~~
   ~~The proposed zoning district is consistent with applicable neighborhood plans in accordance with BCC policy.~~ ~~**[Ord. 2007-001]**~~
7. **Adequate Public Facilities**
   The proposed amendment complies with Art. 2.F, Concurrency. **[Ord. 2007-001]**
8. **Changed Conditions or Circumstances**
   There are demonstrated changed conditions or circumstances that necessitate the amendment. **[Ord. 2007-001]**

Part 2. ULDC Art. 2.B.2.B, Standards for Conditional Uses, Requested Uses and Development Order Amendments (page 25 of 81), is hereby amended as follows:

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

CHAPTER B PUBLIC HEARING PROCESS

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

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

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider Standards ~~standards~~ 1 – 8 ~~9~~ indicated below. A Conditional ~~conditional~~ or Requested Use ~~requested use~~, or Development Order Amendment ~~development order amendment~~ which fails to meet any of these Standards ~~standards~~ shall be deemed adverse to the public interest and shall not be approved. **[Ord. 2007-001]**

1. **Consistency with the Plan**

Notes:
Underlined indicates new text. If being relocated destination is noted in bolded brackets **[Relocated to:]**.
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…. A series of four bolded ellipses indicates language omitted to save space.

The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. **[Ord. 2007-001]**

2. Consistency with the Code
The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS. **[Ord. 2007-001]**

3. Compatibility with Surrounding Uses
The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. **[Ord. 2007-001]**

4. Design Minimizes Adverse Impact
The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

5. Design Minimizes Environmental Impact
The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. **[Ord. 2007-001]**

6. Development Patterns
The proposed use or amendment will result in a logical, orderly and timely development pattern. **[Ord. 2007-001]**

~~**7. Consistency with Neighborhood Plans**~~
~~The proposed development or amendment is consistent with applicable neighborhood plans in accordance with BCC policy. **[Ord. 2007-001]**~~

78. Adequate Public Facilities
The extent to which the proposed use complies with Art. 2.F, Concurrency. **[Ord. 2007-001]**

89. Changed Conditions or Circumstances
There are demonstrated changed conditions or circumstances that necessitate a modification. **[Ord. 2007-001]**

Part 3. ULDC Art. 2.B.3.A, General [Related to Type II Variance] (page 27 of 81), is hereby amended as follows:

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

CHAPTER B PUBLIC HEARING PROCESS

Section 3 Type II Variance

A. General
To allow variances in accordance with Art. 2.B.3.E, Standards, unless stated otherwise. Variance requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type II Variances shall be required for the following: **[Ord. 2011-001]**

1. any application requesting variances from the ULDC requirements which are allowed under the authority of Article 2.A.1.D.1.b, Zoning Commission; **[Ord. 2011-001]**
2. any application requesting five or more variances; **[Ord. 2009-040] [Ord. 2011-001]**
3. any application requesting variances that exceed ~~greater than~~ 15 percent of a required standard or Property Development Regulations for residential lots of three units or less; ~~and~~ **[Ord. 2009-040] [Ord. 2011-001]**
4. any application requesting variances that exceed the standards of Art. 2.D.3.C.2, Non Residential Projects;
5~~4~~. any airport zoning variance as described in Art. 2.B.3.D.2, Airport Variance; and, ~~.~~ **[Ord. 2006-036**] **[Ord. 2009-040]**

Part 4. ULDC Art. 2.D.3.C.1.a [Related to Type IB Administrative Variance for Residential Lots of Three Units or Less] (page 39 of 81), is hereby amended as follows:

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

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the density limitations of the Plan.

CHAPTER D ADMINISTRATIVE PROCESS

Section 3 Type IA and Type IB Administrative Variances

C. Type IB Administrative Variances

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

1. Residential Lots of Three Units or Less

A variance may be requested for the following: **[Ord. 2006-036] [Ord. 2008-003]**

a. ~~Setback reduction~~ Reductions or increases of Property Development Regulations greater than five percent of the minimum or maximum requirement. **[Ord. 2006-036] [Ord. 2008-003]**

Part 1. ULDC Art. 4.B.1.A.3.f, Game and Exotic Animal [Related to Bona Fide Agriculture] (page 28 of 167), is hereby amended as follows:

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

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

3. Agriculture, Bona Fide

f. Game and Exotic Animals

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

….

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EXHIBIT D

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

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

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

CHAPTER B HISTORIC PRESERVATION PROCEDURES

Section 4 Regulations Affecting Historic Sites

A. Development Standards For Historic Districts and Sites

….

7. The construction of new buildings or structures, or the relocation, alteration, reconstruction, or major repair or maintenance of a non-contributing building or structure within a designated historic district shall meet the same compatibility standards as any material change in the exterior appearance of an existing contributing building. Any material change in the exterior appearance of any existing non-contributing building, structure or appurtenance in a designated historic district shall be generally compatible with the form, proportion, mass, configuration, building material, texture, ~~color~~ and location of historic buildings, structures, or sites adjoining or reasonably proximate to the contributing building, structure or site.
8. All improvements to buildings, structures and appurtenances within a designated historic district shall be visually compatible. Visual compatibility shall be defined in terms of the following criteria:

….

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

….

C. Certificate of Appropriateness

1. Activities Requiring Certificate of Appropriateness

….

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

….

2. Certificate Not Required

….

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

….

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.

Part 1. ULDC Art. 11.A.3.A, Platting Requirements (Exhibit F – Round of Amendments 2011-01), is hereby amended as follows:

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

CHAPTER A GENERAL REQUIREMENTS

Section 3 General Requirements

A. Platting Requirement

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

EXHIBIT F

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

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

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

CHAPTER A GENERAL

Section 7 Collection and Administrative Fees

A. Timing and Collection of Payment

….

2. Municipality May Require Direct Payment to County.
A municipality ~~who is~~ reviewing its own applications for development permits may opt to have PBC collect the impact fees, pursuant to interlocal agreement. If PBC is the permitting authority for the municipality by interlocal agreement, no additional interlocal agreement is necessary for PBC to collect impact fees for permits issued for that municipality. If PBC collects the impact fees, the municipality shall not be entitled to the administrative fee. PBC shall not charge the municipality for collecting the impact fee. The municipality shall be responsible for ensuring that all impact fees are paid before issuing any building permit or other permit. One municipality may opt to have a second municipality review development permits and collect impact fees on behalf of the municipality, provided the municipality that collects impact fees maintains separate records to account for the collection and remittance of the impact fees to PBC in accordance with this article. **[Ord. 2010-018]**

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