



October 17, 2013

**Department of Planning,
Zoning & Building**

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

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



**Palm Beach County
Board of County
Commissioners**

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

County Administrator

Robert Weisman

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

RE: October 23, 2013 LDRAB Meeting

Dear Mr. Blackman & Board Members:

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

The meeting will commence at **2:00 p.m.** in the Vista Center 1st Floor Ken 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,

Monica Cantor for WC
William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: LDRAB Agenda and Supporting Materials

- c: Verdenia C. Baker, Deputy County Administrator
- Rebecca D. Caldwell, Executive Director, PZB
- Leonard Berger, Chief Assistant County Attorney
- Robert Banks, Chief Land Use County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Chief Planner, Zoning
- Monica Cantor, Senior Site Planner, Zoning
- Bryan Davis, Principal Planner, Planning
- John Rupertus, Senior Planner, Planning

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

OCTOBER 23, 2013

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Florida Atlantic Builders Assoc.)

Richard S. Kozell, III (District 1)

Joni Brinkman (Palm Beach League of Cities)

Barbara Katz (District 3)

Terrence N. Bailey (Florida Engineering Society)

Jim Knight (District 4)

Jerome I. Baumoehl (American Institute of Architects)

Lori Vinikoor (District 5)

Edward E. Tedtmann (Environmental Organization)

Mike Zimmerman (District 6)

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

Henry D. Studstill, (District 7)

Gary Rayman (Fl. Surveying and Mapping Society)

James M. Brake (Member at Large/Alternate)

Vacant (Condominium Association)

Leo Plevy (Member at Large/Alternate)

Vacant (Association Gen. Cont. of America)

Board of County Commissioners

Steven L. Abrams, Mayor, District 4

Priscilla A. Taylor, Vice Mayor, District 7

Hal R. Valeche
Commissioner, District 1

Paulette Burdick
Commissioner, District 2

Shelley Vana
Commissioner, District 3

Mary Lou Berger
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Robert Weisman
County Administrator



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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, OCTOBER 23, 2013 AGENDA
2300 NORTH JOG ROAD
VISTA CENTER - 1ST FLOOR (VC-1E-60)
2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of July 24, 2013 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B - Art. 14, Environmental Standards
2. Exhibit C - Use of the Term Prohibited
3. Exhibit D - Decision Making Bodies
4. Exhibit E - Height Exceptions

C. ULDC AMENDMENTS - USE REGULATIONS PROJECT

1. Exhibit F - Industrial Uses
2. Exhibit G - Article 5, Supplementary Standards

D. PUBLIC COMMENTS

E. LDRAB SUBCOMMITTEE UPDATES

F. STAFF COMMENTS

G. ADJOURN

EXHIBIT A

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

Minutes of July 24, 2013 Meeting

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

A. Call to Order/Convene as LDRAB

1. Roll Call

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

Members Present: 14

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Jim Knight (District 4)
Gary Rayman (Fl. Surveying & Mapping Society)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)
Jerome Baumoehl (AIA)
Edward Tedtmann, Environmental Organization)
Richard Kozell (District 3)
Barbara Katz (District 3)
Frank Gulisano (PBC Board of Realtors)
Raymond Puzzitiello (Gold Coast Build. Assoc.)

Members Absent: 3

Henry Studstill (District 7)
Leo Plevy (Member At Large/Alternate)
James M. Brake (Member at Large/Alternate)

Vacancies: 2

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

County Staff Present:

Leonard Berger, Assistant County Attorney
Jon MacGillis, ASLA, Zoning Director
William Cross, Principal Site Planner, Zoning
John Rupertus, Senior Planner, Planning
Bryan Davis, Principal Planner, Planning
Zona Case, Zoning Technician, Zoning
David Nearing, Site Planner I, Zoning

2. Additions, Substitutions, and Deletions

The Chair noted that there were no additions, substitutions, or deletions to the agenda.

3. Motion to Adopt Agenda

Motion to adopt agenda by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (14 - 0).

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

Motion to adopt minutes by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (14 - 0).

B. PRIVATELY INITIATED ULDC AMENDMENTS

The Chairman briefly explained that the two applications are both Phase I of the process, and that the Board was to provide the BCC with a recommendation regarding whether the amendments deserve further consideration. If the BCC chooses to move the amendments forward, they will return at a later date for a detailed evaluation by the LDRAB.

1. Exhibit B - Phase I: Hospital or Medical Center Minimum Lot Size

Mr. Cross briefly explained that the applicant is requesting to remove the minimum five acre lot size from the Supplemental Use Regulations to permit smaller sites to be developed for hospitals and medical centers. He stated that staff was recommending moving the project forward as part of the on-going Use Regulations Project.

Mr. Carpenter indicated that one major concern for this use is access. He did not wish to see access to this project bring the noise associated with hospitals through residential areas.

Mr. Knight asked for clarification regarding the difference between a hospital and a medical center. Mr. Cross explained that they offered similar services, the major difference being that hospitals permitted overnight stays.

Mr. Tedtmann asked what the difference was between a medical center and doctors' offices. Mr. Cross explained that the medical center typically offered a more intensive service, and that it was better equipped to handle emergency situations, including ambulance transport. There was discussion of services such as helipads. Staff explained that the applicant acknowledged that the five acre minimum needed to be retained if there was to be a helipad.

Mr. Kozell questioned why there was no variance relief available to the size, rather than amend the Code to permit the use anywhere on smaller parcels. He noted that this should be available if the size issue is due to government action, such as eminent domain.

EXHIBIT A

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

Minutes of July 24, 2013 Meeting

Mr. Carpenter reminded the Board that care should be taken, as the use is permitted in the Institutional Future Land Use designation, which can be located anywhere, including in residential areas. Eliminating or reducing the minimum acreage could permit the use to further encroach into residential areas.

Ms. Vinikoor asked if staff would be recommending a minimum lot size. Mr. Cross noted that staff would likely be recommending reducing rather than eliminating the minimum.

Mr. Kevin McGinley of Land Research Management spoke on behalf of the applicants. He gave a brief history of the property which his clients own. At one point in time it was over five acres in size, however, after FDOT took property for adjacent right-of-way, the acreage fell to 4.96 acres.

Ms. Vinikoor asked what type of licensing was needed for the type of facility his client was seeking. It was determined that a Certificate of Need would not be needed for the use, but since the applicant wishes to have overnight stays and outpatient, it needs to be a hospital. It will require some type of State license.

Ms. Vinikoor expressed concern about the fact that many walk-in health clinics are now being opened which are affiliated with hospitals, and she did not wish to see this amendment used as a vehicle to allow such uses to be opened up all over the County. People are being billed as though they were in a hospital, not a clinic.

The Board discussed the need for moving the proposed amendment forward ahead of the Use Regulations project, versus combining the proposal into the project. If it were to move forward, there would need to be a minimum lot size, and some reevaluation of the current definition.

Motion by Mr. Bailey to recommend that the proposed amendment not move forward ahead of the Use Regulation Project, seconded by Mr. Gulisano. A discussion on the motion followed:

Ms. Katz indicated that the definition is at issue, as well as the minimum lot size.

Mr. Rayman did not believe the minimum lot size should be looked at, but the issue of properties rendered non-conforming by government action should be addressed.

Ms. Brinkman noted that we do need to look at industry trends with respect to lot size. The issue will come up again.

Mr. Gulisano indicated that he wanted the proposal to go through the Use Regulations Project because he wanted some serious consideration given to what is an appropriate lot size rather than picking some arbitrary size.

Mr. Kozell agreed with the comments, however, he felt that it was the Board's obligation to facilitate the applicant and staff to start working together sooner than later.

Ms. Brinkman asked if there was a time constraint. Mr. McGinley indicated that there was.

Ms. Brinkman asked if Mr. Bailey would amend the motion to allow the amendment to move forward with the next round of amendments. Mr. Bailey indicated that he would not, due to the impacts evaluating a use for one parcel will have on staff resources. The intent of the motion was discussed. The Chairman called for a roll call vote.

Yes	No
Mr. Bailey	Chairman Blackman
Mr. Baumohl	Vice Chair Carpenter
Mr. Tedtmann	Mr. Puzzitiello
Mr. Gulisano	Ms. Brinkman
Ms. Katz	Mr. Rayman
Ms. Vinikoor	Mr. Kozell
	Mr. Knight
	Mr. Zimmerman

EXHIBIT A

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

Minutes of July 24, 2013 Meeting

The motion failed 6 to 8.

The Chairman asked for an alternate motion. Ms. Brinkman motioned to support moving the amendment forward in the next round of amendments, seconded by Mr. Puzzitiello.

The Chairman asked for roll call vote:

Yes	No
Chairman Blackman	Mr. Bailey
Vice Chair Carpenter	Mr. Baumoehl
Mr. Puzzitiello	
Ms. Brinkman	
Mr. Tedtmann	
Mr. Gulisano	
Mr. Rayman	
Mr. Kozell	
Ms. Katz	
Mr. Knight	
Ms. Vinikoor	
Mr. Zimmerman	

The motion passed (12 - 2).

2. Exhibit C - Phase I: Allow Commercial Communication Towers in PUD Recreation Pods.

Mr. Cross explained the purpose for the amendment was to permit the siting of cellular communication towers in the Recreation Pod of a Planned Unit Development (PUD). He explained the various types of towers regulated by the ULDC and where they are permitted. He explained that there would be need for additional justification provided by the applicant for the Phase II review of this application, should it move forward. Additional discussion regarding where the towers could go would also be required.

Ms. Lauralee Westine, Law Office of Lauralee G. Westine, P.A., addressed the Board on behalf of her client. Her client is a cell tower developer, not a service provider, who has negotiated locating a tower in the Rec. Pod of the Boca West Country Club PUD.

The Board asked whether the size of Rec. Pods is determined by the area of the project? Staff explained that the minimum size required is based on the number of units in the overall project. It was noted that current Code permits cell towers on Civic Pods of PUDs.

Ms. Westine noted that the application does not propose any changes to types of towers, setbacks, heights, etc. Her client is actually looking for shorter towers.

Ms. Westine noted that due to contractual obligations, her client needs to move forward with this amendment, and therefore she is asking for the Board's support to move the amendment forward with the next round of the amendments. She is willing to cooperate to craft the amendment to address the County's concerns.

Mr. Baumoehl indicated that he would like to see aesthetics addressed.

Ms. Brinkman motioned to recommend the BCC move this amendment forward with the next round of amendments, seconded by Vice Chair Carpenter. The motion passed unanimously (14-0).

C. PUBLIC COMMENTS

There were no public comments.

D. LDRAB SUBCOMMITTEE UPDATES

1. Use Regulations Project

Mr. Cross noted that Sub-Committee meetings have been scheduled for August 13th and 20th for Industrial uses. Mr. MacGillis noted that the Code updates are also moving forward.

EXHIBIT A

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

Minutes of July 24, 2013 Meeting

Staff will be briefing the BCC on the next round of the ULDC amendments (2013-02) in September.

E. STAFF COMMENTS

Staff had no additional comments.

F. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:30 p.m.

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

Minutes drafted by: David Nearing

EXHIBIT B

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/17/13)

1
2 Part 1. ULDC Art. 14.C.7.A, Single Family Dwellings (page 34 of 52), is hereby amended as
3 follows:
4

Reason for amendments: [ERM] This amendment is intended to update chapter language for single family lots past the building permit process.

5 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

6 Section 7 Application, Process, and General Standards

7 A. Single Family Dwellings

8
9 2. Complete removal or eradication of prohibited invasive non native vegetation, as identified in
10 Appendix 5 Prohibited Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native
11 Vegetation, shall be completed for the entire parcel or parcels of the Development Order prior
12 to receipt of the CO. Planting or installation of vegetation identified in Appendix 5, Prohibited
13 Invasive Non-Native Vegetation, and Appendix 6, Invasive Non-Native Vegetation, is
14 prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No
15 additional permit for such maintenance of vegetation shall be required. **[Ord. 2005-002]**
16 **[Ord. 2006-004]**

17 Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for
18 single family residences, single two unit (duplex) residences and accessory structures
19 associated with single family residential parcels in existence as of the date of the adoption of
20 this Chapter are void and of no effect, and all pending enforcement actions related thereto
21 are dismissed. Single family residential property owners are encouraged to maintain
22 preserved native vegetation after site development is completed and to minimize the removal
23 of native vegetation damaged by an extreme weather event such as a storm, hurricane or
24 other natural disaster. **[Ord. 2008-040]**

25
26
27 Part 2. ULDC Art. 14.C.7.B, Approval of Development for Commercial Projects, Government
28 Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects
29 Requiring DRO Review and Agriculture of 10 Acres in Size or Greater (page 34 and 38
30 of 52), is hereby amended as follows:
31

Reason for amendments: [ERM] This amendment is intended to clarify the applicability of ULDC 14.C requirements to agricultural operations.

32 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

33 Section 7 Application, Process, and General Standards

34 B. Approval of Development for Commercial Projects, Government Projects, Schools, New
35 Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and
36 ~~Agriculture~~ Agricultural Operations of 10 Acres in Size or Greater

37 1. Requirements and Process
38 a. Projects involving the development of commercial projects, government projects, schools,
39 new construction of a utility, road right of way projects, projects requiring DRO review,
40 and agricultural ~~parcels operations~~ of 10 acres or greater shall apply to ERM for approval
41 of said project on forms provided by ERM. The provisions of the ULDC 14.C.7 shall not
42 apply on lands classified as bona fide agriculture when the regulatory activity is
43 preempted by State law. Projects that are exempt from the DRO process must make
44 application for approval to remove native vegetation to ERM within 30 days of making
45 application for an initial building permit for the project. **[Ord. 2008-040] [Ord. 2009-040]**
46
47

Reason for amendments: [ERM] This amendment is intended to provide a process for emergency removal of native vegetation planted as mitigation or restoration.

48 5. Mitigation or Restoration

49
50 h. Projects within the one year monitoring period may remove vegetation damaged by an
51 extreme weather event such as a storm, hurricane or other natural disaster under an
52 approval from ERM. Any mitigation vegetation removed must be replanted within 365
53 days of the removal date.
54

Notes:
Underlined indicates **new** text.
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EXHIBIT B

ARTICLE 14 – ENVIRONMENTAL STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/17/13)

1
2 Part 3. ULDC Art. 14.C.7.C Standards of Issuance (page 38 of 52), is hereby amended as
3 follows:
4

Reason for amendments: [ERM] This amendment is intended to provide a language change in order to clarify that an approval is issued and not a permit.

5 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

6 Section 7 Application, Process, and General Standards

7 C. Standards of Issuance

8 No ~~permit approval~~ shall be issued unless the application demonstrates that the project:

- 9 1. Will not result in a net loss of wetland functions and values;
- 10 2. Complies with water quality rules and standards set forth in Chapter 62 302, F.A.C.;
- 11 3. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely
- 12 affect recreational fisheries or their habitats;
- 13 4. Will not adversely impact endangered or threatened species, and species of special concern,
- 14 or their habitat;
- 15 5. Incorporates into the design alternatives and modifications to avoid or minimize impacts to
- 16 native vegetation; and
- 17 6. Complies with any applicable federal, state or local designated preserve, conservation or
- 18 mitigation area.

19
20
21 Part 5. ULDC Art. 14.C.8, Exemptions [Related to Vegetation Preservation and Protection
22 approvals] (page 38 – 40 of 52), is hereby amended as follows:
23

Reason for amendments: [ERM] This amendment is intended to clarify the exemption application to stand alone agricultural parcels as opposed to larger scale agricultural operations comprised of co-joined parcels with gross acreage greater than 10 acres.

24 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

25 Section 8 Exemptions

26 The following activities do not require an approval under this Chapter: [Ord. 2008-040]

27 A. Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or
28 **Bona fide Agricultural Operations**

29 ~~Vegetation alteration associated with subsequent harvesting activities, except within preserve~~
30 ~~areas or vegetated buffers, that are part of the on-going activities of the existing operation, the~~
31 ~~harvesting or alteration of vegetation previously planted and cultivated for production as part of an~~
32 ~~ongoing botanical garden, botanical research center, nursery or bona fide agricultural operation is~~
33 ~~an exempt activity. Initial clearing of a parcel is an exempt activity on parcels less than 10 acres,~~
34 ~~providing that the level of clearing does not exceed the area for crop production. After an initial~~
35 ~~clearing performed in accordance with this Chapter, the following are exempt if part of the~~
36 ~~ongoing activities of an existing operation: vegetation alteration associated with subsequent~~
37 ~~harvesting activities and harvesting or alteration of vegetation previously planted and cultivated~~
38 ~~for production as part of a botanical garden, botanical research center, nursery or agricultural~~
39 ~~operation. This exemption does not allow for the removal of vegetation within preserve areas or~~
40 ~~vegetated buffers. [Ord. 2012-027]~~

41

42 P. **Initial Clearing of Agricultural Operations Less Than 10 Acres**

43 Initial clearing of an agricultural operation less than 10 acres is exempt, provided that the level of
44 clearing does not exceed the area for crop production.

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EXHIBIT C

PROHIBITED
SUMMARY OF AMENDMENTS
(Updated 10/04/13)

1
2 Part 1. ULDC Art. 1.C.1.A.2.p, Prohibited [Related to Rules of Construction, particularly
3 Interpretation and Application] (page 7 of 119), is hereby amended as follows:
4

Reason for amendments: [Zoning] Clarify that when the term “prohibited” is utilized in the Code, it precludes eligibility for Variance relief for regulation that contains it or it is applied to.

5 CHAPTER C RULES OF CONSTRUCTION AND MEASUREMENT

6 Section 1 Rules of Construction

7 The rules set out in this Section shall be used to enforce and apply this code, unless such rules are
8 inconsistent with the Plan. References to Florida Statutes (F.S.) and the Florida Administrative Code
9 (F.A.C.) refer to citations published in 2003 as may be amended.

10 A. General

11 2. Interpretation and Application

12 p. Prohibited – ~~Shall mean n~~Not allowed ~~and precludes variance relief.~~ [Ord. 2010-022]
13
14

15 Part 2. ULDC Art. 1.I.2, Definitions (page 111 of 119), is hereby amended as follows:
16

Reason for amendments: [Zoning] 1) Clarify that eligibility to apply for variance is limited to some provisions of the Code; and, 2) Delete the term “use” as variances are not applicable to uses.

17 CHAPTER I DEFINITIONS & ACRONYMS

18 Section 2 Definitions

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

20 6. Variance –

21 a. An abatement of ~~the terms of certain regulations in~~ the ULDC ~~for a use~~, where such
22 variance will not be contrary to the public interest and where, owing to conditions peculiar
23 to the property and not the result of the actions of the applicant, a literal enforcement of
24 this Code would result in unnecessary and undue hardship.
25
26
27

28 Part 3. ULDC Art. 2.A.1.D.1, Processes [Related to Authority and Processes] (pages 11 and 12
29 of 88), is hereby amended as follows:
30

Reason for amendments: [Zoning] Clarify for consistency with expanded definition of the term prohibited that when a specific ULDC regulation contains the term “prohibited”, the Zoning Commission or Zoning Director shall not consider such regulation for variances relief.

31 CHAPTER A GENERAL

32 Section 1 Applicability

33 D. Authority

34 1. Processes

35

36 b. Zoning Commission (ZC)

37 The ZC shall consider the following types of development order applications:
38
39

40

41 5) The ZC is not authorized to grant variances from ~~Code regulations with prohibited~~
42 ~~provisions, or~~ the following Articles of the ULDC: [Ord. 2006-036] [Ord. 2011-001]
43
44

45

46 d. Zoning Director

47 The Zoning Director, in accordance with the procedures, standards and limitations of this
48 Article, shall approve, approve with conditions, withdraw, deny or revoke the following
49 types of development order applications: [Ord. 2006-036]
50
51

52

53 3) Administrative Variances (Type IA and Type IB) ~~except when Code regulations~~
include prohibited provisions; [Ord. 2006-036]
54
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EXHIBIT D

ART. 2.G, DECISION MAKING BODIES
SUMMARY OF AMENDMENTS
(Updated 09/23/13)

1
2 Part 1. ULDC Art. 2.G.2, General Provisions [Related to Decision Making Bodies] (page 71 of
3 88), is hereby amended as follows:
4

Reason for amendments: [Zoning] 1) To record that policies and procedures governing advisory boards, committees and commissions, have been updated and consolidated under Resolution 2013-0193; and, 2) delete open ended number of terms to be consistent with "...*limit of three consecutive three year terms...*" adopted by the BCC .

5 CHAPTER G DECISION MAKING BODIES

6 Section 2 GENERAL PROVISIONS

7 Unless otherwise noted, the following provisions shall apply to each appointed body described in this
8 Article. In addition, each board shall be governed by PBC Resolution No. ~~2002-1606~~ 2013-0193. In case
9 of conflict between the general provisions in this Section, and the specific provisions of each appointed
10 body, the specific provisions shall prevail.

11 A Board Membership

12

13 2. Term of Office

14 ~~a.~~ The term of office for each member shall be three years. All members serving on a board
15 on the effective date of this Code shall complete their terms according to their prior
16 appointments.

17 ~~b. There shall be no limit on the number of terms a person may serve on a board or~~
18 ~~commission.~~

19

20
21
22 Part 2. ULDC Art. 2.G.3, Appointed Bodies [Related to Decision Making Bodies] (pages 73 - 83
23 of 88), are hereby amended as follows:
24

Reason for amendments: [Zoning] Clarify term limits for County advisory boards to be consistent with BCC amendments to the Resolution containing the guidelines.

25 CHAPTER G DECISION MAKING BODIES

26 Section 3 APPOINTED BODIES

27 A. Land Development Regulation Advisory Board

28

29 3. Board Membership

30

31 c. Terms of Office

32 Members of the LDRAB shall hold office until the first Tuesday after the first Monday in
33 February of the year their term expires. Beginning on or after March 2, 2013, no person
34 shall be appointed or reappointed to this Board for more than three consecutive terms.

35

36 D. Environmental Appeals Board

37

38 3. Board Membership

39

40 b. Terms of Office

41 All EAB members shall serve a term of three years. Beginning on or after March 2, 2013,
42 no person shall be appointed or reappointed to this Board for more than three
43 consecutive terms.

44

45 E. Environmental Control Hearing Board

46

47 6. Term Limits

48 Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this
49 Board for more than three consecutive terms.

50 F. Groundwater and Natural Resources Protection Board

51

52 3. Board Membership

53

54 b. Terms of Office

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EXHIBIT D

ART. 2.G, DECISION MAKING BODIES
SUMMARY OF AMENDMENTS
(Updated 09/23/13)

1 All members shall serve a term of three years. Beginning on or after March 2, 2013, no
2 person shall be appointed or reappointed to this Board for more than three consecutive
3 terms. All members serving on the GNRPB on the effective date of this Code shall
4 complete their terms according to their prior appointments.
5

6 **I. Impact Fee Appeals Board**

7
8 **3. Board Membership**

9
10 **c. Terms of Office**

11 All IFAB members shall serve a term of three years. Beginning on or after March 2,
12 2013, no person shall be appointed or reappointed to this Board for more than three
13 consecutive terms.
14

15 **J. Impact Fee Review Committee**

16
17 **6. Term Limits**

18 Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this
19 Board for more than three consecutive terms.
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21 **K. Planning Commission**

22 **3. Board Membership**

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24 **a. BCC Appointed Members**

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26 **3) Terms of Office**

27 Members of the PLC shall hold office until the first Tuesday after the first Monday in
28 June of the year their term expires. Beginning on or after March 2, 2013, no person
29 shall be appointed or reappointed to this Board for more than three consecutive
30 terms. [Ord. 2008-003]
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32 **M. Zoning Commission**

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34 **3. Commission Membership**

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36 **a. BCC Appointed Members**

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38 **2) Terms of Office**

39 Members of the ZC shall hold office until the first Tuesday after the first Monday in
40 February of the year their term expires. Beginning on or after March 2, 2013, no
41 person shall be appointed or reappointed to this Board for more than three
42 consecutive terms. [Ord. 2009-040]
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Notes:

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EXHIBIT E
HEIGHT EXCEPTIONS

SUMMARY OF AMENDMENTS
(Updated 10/17/13)

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2 Part 1. ULDC Art. 3.D.1.E.4, Height Exceptions [Related to Property Development Regulations
3 (PDR)] (page 129 of 229), is hereby amended as follows:
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Reason for amendments: [Zoning] 1) Delete scrivener's error for title referencing height exceptions applicable to uses when the list only applies to structures; 2) Clarify that height exception applies to rooftop structures constructed on top of an elevator or a stairwell that provides access to the roof of a building for the purpose of the functioning of the structure, such as access to mechanical equipment or reroofing, and not to extend occupancy; and, 3) Clarify height exception for parapet utilized to screen mechanical equipment by indicating that it applies only to the required parapet height that is equal to the highest point of the equipment that is screened. This amendment looks to avoid installation of large parapet for other purposes other than screening such as signage and still be subject to the height exception.

5 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

6 Section 1 PDRs for Standard Zoning Districts

7 E. Building Height

8 4. Height Exceptions

9 The following structures shall be exempt from the height restrictions in this Section, unless
10 otherwise stated:

11 a. ~~Uses Exempted from Height Restrictions~~

12 1) Church spires, religious domes, and religious ornamentation attached to a place of
13 worship;

14 **[Reorder Accordingly]**

15 ~~1.14) Elevator bulkhead Structure built over the top of a stairwell or elevator shaft providing~~
16 ~~access to the rooftop for maintenance purposes or to house elevator mechanical~~
17 ~~equipment;~~

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19 ~~v.21) Required Parapet screening of mechanical equipment;~~ and,

20 ~~w.22) Mechanical equipment, less than five feet in height and any required screening,~~
21 measured from the roof deck. **[Ord. 2006-004]**

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Notes:

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

1 Part 1. New ULDC Art. 4.B.5, Industrial Uses, is hereby established as follows:

2 **CHAPTER B USE CLASSIFICATION**

3 **Section 5 Industrial Uses**

4 **A. Industrial Use Matrix**

Reason for amendments: [Zoning] Consolidates all zoning districts into one Use Matrix to improve ease of use and better delineate differences in approval processes for Standard, PDD or TDD districts. Tables consolidated are as follows: Table 3.B.15.F, IRO Permitted Use Schedule; Table 3.B.16.E, PRA Use Matrix; Table 3.E.1.B, PDD Use Matrix; Table 3.F.1.F, TDD Use Schedule; and, Table 4.A.3.A, Use Matrix.

Use Matrix has been provided as a separate handout for ease of use.

7 **B. General Industrial Standards**
8 Reserved for future use.

11 [Redacted]

12 **C. Definitions and Supplementary Use Standards for Specific Uses**

15 [Redacted]

16 ~~13. Asphalt or Concrete Plant~~

17 ~~An establishment engaged in the manufacture, mixing or batching of asphalt, asphaltic~~
18 ~~cement, cement or concrete products.~~

20 **Reason for amendments:** [Zoning] Asphalt and Concrete Plant is being consolidated with Heavy Industry, due to similar characteristics such as:

- Nuisances such as appearance, dust and odor, and noise;
- Uses are land intensive requiring room for storage of aggregate and materials, heavy equipment, need for maneuvering area for delivery vehicles; and,
- The Comprehensive Plan deems the two uses as similar.

21 [Redacted]

22 ~~135.~~ **Contractor Storage Yard**

23 **Reason for amendments:** [Zoning]

1. Delete requirement limiting minimum number of commercial vehicles allowed and to consolidate language describing construction and mechanical equipment within the definition. Research of other municipal ordinances and the American Planning Association (APA) does not support a limitation of the number of vehicles;
2. Delete the Accessory Office requirement as it is addressed by Article 5.B.1.A, Accessory Uses and Structures; and,
3. Relocate and consolidate screening requirements for outdoor storage, Flex Space, and Barbed Wire in Article 5.B, Accessory and Temporary Uses.

26 **a. Definition**

27 ~~A lot used for the~~ The storage of construction material, mechanical equipment used in
28 construction activity, or ~~three or more~~ commercial vehicles used by building trades and
29 services, other than construction sites. **[Ord. 2005-002]**

30 ~~a. Construction Equipment~~

31 ~~Mechanical equipment principally used in construction activity. Such equipment shall~~
32 ~~include but is not limited to bobcats, front-end loaders, over-head cranes, graders, dump~~
33 ~~trucks, compactors, forklift, steam rollers, earth movers, bulldozer, backhoe, concrete~~
34 ~~mixer, trenchers, cable/pipe layers or any such equipment that is not a street worthy~~
35 ~~vehicle.~~

36 **b. Office Permitted**

37 ~~An accessory office shall be permitted subject to Article 5.B, ACCESSORY AND~~
38 ~~TEMPORARY USES.~~

39 ~~c. Screening~~

40 ~~Outdoor storage shall be screened from view in accordance with Article 5.B,~~
41 ~~ACCESSORY AND TEMPORARY USES. For a storage yard contiguous to property in a~~
42 ~~residential district, an opaque fence/wall a minimum of eight feet in height shall be~~
43 ~~installed along the inside edge of the required landscape buffer.~~

44 **Notes:**

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

~~d. Flex Space~~

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

~~e. Barbed Wire~~

~~Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. [Ord. 2011-001]~~

Reason for amendments to Contractor Storage Yard in the Use Matrix: [Zoning]

1. This use was previously classified under the "Commercial Uses" category; however, the use was not permitted in any commercial districts, only industrial districts.
2. The use has been added as a Development Review Officer (DRO) approval to the Multiple Use Planned Development (MUPD) with an Economic Development Center (EDC) Future Land Use (FLU) designation. This is consistent with the FLU Element of the Plan which states that light industrial uses are consistent with EDC FLU designation. The Industrial category is primarily utilized by light, medium and heavy industrial uses and related services. The EDC is intended to be an employment generator. Although a Contractor Storage Yard may not always be the prototypical employment generator, it would contribute to new industrial development.

2 38. Data and Information Processing

Reason for amendments: [Zoning]

1. Updated Data and Information Processing use definition for a more specific and consistent terminology used in today's market; and to relocate reference to "Flex Space", which will be addressed in Article 5 of the ULDC. The proposed definition indicates that this use is commonly collocated with other uses in the Industrial Use Classification, such as manufacturing, and is commonly found in planned industrial campus style complexes. The revisions are based on an evaluation of definitions used by other municipalities locally, in the state, and nationally, as well as adapting language from such sources as North America Industry Classification System (NAICS) and APA.
2. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

a. Definition

~~The use of a~~ An establishment for business offices, including corporate offices, which may be associated with uses such as: manufacturing and processing plants or similar industrial complexes; mass/bulk mail processing; and telemarketing centers. The use is often integrated into a campus style development, and ~~This use~~ is not frequented by the general public. ~~This term does not include such uses as: Business or Professional Offices; computer-related General Retail Sales establishments; and Personal Services and Medical or Dental Offices.~~

a. Flex Space

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

Reason for amendments to Transportation Facility in the Use Matrix: [Zoning]

1. Due to the high number of employees typically employed by this use, it generates high trip counts and is not a neighborhood oriented use. Therefore this use is proposed for deletion from the following:
 - Commercial Low-Office (CLO) and Community Commercial (CC) Zoning Districts;
 - Infill Redevelopment Overlay (IRO) Zoning District with a Commercial Low (CL) and CLO FLU designation;
 - MUPD with a CL FLU designation; and,
 - Lifestyle Commercial Center (LCC) Zoning District with a CL FLU designation.
2. Add as Permitted Use to MUPD with an EDC FLU designation. This zoning district requires approval of a Preliminary Site Plan by the Board of County Commissioners (BCC), at which time related impacts such as location, access, and orientation should be addressed.

Notes:

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

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3.13. Transportation Distribution Facility

Reason for amendments to Transportation Facility in the Use Matrix: [Zoning]

- Since 1992, Transportation Facility has regulated the movement of people and goods in certain zoning districts in the ULDC. Research concludes that the moving of people and goods are not similar in terms of overall operation and impact. The moving of people is consistent with public or civic uses (bus stops, train station) while goods are consistent with an industrial use (railroad depots, truck terminals). The proposed amendment will split Transportation Facility into two uses, Transportation Facility and Distribution Facility, to clarify the distinction between the moving of people and goods. Transportation Facility, the movement of people, will be established and located to a more appropriate use classification, Public and Civic Uses. Distribution Facility, the movement of goods, will be retained consistent with the industrial nature of the use.
- To revise the definition to: a) clarify Distribution Facility is not people related; and, b) adds language to replace transfer of transportation standard. The revisions are based on an evaluation of definitions used by other municipalities locally, in the state, and nationally, as well as adapting language from such sources as NAICS and APA.

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a. Definition

An establishment facility for the loading, unloading, and interchange of ~~passengers, baggage, and~~ freight or package express between modes of transportation. Typical uses include bus truck terminals, railroad stations depots and yards (including temporary storage), and major mail-processing centers.

~~**a. Transportation Transfer Facility (distribution)**~~

~~An establishment providing for the transfer of transportation or other motorized vehicles, but not involving vehicle sales or rental (retail or wholesale). Typical uses include the transfer of automobiles, trucks, heavy equipment, or other motorized vehicles prior to distribution to retail dealers.~~

~~1) Permitted only in districts with an industrial zoning designation. The facility shall be subject to the same approval requirements indicated in the use matrix as a transportation facility except for commercial districts.~~

Reason for amendments to Transportation Facility in the Use Matrix: [Zoning]

- Based on the reasons stated above, this use is being deleted from the following commercial districts:
 - General Commercial (CG);
 - Urban Redevelopment Area Overlay (URAO) Urban Center 1 (UC1); and,
 - Urban Infill 1 (UI1) Transect Sub-Zones.
- Distribution Facility is generally considered a light or general industrial use therefore inappropriate for lesser types of designations such as commercial districts. The deletions are consistent with the proposed separation of Transportation Facility (which would be allowed in these districts) and Distribution Facility. Distribution Facility is a potentially intense industrial use (e.g., a railroad depot) and should not be in these districts regardless of mitigation options. The approval process has also been deleted in the Institutional Public Facilities (IPF) Zoning District for consistency.
- The use has been added as Permitted to a MUPD with an Industrial (IND) FLU designation or an EDC FLU designation. This is consistent with the FLU Element of the Plan which states that light industrial uses are consistent with EDC FLU designation. The Industrial category is primarily utilized by light, medium and heavy industrial uses and related services.

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4.64 Gas and Fuel, Wholesale

Reason for amendments to Gas and Fuel Wholesale in the Use Matrix: [Zoning]

- Update definition to reflect changes in technology and practices of the petroleum industry. The proposed definition focuses on the function of the use as opposed to the storage volumes.
- Remove the standard regarding locating the use in the Airport Zoning Overlay (AZO) from the definition, making it a standalone criteria. Criteria such as performance standards are not normally contained in definitions for uses, but listed as specific performance standards;
- Add criteria to prevent the use from being located within the five-mile long runway use restriction zone for airports, to prevent any unfortunate mishaps in the event of emergency or short landings; and,
- To require input from County fire officials in determining safe separation distances between the use and all adjacent uses in the event of an accidental leak or explosion.

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~~The use of land for bulk storage and wholesale distribution of 2,500 gallons or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding below-ground storage which is clearly accessory to the principal use on the site. Wholesale of gas~~

Notes:

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

~~and fuel shall be permitted in the AZO Overlay as an airport-related use only when associated with sales of aviation fuel. [Ord. 2006-036]~~ **[Relocated to b, below]**

a. Definition

An establishment engaged in the storage of gas and fuels for wholesale distribution, to businesses.

b. Airport Zoning Overlay

Wholesale of gas and fuel shall be permitted in the AZO Overlay as an airport-related use only when associated with sales of aviation fuel.

c. Location

This use shall not be located within any Prohibited Land Use Area/Five Mile Runway Buffer Zone.

d. Separation Distance

A separation distance shall be established between this use and any adjacent uses. The separation distance shall be that prescribed by PBC Fire Rescue Department based upon recognized standards and guidelines.

Reason for amendments to Gas and Fuel Wholesale in the Use Matrix: [Zoning]

1. Light Industrial (IND/L) Pod of a Planned Industrial Park Development (PIPD): add the use as a Class A Conditional Use for consistency with Light Industrial (IL) Zoning District.
2. To change the approval process from a Class B Conditional Use in the General Industrial (IG) Zoning District to a DRO approval process. The IG Zoning District is a much more intense zoning district permitting a broader array of heavier industrial uses. Since the subject use is storage only, as opposed to the processing of raw product, the level of volatility is reduced, and therefore, no public hearing is needed. A DRO review will ensure specific design criteria, such as separation distances standards, are being properly complied with, as well as proper placement of landscaping, access, and screening to ensure public safety issues are being addressed.
3. Change the use in the Public Ownership (PO) Zoning District from Permitted to a DRO approval process, for the reasons noted above in 2. This will primarily impact publicly owned lands and facilities, which should be treated in the same fashion as privately owned establishments.
4. To increase the review process to a DRO in the General Industrial (IND/G) Pod of a PIPD. This will be consistent with the treatment of the use in the IG Zoning District. While the PIPD goes through the BCC for approval of a Master Plan, due to the potential volatility of the use, requiring the DRO process, especially if the use is being added after the Master Plan is approved, will ensure that any conditions of Master Plan approval are implemented as well as the design issues discussed in 2 above.

5 69. Heavy Industry

Reason for amendments: [Zoning]

1. Consolidate asphalt or concrete plant in the list of typical heavy industry uses, as this use is a good example of the type of impacts and traffic found in other heavier uses, including fumes and odors, heavy trucks and equipment, and loud noises. This use includes a very broad range of uses from manufacturing large machinery to concrete and asphalt plants.
2. Delete firework sales, as it is not generally desirable to attract the general population to areas with high volumes of industrially oriented traffic, such as large trucks, and heavy equipment.

a. Definition

An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable, hazardous, or explosive materials, or processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include asphalt or concrete plant; manufacturing and warehousing of chemicals, dry ice, fertilizers, fireworks and explosives; pulp and paper products; radioactive materials; fat rendering plants; slaughterhouses and tanneries; and, steel works.

ba. Fireworks

The retail sale of fireworks from a permanent fireworks storage facility or establishment shall be limited to an accessory use.

c. EDC FLU

Heavy Industry shall be prohibited in the EDC FLU designation.

Notes:

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

1

Reason for amendments to Heavy Industry in the Use Matrix: [Zoning] Change from Permitted to DRO approval process in the IND/G Pod of a PIPD for consistency with the approval process in IG Zoning District. DRO review ensures that any incompatibility issues are identified and made compliant with the requirements of the ULDC. This use involves large volumes of heavy vehicles, like semis and trailers, for delivery and distribution, which requires a higher level of scrutiny.

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6 80. Machine or Welding Shop

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Reason for amendments: [Zoning] To broaden the definition to include tool and die fabrication, which is typically associated with welding and machine shops.

A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops, tool and die fabrication, and sheet metal shops.

Reason for amendments to Machine or Welding Shop in the Use Matrix: [Zoning] To include Machine and Welding Shop as a Permitted in MUPD with an EDC FLU designation. This is consistent with the language in the Plan which states that a use which is suitable to be a Permitted in the IL Zoning District is also consistent with the characteristics of those uses permitted in the EDC FLU designation.

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7 81. Manufacturing and Processing

Reason for amendments: [Zoning]:

1. To revise the definition of Manufacturing and Processing to clarify that food processing does not include slaughterhouses and meat packing plants. Those uses involve the processing from raw materials (animals) which would classify them as Heavy Industrial. Wholesale butchers and similar uses are covered under Commercial Uses;
2. To relocate and consolidate supplementary use standards regarding outdoor activity, which will be addressed in Art. 5; and,
3. Delete provisions for Outdoor Activities, to coincide with deletion of use from MUPD Commercial districts.
4. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

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a. Definition

An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, ~~and This use also includes incidental storage, sales and distribution of such products, but excluding excludes~~ heavy industrial processing. Typical uses include factories, large-scale production, wholesale distribution, publishing, and food processing (excluding livestock and poultry slaughterhouses and meat packing plants).

a. Manufacturing

~~Manufacturing and processing shall only be allowed as a requested use in a MUPD with EDC or MLU land use.~~

1) Exception

~~Manufacturing and processing shall be allowed as a permitted use in a MUPD with IND land use.~~

b. Outdoor Activities

~~Outdoor manufacturing, processing or storage shall be limited to industrial zoning districts only.~~

c. Flex Space

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

Reason for amendments to Manufacturing and Processing in the Use Matrix: [Zoning]

1. To delete Manufacturing and Processing from MUPD with CL, Commercial High (CH), CLO, Commercial High-Office (CHO), and Commercial Recreation (CR) FLU designations, as this is an industrial use which is not consistent with these commercial FLU designations.
2. Add as Permitted in MUPD with an EDC FLU designation. This use is currently Permitted in the IL Zoning District, which is intended for less noxious cleaner, lighter industrial uses. These types of uses are also consistent with the uses identified by the Plan for the EDC FLU designation.

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

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8 84. Medical or Dental Laboratory

Reason for amendments: [Zoning]
1. Revise definition to ensure that other medical equipment, such as prosthetic, dental, optical and orthopedic, are included;
2. Revise definition to clarify in more detail the laboratory portion of the use; and,
3. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

~~An establishment facility~~ for the construction or repair of medical equipment, such as dental, optical, orthopedic, or prosthetic devices; or medical testing laboratories primarily engaged in providing analytic or diagnostic services exclusively on the written work order of a licensed member of the ~~dental or~~ medical profession and not for the public.

a. Flex Space

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

Reason for amendments to Medical or Dental Laboratory in the Use Matrix: [Zoning]
1. Change the approval process from Class B Conditional Use to DRO approval process in CHO Zoning District. This use is typically confined to a wholly enclosed operation, is not a high traffic volume generator or attractor, does not generate noxious fumes, smoke or other common nuisances, and does not entail outdoor storage. A clear distinction needs to be made between the industrial nature of the use and the commercial nature of the use (e.g., lens grinding and fitment into eyeglass frames). This can be fulfilled by the DRO review. The establishment of the Urban Redevelopment Area Overlay (URAO) (2010) and Infill Redevelopment Overlay (IRO) (2010) allowed this use as a DRO approval.
2. Amend to allow this Use as Permitted in the IG Zoning District; MUPD with an EDC FLU designation; and, IND/G Pod of a PIPD. Medical or Dental Laboratory is considered an industrial use. The recommendations for these districts are to be consistent with the intent of the use in industrial FLU designations and Pods.



9 54. Film Multi-Media Production Studio

Reason for amendments: [Zoning]
1. Rename Film Production Studio to Multi-Media Production to:
a) Reflect changes in the industry engaged in the production and distribution of information and cultural products; and,
b) Clarify types of uses that may be included such as motion picture film laboratories, Computer Generated Imagery (CGI) and special effects, etc.
2. To clarify that outdoor Multi-Media Production establishments related to the development and production of CGI and special effects are not permitted in commercial districts and pods.

a. Definition

~~The use of a lot or building for the production of films or videotapes for exhibition or sale, such as digital, audio and motion pictures; or film laboratories, stock footage film libraries, mass video publication and other related activities.~~

a. CHO, CG and LCC Districts

~~Outdoor activities shall be located a minimum of 300 feet from a residential district. [Ord. 2010-005]~~

b. Film Permit

A film permit shall be issued by the Director of the Film Liaison Office. The duration of the permit shall not exceed 24 months without approval of the Zoning Director. This permit may be issued in all districts. [Ord. 2007-001]

c. Zoning Districts

Indoor Multi-Media Production establishments shall be permitted in Urban Infill (UI), Urban Center (UC) and commercial zoning districts and pods only.

d. LCC

Film production studios shall not be located on a main street. [Ord. 2010-005]

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

1

Reason for amendments to Film Production Studio in the Use Matrix: [Zoning]

1. Add Permitted approval process in a MUPD with an EDC FLU designation. FLU Element of the Comprehensive Plan, under FLU Atlas Regulation (III.C.4), Industrial Uses, indicates that the EDC designation is intended for uses with "Light Industrial" attributes with the addition of office uses. The EDC FLU designation shall be primarily utilized by office and research parks. The use is consistent with the Comprehensive Plan FLU Element.
2. Change Commercial Recreation (CRE) Zoning District and MUPD with CR FLU designation approval process from BCC to DRO. FLU Element of the Comprehensive Plan, under FLU Atlas Regulation (III.C.3), Commercial Recreation, addresses major public and private commercial recreation facilities that meet a portion of the recreational needs of residents and tourists. The change would allow flexibility for a recreation use, such as Lion Country Safari, to incorporate the possible collocation of a multi-media production use as part of its business model or to allow it in the facility
3. Change Lifestyle Commercial Center (LCC) with CH FLU designation approval process from Permitted to DRO. This change is made to reflect consistency of commercial districts as requiring DRO approval due to the potential nature of this use being more consistent with light industrial. The change will also address the potential for adverse impacts where permitted in a LCC, by requiring DRO approval in combination with proposed Supplemental Standards establishing limitations on this use when located in Commercial districts.

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Part 2. ULDC Article 1.I.2, Definitions (page 50 of 119), is hereby amended as follows:

Reason for amendments: [Zoning] Introduce a new definition for "Construction and Demolition Debris" to better clarify what specific materials can be received in a Recycling Plant. According to the PBC Solid Waste Management Plan, mixing of Construction and Demolition Debris with other types of solid waste will classify the waste as something else. This definition is consistent with State Statute 403.703, Environmental Control, the Department of Environmental Protection Solid Waste Facilities Chapter 62-701 and the Integrated Solid Waste Management Plan of the Palm Beach County Solid Waste Authority.

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CHAPTER I DEFINITIONS & ACRONYMS

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Section 2 Definitions

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

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92. Construction and Demolition Debris – for the purposes of Article 4.B.5.C.10, Recycling Plant means discarded solid materials that are not water soluble and not hazardous, including, but not limited to: steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, lumber. It also includes rocks and soils from construction, renovation or demolition of a structure or a site; and, trees or vegetative material from land clearing.

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[Renumber Accordingly]

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Part 1, Continued

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Part 1. New ULDC Art. 4.B.5, Industrial Uses, is hereby established as follows:

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Reason for amendments: [Zoning]

1. Revise definition of Recycling Plant to create consistency with terminology identified in the definition of "Recovered Materials Processing Facility" used by the North America Industrial Classification System (NAICS); the Department of Environmental Protection (DEP); State Statute 403.703 Definitions for Resource Recovery and Management; and, Florida Administrative Code (F.A.C.) Chapter 62-701, Solid Waste Management Facilities which includes "recover" and "reuse" of sorted material;
2. Include a list of specific materials to be recycled in order to be consistent with and comply with State Statute 403-706(2)(g), that requires local governments to be responsible to promote recycling of plastic, metal, all grades of paper and rubber which includes tires; and,
3. Remove Chipping and Mulching from the use definition as it is a use defined in the Code therefore a principal use that may be collocated with Recycling Plant where permitted.

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10 405. Recycling Plant

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a. Definition

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~~A permanent facility designed and~~ An establishment used for the recovery receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal to be collected, separated and sorted, for reuse. The use may include Recyclable materials include Construction and Demolition Debris, recycling or other intensive recycling processes such as chipping and mulching. plastic, glass, metal, all grades of paper, textiles or rubber.

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Notes:

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

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<p>Reason for amendments: [Zoning]</p> <ol style="list-style-type: none"> Standards for Screening and Buffering are relocated and consolidated with Article 5.B, Accessory and Temporary Uses. Provide an exception for Recycling Plant to be DRO approval when surrounded by IND FLU designation and separated 500' from residential, recreation, civic or conservation FLU or uses, or where all activities take place in an enclosed building. Consolidate setbacks to allow application of district setback when a site shares the property line with an IND FLU designation, or Industrial Zoning District parcel with industrial use on it and keeping existing requirement of 50 feet setback when other zoning districts are adjacent. Delete Recycling Plant distance requirement of 150 feet from civic and residential uses as the setback provision of 50 feet from property line should satisfy any impacts caused by the use. Delete redundant setback standard for IG and IL Zoning Districts addressed by the 50 foot setback.
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~~a. Compatibility, Screening, Buffering~~

~~To ensure compatibility with surrounding uses, adequate setbacks, screening and buffering around the perimeter of the proposed recycling plant shall be required at the time the facility is constructed. The standards shall be waived if any of the required landscape buffer is not visible from adjacent lots or streets.~~

~~1) Lot Size~~

~~The minimum lot size for recycling plants in all industrial districts shall be five acres. However, the minimum lot size or greater for the underlying district shall apply for recycling plants that operate completely in enclosed buildings. [Partially relocated to 4.B.1.A.10.g.3.]~~

~~2) Setbacks~~

~~Except for a freestanding office, no part of a recycling plant and its accessory ramps, on-site circulation system, or storage areas shall be located within 50 feet of any property line. [Partially relocated to 4.B.1.A.105.a.2.a)]~~

~~a) IL District~~

~~If the facility is in an industrial district and is contiguous to land in an industrial district or IND FLU designation the setback shall be 25 feet from that contiguous property line. [Partially relocated to 4.B.1.A.105.e]~~

~~b) Civic and Residential Uses~~

~~No part of a recycling plant, its accessory ramps, on-site circulation system or storage areas shall be sited within 150 feet of a school, park, church, library, or residential lot. In no case shall the setback be less than the requirement of the district.~~

~~c) IG and IL Districts~~

~~No additional setback beyond district setbacks shall apply to recycling plants that operate completely in enclosed buildings and are located in the IG, and IL districts.~~

~~3) Screening and Fencing~~

~~All storage areas shall be screened from view by on-site walls, fences, or buildings. Such screening shall be designed and installed to ensure that no part of a storage area can be seen from street or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas, exceed 20 feet or the height of the principal building on the lot, whichever is greater. For an outdoor recycling plant contiguous to property in a residential district, an opaque fence/wall a minimum of eight feet in height shall be placed along the inside border of the required landscape buffer. [Partially relocated to 4.B.1.A.105.h.]~~

~~4) Buffers~~

~~When the property line is contiguous to a residential district, the incompatibility buffer shall be 50 feet in width.~~

~~b. Approval Process~~

~~A Recycling Plant requiring Class A Conditional Use approval may be approved by the DRO subject to the following:~~

~~1) When surrounded by parcels having an IND FLU designation that are vacant or developed with industrial uses providing a 500 foot separation between the use and any parcels having a residential, civic, recreation or conservation FLU designation or use; or,~~

~~2) When all recycling activities are located within enclosed structures that have no openings oriented or visible from surrounding parcels having a residential, civic, recreation or conservation FLU designation or use.~~

~~cb. Access~~

~~An access road that can be negotiated by loaded collection vehicles shall be provided to the entrance of the recycling plant. Access shall not be provided from a local residential street. Access shall be restricted to specific entrances with gates which can be locked at~~

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

~~all times and which carry official notice that only authorized persons are allowed on the site.~~

~~Access from a local residential street shall be prohibited. Entrances shall be gated to prevent access from unauthorized persons.~~

~~**c. Drainage**~~

~~Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas. [Relocated to 4.B.1.A.10.e.]~~

~~**d. Setbacks**~~

~~No part of a recycling plant and its accessory ramps, on site circulation system, or storage areas shall be located within 50 feet of any property line, unless adjacent to another property with an IND FLU designation that is vacant or has an existing industrial use. [Partially relocated from 4.B.1.A.105.a.2.a)]~~

~~**e. Drainage**~~

~~Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas. [Relocated from 4.B.1.A.105.c.]~~

Reason for amendments: [Zoning]

1. Remove Chipping and Mulching reference because any use functioning as collocated shall comply with the standards applicable to the use.
2. Delete redundant site plan requirements that are addressed through DRO or Building Permit Process;
3. Delete language related to Type of Facility, Quantity of Waste, and Dust Control since they are requirements of the F.A.C. Chapter 62-722 Regulations of Recovered Materials, FAC Chapter 62-701.320 Solid Waste Management Facility Permit Requirements, and the PBC Solid Waste Authority at time of application for the use license.
4. Clarify that a minimum lot size of 5 acres is required when the use includes outdoor activities.
5. Delete Fire Protection since requirements are covered under State Statute F.A.C. Chapter 62-701.320(16)(a)3 to provide fire prevention system before commencing operation.

~~**df. Storage Areas**~~

~~All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the stored material. Run-off shall be handled in a manner that is in conformance with local, state and Federal regulations.~~

~~**e. Chipping or Mulching**~~

~~If a recycling plant facility includes chipping or mulching, adherence to the standards of Article 4.B.1.A.28, Chipping and Mulching, is required.~~

~~**f. Supplemental Application Requirements**~~

~~Application for recycling plants shall include the following:~~

~~**1) Access**~~

~~Graphic illustration and narrative analysis of year round access routes to the site.~~

~~**2) Type of Facility**~~

~~An explanation of the type of facility requested. It shall specify the type of materials to be handled and include a description of the proposed method of operation, including special waste handling procedures and limitations.~~

~~**3) Quantity of Waste**~~

~~An estimate of the quantity of waste to be received, expressed in cubic yards per day or tons per day.~~

~~**4) Hours of Operation**~~

~~A statement specifying the hours of operation.~~

~~**5) Dust Control**~~

~~A plan to address dust control in traffic, storage and processing areas and contingency during high winds. Dust control measures may include: additional setbacks, full or partial enclosure of chipper or grinder, screening/fencing, vacuuming or watering traffic areas and watering or enclosing storage piles.~~

~~**g. Outdoor Activities**~~

~~The minimum lot size shall be five acres for any Recycling Plant with outdoor activities. [Partially relocated from 4.B.1.A.105.a.1)]~~

~~**h.6) SWA Permit**~~

~~Verification that the applicant has obtained a permit from and posted a bond with the SWA before prior to Final Site Plan approval or Building Permit, whichever occurs first.~~

~~**7) Fire Protection**~~

~~A recycling plant shall be located within a ten-mile radius of a full-service fire station or have and maintain on-site firefighting equipment acceptable to the PBC Fire.~~

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

Reason for amendments to Recycling Plant in Use Matrix: [Zoning]

1. Make the use subject to Class A Conditional Use approval in IL Zoning District instead of Class B Conditional Use for consistency with approval of Salvage and Junk Yard located in IL Zoning District.
- Modify the approval process in IND/L Pod of PIPD from Permitted to Class A Conditional Use in order to:
- Address the Comprehensive Plan directive contained in Section III.C.4 to maintain this type of use under General Industrial Districts instead of Light Industrial; and,
 - Create consistency with the proposed changes in IL Zoning District.
2. An MUPD with IND FLU designation is changed to indicate the most restrictive approval process from Permitted to Class A Conditional Use. A specific standard to address less restrictive approval process is included within the use standards.
 3. Change approval process from Permitted to DRO in the IND/G Pod of a PIPD to provide consistency with the approval process in the IG Zoning District;

11 7. Laboratory, Industrial Research and Development

Reason for amendments: [Zoning]

1. Rename Industrial Research Laboratory to Research and Development. The revision is based on an evaluation of definitions used by other municipalities locally, in the State, and Nationally, as well as adapting language from such sources as NAICS and APA.
2. Clarify Research and Development includes bioscience/biotech uses.
3. Relocate the Outdoor Activities standard for consistency.
4. Delete the accessory use standard. The language would be better suited as a standard to a College or University use permitting Research and Development as an accessory use.
5. Correct Scrivener's error to change existing Biotechnology Research Protection Overlay (BRPO) title in ULDC to be consistent with Comprehensive Plan title Bioscience Research Protection Overlay.
6. Delete language related to BRPO. The use will be Permitted in IL Zoning District therefore not subject to DRO approval.
7. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

a. Definition

An establishment engaged in industrial, scientific or medical research, testing, and analysis, ~~including support services and structures~~. Typical uses include natural science/manufacturing research facilities, bioscience research/biotechnology and product testing/quality control facilities.

a. Outdoor Activities

~~Outdoor manufacturing, processing or testing shall be limited to industrial districts only.~~
[Relocated to c. below]

~~**b. Accessory Use**~~

~~A research laboratory shall be permitted as an accessory use to a college or university.~~

b.c. Biotechnology Bioscience Research Protection Overlay (BRPO)

A ~~research laboratory~~ Research and Development establishment located in the BRPO ~~and the IL District may be approved by the DRO and~~ shall not be subject to the limitations of Table 4.A.3.A, Thresholds for Projects Requiring Board of County Commissioner Approval.

~~**c.a. Outdoor Activities**~~

~~Outdoor manufacturing, processing or testing shall be limited to industrial districts only.~~
[Relocated from a. above]

~~**d. Flex Space**~~

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

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

1

Reason for amendments to Laboratory, Industrial Research in the Use Matrix: [Zoning]

- Delete the approval processes in the CRE Zoning District. This use is not consistent with the intent of the III.C.3, Commercial Recreation, of the Comprehensive Plan which designates areas on the Future Land Use Atlas to reflect and accommodate major public and private commercial recreation facilities that meet a portion of the recreational needs of residents and tourists.
- Change the approval process to allow the use in the following Zoning Districts:
 - Standard Districts.
 - Add the use to CLO Zoning District as a Class A Conditional Use;
 - Add the use to CC, CHO and CG Zoning Districts subject to DRO approval process.
 - Change Class B Conditional Use to Permitted in IL Zoning District.
 - Planned Development Districts:
 - Change Class A Conditional Use to DRO approval in MUPD with CH and CHO FLU designations, MXPDP with CH FLU designation and Lifestyle Commercial Center (LCC) with CH FLU designation;
 - Add use as a DRO approval in MXPDP with CHO FLU designation;
 - Add use as Permitted in MUPDP with an EDC FLU designation.

Certain types of office Research and Development (R & D) may fit well in commercial provided there is no outdoor activity. These changes will ensure that industrial R & D with outdoor activity does not go into commercial. The change will also ensure all districts have consistent approval processes in commercial low, commercial high and industrial districts.

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12 446. Salvage or Junk Yard

Reason for amendments: [Zoning]

Salvage or Junk Yard, Recycling Plant and Recycling Center uses have similar terminology within their respective definitions, such as salvaging, storing, and collecting.

- The proposed changes to the definition are needed to clarify differences between similar uses (i.e., Recycling Plant and Recycling Center) and to acknowledge the trend in recycling. Clarification of definition to delete "waste paper, rags". The salvage of paper and rags is more appropriately addressed under Recycling Plant and will be incorporated into that use.
- Add language to definition related to building materials and fixtures to include architectural salvage.
- Add Approval Process Standard related to architectural salvaging (aka deconstruction) to allow in an IL or IG Zoning Districts, MUPDP with an IND FLU designation or IND/L or IND/G Pod of PIPDP. Architectural Salvage is commonly identified as a light industrial use. The established standard would allow this type of salvaging in light industrial districts.
- Relocate and consolidate barbed wire in Article 5.B, Accessory and Temporary Uses.

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a. Definition

~~A lot, land or structure, or part thereof,~~ **An establishment** used primarily for the collecting, storage and sale of ~~waste paper, rags,~~ scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition; or for the sale of parts thereof. **Salvage may also include architectural salvage which consists of building materials and fixtures recovered prior to the demolition of buildings or structures.**

b. Approval Process

Architectural salvage may be permitted subject to DRO approval in the following zoning districts:

- 1) IL or IG Zoning District;**
- 2) MUPDP with an IND FLU designation; or,**
- 3) IND/L or IND/G Pod of a PIPDP.**

a. Barbed Wire

~~Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street. [Ord. 2011-001]~~

Reason for amendments to Salvage or Junk Yard in the Use Matrix: [Zoning] No changes in the approval process are being proposed. Implementation Section, III.C.4, of the Comprehensive Plan identifies that the Salvage or Junk Yard use is limited to the General Industrial Future Land Use designation.

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

130. Towing Service and Storage

Reason for amendments: [Zoning]

- 1. Use relocated from Commercial Uses, as it was not permitted in any commercial zoning district. The use is industrial in nature, with heavier equipment and outdoor storage as common activities.
- 2. Revise definition to reflect that only a certain portion of a parcel of land is being used for the storage lot, and that certain uses cannot take place within that storage lot, such as retail sales, salvage, or repair of towed vehicles. Any such activity will need to take place in conjunction with any possible collocated use, such as an Auto Paint and Body Shop, or a Salvage or Junk Yard.
- 3. Relocate Barbed Wire to be consolidated in Article 5.B, Accessory and Temporary Uses.

a. Definition

The use of a portion of a lot an establishment for the temporary storage of operable or inoperable vehicles in conjunction with a commercial towing service, ~~with~~ This shall not include retail sales, or repair, or salvage of towed vehicles activity occurring ~~on~~ within the storage lot area, and subject to the following standards:

~~a. Outdoor storage standards and screening requirements of Article 5.B, ACCESSORY AND TEMPORARY USES.~~

~~b. Towtruck and towing and storage regulations of Towtruck Ord. No. 2002-007 as amended.~~

~~c. Barbed Wire~~

~~Barbed wire may be installed pursuant to Art. 5.B.1.A.2.c, Dangerous Materials, except when located adjacent to a parcel having a residential FLU designation or use. Barbed wire shall not be visible from any public street.~~

Reason for amendments to Towing Service and Storage in the Use Matrix: [Zoning]

- 1. The use is being relocated from the Commercial Use category to the Industrial Use category due to the fact that, while it has historically been listed as a commercial use, it has never been permitted in any commercial zoning district. Due to the type of equipment, and the normal presence of outdoor storage, the use is more consistent with lower intensity industrial uses. However, while the use is consistent with the criteria of the Plan for lighter industrial uses, it is not of a nature typically found in the EDC FLU designation, as this is not a major employment generator.
- 2. The use is being added to the IND/G Pod of a PIPD as it is compatible with the intensity of other uses proposed for that pod, including uses with which it might logically collocate, such as Salvage and Junk Yard, or Recycling Plant.

~~14~~ 34. Truck Stop

Reason for amendments: [Zoning]

- 1. Revise the definition to clarify that the use is primarily intended for commercial vehicle related services.
- 2. Revise the Lot Size standard. Review of municipal and industry trend research indicates that a minimum lot size of five (5) acres is customary to address the potential intensity of numerous uses on one lot.
- 3. Delete the Security Standard. Personal safety on our highways is an issue which is typically addressed by law enforcement officials. Security Quarters, if desired, may be approved by Special Permit.
- 4. Revise the "Accessory Uses" standards to clarify what uses are classified as "Collocated", are primarily for truck stops, and that the site layout will not unnecessarily isolate users based on vehicle type. Uses listed within the supplemental standard will be subject to DRO approval.

a. Definition

An establishment which provides services primarily for transient commercial vehicle operators, such as fueling, day and overnight parking. A Truck Stop may also serve other travelers.

~~A facility which provides fueling, parking, washing, repair and maintenance services, food service, overnight accommodations, and incidental retail sales for transient commercial vehicles.~~

~~b.a. Location Frontage~~

Truck Stops shall have a minimum of 200 linear feet of frontage on an arterial street only.

~~cb. Lot Size~~

Shall be a minimum of five acres.

~~1) Ten Acres or Less~~

~~Shall be permitted as a Class A conditional use in the IL and IG districts.~~

~~2) Greater than Ten Acres~~

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

~~Shall require approval as a MUPD or PIPD. The proposed site shall have an IND FLU designation.~~

c. **Setbacks**

Parking ~~areas, parking spaces, maneuvering areas, and drive aisles,~~ shall be setback a minimum of 200 feet from any existing residential use, zoning district or FLU designation.

d. **Landscaping Buffer**

~~Perimeter Incompatibility~~ landscape buffers shall be required adjacent to an existing residential ~~district,~~ use, zoning district or FLU designation. The buffer shall include a six foot high berm topped by with a six foot high opaque wall or fence installed at the plateau of the berm. Variances may be requested from these requirements.

~~e. Security~~

~~24 hour on-site security shall be provided.~~

~~ef. Accessory Collocated Uses~~

~~For purposes of this section, collocated uses shall mean a use that is mainly oriented to serving transient commercial vehicle operators. The following collocated uses shall be permitted in conjunction with a Truck Stop subject to DRO Approval:~~

- ~~1) Type I Restaurant;~~
- ~~2) Type II Restaurant;~~
- ~~3) Convenience store with gas sales;~~
- ~~4) Convenience store without gas sales;~~
- ~~5) Car wash;~~
- ~~6) Hotel/Motel;~~
- ~~7) Personal Services;~~
- ~~8) Financial Institution;~~
- ~~9) Gas and Fuel Retail;~~
- ~~10) Laundry Service; and,~~
- ~~11) Retail Sales, Auto Accessories and Parts.~~

~~f. Site Design:~~

~~The site shall be designed to ensure the provision of adequate vehicular circulation and parking patterns. This shall demonstrating that collocated uses listed above are designed and located to mainly serve transient commercial vehicle operators.~~

~~The following uses may be allowed in conjunction with a truck stop, subject to the requirements of the underlying zoning district: convenience store with gas sales, general repair and maintenance, restaurant, car wash, security or caretakers quarters, personal services, and business office. Use permitted based on the zoning designation of the site: general repair and maintenance; truck wash facilities; convenience stores; general or specialty restaurants; hotel/motel accommodations; and general office services.~~

Reason for amendments to Truck Stop in the Use Matrix: [Zoning] No changes are being proposed to the existing approval processes. The Future Land Use Atlas Regulation (III.C.4), Industrial Uses delineates light, medium and heavy uses limited to the Industrial Future Land Use designations. A Truck Stop is considered an industrial use.

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

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15 438. Warehouse

Reason for amendments: [Zoning]

1. To clarify that warehousing in the zoning districts identified in the Use Matrix may include accessory office space equal to up to 30 percent of floor space of each bay. This guideline can be modified by review of Class A Conditional Use by the BCC. This new language also refers the reader to the guidelines for "Office/Warehouses" located in the Westgate Community Redevelopment Area Overlay (WCRAO) which specifies that a minimum of 25 percent of the floor space must be accessory office space in the Overlay.
2. Clarify that retail sales from warehouses is prohibited, unless approved through the Flex Space standards in Article 5.
3. Deleting prohibition on manufacturing. That use is regulated by "Manufacturing and Processing" in the industrial zoning districts. If a person wishes to engage in that use, they may obtain the necessary approvals to do so where otherwise permitted.
4. Delete reference to parking standards. The need for this provision was eliminated with the adoption of past amendments to the ULDC (Ord. 2009-040).
5. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.
6. To reword the language dealing with the use in the MUPD Zoning District, and to relocate the pertinent text dealing with the WCRAO to a new sub-heading.

a. Definition

An building establishment used for the storage of raw materials, equipment, or products. Typical uses include moving companies, cold storage, and dead storage facilities, but excludes self-service storage facilities.

ba. Accessory Office

~~The maximum percentage of office space in each warehouse bay shall be 30 percent of the GFA, unless approved as a Class A conditional use. Unless approved as a Class A Conditional Use, or as specified in "d" below, office space in each warehouse bay shall be a maximum of 30 percent of the GFA of that bay.~~

cb. Sales

General retail sales shall be prohibited, except as approved in conjunction with Flex Space.

~~**c. Manufacturing**~~

~~Manufacturing, assembly or processing shall be prohibited in a warehouse.~~

d. WCRA Overlay

~~Warehouse and office/warehouse uses are prohibited in the NR, NRM, NG, and NC sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations. Office and warehouse combinations, such as a construction office for special trade contractors, or a commercial wholesale trade establishment consisting of a mix of independent business offices each having a contiguous, accessory enclosed storage area which is internally accessible to the office, shall be permitted in the UG, UH, and UI sub-areas as specified in Table 3.B.14.E, WCRAO Sub-area Use Regulations pursuant to a Class A Conditional Use, limited to lots with a CH or IND FLU Designation and corresponding zoning district. The office/warehouse development ~~must~~ shall have ~~an office space~~ a minimum of 25 percent ~~of office space the~~ per gross floor area for each bay. [Ord. 2006-004]~~

~~**e. Parking in PDDs**~~

~~Facilities located in a PDD shall comply with Table 6.A.1.B — Minimum Off-Street Parking and Loading Requirements. Variances may be requested from these requirements. [Ord. 2008-037] [Ord. 2010-022]~~

~~**f. Flex Space**~~

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

~~**eg. Freestanding Structures**~~

~~Freestanding structures for warehouse developments located in an IND-MUPD with an IND FLU designation shall not be subject to the provisions of Table 3.E.3.B, Freestanding Buildings. [Ord. 2010-022]~~

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Notes:

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EXHIBIT F

ARTICLE 4.B, USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

1

Reason for amendments to Warehouse in the Use Matrix: [Zoning]
1. Remove from MUPD with a CH FLU designation. The CH FLU designation permits a broad range of general commercial zoning districts, such as Neighborhood Commercial (CN) and CG, which permit a very broad range of uses, including general retail, professional offices, and day care. Warehousing is an incompatible use to this type of development. If retained in the CH FLU designation, it could be argued that the use should also be included in every standard zoning district permitted in the CH FLU designation. The use was added to the MUPD with CH FLU designation in 1998. Research has not revealed that it has ever been used.
2. Add the use as Permitted in the MUPD with an EDC FLU designation: The use is consistent with the criteria in the plan for the EDC FLU designation, and is traditionally collocated with other lower intensity industrial uses.

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16 140. Wholesaling, General

Reason for amendments: [Zoning]
1. To revise the definition to more clearly and concisely list the activities which take place in this use, as well as uses that are excluded.
2. Removed reference to refrigerated storage, as this is a function of warehousing. Wholesale operations typically do not lease space for storage by third parties, as it takes away inventory space. Refrigerated storage is already covered in the definition of a Warehouse as "cold storage."
3. Relocate and consolidate Flex Space in Article 5.B, Accessory and Temporary Uses.

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a. Definition

An establishment engaged in: ~~the display, maintaining maintenance and display of~~ inventories of goods, ~~storage, for~~ distribution and sale ~~of goods~~ to other firms for resale; or, the supplying of goods to various trades such as landscapers, construction contractors, institutions, industries, or professional businesses. ~~In addition to selling, wholesale~~ These establishments also sort and grade goods ~~in from~~ large ~~to small~~ lots, ~~break bulk and redistribute in smaller lots, and engage in~~ delivery, ~~and refrigeration storage, but This use~~ excluding vehicle sales, ~~and the wholesale~~ ~~ing greenhouses or of~~ nurseries ~~supplies, wholesale of~~ gas and fuel, and ~~wholesale~~ building supplies.

~~**a. Flex Space**~~

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

Reason for amendments to Wholesaling, General in the Use Matrix: [Zoning]
Add the use as Permitted to MUPD with an EDC FLU designation. The use is consistent with the criteria in the plan for the EDC FLU designation, and is traditionally located with other lower intensity industrial uses.

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Part 4. ULDC Art. 4.D.5.E.5, Accessory Use [Related to Type III, Excavation] (page 152 of 171), is hereby amended as follows:

Reason for amendments: [Zoning] Correct Scrivener's error to change "asphalt batch concrete plant" to Asphalt or Concrete Plant for consistency and address a spelling error.

29

CHAPTER D EXCAVATION

30

Section 5 Excavation Standards

31

E. Type III Excavations

32

5. Accessory Use

33

An ~~a~~Asphalt ~~batch or c~~Concrete ~~p~~Plant shall be permitted as an accessory use to a Type III B excavation, subject to DRO approval and provided that:

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- a. the site is a minimum of 500 acres;
- b. the use is separated at least one-half mile from any residential use or district; and
- c. direct access to the ~~plat~~ plant is provided from an arterial street.

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Notes:

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EXHIBIT G

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

The following language was reviewed at the August 20, 2013 LDRAB Subcommittee Meeting. Review of Article 5, Supplementary Standards of the ULDC is an ongoing project and will continue to be updated as each Use Classification is analyzed.

Part 1. ULDC Art. 1.I, Definitions & Acronyms (page 82 of 119), is hereby amended as follows:

Reason for amendments: [Zoning] To clarify that screening requirements for outdoor activities are not intended to apply to common business operations such as outdoor storage or loading bays and related activities. See also relocation and consolidation of standards for screening outdoor activities with Art. 5, Supplementary Use Standards for outdoor storage.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

....
23. Outdoor Activity - for the purposes of Art. 5, Supplemental Use Standards, any functional operation associated with a use listed in Art. 4, Use Regulations, that takes place outside of an enclosed building. The term excludes Outdoor Storage and the loading or unloading of trucks at loading bays or docks.

[Renumber Accordingly]

Part 2. ULDC Art. 3, Overlays and Zoning Districts [Related to Hours of Operation] (pages 137, 138, 161, 176 of 229), is hereby amended as follows:

Reason for amendments: [Zoning] Relocate and consolidate hours of operation in new Article 5.E.5, Hours of Operation [Related to Performance Standards].

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 3 District Specific Regulations

A. District Specific Regulations
Additional PDRs shall apply in certain districts as follows:

....
2. All Commercial, Public and Civic Uses

~~a. Hours of Operation~~

~~Commercial, Public and Civic uses located within 250 feet of a residential district shall not commence business activities, including deliveries and stocking, prior to 6:00 AM nor continue business activities later than 11:00 PM daily. Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the non-residential use. [Ord. 2009-040] [Partially relocated in new Art. 5.E.5, Hours of Operation]~~

~~1) Existing Uses~~

~~Uses existing prior to this amendment may comply with the requirements existing at the time the use was established, unless modified by a subsequent development order. [Ord. 2009-040] [Relocated in new Art. 5.E.5, Hours of Operation]~~

~~2) Exemptions~~

~~Uses owned or operated by a governmental entity that provide essential services for the public, as determined by the Zoning Director, shall be exempt from these standards. [Ord. 2009-040] [Relocated in new Art. 5.E.5, Hours of Operation]~~

[Renumber Accordingly]

3. CN District

~~b. Hours of Operation~~

~~Commercial uses shall not commence business activities, including deliveries and stocking, prior to 6:00 AM nor continue business activities later than 11:00 PM daily.~~

....
5. CC District

~~a. Hours of Operation~~

Notes:

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EXHIBIT G

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

~~Commercial uses requiring outdoor activity shall not commence business activities, including delivery and stocking operations, prior to 6:00 AM nor continue outdoor activities later than 11:00 PM daily.~~

....

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

E. Pods

2. Commercial Pod

~~f. Hours of Operation~~

~~Commercial uses within 300 feet of a residential unit shall not commence business activities, including delivery and stocking operations, prior to 6:00 a.m. nor continue activities later than 11:00 p.m. daily. Commercial lots greater than 300 feet from residential use may be exempt from this requirement, unless required by a BCC condition.~~

[Renumber Accordingly]

Section 4 Mixed Use Planned Development (MXPDP)

E. Use Regulations

2. Commercial Uses

~~a. Hours of Operation~~

~~Non-residential uses shall not commence business activities, including delivery and stocking operations prior to 6:00 a.m. nor continue activities later than 11:00 p.m. within 300 feet of a dwelling unit.~~

[Renumber Accordingly]

Part 3. ULDC Art. 3.D.3.A.6, IL and IG Districts (page 138 of 229), is hereby deleted, as follows:

Reason for amendments: [Zoning] Relocate and consolidate redundant screening requirements applicable to “outdoor activities” in Light and General Industrial Zoning Districts, since Art. 5.B.1.A.3, Outdoor Storage already contains similar provisions.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 3 District Specific Regulations

A. District Specific Regulations

~~6. IL and IG Districts~~

~~a. Outdoor Activities~~

~~All outdoor activities, including outdoor storage and outdoor operations, shall be completely screened from view from all property lines to a height of six feet.~~

Part 4. ULDC Art. 5.B.1.A, Accessory Uses and Structures (page 7, 9 - 13 of 92), is hereby amended as follows:

Reason for amendments: [Zoning] To evaluate standards in Industrial Uses of Article 4, Use Regulation to relocate or amend in Article 5.B.1, Supplementary Regulations to:

- Consolidate redundant standards in Art. 4.B, Supplementary Use Standards and relocate with similar supplementary regulations that already exist in Art. 5.B, Accessory and Temporary Uses; and,
- The Code does not allow variance relief for provisions in Article 4, Use Regulations. This change provides additional flexibility by allowing for variance relief where standards are relocated to Article 5.B.1, Supplementary Regulations.

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EXHIBIT G

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

1 CHAPTER B ACCESSORY AND TEMPORARY USES

2 Section 1 Supplementary Regulations

3 A. Accessory Uses and Structures

4 1. General

5 The following ~~standards~~ provisions in this Section shall apply to all development in
6 Sstandard, PDD or TDD Zoning Districts, unless otherwise stated: **[2007-001]**

7

Reason for amendments: [Zoning] Delete the term “building” from Art. 5.B.1.A.b, Location related to Accessory Uses and Structures, since the provision already has the term “structure” which also means building.

8

9 b. Location

10 All accessory uses, ~~buildings~~ and structures except for approved off-site parking, shall be
11 located on the same lot as the principal use. No accessory structure shall be located in
12 the front or side street yard.

13

14

Reason for amendments: [Zoning]
1. Consolidate standards for Barbed Wire from Art. 4.B, Supplementary Use Standards with Art. 5.B.1.A.2.c standards of dangerous materials;
2. Relocate to Article 5 to be consistent with the formatting of the recently adopted Electrified Fence – Exceptions and Regulations; and,
3. Relocate parts of the introductory language to be in specific sub-topics for easy understanding of the Barbed Wire provisions.

15

16 2. Fences, Walls and Hedges

17

18 ~~h~~ h Dangerous Materials

19 Fences or walls in any zoning district shall not be electrified or contain any substance
20 such as broken glass, spikes, nails, barbed wire, razors, or any other dangerous material
21 designed to inflict discomfort, pain or injury to a person or animal, except as allowed
22 below. **[Ord. 2010-005] [Ord. 2011-001]**

23 ~~1) Barbed Wire Exceptions~~

24 ~~The use of barbed wire is prohibited. However, the County recognizes that barbed~~
25 ~~wire may be necessary to secure certain uses such as public utilities, prisons, bona-~~
26 ~~fade agriculture, and public-owned natural areas, commercial or industrial uses that~~
27 ~~have outdoor storage areas. Therefore, the County allows the installation of barbed~~
28 ~~wire as part of the top of the fence or wall for specific uses pursuant to Art. 4.B,~~
29 ~~SUPPLEMENTARY USE STANDARDS or for situations stated below. The barbed~~
30 ~~wire shall not exceed 20 percent of the overall permitted height of the fence or wall.~~
31 ~~Bonafide agricultural uses, prisons, and other uses as authorized by the Zoning~~
32 ~~Director pursuant to provisions, Art. 5.B.1.A.2.c.2).c) below, shall be permitted to~~
33 ~~exceed the 20 percent provision. The calculation of the overall height of a fence or~~
34 ~~wall is inclusive of any barbed wire. **[Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-**~~
35 ~~**001] [Relocated below to Art. 5.B.1.A.2.h.1)a)/c)/d)]**~~

36 ~~1) Barbed Wire Exceptions and Regulations~~

37 ~~The use of Barbed Wire is prohibited except in instances as detailed below. The~~
38 ~~County recognizes that Barbed Wire may be necessary to secure certain non-~~
39 ~~residential uses or structures. Therefore, the County allows the installation of Barbed~~
40 ~~Wire on top of the fence or wall, subject to the following: **[Partially relocated from**~~
41 ~~**Art. 5.B.1.A.2.c.2). and Art. 5.B.1.A.2.c.1.)]**~~

42 ~~a) Allowable Uses for Barbed Wire~~

- 43 ~~(1) Electric Power Facilities;~~
- 44 ~~(2) Electric Transmission Facility;~~
- 45 ~~(3) Minor Utility;~~
- 46 ~~(4) Prisons;~~
- 47 ~~(5) Solid Waste Transfer Stations;~~
- 48 ~~(6) Water or Treatment Plant; and,~~
- 49 ~~(7) Zoo.~~

50 ~~**[Partially relocated from Art. 4.B.1.A.44-1, 44-2, 63.b, 123, 134, 139, and 143]**~~

51 ~~(8) Except when located adjacent to a parcel having a Residential FLU~~
52 ~~designation, Residential Zoning District or residential use, Barbed Wire that~~
53 ~~is not visible from any public street, may be installed with the following uses:~~

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EXHIBIT G

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

- 1 [Partially relocated from Art. 5.B.1.A.2.c.1) and Articles 4.B.1.A.35, 116,
- 2 120, 127, and 130]
- 3 (a) Contractor Storage Yard;
- 4 (b) Salvage or Junk Yard;
- 5 (c) Self Service Storage;
- 6 (d) Sugar Mill or Refinery; and,
- 7 (e) Towing Service Storage.
- 8 (9) Bona Fide Agriculture use located in AGR, AP, and AR Zoning Districts; and
- 9 AGR-PDD Preserve Parcels. When Bona Fide Agriculture is located in the
- 10 AR Zoning District other than nurseries, Barbed Wire shall be setback a
- 11 minimum of 25 feet from any property line. [Partially relocated from Art.
- 12 4.B.1.A.3.k.)]
- 13 (10) Properties with a Conservation FLU designation, for the purposes of
- 14 protecting publicly owned natural areas; [Ord. 2005-002] [Ord. 2010-005]
- 15 [Ord. 2011-001]
- 16 (11) Properties where the owner can document a valid Development Permit for
- 17 the use of Barbed Wire; and, [Ord. 2010-005] [Ord. 2011-001]
- 18 (12) The Zoning Director shall have the authority to allow the installation of
- 19 barbed wire for any uses pursuant to Art. 4.B, ~~Supplementary Use Standards~~
- 20 Use Classification, when the applicant demonstrates a need to comply with
- 21 Federal, State or Local Government regulations. In support of the barbed
- 22 wire installation, the Zoning Director may require the applicant to perform
- 23 mitigation in order to address compatibility with adjacent properties or
- 24 visibility from adjacent street right-of-way. [Ord. 2010-005] [Ord. 2011-001]
- 25

Reason for amendments: [Zoning] Include requirement for an agreement for Barbed Wire removal prior to building permit if the parcel changes the use to one not listed in this section of the Code.

- 26
- 27 (13) A removal agreement shall be executed to remove the Barbed Wire, prior to
- 28 issuance of a Building Permit. This agreement shall require the removal of
- 29 the Barbed Wire in the event the use changes to another use not allowed in
- 30 the list above.
- 31 **b) Standards**
- 32 **(1) Height**
- 33 *The Barbed Wire shall not exceed 20 percent of the overall permitted height*
- 34 *of the fence or wall or two feet whichever is less. [Partially relocated from*
- 35 *Art. 5.B.1.A.2.c.2.)]*
- 36 **(2) Height Exemption**
- 37 *Bonafide agricultural uses, prisons, and other uses as authorized by the*
- 38 *Zoning Director pursuant to provisions in Article 5.B.1.A.2.h.1).a)(6), shall be*
- 39 *permitted to exceed the 20 percent provision. The calculation of the overall*
- 40 *height of a fence or wall is inclusive of any Barbed Wire. [Ord. 2005-002]*
- 41 *[Ord. 2010-005] [Ord. 2011-001] [Partially relocated from Art.*
- 42 *5.B.1.A.2.c.1.)]*

2) Electrified Fences - Exceptions and Regulations [Ord. 2013-018]

....

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EXHIBIT G

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

1

- Reason for amendments:** [Zoning]
1. Relocate and consolidate standards for Outdoor Activities with Outdoor Storage and expand provisions to non-residential uses located in Residential Zoning Districts.
 2. Delete 12 feet screening height provision that was applicable only to Outdoor Storage in industrial districts. The language was not limiting the height of the stored material but was limiting the height of the screening to 12 feet even when the stored material was higher. Proposed screening requirement applies to all sites except when the Outdoor Storage area is located in an Industrial Zoning District or FLU designation that has a common property line with an Industrial FLU designation or Zoning District parcel.
 3. Introduce height limitation of the storage material to be 15 feet for consistency with the PBC Fire Code provision 31.3.6.3.2.4 which is applicable to processed or unprocessed materials.
 4. Avoid visibility of storage material by requesting equal screening and storage material height up to 15 feet.
 5. Exempt from the screening requirements any industrial site that has the Outdoor Storage or Outdoor Activity areas next to another site with Industrial FLU designation or Zoning District and not visible from any street.
 6. Include provision that to minimize the visual impacts caused by Outdoor Activities in industrial sites when adjacent to residential, civic, commercial, recreation, or conservation by requiring a 25 foot wide Type III incompatibility buffer.
 7. Allow chipping, crushing, grinding, manufacturing or processing to be outdoor only when an industrial use is located in intense industrial districts such as General Industrial and IND/G pod of PIPD. Less intense Industrial Zoning Districts looking to have such outdoor activities are requested to be permitted through public hearing through Class A Conditional Use. This amendment limits the location of intense uses in close proximity of low intense uses.

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3. Outdoor Storage and Activities

Outdoor storage of merchandise, inventory, equipment, refuse, or similar materials, and outdoor activities in all nonresidential districts or non-residential uses located in Residential Zoning Districts shall be subject to the following standards:

a. General

Outdoor Storage and Activities may only be allowed when incidental to the use located on the premises.

b. Location

Outdoor Storage and Activity areas shall not be located in any of the required setbacks.

c. Height

Outdoor Storage material shall not exceed 15 feet in height or the height of the screening, whichever is less.

d. Nonresidential Districts, Except Industrial Screening

Outdoor ~~S~~storage and Activity areas shall be completely screened from ~~view~~ all property lines by landscaping, fences, walls, or buildings.

de. Industrial FLU Designation, Zoning Districts or Uses

~~1) Outdoor storage areas shall be completely screened from view from all streets and adjacent residential districts by landscaping, fences, walls, or buildings up to a height of 12 feet. All Outdoor Storage and Activity areas located on Industrial FLU designation or Zoning District shall be completely screened from view from all property lines.~~ **[Partially relocated from Art. 3.D.3.A.6, IL and IG Districts]**

2) Outdoor Storage and Activity areas adjacent to parcels with Industrial FLU designation or Zoning District and not visible from any street shall be exempted from the screening requirements.

3) Outdoor Activity areas in industrial uses shall have a Type III incompatibility buffer along property lines adjacent to parcels with a Civic, Conservation, Commercial, Recreational or Residential FLU designation, Zoning District or use, or where visible from a public R-O-W. The incompatibility buffer shall be a minimum of 25 feet in width.

4) Outdoor Activities such as chipping, crushing, grinding, manufacturing or processing shall be restricted to the IG Zoning District and Industrial General pod of PIPD unless approved as a Class A Conditional Use.

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EXHIBIT G

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

Reason for amendments: [Zoning] Clarify that the requirements in this section are established to protect adjacent uses from nuisance prevent deterioration of neighbors by visual contamination; and, protect surface and underground water regardless the nature of the use.

ej. Exceptions

The following uses or material are exempt from this Section:

- 1) Storage and sales of landscape plant material.
- 2) Temporary Storage storage of material used for road construction on a lot directly adjacent to the roadway under construction.
- ~~3) Uses which allow outdoor storage by definition or in another Section.~~

....

Part 5. ULDC Art. 5.B.1.C, Flex Space (page 33 of 92), is hereby amended as follows:

Reason for amendments: [Zoning] Relocate commercial and industrial uses that are allowed as Flex Space component currently listed in Article 4.B, Supplementary Use Standards to be consolidated in Article 5.B.1.C, where Flex Space regulations already exist.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

C. Flex Space

A type of use that allows a flexible amount of retail, office and industrial space in one structure located on parcels with an Industrial (IND), Economic Development Center (EDC), or Commercial High (CH) Future Land Use Designation (FLU), that are directly related to the principal use. **[Ord. 2010-005]**

1. Review Process

Applications for flex space shall be reviewed pursuant to Article 2, Development Review Process, in addition to one of the following options: **[Ord. 2010-005]**

- a. Option I – Uses requiring BCC approval shall be subject to the applicable review process pursuant to Article 2.B.2, Conditional Uses, Requested Uses and Development Order Amendments. The applicant shall identify the portion of the building designated for flex space on the site plan. All other uses subject to an administrative review process shall be permitted in the BCC approved building. **[Ord. 2010-005]**
- b. Option II – Uses requiring DRO approval shall be subject to the review process pursuant to Article 2.D.1 Development Review Officer. The applicant shall identify the portion of the building designated for flex space on the site plan. All other uses subject to the Building Permit review process shall be permitted in the DRO approved building. **[Ord. 2010-005]**
- c. Option III – Uses subject to the Building Permit review process may occupy a bay or the entire building as long as they comply with the applicable Supplementary Use Standards and additional ULDC requirements (parking, signage, etc.). The applicant shall identify the portion of the building designated for flex space on the site plan. The applicant has the option of applying flex space provisions to a specific bay in the building or having the entire building (single use tenant) dedicated to flex space. The applicant shall submit the Building approved site plan to the Zoning Division for informational purposes indicating the area designated as flex space and demonstrating that the overall site is in compliance with the applicable ULDC regulations. **[Ord. 2010-005]**

2. Development Standards

a. CH – FLU

Flex Space located on parcels with a CH FLU shall be permitted to have the following mix of uses: a minimum of 50% industrial, not to exceed 75%; with the balance consisting of office or retail. **[Ord. 2010-005]**

b. IND – OR EDC FLU

Flex Space located on parcels with an IND FLU shall be permitted to have the following mix of uses: a maximum of 30% office or retail, with the balance consisting of industrial. **[Ord. 2010-005]**

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EXHIBIT G

ARTICLE 5 – SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS
(Updated 10/15/13)

3. Uses Allowed

The uses indicated in the table below, may utilize Flex Space provisions pursuant to the applicable approval process indicated in Review Process above. [Partially relocated from Art. 4.B.1.A.23/26/35/38/76/81/84/100/ 138/140]

Table 5.B.1.C - Uses Allowed as Flex Space Component

Commercial Use	Industrial Uses
Butcher Shop, Wholesale	Contractor Storage Yard
Catering Service	Data and Information Processing
Printing and Copying Services	Laboratory, Research
	Manufacturing and Processing
	Medical or Dental Laboratory
	Warehouse
	Wholesaling, General

Part 6. New ULDC Art. 5.E, Hours of Operation (page 56 of 92), is hereby established:

Reason for amendments: [Zoning] Establish new Section E in Article 5 by consolidating all provisions for hours of operations contained in Article 3 of the ULDC. This amendment applies the hours of operation limitations to Industrial, Commercial, Recreation, and Public and Civic Uses when adjacent to Residential Future Land Use designation, Zoning District or use. Exceptions may be permitted depending on indoor or outdoor industrial activities. The limitation in Industrial uses is more restrictive than commercial uses as industrial uses are expected to be more intense in traffic and stocking activities.

CHAPTER E PERFORMANCE STANDARDS

Section 5 Hours of Operation

Any non-residential use shall be subject to the hours of operations indicated below when: adjacent to Residential FLU designation, Zoning District or use. No stocking or deliveries outside of the permitted time when located within 250 feet of residential.

Table 5.B - Hours of Operation

FLU/Zoning District/Use	Hours
Industrial	7:00 a.m. to 7:00 p.m. (Monday – Saturday)
Industrial without outdoor activities	7:00 a.m. to 10:00 p.m. (Monday – Saturday)
Commercial	6:00 a.m. to 11:00 p.m.
Recreation	
Public and Civic	6:00 a.m. to 11:00 p.m.
Excavation	
[Ord.]	
Notes:	

A. Measurement

Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the non-residential use. [Ord. 2009-040] [Partially relocated from Art. 3.D.3.A.2.a, Hours of Operation – Related to All Commercial, Public and Civic Uses under District Specific Regulations]

B. Existing Uses

Uses existing prior to this amendment may comply with the requirements existing at the time the use was established, unless modified by a subsequent Development Order. [Ord. 2009-040] [Relocated from Art. 3.D.3.A.2.a.1), Existing Uses - Related to Hours of Operation applicable to all Commercial, Public and Civic Uses under District Specific Regulations]

C. Exemptions

Uses owned or operated by a governmental entity that provide essential services for the public, as determined by the Zoning Director, shall be exempt from these standards. [Ord. 2009-040] [Relocated from Art. 3.D.3.A.2.a.2), Exemptions - Related to Hours of Operation applicable to all Commercial, Public and Civic Uses under District Specific Regulations]

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Notes:

Underlined indicates new text. If being relocated destination is noted in bolded brackets [Relocated to:]. Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated. Italicized indicates text relocated. Source is noted in bolded brackets [Relocated from:].
.... A series of four bolded ellipses indicates language omitted to save space.