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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067 AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS**; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES**; CHAPTER A, GENERAL; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER G, DECISION MAKING BODIES; **ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS**; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **ARTICLE 4 - USE REGULATIONS**; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; **ARTICLE 7 - LANDSCAPING**; CHAPTER D, GENERAL STANDARDS; **ARTICLE 11 - SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS**; CHAPTER A, GENERAL REQUIREMENTS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

**WHEREAS**, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

**WHEREAS**, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

**WHEREAS**, the BCC has determined that the proposed amendments further a legitimate public purpose; and

**WHEREAS**, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

**WHEREAS**, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

**WHEREAS**, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

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

**Section 1. Adoption**

The amendments set forth in Exhibits listed below, attached hereto and made a part hereof, are hereby adopted.

- 1       ▪ Exhibit A     Article 2, Development Review Procedures
- 2       ▪ Exhibit B     Article 11, Subdivision, Platting and Improvements
- 3       ▪ Exhibit C     Hotel Collocated with Public Park
- 4       ▪ Exhibit D     Minimum Acreage Required for Cemeteries
- 5       ▪ Exhibit E     Nonconforming Use
- 6       ▪ Exhibit F     Adult Entertainment
- 7       ▪ Exhibit G     Commercial Communication Tower
- 8       ▪ Exhibit H     Fences, Walls and Hedges
- 9       ▪ Exhibit I     Mechanical Equipment Screening Exemptions

10

11       **Section 2. Interpretation of Captions**

12           All headings of articles, sections, paragraphs, and sub-paragraphs used in this

13 Ordinance are intended for the convenience of usage only and have no effect on interpretation.

14

15       **Section 3. Repeal of Laws in Conflict**

16           All local laws and ordinances in conflict with any provisions of this Ordinance are hereby

17 repealed to the extent of such conflict.

18

19       **Section 4. Severability**

20           If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other

21 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,

22 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this

23 Ordinance.

24

25       **Section 5. Savings Clause**

26           All development orders, permits, enforcement orders, ongoing enforcement actions, and

27 all other actions of the Board of County Commissioners, the Zoning Commission, the

28 Development Review Officer, Enforcement Boards, all other County decision-making and

29 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued

30 pursuant to the regulations and procedures established prior to the effective date of this

31 Ordinance shall remain in full force and effect.

32

33       **Section 6. Inclusion in the Unified Land Development Code**

34           The provisions of this Ordinance shall be codified in the Unified Land Development Code

35 and may be reorganized, renumbered or re-lettered to effectuate the codification of this

36 Ordinance.

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**Section 7. Providing for an Effective Date**

The provisions of this Ordinance shall become effective upon filing with the Department of State.

**APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach County, Florida, on this the 29th day of January, 2015.

SHARON R. BOCK, CLERK & COMPTROLLER

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

By: *Nancy Powell*  
Deputy Clerk

By: *Shelley Vana*  
Shelley Vana, Mayor



APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *[Signature]*  
County Attorney

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**EFFECTIVE DATE:** Filed with the Department of State on the 3rd day of February, 2015.

EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 01/08/15)

1  
2 Part 1. ULDC Art. 2.A.1.G.3, Application Procedures [Related to Plan Requirements], (page 13  
3 of 87), is hereby amended as follows:

4 CHAPTER A GENERAL

5 Section 1 Applicability

6 G. Application Procedures

7 3. Plan Requirements

8 All applications or applicants submitting for a Public Hearing or an administrative approval  
9 process, excluding FLU Amendments, shall submit a plan to the DRO or Zoning Director.  
10 The type of plan shall be based upon the type of application request(s), and shall be  
11 prepared to include graphics and tabular data consistent with the Technical Manual  
12 requirements and standards. The plan shall provide sufficient information for County  
13 Agencies to review in order to render ~~DRO~~ comments on the project for compliance with  
14 applicable standards of the Code pursuant to Art. 2.B.1.B, Standards, Art. 2.B.2.B,  
15 Standards, or Art. 2.D.1.E, Standards for Administrative Approval. In addition, the plan shall  
16 be prepared in compliance with the following: [2009-040]

17 ....

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19  
20 Part 2. ULDC Art. 2.D.1.G.1, Modifications to BCC/ZC Approvals [Related to Administrative  
21 Process for Modifications to Prior Development Orders], (pages 39 of 87), is hereby  
22 amended as follows:

23 CHAPTER D ADMINISTRATIVE PROCESS

24 Section 1 Development Review Officer (DRO)

25 G. Modifications to Prior Development Orders

26 1. Modifications to BCC/ZC Approvals

27 The DRO shall have the authority to approve modifications to a Development Order approved  
28 by the BCC or ZC. An application for an amendment shall be submitted in accordance with  
29 Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C,  
30 Review Procedures. Applications must be submitted on deadlines established on the Zoning  
31 Calendar. The authority of the DRO to modify a BCC or ZC approved plan shall be limited to  
32 the following: [Ord. 2008-003] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-001]

33 a. The relocation of no more than 25 percent of the total approved square footage or other  
34 area indicated as being covered by buildings or structures to portions of the site not  
35 previously covered.

36 1) No modification shall relocate square footage to a building that enlarges the footprint  
37 more than 25 percent of the BCC/ZC approved plan;

38 2) Relocated square footage shall not be used to create additional freestanding  
39 buildings or structures; This shall not apply to accessory structures which are not  
40 subject to Concurrency review in accordance with PPM-ZO-O-049, Permits Not  
41 Subject to Concurrency Review; and,

42 23) Exception:—The limitations in Art. 2.D.1.G.1.a These shall not apply to a Renewable  
43 Energy Facility (Wind) within the AP Zoning district. [Ord. 2011-016]

44 b. An increase in the square footage indicated on the most recently ZC or BCC approved  
45 Plan(s) shall be subject to the following: [Ord. 2008-003] [Ord. 2009-040] [Ord. 2014-  
46 025]

47 1) Maximum of five percent or 5,000 square feet of any building, structure or outdoor  
48 area considered as square footage, whichever is less; ~~and~~, [Ord. 2014-025]

49 2) Maximum 5,000 square feet of the total ZC or BCC approved square footage; ~~and~~,  
50 [Ord. 2014-025]

51 3) The allowable five percent or 5,000 square feet shall not be used to create new  
52 freestanding buildings or structures. This provision shall not apply to accessory  
53 structures which are not subject to Concurrency review in accordance with PPM-ZO-  
54 O-049.

55 ~~c. For a Renewable Energy Facility (Wind) within the AP Zoning District, an increase in no~~  
56 ~~more than ten percent, up to a maximum of ten, of the number of wind turbines approved~~  
57 ~~by the BCC. [Ord. 2011-016] [Ord. 2014-025] [Relocated to new d below]~~

58 ~~dc.~~ Additions to or relocations of buildings and structures shall not be constructed closer to  
59 perimeter property lines than shown on the plan approved by the BCC or ZC, unless the  
60 FLU designation, Zoning district, or existing use of the adjacent parcel is compatible;  
61 [Ord. 2009-040] [Ord. 2011-001]

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 01/08/15)

1) For a Renewable Energy Facility (Wind) within the AP Zoning District, this shall apply to the Project Boundary, provided they meet separation or setback requirements from streets, and residential uses and districts. [Ord. 2011-016]

~~d. For a Renewable Energy Facility (Wind) within the AP Zoning District, an increase in no more than ten percent, up to a maximum of ten, of the number of wind turbines approved by the BCC. [Ord. 2011-016] [Ord. 2014-025] [Relocated from c above]~~

e. An overall increase of not more than ten percent of the height of any structure;

f. ~~Relocation of access points; and addition or deletion of internal access points;~~ [Ord. 2008-003]

1) ~~Relocation, addition, or deletion of internal access points;~~

2) ~~Addition of emergency access ways, as required by PBC Fire Rescue. The DRO shall ensure the District Commissioner is notified of this request in advance of final DRO approval. The access point shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call.~~

....

Part 3. ULDC Art. 2.D.1.G.2, Agency Review [Related to Expedited Administrative Modifications to Prior Development Orders] (page 40 - 41 of 87), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer (DRO)

G. Modifications to Prior Development Orders

2. Expedited Administrative Modifications

a. Purpose

To establish procedures to allow for expedited approvals of specific minor corrections, additions and amendments to ~~approved~~ Final Plans ~~approved by the BCC, ZC or DRO.~~ [Ord. 2007-001] [Ord. 2014-001]

b. Agency Review

Agency Review is for applications that require amendment(s) to approved plan(s). This type of application requires review, comments, and conditions by a maximum of five DRO Agencies. The DRO shall determine which Agencies are required to review the amendment based upon the request and compliance with County Ordinances. ~~The Zoning Director shall maintain PPM Z0-0-29, Administrative Modifications to Approved Site Plans, outlining a list of minor amendments and establishing items that are exempt from the Expedited Administrative Modifications process.~~ [Relocated from Art. 2.D.1.G.2.d] Amendments include the following, provided Art. 2.D.1.G.1, Modifications to BCC/ZC Approvals, requirements are not exceeded: [Ord. 2008-003] [Ord. 2011-001] [Ord. 2014-001]

1) Increases in building square footage; up to a maximum 2,500 square feet; ~~Increases in square footage shall not be used to create new freestanding buildings or structures. This shall not apply to accessory structures which are not subject to Concurrency review in accordance with PPM-ZO-O-049;~~ [Ord. 2008-003] [Ord. 2014-001]

....

c. Zoning Review

Zoning review is for applications that require only Zoning Division approval of: minor corrections to tabular data, additions and amendments to ~~an~~ existing approved ~~site or subdivision plans.~~ Amendments include the following: [Ord. 2008-003] [Ord. 2014-001]

1) Change in sign location; [Ord. 2008-003]

2) Minor modifications to approved parking areas (such as relocation of handicapped parking spaces or removal of spaces exceeding ULDC requirements); [Ord. 2008-003] [Ord. 2014-001]

3) Relocation of terminal islands to accommodate trees or utility lines; [Ord. 2008-003]

....

~~d. The Zoning Director shall maintain PPM Z0-0-29, subject to periodic updates, outlining a list of minor amendments and establishing items that are exempt from the Expedited Administrative Modifications process.~~[Ord. 2014-001][Relocated to Art. 2.D.1.G.2.b, Agency Review]

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 01/08/15)

Part 4. ULDC Art. 2.D.2, Special Permit (pages 41-42 of 87), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 2 Special Permit

A. Purpose

To create standards and an approval process for certain uses and structures, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. ~~These uses shall require approval of a special permit by the Zoning Division prior to issuance of a CO, business tax receipt, building permit, or commencement of activity.~~ [Ord. 2007-013]

B. Authorized Special Permits

Only the uses identified in Table 4.A.3.A, Use Matrix, 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, Traditional Development Permitted Use Schedule or Article 4.B, SUPPLEMENTARY USE STANDARDS, by an "S" shall require a special permit. This designation ~~in Table 4.A.3.A, Use Matrix,~~ does not constitute an authorization of such use or an assurance that such use will be approved under this Code. Each proposed special permit application shall be evaluated by the Zoning Director for compliance with the standards and conditions set forth in this Section, and the applicable district.

~~C. Application Requirements~~

~~The application shall be submitted in a form established by the Zoning Director. The applicant shall provide proof of a business tax receipt and all permits must be posted on the site prior to commencement of operation. If a survey is required, the applicant shall comply with any requirements pursuant to the Technical Manual for application requirements.~~ [Partially relocated to Art. 2.D.2.D, below]

C. Sufficiency Determination

All Special Permit requests are subject to the requirements of Art. 2.A.1.G.4, Sufficiency Review.

D. Review Process

The application shall be submitted in a form established by the Zoning Director and shall be consistent with this Code. Any Special Permit application requiring building permits shall be submitted a minimum of 30 days prior to the effective date of the Special Permit. Prior to issuance of the Special Permit, any associated building permits shall be secured and all required inspections scheduled with the Building and Code Enforcement Divisions and Fire Department. [Partially relocated from Art. 2.D.2.C, above] [Ord. 2007-013] [Ord. 2009-040]

[Renumber Accordingly]

Part 5. ULDC Art. 2.D.3, Type IA and Type IB Administrative Variances (page 42-43 of 87), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 3 Type 1A and Type 1B Administrative Variances

~~....~~  
B. Application Procedures

All Type 1A and Type 1B Administrative Variances are subject to Art. 2.A.1.G, Application Procedures.

~~CB.~~ Type 1A Administrative Variances

Type 1A variances may be considered for the following: [Ord. 2006-036]

~~....~~  
[Renumber Accordingly]

Part 6. ULDC Art. 2.D.7, Reasonable Accommodation (page 46 - 48 of 87), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 7 Reasonable Accommodation

A. Purpose and Intent

The purpose of this section is to establish procedures for processing requests for Reasonable Accommodation from the County's Unified Land Development Code and related rules, policies,

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 01/08/15)

practices and procedures, for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et. seq.) (FHA), or Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131, et. seq.) (ADA). Any person who is disabled, or qualifying entities, may request a Reasonable Accommodation, pursuant to the procedures set out in this section.

**B. Applicability**

An applicant shall be required to apply for all applicable Development Review processes available in the ULDC prior to filing a request for Reasonable Accommodation, unless compliance with available Development Review processes would deprive the applicant, or persons with disabilities served by the applicant, of an equal opportunity to use and enjoy housing. **Ord. 2011-016]**

**BC. Notice to the Public of Availability of Accommodation**

The County shall endeavor to provide notice to the public, advising that disabled individuals or qualifying entities may request a Reasonable Accommodation. **[Ord. 2011-016]**

**CD. Application Procedures**

The application forms and requirements for submitting a request for Reasonable Accommodation shall be on forms specified by the County Administrator or designee. **[Ord. 2011-016]**

**1. Application Contents**

The following considerations shall be applicable for any application information or documentation required: **[Ord. 2011-016]**

**a. Confidential Information**

Upon submittal of any medical information or records, including but not limited to condition, diagnosis, or history related to a disabled individual, an applicant may request that the County, to the extent allowed by law, treat the information or records as confidential. The County shall thereafter endeavor to provide notice to the disabled individual, or their representative, of any request received by the County for disclosure of the medical information or documentation previously requested to be treated as confidential. The County will cooperate with the disabled individual, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the County shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses, whether by retention of outside counselor, or allocation of internal resources in connection therewith, and may comply with any judicial order without prior notice to the disabled individual. **[Ord. 2011-016]**

**b. Address of Applicant**

Address of the applicant is requested. ~~Unless~~ governed by 42 U.S.C. §290d.d., in which case the address shall not be required, but the applicant may be requested to provide documentation to substantiate a claim verifying applicability. **[Ord. 2011-016]**

**c. Address of Housing**

Address of housing or other location at which accommodation is requested unless governed by 42 U.S.C. §290d.d., in which case address shall not be required, but the applicant may be requested to provide documentation to substantiate a claim verifying applicability. **[Ord. 2011-016]**

**2. Sufficiency Determination**

The County Administrator or designee shall determine whether the application is sufficient or insufficient within ten days of submittal by reviewing the information required in the application. If staff determines the application is not sufficient, a written notice shall be sent to the applicant specifying the deficiencies within the ten day determination timeframe set forth herein.

**23. Fee**

There shall be no fee imposed by the County for a request for Reasonable Accommodation under this section or an appeal of a determination on such request, and the County shall have no obligation to pay a ~~applicant's requesting party's~~, or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal. **[Ord. 2011-016]**

**34. County Assistance**

The County shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for Reasonable Accommodation, including assistance with reading application questions, and responding to questions related to completing application or appeal forms, among others, to ensure the process is accessible. **[Ord. 2011-016]**

**45. Findings for Reasonable Accommodation**

In determining whether the Reasonable Accommodation request shall be granted or denied, the ~~applicant requesting party~~ shall be required to establish that they are protected under the FHA or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this ordinance the disabled individual must show: **[Ord. 2011-016]**

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 01/08/15)

- 1 a. a physical or mental impairment which substantially limits one or more major life  
2 activities;[Ord. 2011-016]  
3 b. a record of having such impairment; or[Ord. 2011-016]  
4 c. that they are regarded as having such impairment.[Ord. 2011-016]

5 The ~~applicant requesting party will shall have to~~ demonstrate that the proposed  
6 accommodations being sought are reasonable and necessary to afford disabled persons  
7 equal opportunity to use and enjoy housing. The foregoing, as interpreted by the Courts,  
8 shall be the basis for a decision upon a Reasonable Accommodation request made by the  
9 appropriate PBC official.[Ord. 2011-016]

10 **56. Authority**

11 The determination of which appropriate PBC official has the authority to consider and act on  
12 requests, or appeals of a decision for Reasonable Accommodation, shall be consistent with  
13 Art. 1.B.1.A, Authority.[Ord. 2011-016]

14 **67. Action by Appropriate PBC Official**

15 A written ~~determination response~~ shall be issued ~~by the appropriate PBC official~~ within 45  
16 days of the date of ~~sufficiency advising the applicant of the PBC official's action, receipt of an~~  
17 ~~application, (when determined to be sufficient).~~ [Ord. 2011-016]

18 a. **Request for Additional Information Timeframes**

19 ~~If additional information is required to make a final decision, the following shall apply:~~

20 ~~1) If reasonably necessary to reach a determination on the request for Reasonable~~  
21 ~~Accommodation, the appropriate PBC official, may, prior to the end of said~~ Within 45  
22 days of sufficiency determination period, request a written notice requesting  
23 additional information may be requested from the requesting party, specifying in  
24 sufficient detail what information is required. [Ord. 2011-016]

25 ~~2) The applicant requesting party shall have 15 days from the date of the written notice~~  
26 ~~to respond to the request for additional information not to exceed 60 days from the~~  
27 ~~date of the sufficiency determination after the date of the request for additional~~  
28 ~~information to provide the requested information.~~ [Ord. 2011-016]

29 ~~a) In the event a request for~~ If the additional information provided by the applicant  
30 satisfies staffs' request, is made, the 45 day period to issue a written  
31 determination shall no longer be applicable, and the appropriate PBC official  
32 shall issue a written determination shall be issued within 30 days after receipt of  
33 the additional information. [Ord. 2011-016]

34 ~~b) If the applicant requesting party fails to provide the requested additional~~  
35 ~~information within said the 15 day period, the appropriate PBC official shall issue~~  
36 ~~written notice advising that the requesting party had failed to timely submit the~~  
37 ~~additional information and therefore the request for Reasonable Accommodation~~  
38 ~~a letter shall be issued to the applicant advising the applicant that the application~~  
39 ~~is considered withdrawn deemed abandoned or withdrawn and no further action~~  
40 ~~by the County with regard to said Reasonable Accommodation request shall be~~  
41 ~~required.~~[Ord. 2011-016]

42 ....

43 [Renumber Accordingly]

44  
45  
46 **Part 7. ULDC Art. 2.G.3.A.3.a, Appointment (page 72 of 87), is hereby amended as follows:**

47 **Section 3 APPOINTED BODIES**

48 **A. Land Development Regulation Advisory Board**

49 **3. Board Membership**

50 **a. Appointment**

- 51 1) The LDRAB shall be composed of ~~47~~ 16 members and two at-large alternate  
52 members.  
53 2) ~~Four~~ Nine of the members shall be appointed by a majority of the BCC upon a  
54 recommendation by the organizations listed in Table 2.G.3.A, LDRAB Expertise.

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 01/08/15)

Part 8. ULDC Table 2.G.3.A, LDRAB Expertise (page 71 of 86), is hereby amended as follows:

Table 2.G.3.A - LDRAB Expertise

| Occupations                          | Organizations   |
|--------------------------------------|---|
| 1. Residential Builder               | Gold Coast Builders <u>Association</u>                                  |
| 2. Municipal Representative          | League of Cities  |
| 3. Engineer                          | Florida Engineering Society   |
| 4. Architect                         | American Institute of Architects  |
| 5. Environmentalist                  | Environmental Organization  |
| 6. Realtor                           | <del>PBC Board of Realtors</del> <u>Association of the Palm Beaches</u> |
| 7. Surveyor                          | Florida Surveying and Mapping Society.                                  |
| <del>8. Citizen Representative</del> | <del>Condominium/HOA Assoc.</del>                                       |
| 9. Commercial Builder                | Assoc. General Contractors of America                                   |
| 10. AICP Planner                     | PBC Planning Congress   |
| [Ord. 2010-022]                      |   |

Part 9. ULDC Art. 2.G.3 Appointed Bodies, (pages 73 and 76-77 of 87), are hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

B. Code Enforcement Special Masters

1. Creation and Appointment

Code enforcement hearings pursuant to this Code shall be conducted by designated Special Master. Applications for Special Master positions shall be directed to County Administrator pursuant to a notice published in a newspaper of general circulation. The BCC shall select a pool of candidates from the applications filed with County Administrator on the basis of experience and qualifications. County Administrator shall appoint Special Master to conduct hearings from the pool of candidates selected by the BCC as necessary. For a period of two years from the date of termination as holder of office, a former Special Master shall not act as agent or attorney in any proceeding before any decision-making body of PBC on any matter that was the subject of a proceeding which was considered by the former Special Master.

2. Qualification

Special Master shall have the following minimum qualifications:

- a. be a graduate of a law school accredited by the American Bar Association;
- b. demonstrate knowledge of administrative laws, land use law, and local government regulation and procedures;
- c. be a current member, in good standing, of the Florida Bar Association;
- d. have such other qualifications that may be established by resolution of the BCC; and
- e. in the event County Administrator does not receive a sufficient number of applications from qualified members of the Florida Bar Association, the BCC may select attorneys who are not members of the Florida Bar Association as candidates for Special Master. Among those attorneys who are not members of the Florida Bar Association, the BCC and County Administrator shall give preference to those attorneys who have prior experience in a judiciary capacity, or as a hearing officer, mediator or special master. No attorney, who has been disciplined by the Florida Bar Association or a bar association of any other jurisdiction, shall be appointed as a Special Master.

~~3. Powers and Duties~~

~~Special Master shall have the following powers and duties:~~

- ~~a. to hold hearings and to make findings of fact and conclusions of law as are necessary to enforce the provisions of this Code and the building, electrical, fire, gas, landscape, plumbing, and other codes of PBC if there has been a failure to correct a violation within the time specified by the code inspector, if the violation has been repeated, or is of such as nature that it cannot be corrected;~~
- ~~b. to issue subpoenas compelling the presence of persons at Special Master hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;~~
- ~~c. to issue subpoenas compelling the production of evidence at code enforcement hearings;~~
- ~~d. to take testimony under oath;~~
- ~~e. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with this Code and PBC's building, electrical, fire, gas, landscape, plumbing, and other codes of PBC;~~
- ~~f. to assess fines pursuant to Article 10.B.3, Administrative Fines, Costs, Liens;~~
- ~~g. to lien property; and~~

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EXHIBIT A

ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES  
SUMMARY OF AMENDMENTS  
(Updated 01/08/15)

~~h. to assess costs pursuant to Article 10.B.3, Administrative Fines, Costs, Liens.  
[ReNUMBER accordingly]~~

....  
**G. Hearing Officers**

**1. Creation and Appointment**

The County Administrator may, from a pool selected by the BCC, appoint one or more hearing officers to hear and consider such matters as may be required under any provision of this Code or under any provision of any other Palm Beach County Ordinance as may be determined to be appropriate by the BCC from time to time. Such hearing officers shall be selected pursuant to the procedures and minimum qualifications provided for in Article 2.G.3.B. Code Enforcement Special Master, and shall serve at the pleasure of the BCC for such period as is determined by the Board. Code Enforcement Special Masters, ~~as established and appointed pursuant to Article 2.G.1.A, Powers and Duties,~~ may serve ex officio as Hearing Officers as set forth in this Section. ~~Whoever shall accept an appointment as a hearing officer shall, for a period of one year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application for other matter before any decision-making body of PBC in any matter involving land that was the subject of a proceeding which was considered. [Ord. 2010-022]~~

~~**2. Minimum Qualifications**~~

~~A hearing officer shall have the following minimum qualifications:~~

- ~~a. be a graduate of a law school accredited by the American Bar Association;~~
- ~~b. demonstrated knowledge of administrative, environmental and land use planning and law and procedure; and~~
- ~~c. hold no other appointive or elective public office or position in PBC during the period of appointment.~~

~~**23. Duties**~~

~~A hearing officer shall have the following duties:~~

- ~~a. to conduct hearings and issue administrative orders on such matters as may be requested by the BCC;~~
- ~~b. to render to the BCC a written report containing a summary of the testimony and evidence given and findings and recommendations regarding the specific standards applicable to the particular application for development permit;~~
- ~~be.~~ to issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing; and
- ~~cd.~~ to perform such other tasks and duties as the BCC may assign.

....  
**Part 10. ULDC Art. 3.E.1.E.1, Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan (page 156 of 229), is hereby amended as follows:**

**CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

**Section 1 General**

**E. Modifications**

Modifications to a planned development with a valid development order shall comply with Art. 2.A.1.G.3, Plan Requirements and Article 2.D.1, Development Review Officer. [Ord. 2009-040]

**1. Modifications by the DRO to a Master Plan, Site Plan, Subdivision Plan or Regulating Plan**

....  
**f. Access**

Access shall not be added to roads external to the project, internal roads indicated on the Thoroughfare Identification Map, or to roads external to a pod, except for a residential pod and the addition of emergency access ways as required by PBC Fire Rescue. The DRO shall ensure the District Commissioner is notified of this request in advance of final DRO approval. The access point shall be secured by a gate that has the necessary mechanism to ensure it is closed and secured after each Fire Rescue emergency call. Access to roads external to a residential pod, but internal to the project, may be added in accordance with Article 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS.

....  
~~**j. Intensity Increase**~~

~~The GFA of each building shown on a site plan approved by the BCC may be increased by five percent provided the increase does not exceed 1,000 gross square feet and complies with Article 2.F, CONCURRENCY (Adequate Public Facility Standards).~~

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EXHIBIT B

ARTICLE 11 – SUBDIVISION, PLATTING AND IMPROVEMENTS  
SUMMARY OF AMENDMENTS  
(Updated 07/07/2014)

1 Part 1. ULDC Art. 11.A.7.C., Sequence of Phases (page 11 of 47), is hereby amended as  
2 follows:

3 CHAPTER A GENERAL REQUIREMENTS

4 Section 7 Phased Developments

5 C. Sequence of Phases

6 When the Preliminary Subdivision Plan is to be constructed in phases, the following sequence  
7 must be adhered to:

8 1. All required recreation areas and facilities to serve the entire development shall be platted or  
9 otherwise provided pursuant to the procedures and phasing provisions of Article 5.F, LEGAL  
10 DOCUMENTS; and,

11 ~~2. The gross density of an individual plat shall not exceed the maximum density permitted for~~  
12 ~~the entire development unless the remaining total of all previously recorded plats of record~~  
13 ~~and the plat under review produces an average density less than or equal to the approved~~  
14 ~~maximum density for the entire development; and~~

15 3.2. Where all or any portion of a water management tract is required to serve a proposed phase  
16 of development, and has not been previously recorded and constructed, said water  
17 management tract and its associated lake maintenance easement(s) shall be included and  
18 constructed in their entirety as part of the plat and required improvements for that phase.

19 ....

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EXHIBIT C

HOTEL COLLOCATED WITH PUBLIC PARK  
SUMMARY OF AMENDMENTS  
(Updated 01/08/15)

1  
2 Part 1. ULDC Art. 4.B.1.A.72, Hotel, Motel, SRO and Rooming and Boarding House (page 63 of  
3 171), is hereby amended as follows:

4 CHAPTER B SUPPLEMENTARY USE STANDARDS

5 Section 1 Uses

6 A. Definitions and Supplementary Standards for Specific Uses

7 72. Hotel, Motel, SRO, and Rooming and Boarding House

8 An establishment requiring a license by the State of Florida used, maintained or advertised  
9 as a place where furnished sleeping accommodations are supplied for short term rent to  
10 guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and  
11 rooming and boarding houses. [Ord. 2006-004]

12 ....

13 d. PO District

14 1) Existing Hotel

15 An existing hotel located in the PO District shall be considered a conforming use.  
16 [Ord. 2009-040]

17 2) Collocated Hotel

18 a) Approval Process - PARK FLU

19 A hotel may be permitted as a collocated use to a PBC Regional Park with a  
20 PARK FLU, subject to Class A Conditional Use approval.

21 b) Park Resource Base

22 The Regional Park shall include a resource base which promotes heritage  
23 tourism, eco-tourism, or is otherwise planned to attract patrons from a  
24 Countywide or greater population for historical, cultural, scientific, educational or  
25 other similar purposes. Such resource base shall be operational prior to  
26 approval of a hotel, or approved and permitted concurrently with a hotel.

27 c) Conceptual Master Plan

28 A hotel shall be a component of a Conceptual Master Plan or equivalent that is  
29 approved by the Board of County Commissioners.

30 d) Frontage and Access

31 The Regional Park in which a hotel is located shall front on and access from an  
32 Arterial or Collector street(s). Vehicular access to a hotel shall be prohibited from  
33 any local residential street abutting the park.

34 e) Site Plan – Affected Area

35 When a site plan is not required for the overall park site, the required site plan for  
36 the hotel shall regulate only the development area for the hotel and access  
37 related thereto.

38 ....

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EXHIBIT D

MINIMUM ACREAGE REQUIRED FOR CEMETERIES  
SUMMARY OF AMENDMENTS  
(Updated 10/30/14)

1  
2 Part 1. ULDC Art. 4.B.1.A.27, Cemetery (page 39 of 171), is hereby amended as follows:

3 CHAPTER B SUPPLEMENTARY USE STANDARDS

4 Section 1 Uses

5 A. Definitions and Supplementary Standards for Specific Uses

6 27. Cemetery

7 Land used or intended to be used for human or animal interment. A cemetery may include  
8 an office, chapel, mausoleum, or columbarium. [Ord. 2013-001]

9 a. Frontage

10 In all residential districts, a cemetery shall have frontage on and access from an arterial  
11 or a collector street.

12 b. Lot Size

13 ~~In accordance with F.S. §497.027, a~~ A cemetery for human interment shall be located on  
14 a site with a minimum contiguous area of ~~15 30~~ acres. An existing cemetery having less  
15 acreage shall not be considered a non-conforming use if the acreage shown is consistent  
16 with a prior approval. Exceptions to the minimum acreage requirement may be  
17 permitted, as follows: [Ord. 2013-001]

18 1. Cemeteries owned and operated by a Place of Worship located within Palm Beach  
19 County, whether collocated or remotely located, when less than 5 acres, but not less  
20 than 2 acres, which provides only single-level ground burial.

21 2. County and municipal cemeteries.

22 3. Community and nonprofit association cemeteries, which provide only single-level  
23 ground burial and do not sell burial spaces or burial merchandise.

24 4. Cemeteries owned and operated or dedicated by a Place of Worship prior to June 23,  
25 1976.

26 5. A columbarium consisting of less than one-half acre which is collocated with a Place  
27 of Worship.

28 6. A mausoleum consisting of two acres or less which is collocated with a Place of  
29 Worship.

30 7. A columbarium consisting of five acres or less which is located on the main campus  
31 of a state university as defined in s. 1000.21(6).

32 c. RM District

33 In the RM district, a cemetery may include a funeral home or a crematory subject to  
34 approval as a Class A Conditional Use, provided the use is restricted to those being  
35 interred within that cemetery. [Ord. 2013-001]

36 d. Pet Cemetery

37 A pet cemetery shall be permitted in the CG and IPF districts as a Class A Conditional  
38 Use. [Ord. 2013-001]

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EXHIBIT E

NONCONFORMING USES  
SUMMARY OF AMENDMENTS  
(Updated 11/05/14)

1  
2 Part 1. ULDC Art. 1.F.4.A.2, Minor [Related to Nonconformance Use Classification] (page 22 of  
3 119), is hereby amended as follows:

4 CHAPTER F NONCONFORMITIES

5 Section 4 Nonconforming Use

6 A. Nonconforming Use Classifications

7 2. Minor

8 A minor nonconforming use is a use that was legally established in a zoning district under a  
9 prior ~~e~~Code and one or more of the following applies: ~~¶~~the use has been changed to a more  
10 restrictive review ~~and or~~ approval process under the terms of this Code; ~~and where any~~  
11 DOAs or improvements to the use would exceed the development and approval thresholds; ~~or~~  
12 the use does de not meet the property development regulations of this Code. Minor  
13 nonconforming uses do not create or threaten to create incompatibilities injurious to the  
14 public welfare. An applicant who is requesting modification or improvement to a minor  
15 nonconforming use is encouraged to apply pursuant to the review and approval process now  
16 in effect to correct the nonconforming status of the use for the benefit of future development  
17 order amendments and other types of improvements. [Ord. 2010-005]  
18 ....  
19  
20

21 Part 2. ULDC Art. 1.I.2, Definitions (page 80 of 119), is hereby amended as follows:

22 CHAPTER I DEFINITIONS & ACRONYMS

23 Section 2 Definitions

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

25 34. **Non-Conforming Use, Minor** - a minor nonconforming use is a use that was legally  
26 established in a zoning district under a prior ~~e~~Code and one or more of the following applies:  
27 ~~¶~~the use has been changed to a more restrictive review ~~and or~~ approval process under the  
28 terms of this Code; ~~and where any~~ DOAs or improvements to the use would exceed the  
29 development and approval thresholds; ~~or~~ the use does de not meet the property  
30 development regulations of this Code. Minor nonconforming uses do not create or threaten to  
31 create incompatibilities injurious to the public welfare. [Ord. 2010-005]  
32 ....

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EXHIBIT F

ADULT ENTERTAINMENT  
SUMMARY OF AMENDMENTS  
(Updated 11/04/14)

1  
2 Part 1. ULDC Art. 4.B.1.A.2, Adult Entertainment (pages 25-26 of 171), is hereby amended as  
3 follows:

4 CHAPTER B SUPPLEMENTARY USE STANDARDS

5 Section 1 Uses

6 A. Definitions and Supplementary Standards for Specific Uses

7 2. Adult Entertainment

8 k. Nonconformity

9

10 2) Standards for Nonconformance

11 A nonconforming adult entertainment use as determined in Article 4.B.1.A.2.k,  
12 Nonconformity, above shall be subject to the following supplementary standards, in  
13 addition to Article 1.F, NONCONFORMITIES. [Ord. 2004-051] [Ord. 2009-040]

14 a) ~~Location~~

15 ~~Was in operation as an adult entertainment use, was generally known and held~~  
16 ~~out in the neighborhood and community as an adult entertainment establishment,~~  
17 ~~and was open to the public as an adult entertainment establishment use; [Ord.~~  
18 ~~2004-051] [Ord. 2009-040]~~

19 ba) Landscape Buffer

20

21 [Renumber Accordingly]

22 3) Modification or Improvement to Site Elements

23 When an adult entertainment establishment has been determined to be a non-  
24 conforming use, or is located within a non-conforming structure, modifications or  
25 improvements to conforming or non-conforming site elements or exterior architecture  
26 shall be permitted. The total cost associated with these improvements will not be  
27 used in determining the allowable improvements to the interior of the structure,  
28 pursuant to Art. 1.F.1.

29 l. Accessory Food Service in Industrial Districts

30 In the IL and IG Zoning districts, food service may be permitted as an accessory use to  
31 Adult Entertainment, only in conjunction with and during the hours of operation for an  
32 adult theater or an adult dancing establishment.

33 m. Collocated Cocktail Lounge

34 A cocktail lounge may be allowed as a collocated use permitted by right only when in  
35 conjunction with and during the hours of operation for an adult dancing establishment.

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EXHIBIT G

COMMERCIAL COMMUNICATION TOWER  
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS  
SUMMARY OF AMENDMENTS  
(Updated 10/01/14)

1 Part 1. Table 4.C.3.I, Distance for Towers Located in Non-Residential District Separation and  
2 Setbacks (pages 126 -128 of 171), is hereby amended as follows:  
3

**Table 4.C.3.I – Distance for Towers Located in Non-Residential Districts  
Separation and Setback**

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

4

**Table 4.C.3.I – Distance for Towers Located in Non-Residential Districts  
Separation and Setback – Continued**

| Tower Type                        | AGR             | AR/<br>RR | AR/<br>USA | RE | RT | RS | RM | PUD-(1) | RVPD | MHPD | TND |
|-----------------------------------|-----------------|-----------|------------|----|----|----|----|---------|------|------|-----|
| Monopole Towers ≥ 60' and < 100'  | residential     | B         | B          | B  | B  | B  | B  | B       | B    | B    | B   |
|                                   | non-residential | A         | A          | A  | A  | A  | A  | A       | A    | A    | A   |
| Monopole Towers > 150' and ≤ 200' | residential     | B         | B          | B  | B  | B  | B  | B       | B    | B    | B   |
|                                   | non-residential | A         | A          | A  | A  | A  | A  | A       | A    | A    | A   |
| Monopole Towers > 200' and ≤ 250' | residential     | B         | B          | B  | B  | B  | B  | B       | B    | B    | B   |
|                                   | non-residential | A         | A          | A  | A  | A  | A  | A       | A    | A    | A   |

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EXHIBIT G

COMMERCIAL COMMUNICATION TOWER  
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS  
SUMMARY OF AMENDMENTS  
(Updated 10/01/14)

1

*Table 4.C.3.1 – Distance for Towers Located in Non-Residential Districts  
Separation and Setback – Continued*

| TOWER TYPE                                     |                        | AP | CN | CLO | CC | CHO | CG | CRE | IL | IG | PO | MUPD | MXPD | PIPD | PC |
|--|------------------------|----|----|-----|----|-----|----|-----|----|----|----|------|------|------|----|
| Self-Support<br>Towers<br>≤ 60'                | <i>residential</i>     | E  | E  | E   | E  | E   | E  | E   | E  | E  | E  | E    | E    | E    | E  |
|  | <i>non-residential</i> | D  | D  | D   | D  | D   | D  | D   | D  | D  | D  | D    | D    | D    | D  |
| Self-Support<br>Towers<br>> 60' and<br>≤ 100'  | <i>residential</i>     | E  | E  | E   | E  | E   | E  | E   | E  | E  | E  | E    | E    | E    | E  |
|  | <i>non-residential</i> | D  | D  | D   | D  | D   | D  | D   | D  | D  | D  | D    | D    | D    | D  |
| Self-Support<br>Towers<br>> 100' and<br>≤ 150' | <i>residential</i>     | E  | E  | E   | E  | E   | E  | E   | E  | E  | E  | E    | E    | E    | E  |
|  | <i>non-residential</i> | D  | D  | D   | D  | D   | D  | D   | D  | D  | D  | D    | D    | D    | D  |
| Self-Support<br>Towers<br>> 150' and ≤<br>200' | <i>residential</i>     | E  | E  | E   | E  | E   | E  | E   | E  | E  | E  | E    | E    | E    | E  |
|  | <i>non-residential</i> | D  | D  | D   | D  | D   | D  | D   | D  | D  | D  | D    | D    | D    | D  |
| Self-Support<br>Towers<br>> 200' and<br>≤ 250' | <i>residential</i>     | E  | E  | E   | E  | E   | E  | E   | E  | E  | E  | E    | E    | E    | E  |
|  | <i>non-residential</i> | D  | D  | D   | D  | D   | D  | D   | D  | D  | D  | D    | D    | D    | D  |
| Self-Support<br>Towers<br>> 250'               | <i>residential</i>     | E  | E  | E   | E  | E   | E  | E   | E  | E  | E  | E    | E    | E    | E  |
|  | <i>non-residential</i> | D  | D  | D   | D  | D   | D  | D   | D  | D  | D  | D    | D    | D    | D  |

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EXHIBIT G

COMMERCIAL COMMUNICATION TOWER  
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS  
SUMMARY OF AMENDMENTS  
(Updated 10/01/14)

**Table 4.C.3.1 – Distance for Towers Located in Non-Residential Districts  
Separation and Setback – Continued**

| TOWER TYPE                       |                 | AP | CN | CLO | CC | CHO | CG | CRE | IL | IG | PO | MUPD | MXPD | PIPD | PC |
|----------------------------------|-----------------|----|----|-----|----|-----|----|-----|----|----|----|------|------|------|----|
| Guyed Towers<br>≤ 60'            | residential     | E  | E  | E   | E  | E   | E  | E   | E  | E  | E  | E    | E    | E    | E  |
|                                  | non-residential | D  | D  | D   | D  | D   | D  | D   | D  | D  | D  | D    | D    | D    | D  |
| Guyed Towers<br>>60' and ≤ 100'  | residential     | E  | E  | E   | E  | E   | E  | E   | E  | E  | E  | E    | E    | E    | E  |
|                                  | non-residential | D  | D  | D   | D  | D   | D  | D   | D  | D  | D  | D    | D    | D    | D  |
| Guyed Towers<br>>100' and ≤ 150' | residential     | E  | E  | E   | E  | E   | E  | E   | E  | E  | E  | E    | E    | E    | E  |
|                                  | non-residential | D  | D  | D   | D  | D   | D  | D   | D  | D  | D  | D    | D    | D    | D  |
| Guyed Towers<br>>150' and ≤ 200' | residential     | E  | E  | E   | E  | E   | E  | E   | E  | E  | E  | E    | E    | E    | E  |
|                                  | non-residential | D  | D  | D   | D  | D   | D  | D   | D  | D  | D  | D    | D    | D    | D  |
| Guyed Towers<br>>200' and ≤ 250' | residential     | E  | E  | E   | E  | E   | E  | E   | E  | E  | E  | E    | E    | E    | E  |
|                                  | non-residential | D  | D  | D   | D  | D   | D  | D   | D  | D  | D  | D    | D    | D    | D  |
| Guyed Towers<br>>250'            | residential     | E  | E  | E   | E  | E   | E  | E   | E  | E  | E  | E    | E    | E    | E  |
|                                  | non-residential | D  | D  | D   | D  | D   | D  | D   | D  | D  | D  | D    | D    | D    | D  |
| FDOT                             | residential     | F  | F  | F   | F  | F   | F  | F   | F  | F  | F  | F    | F    | F    | F  |
|                                  | non-residential | G  | G  | G   | G  | G   | G  | G   | G  | G  | G  | G    | G    | G    | G  |
| FPL                              | residential     | F  | F  | F   | F  | F   | F  | F   | F  | F  | F  | F    | F    | F    | F  |
|                                  | non-residential | H  | H  | H   | H  | H   | H  | H   | H  | H  | H  | H    | H    | H    | H  |

**Notes:**

- A = ~~Greater of district setback or 20% of tower height~~ [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to Monopole Tower adjacent to non-residential]
- B = See Table 4.C.2.C for required separations and setback distances for Towers located in adjacent to residential districts
- C = See Table 4.C.2.C for required separations and setback distances for Towers located in adjacent to residential districts
- D = ~~Lesser of 100% of tower height or minimum district setback substantiated by breakpoint calculations~~ [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to Guyed Towers and Self Support Towers adjacent to non-residential]
- F = ~~Minimum of 150 feet from abutting residential property line~~ [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to FDOT and FPL adjacent to residential]
- G = ~~Minimum of 75 feet from abutting non-residential property line~~ [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to FDOT adjacent to non-residential]
- H = ~~Minimum of 100 feet from any non-residential property line~~ [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to FPL adjacent to non-residential]
- (1) = ~~MUPD: Limited to Commercial High (CH) and Industrial (IND) FLU Categories~~ [Partially relocated to consolidated Separation and Setbacks for Towers Located in Non-Residential Zoning Districts table, footnote #3 applicable to MUPD]
- (2) = ~~MXPD: Limited to Commercial High (CH) and Industrial (IND) FLU Categories~~ [Partially relocated to consolidated Separation and Setbacks for Towers Located in Non-Residential Zoning Districts table, footnote #4 applicable to MXPD]
- (3) = ~~Percent measured as a separation between tower and adjacent residential structures~~ [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to "Residential Existing" in all tower types]
- (4) = Limited to Industrial (IND) FLU Designation
- % = ~~Separation or setback as a percentage of tower height~~ [Relocated to consolidated Separation and Setbacks for Towers Located in Non-Residential Zoning Districts table footnote]
- < = Less than
- > = More than
- > = More than
- NMT = Not more than

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**Notes:**

- Underlined indicates **new** text.
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EXHIBIT G

COMMERCIAL COMMUNICATION TOWER  
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS  
SUMMARY OF AMENDMENTS  
(Updated 10/01/14)

1

**Table 4.C.3.I – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts**

| TOWER TYPE   | Adjacent to                           | PC   | AP | CN | CLO | CC | CHO | CG | CRE | UC | UI | IRO | IL | IG | IPF | PO | MUPD (3) | MXPD (4) | PIPD | LCC |
|--|---------------------------------------|--|----|----|-----|----|-----|----|-----|----|----|-----|----|----|-----|----|----------|----------|------|-----|
| Stealth Towers   | <u>Residential Existing (1)</u>       | 150% separation and 100% setback from Property Line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Stealth Towers adjacent to Residential Existing]       |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
|  | <u>Residential Vacant (2)</u>         | 100% setback from Property Line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Stealth Towers adjacent to Residential Vacant]                             |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
|  | <u>Non-Residential and Public ROW</u> | 20% or district setbacks whichever is greater [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Stealth Towers adjacent to Non-Residential]                  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
| Camouflage Towers  | <u>Residential Existing (1)</u>       | 150% separation and 100% setback from Property Line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Camouflage Towers adjacent to Residential Existing]    |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
|  | <u>Residential Vacant (2)</u>         | 100% from setback Property Line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Camouflage Towers adjacent to Residential Vacant]                          |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
|  | <u>Non-Residential and Public ROW</u> | 20% or district setbacks whichever is greater [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Camouflage Towers adjacent to Non-Residential Public ROW]    |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
| Monopole Towers  | <u>Residential Existing (1)</u>       | 600% separation and 150% setback from Property Line  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
|  | <u>Residential Vacant (2)</u>         | 150% setback from Property Line  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
|  | <u>Non-Residential</u>                | 20% or district setbacks whichever is greater  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
| Self Support Towers  | <u>Residential Existing (1)</u>       | 600% separation and 150% setback from Property Line  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
|  | <u>Residential Vacant (2)</u>         | 150% setback from Property Line  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
|  | <u>Non-Residential</u>                | Lesser of 100% of tower height or district setback substantiated by breakpoint calculations [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (D)] |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
| Guyed Towers   | <u>Residential Existing (1)</u>       | Lesser of 600% or 1,500' separation and 150% setback from Property Line  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
|  | <u>Residential Vacant (2)</u>         | 150% setback from Property Line  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
|  | <u>Non-Residential</u>                | Lesser of 100% of tower height or district setback substantiated by breakpoint calculations [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (D)] |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
| FDOT   | <u>Residential</u>                    | 150' setback from abutting residential property line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (F)]  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
|  | <u>Non-residential</u>                | 75' setback from abutting non-residential property line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (G)]                                     |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
| FPL  | <u>Residential</u>                    | 150' setback from abutting residential property line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (F)]  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
|  | <u>Non-residential</u>                | 100' setback from abutting residential property line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (H)]  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
| <b>Notes:</b>  |                                       |  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
| (1) <u>Percentage</u> measured as a separation between tower and adjacent residential structures [Relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (3)]                                      |                                       |  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
| (2) <u>Measured from property line of tower location.</u>  |                                       |  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
| (3) <u>Limited to Commercial High (CH), Commercial Low (CL), Institutional (INST) and Industrial (IND) FLU Designations</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (1)] |                                       |  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
| (4) <u>Limited to Commercial High (CH) Designation</u> [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (2)]  |                                       |  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |
| % Separation or setback as a percentage of tower height [Relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (%)]   |                                       |  |    |    |     |    |     |    |     |    |    |     |    |    |     |    |          |          |      |     |

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EXHIBIT H

FENCES, WALLS AND HEDGES  
SUMMARY OF AMENDMENTS  
(Updated 11/05/14)

1  
2 Part 1. ULDC Art. 2.D.3.C.1, Residential Lots of Three Units or Less [Related to Type IB  
3 Administrative Variances] (page 43 of 87), is hereby amended as follows:

4 CHAPTER D ADMINISTRATIVE PROCESS

5 Section 3 Type IA and Type IB Administrative Variances

6 C. Type IB Administrative Variances

7 A pre-application meeting with staff shall be required prior to application submittal. Variance  
8 requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type IB  
9 variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-  
10 003]

11 1. Residential Lots of Three Units or Less

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

13 a. Reductions or increases of Property Development Regulations greater than five percent  
14 of the minimum or maximum requirement. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-  
15 003]

16 b. Relief from Article 5.B.1.A, Accessory Uses and Structures as follows: General; Fences,  
17 Walls and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks;  
18 Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen  
19 Enclosures; and Permanent Generators. [Ord. 2008-003] [Ord. 2013-001]

20 c. Relief from Art. 7.D.3.B.1, Residential Hedge Height.

21 de. Relief from Excavation Standards (Art. 4.D.5.B, Type 1A Excavation, and Article 4.D.5.C,  
22 Type I B Excavation). [Ord. 2008-003]

23  
24  
25 Part 2. ULDC Art. 5.B.1.A.2, Fences, Walls and Hedges (pages 11 - 16 of 100), is hereby  
26 amended as follows:

27 CHAPTER B ACCESSORY AND TEMPORARY USES

28 Section 1 Supplementary Regulations

29 A. Accessory Uses and Structures

30 2. Fences and, Walls and Hedges

31 a. Height Measurement

32 The height ~~of a fence or wall~~ shall be measured adjacent to either side of the fence or  
33 wall, unless stated otherwise below: and the following in accordance with Article 7.F,  
34 PERIMETER BUFFER LANDSCAPE REQUIREMENTS. Hedges may be planted and  
35 maintained along or adjacent to a lot line to a height not exceeding eight feet in the  
36 required side (to the required front setback) and rear yards and not exceeding a height of  
37 four feet in the required front yards. The height shall be measured adjacent to the hedge  
38 from the lowest grade on either side of the hedge.

39 1) Located within a Perimeter Buffer

40 a) Located on Berm

41 Height shall be measured from the elevation of the berm where the fence or wall  
42 is constructed, unless in conflict with standards for Grade Change below.

43 b) Grade Change

44 Height shall be measured in accordance with Art. 7.D.14, Height Measurement -  
45 Grade Change.

46 b. Height and Related Standards

47 1) Residential Districts

48 The maximum height for a fence or wall on or adjacent to a residential lot line or in a  
49 landscape buffer shall be as follows: [Relocated from Art. 5.B.1.A.2.e, Residential  
50 Districts, below.]

51 a) Within required front setback: [Relocated from Art. 5.B.1.A.2.e.1), Residential  
52 Districts, below.]

53 (1) four feet, or [Ord. 2005-041] [Relocated from Art. 5.B.1.A.2.e.1).a),  
54 Residential Districts, below.]

55 (2) six feet for property owned by PBC for preservation or conservation  
56 purposes. [Ord. 2005-041] [Relocated from Art. 5.B.1.A.2.e.1).b),  
57 Residential Districts, below.]

58 b) Within required side, side street, and rear setback: six feet. [Relocated from  
59 Art. 5.B.1.A.2.e.2), Residential Districts, below.]

60 c) Within a landscape buffer: six feet.  
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Notes:

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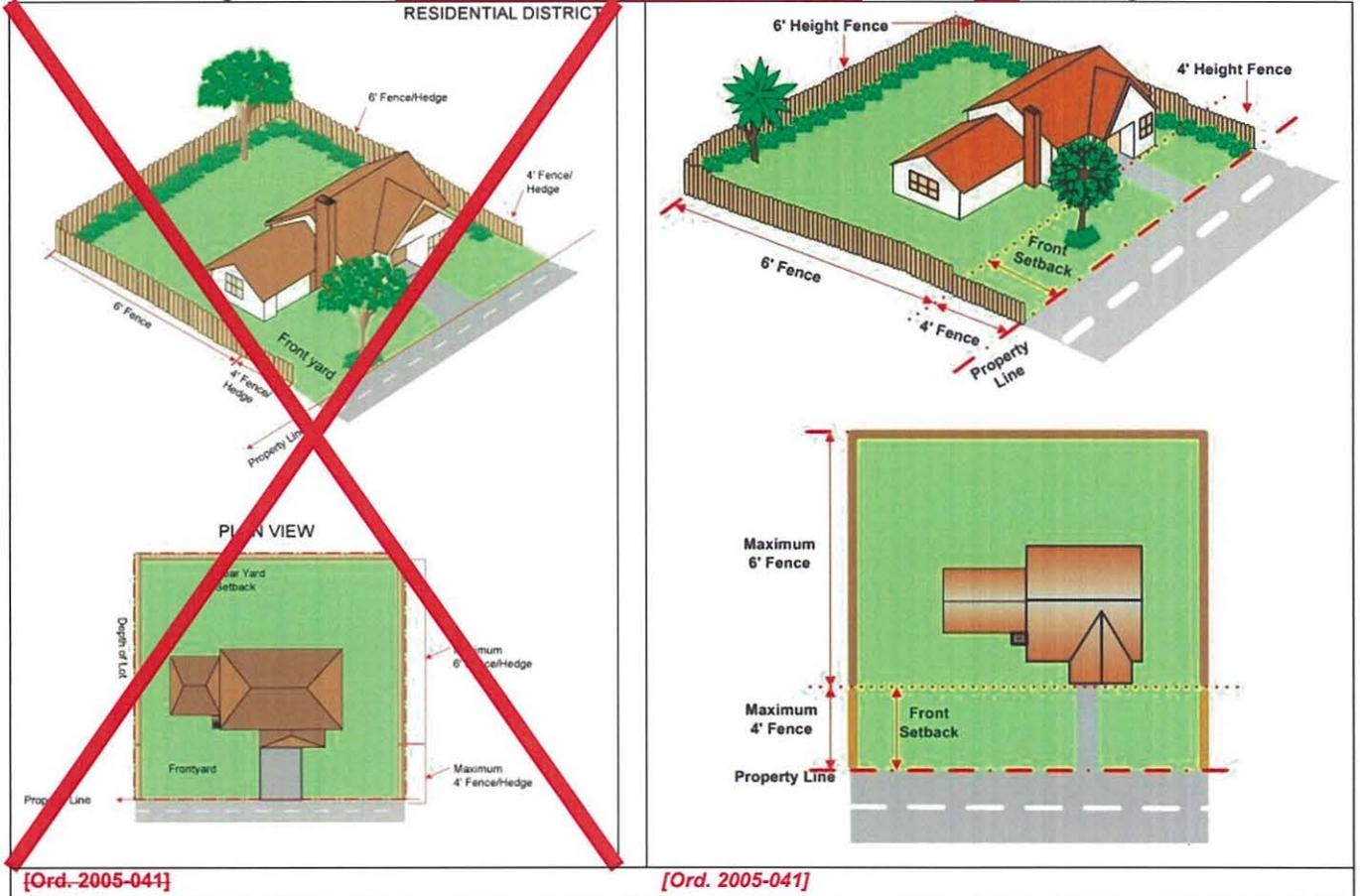
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EXHIBIT H

FENCES, WALLS AND HEDGES  
SUMMARY OF AMENDMENTS  
(Updated 11/05/14)

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Figure 5.B.1.A – ~~Typical Example of Residential District Fence & Wall Height~~



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**2) Nonresidential Districts**

*The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows: [Relocated from Art. 5.B.1.A.2.f, Nonresidential Districts, below.]*

- a) Within the required front setback: six feet. [Relocated from Art. 5.B.1.A.2.f.1), Nonresidential Districts, below.]*
- b) Within the required side, side street, and rear setback: eight feet. [Relocated from Art. 5.B.1.A.2.f.2), Nonresidential Districts, below.]*
- c) Within a landscape buffer: eight feet.*

**3) Attachments**

*Gates, gateposts, decorative features, and lights attached to a fence or wall in a setback or perimeter buffer shall not exceed three feet in any horizontal distance or two feet in height above the fence or wall. Decorative features and lights shall be spaced a minimum of eight feet apart, measured on center. [Relocated from Art. 5.B.1.A.2.g, Attachments, below.]*

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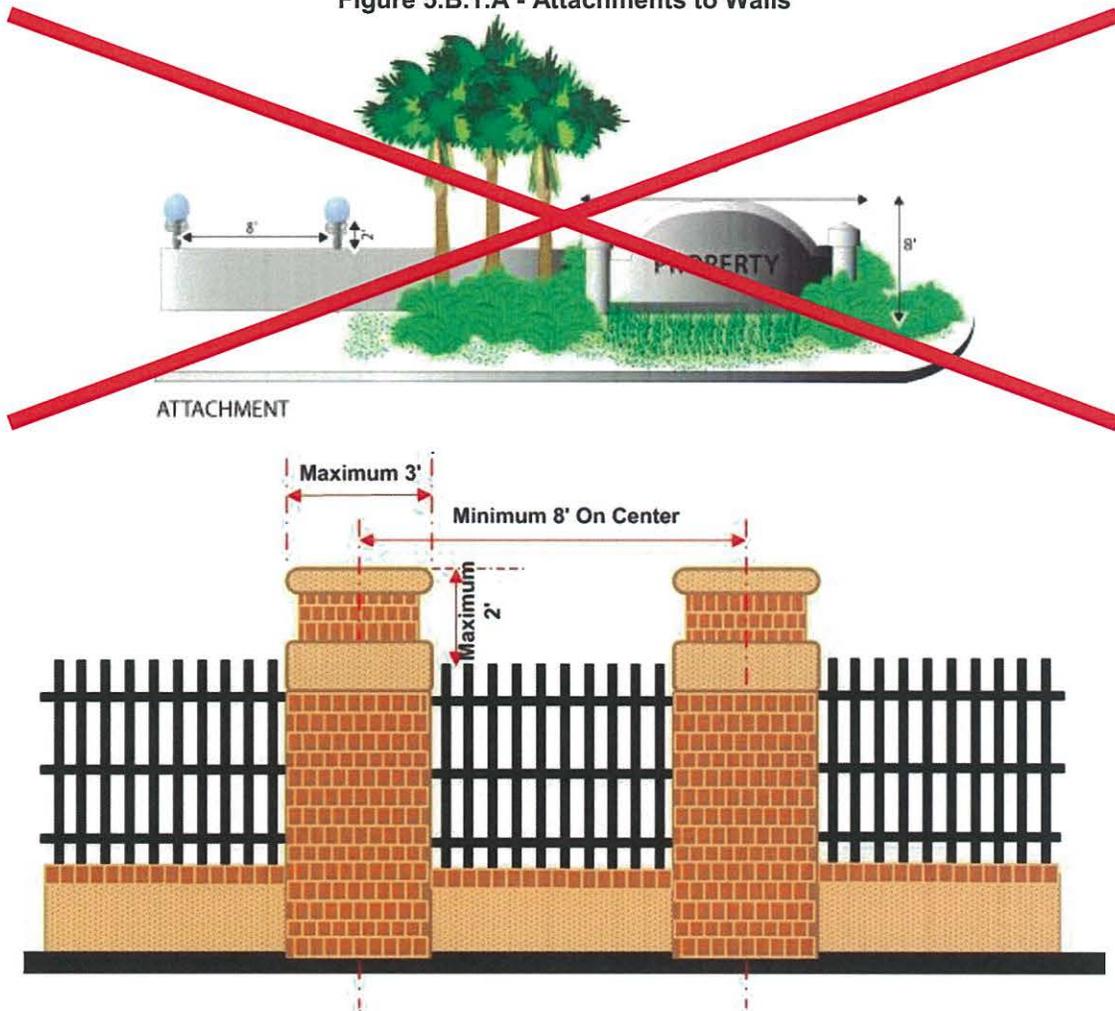
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EXHIBIT H

FENCES, WALLS AND HEDGES  
SUMMARY OF AMENDMENTS  
(Updated 11/05/14)

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Figure 5.B.1.A - Attachments to Walls



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**4) General Exceptions**

- a) *Fences and walls up to eight feet in height shall be permitted within a street buffer adjacent to a golf course. [Relocated from Art. 5.B.1.A.2.h.1), Exceptions, below]*
- b) *Fences around tennis courts may exceed six feet in height, subject to the setback requirements in Table 5.B.1.A, Tennis Court Setbacks. [Relocated from Art. 5.B.1.A.2.h.2), Exceptions, below]*
- c) *The ZC and BCC may require increased heights ensure adequate screening and buffering between incompatible uses. [Relocated from Art. 5.B.1.A.2.h.3), Exceptions, below]*
- d) *DRO may approve increased fence heights and modify allowable locations for fences with and without barbed wire for minor utilities, water and wastewater treatment plants. [Ord. 2007-013] [Relocated from Art. 5.B.1.A.2.h.4), Exceptions, below]*

**5) Residential District Grade Changes**

The height of a fence or wall located within the front, side or rear setback of a lot supporting a single family dwelling unit, may be increased when located adjacent to a lot having a different grade, in accordance with the following:

**a) Grade Measurement**

The difference in grade shall be determined by measuring the elevation where the fence or wall is constructed and the elevation of the abutting lot at the property line.

**b) Maximum Height Increase**

The height of the fence or wall may be increased by the difference in grade up to a maximum of two feet, whichever is less, as follows:

- (1) Within the required front setback: Up to a maximum of six feet.
- (2) Within a side or rear setback: Up to a maximum of eight feet.

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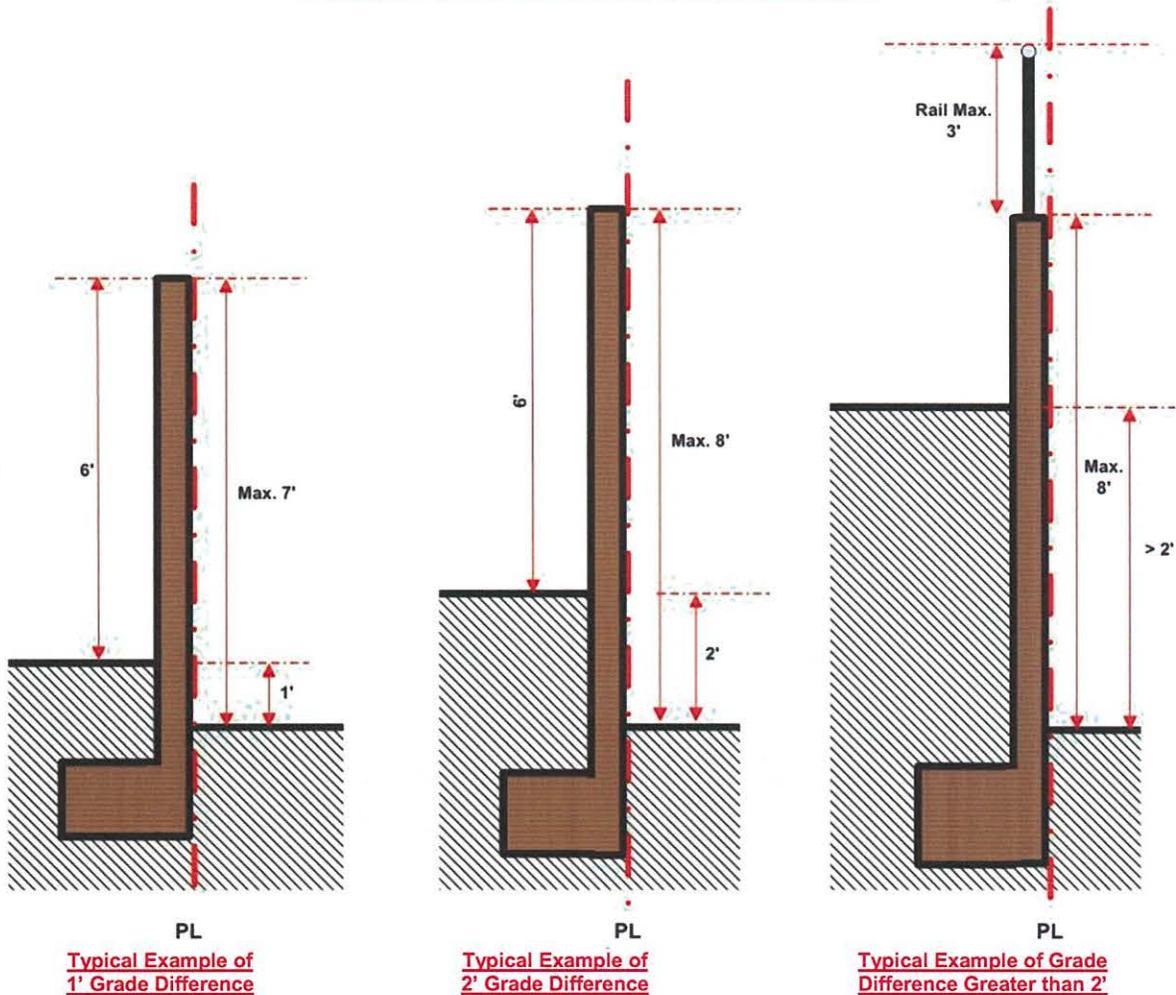
EXHIBIT H

FENCES, WALLS AND HEDGES  
SUMMARY OF AMENDMENTS  
(Updated 11/05/14)

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(3) A guard railing not to exceed three feet in height may be permitted where the grade difference is greater than two feet, provided the mass of the railing does not exceed the mass necessary to meet the opening limitations and strength requirements of the Florida Building Code, Residential.

**Figure 5.B.1.A – Residential District Grade Changes**  
**Examples of Wall in the Side or Rear Setbacks**



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**cb. Walls - Appearance**

The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance.

**d. Sight Distance**

Walls and fences shall comply with Article 11.E.9.E, Minimum Safe Sight Distance and Corner Clips at Intersection.

**ee. Dangerous Materials**

....

**e. Residential Districts**

*The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:*

- 1) *Within required front setback:*
  - a) *four feet, or [Ord. 2005-041]*
  - b) *six feet for property owned by PBC for preservation or conservation purposes. [Ord. 2005-041]*
- 2) *Within required side, side street, and rear setback: six feet. [Relocated above to new Art. 5.B.1.A.2.b, Height and Related Standards]*

**f. Nonresidential Districts**

*The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:*

- 1) *Within the required front setback: six feet.*
- 2) *Within the required side, side street, and rear setback: eight feet. [Relocated above to new Art. 5.B.1.A.2.b, Height and Related Standards]*

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EXHIBIT H

FENCES, WALLS AND HEDGES  
SUMMARY OF AMENDMENTS  
(Updated 11/05/14)

1 **g. Attachments**

2 *Gates, gateposts, decorative features, and lights attached to a fence or wall in the front*  
3 *setback shall not exceed three feet in any horizontal distance or two feet in height above*  
4 *the fence or wall. Decorative features and lights shall be spaced a minimum of eight feet*  
5 *apart. [Relocated above to new Art. 5.B.1.A.2.b, Height and Related Standards]*

6 **h. Exceptions**

- 7 1) *Fences and walls up to eight feet in height shall be permitted within a street buffer*  
8 *adjacent to a golf course.*
- 9 2) *Fences around tennis courts may exceed six feet in height, subject to the setback*  
10 *requirements in Table 5.B.1.A, Tennis Court Setbacks.*
- 11 3) *The ZC and BCC may require increased heights in order to ensure adequate*  
12 *screening and buffering between incompatible uses.*
- 13 4) *DRO may approve increased fence heights and modify allowable locations for fences*  
14 *with and without barbed wire for minor utilities, water and wastewater treatment*  
15 *plants. [Ord. 2007-013] [Relocated above to new Art. 5.B.1.A.2.b, Height and*  
16 *Related Standards]*

17  
18  
19 **Part 3. ULDC Art. 7.D.3.B, Hedges (pages 19 - 20 of 50), is hereby amended as follows:**

20 **CHAPTER D GENERAL STANDARDS**

21 **Section 3 Shrubs and Hedges**

22 **B. Hedges**

23 **1. Residential Hedge Height**

24 Hedges may be planted and maintained along or adjacent to a residential lot line as follows.  
25 **[Ord. 2005 – 002] [Ord. 2014-025]**

- 26 a. Hedges shall not exceed four feet in height when located within the required front  
27 setback. **[Ord. 2005 – 002] [Ord. 2014-025]**
- 28 b. Hedges shall not exceed eight feet in height when located on or adjacent to the side, side  
29 street, or rear property lines. **[Ord. 2005 – 002] [Ord. 2014-025]**
- 30 c. The height shall be measured adjacent to the hedge from the lowest grade on either side  
31 of the hedge. **[Ord. 2005 – 002]**

32 **2. PDD and Non-residential Perimeter Buffer Hedge Height**

- 33 a. Hedges shall not exceed 12 feet in height. **[Ord. 2005 – 002] [Ord. 2014-025]**
- 34 b. The hedge height in a landscape barrier shall be measured in accordance with Art.  
35 7.D.14, Height Measurement - Grade Changes. **[Ord. 2005 – 002]**

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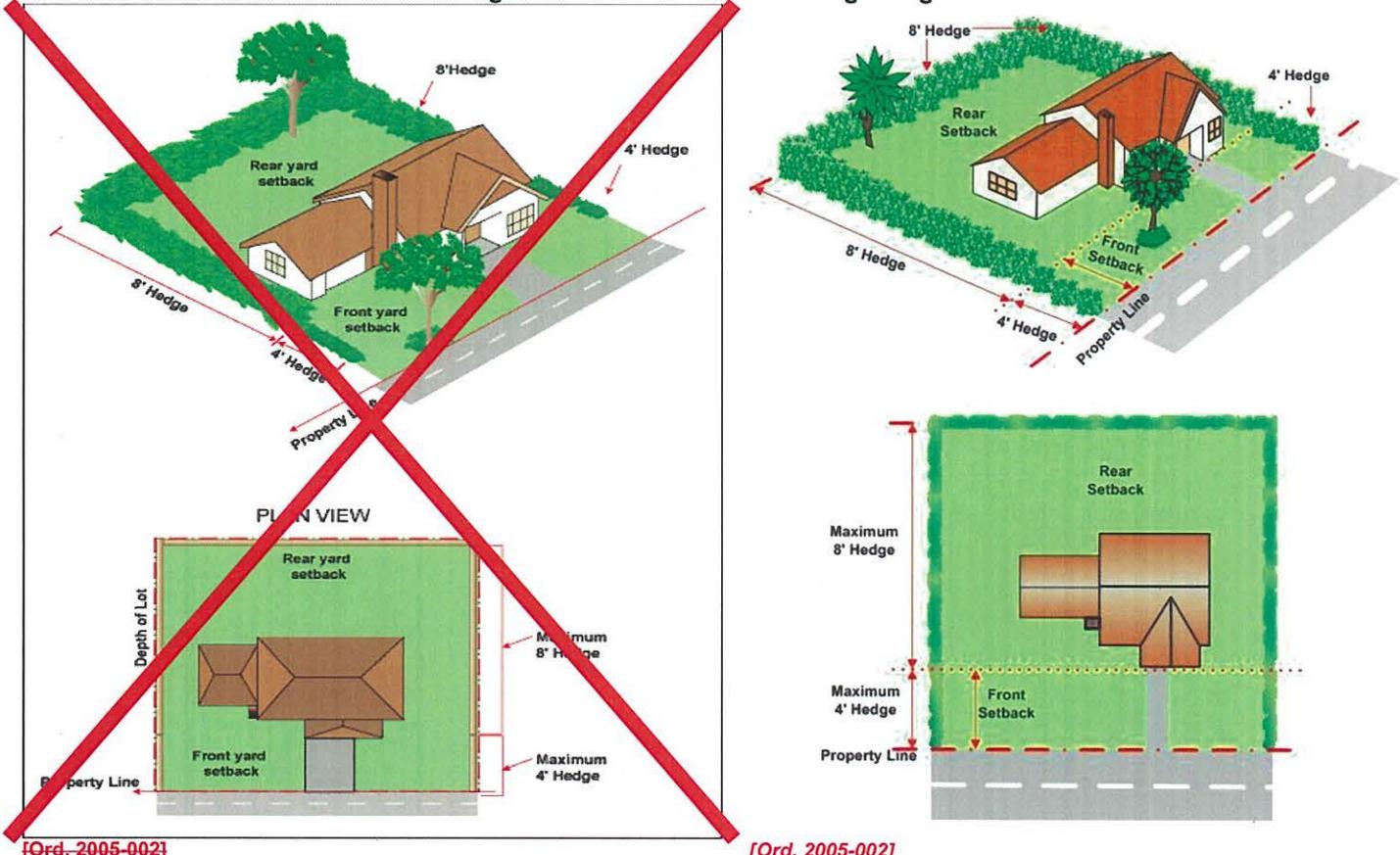
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT H

FENCES, WALLS AND HEDGES  
SUMMARY OF AMENDMENTS  
(Updated 11/05/14)

1

Figure 7.D.3.B - Residential Hedge Height



[Ord. 2005-002]

[Ord. 2005-002]

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**3. Sight Distance**

Hedges shall comply with Article 11.E.9.E, Minimum Safe Sight Distance and Corner Clips at Intersection.

**43. Shrubs**

....

Part 4. ULDC Art. 7.D.14, Grade Changes (pages 27 - 28 of 50), is hereby amended as follows:

CHAPTER D GENERAL STANDARDS

Section 14 **Height Measurement - Grade Changes**

**A. Grade Changes Equal to or Greater than Four Feet**

When a landscape barrier separates sites with a finished grade elevation difference of four feet or greater, the height shall be measured from the average finished grade of the two sites.

**B. Grade Changes Less than Four Feet**

When a landscape barrier separates sites with a finished grade elevation difference of less than four feet, the height shall be measured ~~adjacent to the hedge~~ adjacent to the lowest grade ~~on~~ either side of the fence, wall or hedge. [Ord. 2005 - 002]

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**Notes:**

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken-and-italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [**Relocated to:** ].

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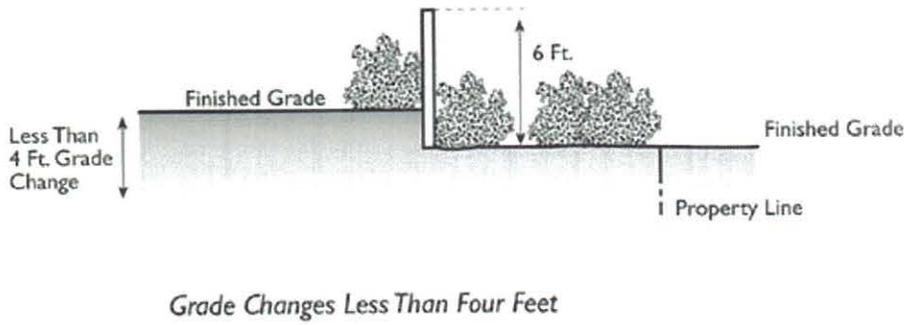
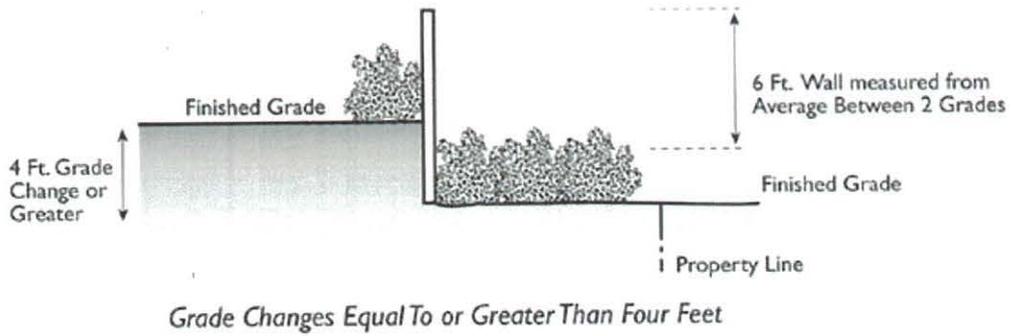
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EXHIBIT H

FENCES, WALLS AND HEDGES  
SUMMARY OF AMENDMENTS  
(Updated 11/05/14)

1

Figure 7.D.14.B - Buffers with Grade Changes



2

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EXHIBIT I

MECHANICAL EQUIPMENT SCREENING EXEMPTIONS  
SUMMARY OF AMENDMENTS  
(Updated 10/30/2014)

1  
2 Part 1. ULDC Art. 5.B.1.A.19.a.2), Screening Requirements (pages 30 – 32 of 100), is hereby  
3 amended as follows:

4 CHAPTER B ACCESSORY AND TEMPORARY USES

5 Section 1 Supplementary Regulations

6 A. Accessory Uses and Structures

7 19. Mechanical Equipment

8 a. Applicability

9 2) Screening Requirements

10 a) New and replacement equipment, shall be screened on all sides by an opaque  
11 barrier constructed of materials, and color compatible with the building or  
12 structure, or equivalent landscaping for ground mounted equipment, to a  
13 minimum height equal to the highest point of the equipment. [Ord. 2006-004]  
14 [Ord. 2008-037] [Ord. 2011-016]

15 b) Type I Waiver - Roof Mounted Mechanical Equipment

16 (1) Screening shall not be required: [Ord. 2006-004] [Ord. 2011-016]

17 (a) if the equipment is less than one foot in height, measured from the roof  
18 deck, and is painted to match the color of the structure it is attached to or  
19 servicing; [Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-016]

20 (b) for any industrial use with industrial FLU designation if adjacent to a  
21 parcel with an industrial use and industrial FLU designation; [Ord. 2011-  
22 016]

23 (c) if an existing roof cannot structurally support additional weight associated  
24 with required screening materials. A certified letter, from a structural  
25 engineer or architect registered in the State of Florida, shall be submitted  
26 with the applicable permit substantiating that the roof cannot support the  
27 additional weight. [Ord. 2008-037] [Ord. 2011-016]

28 (2) Subject to approval of a Type I Waiver, the screening may not be required for  
29 any industrial use with industrial FLU designation if the equipment cannot be  
30 viewed from adjacent ~~R-O-W~~ ~~R.O.W.~~ In addition to the standards applicable  
31 to Type I Waiver, a line of sight drawing may be required by the DRO to  
32 ensure compliance with screening of equipment. [Ord. 2011-016] [Ord.  
33 2012-027]

34 c) Screening Exemption

35 (1) Solar Energy Systems are exempted from the screening requirements. [Ord.  
36 2014-001]

37 (2) Replacement of roof mounted mechanical equipment located on a multi-  
38 family condominium may be exempt from new screening requirements,  
39 subject to the following:

40 (a) Shall not be relocated closer to the edge of a roof, with exception to the  
41 minimum necessary to accommodate current technology requiring larger  
42 equipment, such as a heat pump or high efficiency air compressor; and,

43 (b) Increase in height shall only be permitted to accommodate elevated  
44 stands required to comply with the Building Code or upon demonstration  
45 that replacement equipment is larger due to current technology.

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**FLORIDA DEPARTMENT of STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

February 3, 2015

Honorable Sharon R. Bock  
Clerk and Comptroller  
Palm Beach County  
301 North Olive Avenue  
West Palm Beach, Florida 33401

Attention: Gretel Sarmiento, Administrative Specialist II

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2015-006, which was filed in this office on February 3, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250**  
**Telephone: (850) 245-6270 • Facsimile: (850) 488-9879**  
**[www.dos.state.fl.us](http://www.dos.state.fl.us)**