



**TITLE: REQUEST FOR PERMISSION TO ADVERTISE
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2015-02**

SUMMARY: The proposed ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications to the Unified Land Development Code (ULDC), as well as several specific amendments.

- Ordinance Title
- Exhibit A Art. 2.A.1.J, Notification
- Exhibit B Art. 2.D.1.G, Modifications to Prior Development Orders
- Exhibit C Preservation of Trees
- Exhibit D Art. 7.F.9, Incompatibility Buffers
- Exhibit E Height Measurement for Fences, Walls and Hedges
- Exhibit F Glades Region Amendments
- Exhibit G Agricultural and Type II Excavation Approval Process
- Exhibit H Art. 8.H.2, Billboards
- Exhibit I Northlake Boulevard Overlay Zone (NBOZ)

LDRAB/LDRC: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on September 30, 2015, October 28, 2015, and November 18, 2015, and the Land Development Regulation Commission (LDRC) on November 18, 2015. All proposed ULDC amendments were found to be consistent with the Plan.

MOTION: To approve on preliminary reading and advertise for First Reading on January 7, 2016: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS**, CHAPTER I; DEFINITIONS & 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 B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD's); **ARTICLE 4 - USE REGULATIONS**; CHAPTER A, USE CLASSIFICATION; CHAPTER D, EXCAVATION; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER B, ACCESSORY AND TEMPORARY USES; **ARTICLE 7 - LANDSCAPING**; CHAPTER B, TYPES OF PLANS; CHAPTER D, GENERAL STANDARDS; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; **ARTICLE 8 - SIGNAGE**; CHAPTER H, OFF-SITE SIGNS; **PROVIDING FOR:** INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

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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, AS AMENDED, AS FOLLOWS: **ARTICLE 1 - GENERAL PROVISIONS**, CHAPTER I; DEFINITIONS & 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 B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDD's); **ARTICLE 4 - USE REGULATIONS**; CHAPTER A, USE CLASSIFICATION; CHAPTER D, EXCAVATION; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**; CHAPTER B, ACCESSORY AND TEMPORARY USES; **ARTICLE 7 - LANDSCAPING**; CHAPTER B, TYPES OF PLANS; CHAPTER D, GENERAL STANDARDS; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; **ARTICLE 8 - SIGNAGE**; CHAPTER H, OFF-SITE SIGNS; **PROVIDING FOR**: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; 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:

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

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

4
5 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
6 County, Florida, on this the _____ day of _____, 20____.

7
SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Mary Lou Berger, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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9
10 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of
11 _____, 20____.

EXHIBIT A

**ARTICLE 2.A.1.J – NOTIFICATION
SUMMARY OF AMENDMENTS**

1
2 **Part 1. ULDC Table 2.A.1.J, Courtesy Notice Requirements (page 18 of 87), is hereby amended**
3 **as follows:**
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Reason for amendments: [Zoning] Clarify that identification of Homeowners Associations (HOA), Property Owners Associations (POA) and Condominium Associations within required notification boundaries are the responsibility of the applicant. The County will rely on the information provided by the applicant to ensure all applicable groups required by Art.2.A.1.J.3.a, Applicability and Mailing Boundary, are notified.

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Table 2.A.1.J – Courtesy Notice Requirements

Process	Recipients and Boundaries		
	Certified Mail 0 to 300 feet (1)(5)	Regular Mail 301 to 500 feet (1)(5)	Regular Mail within One Mile (1)
Type 1B Variance		NA	
Type II Variance		NA	
Other Public Hearing (Rezoning, CA, CB, Requested Use, DOA, Unique Structure, Waiver)	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	All owners of real property (2), condominium associations (3) and POAs, HOAs or equivalent.	Counties and Municipalities (4)
[Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031]			
Notes:			
1. Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the applicant or a related entity, the 300 or 500 foot notification boundary shall be extended from these parcels. A larger notification boundary of 1,000 feet is required for properties located in the Exurban or Rural Tiers. [Ord. 2012-003] 2. Includes all owners of real property, whose names and addresses are known by reference to the latest published ad valorem tax records of the PBC Property Appraiser. 3. Includes condominium associations and all real property owners when real property consists of a condominium. 4. Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map. 5. The applicant shall provide the list of all Condominium Associations, POAs, HOAs or equivalent.			

6 **Part 2. ULDC Art. 2.A.1.J.4, Signs (page 18 of 87), is hereby amended as follows:**
7

Reason for amendments: [Zoning] Clarify that Zoning staff provides public notice information for applicants to post on notification boards consistent with the specifications in the Zoning Technical Manual to ensure uniformity in all notification signs.

8 **CHAPTER A GENERAL**

9 **Section 1 Applicability**

10 **J. Notification**

11 **4. Signs**

- 12 a. ~~The property subject of the application applicant shall post have notices posted by the~~
 13 ~~applicant with information of signs regarding the public hearing on the property subject to~~
 14 ~~the application. The signs shall be prepared by the applicant using information provided~~
 15 ~~by the Zoning Division, consistent with the requirements of the Zoning Technical Manual.~~
 16 ~~a sign provided by the PBC Signs must be posted~~ at least 15 days in advance of any
 17 public hearing. One sign shall be posted for each 250 feet of frontage along a street up to
 18 a maximum of ten signs. All signs shall be: **[Ord. 2010-022] [Ord. 2011-016] [Ord.**
 19 **2012-003]**
 20 1) Evenly spaced along the street when more than one sign per property is required;
 21 **[Ord. 2011-016] [Ord. 2012-003]**
 22 2) Setback no more than 25 feet from the property line; and, **[Ord. 2011-016]**
 23 3) Erected in full view of the public. **[Ord. 2011-016]**
 24 Where the property does not have sufficient frontage on a street, signs shall be in a
 25 location acceptable to the Zoning Director. The applicant shall submit photographs
 26 confirming the signs have been posted. The failure of any such posted notice to remain
 27 in place after it has been posted shall not be deemed a failure to comply with Art. 2.A.1.J,
 28 Notification or be grounds to challenge the validity of any decision made by the approving
 29 authority. The applicant shall also be required to ensure the signs have been removed
 30 no later than five days after the final hearing. **[Ord. 2010-022] [Ord. 2011-016] [Ord.**
 31 **2015-031]**

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EXHIBIT B

ARTICLE 2.D.1.G, MODIFICATIONS TO PRIOR DEVELOPMENT ORDERS SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 2.D.1.G.1, Modifications to BCC/ZC Approvals [Related to Administrative
3 Process for Modifications to Prior Development Orders], (pages 39 of 87), is hereby
4 amended as follows:
5

Reason for amendments: [Zoning] This amendment is in response to feedback solicited from the Development Review Advisory Committee (DRAC) relating to a request to allow for increased flexibility for projects developed by single entities. The proposed amendment revises the existing Development Review Officer (DRO) authority to modify BCC or Zoning Commission (ZC) by changing the thresholds related to the maximum percentage a previously approved building footprint may be increased by relocation from other buildings, from 25 percent to 50 percent. This change is made to allow more flexibility to amend BCC or ZC approval through the DRO review for individual buildings.

6 CHAPTER D ADMINISTRATIVE PROCESS

7 Section 1 Development Review Officer (DRO)

8 G. Modifications to Prior Development Orders

9 1. Modifications to BCC~~or~~ ZC Approvals

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

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

19 1) No modification shall relocate square footage to a building that enlarges the footprint
20 more than ~~25~~ 50 percent of the building area indicated in the latest BCC~~or~~ ZC
21 approved plan; [Ord. 2015-006]

22 2) Relocated square footage shall not be used to create additional freestanding
23 buildings or structures. This shall not apply to accessory structures which are not
24 subject to Concurrency review in accordance with PPM-ZO-O-049, Permits Not
25 Subject to Concurrency Review; and, [Ord. 2009-040] [2015-006]

26

27 b. An increase in the square footage indicated on the most recently ZC or BCC approved
28 Plan(s) shall be subject to the following: [Ord. 2008-003] [Ord. 2009-040] [Ord. 2014-
29 025]

30 1) Maximum of five percent or 5,000 square feet of any building, structure or outdoor
31 area considered as square footage, whichever is less; [Ord. 2014-025] [Ord. 2015-
32 006]

33 2) Maximum 5,000 square feet of the total ZC or BCC approved square footage; and,
34 [Ord. 2014-025] [Ord. 2015-006]

35 3) The allowable five percent or 5,000 square feet shall not be used to create new
36 freestanding buildings or structures. This provision shall not apply to accessory
37 structures which are not subject to Concurrency review in accordance with PPM-ZO-
38 O-049. [Ord. 2015-006]

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

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

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46 g. Relocation of open space or recreation areas, provided that the request does not result in
47 a substantial change in the amount, configuration, or character of open space or
48 recreation approved by the BCC or ZC; [Ord. 2008-003]

49

50 i. The applicant shall demonstrate compliance with Article 2.F, CONCURRENCY
51 (ADEQUATE PUBLIC FACILITIES) for any increase in density or intensity beyond the
52 original Development Order or addition or modification of phase lines; [Ord. 2008-003]
53 [Ord. 2009-040] [Ord. 2011-001]

54 j. The applicant shall demonstrate compliance with Article 12, TRAFFIC PERFORMANCE
55 STANDARDS, without additional conditions of approval to ensure compliance, as
56 determined by the County Engineer for any increase in traffic impact beyond what was

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EXHIBIT B

ARTICLE 2.D.1.G, MODIFICATIONS TO PRIOR DEVELOPMENT ORDERS SUMMARY OF AMENDMENTS

- 1 reviewed and approved in the original Development Order; [Ord. 2008-003] [Ord. 2009-
2 040] [Ord. 2011-001]
3 k. Requested or Class A or B Conditional Uses shall remain in the location approved by the
4 BCC or ZC, unless a condition of approval allows relocation; or, [Ord. 2008-003] [Ord.
5 2010-005] [Ord. 2011-001] [Ord. 2012-027]
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9 **Part 2. ULDC Art. 2.D.1.G.2, Agency Review [Related to Expedited Administrative**
10 **Modifications to Prior Development Orders] (page 40 - 41 of 87), is hereby amended as**
11 **follows:**
12

Reason for amendments: [Zoning]

1. Remove the term "expedited" from the Administrative Modification application title as it may create confusion in terms of timing between the processes involved in the application.

13 CHAPTER D ADMINISTRATIVE PROCESS

14 Section 1 Development Review Officer (DRO)

15 G. Modifications to Prior Development Orders

16 2. ~~Expedited~~ Administrative Modifications

17 a. Purpose

18 To establish procedures to allow for ~~expedited~~ approvals of specific minor corrections,
19 additions and amendments to Final Plans approved by the BCC, ZC or DRO. [Ord.
20 2007-001] [Ord. 2014-001] [Ord. 2015-006]
21

Reason for amendments: [Zoning/Development Review Advisory Committee - DRAC]

- 22 2. Expand standard related to the building square footage increase permitted under the DRO Agency
23 Review process. The building square footage increase will be limited to the lesser area between
24 the new threshold of five percent and the existing regulation of a maximum of 2,500 SF per
25 building.
26 3. This amendment clarifies thresholds between Agency Review and DRO processes to increase total
27 square footage on the latest Development Orders approved by the BCC, ZC or DRO. It
28 establishes the maximum increase of square footage to be 2,500 SF through Agency Review while
29 DRO process allows a maximum increase of 5,000 SF.
30 4. Clubhouse in a Recreation pod of a Planned Unit Development (PUD) and Planned Industrial
31 Planned Development (PIPD) requires full DRO approval for the original site plan, however,
32 subsequent increase or relocation of square footage can be accommodated through DRO Agency
33 Review.

34 b. Agency Review

35 Agency Review is for applications that require amendment(s) to existing approved
36 plan(s). This type of application requires review, comments, and conditions by a
37 maximum of five DRO Agencies. The DRO shall determine which Agencies are required
38 to review the amendment based upon the request and compliance with County
39 Ordinances. The Zoning Director shall maintain PPM ZO-0-29, Administrative
40 Modifications to Approved Site Plans, outlining a list of minor amendments and
41 establishing items that are exempt from the ~~Expedited~~ Administrative Modifications
42 process. Amendments include the following, provided Art. 2.D.1.G.1, Modifications to
43 BCC/ZC Approvals, requirements are not exceeded: [Ord. 2008-003] [Ord. 2011-001]
44 [Ord. 2014-001] [Ord. 2015-006]

- 45 1) Increases in building square footage indicated on the latest BCC, ZC or DRO
46 approved plan shall be limited to the following; [Ord. 2008-003] [Ord. 2014-001]
47 [Ord. 2015-006]

a) ~~up to a maximum of five percent or 2,500 square feet of any building, structure~~
or outdoor area considered square footage, whichever is less; [Ord. 2008-003]
[Ord. 2014-001] [Ord. 2015-006]

b) Maximum 2,500 square feet of the total BCC, ZC or DRO approved square
footage; and,

c) Increases in square footage shall not be used to create new freestanding
buildings or structures. [Ord. 2008-003] [Ord. 2014-001] [Ord. 2015-006]

d) ~~This Provisions a) to c). above,~~ shall not apply to accessory structures which are
not subject to Concurrency review in accordance with PPM-ZO-O-049, or
clubhouses located in the Recreation pod of a PDD. [Ord. 2008-003] [Ord. 2014-
001] [Ord. 2015-006]

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EXHIBIT B

ARTICLE 2.D.1.G, MODIFICATIONS TO PRIOR DEVELOPMENT ORDERS SUMMARY OF AMENDMENTS

1

Reason for amendments: [Zoning/Development Review Advisory Committee - DRAC]

5. Clarify maximum square footage to be relocated through the Agency Review process as the current standard is not specific. This amendment utilizes the maximum relocation of 25 percent of the site square footage as in Article 2.D.1.G.1, Modifications to BCC or ZC Approvals by the DRO. This is done to keep the same threshold between the Agency Review and DRO processes.
6. Clarify the maximum relocation of square footage between buildings by limiting the increase of any building area to no more than 25 percent of the BCC, ZC or DRO building square footage shown on the latest site plan. The amendment establishes a threshold to differentiate between the Agency Review process and DRO process.
7. Clubhouse related amendment - See reason #4, above.

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- 2) The rRelocation of building square footage indicated on the latest BCC, ZC or DRO approved site plan shall be limited to the following;
 - a) No more than 25 percent of the total site approved square footage or other area indicated as being covered by buildings or structures to portions of the site not previously covered.
 - b) No modification shall relocate square footage to a building that enlarges the footprint more than 25 percent of the building area.
 - c) Clubhouse located in the Recreation pod of a PDD shall be exempt from the relocation thresholds.

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EXHIBIT C

PRESERVATION OF TREES SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 2.G.4.N.2, Jurisdiction, Authority and Duties [Related to Zoning Director]
3 (page 87 of 87), is hereby amended as follows:
4

Reason for amendments: [Zoning] Provide the Zoning Director authority to ensure preservation of existing vegetation not covered under the provisions of Art. 14, Environmental Standards.

5 CHAPTER G DECISION MAKING BODIES

6 Section 4 STAFF OFFICIALS

7 N. Zoning Director

8 2. Jurisdiction, Authority and Duties

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

- 12
- 13 i. to review and approve or deny applications for Adequate Public Facilities (Concurrency);
 - 14 ~~and~~
 - 15 j. to revoke or suspend, if necessary, any development order or permit, including a special
16 permit, which was issued in violation of this Code-; ~~and,~~
 - 17 k. to oversee the preservation and maintenance of vegetation not covered under the
18 provisions of Art. 14, Environmental Standards, through design review, conditions of
19 approval and inspections.

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21
22 Part 2. ULDC Art. 7.D.2, Trees (page 19 of 50), is hereby amended as follows:
23

Reason for amendments: [Zoning] Currently the ULDC only includes provisions to protect vegetation regulated by the Environmental Resources Management (ERM) contained in Art. 14, Environmental Standards. This amendment clarifies that the Zoning Director has the authority to request additional site information to ensure on site vegetation is preserve by including into the site design, or relocated on-site or off-site. In addition, this amendment clarifies that the Zoning Director will have the authority to include conditions of approval to guarantee the protection and preservation of the vegetation on-site.

24 CHAPTER D GENERAL STANDARDS

25 Section 2 Trees

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28 E. Preservation of Trees

- 29 1. The Zoning Director shall have the authority to require the preservation of vegetation on-site
30 that is not covered under Article 14.C, Vegetation Protection, subject to the following
31 provisions:
 - 32 a. Applications submitted for new or modified development proposals shall use the most
33 applicable plan to identify existing vegetation proposed to be:
 - 34 1) Preserved and incorporated into the site design;
 - 35 2) Relocated on-site; and,
 - 36 3) Relocated off-site.
 - 37 b. A Tree Survey may be required as part of the approval of the application for sites that
38 support vegetation identified by staff and the applicant to be saved, in order to ensure the
39 final site design incorporates the maximum number of trees.
- 40 2. The Zoning Director shall have the authority to condition the approval of the development
41 order to incorporate existing vegetation into the site design.

42 [ReNUMBER Accordingly.]
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EXHIBIT D

ART. 7.F.9, INCOMPATIBILITY BUFFERS SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 7.F.9, Incompatibility Buffer (pages 39-40 of 50), is hereby amended as
3 follows:
4

Reason for amendments: [Zoning] Update Incompatibility Buffer standards to address scrivener's errors, consistency with historical and current practices in determining buffer types.
1. Add comma to first statement to clarify that incompatibility buffers apply to all properties not just within a Planned Development, and delete reference to Table 7.F.9.A., which might suggest that other standards don't apply.
2. Consolidate language under Art. 7.F.9.A, Type, with existing Art. 7.F.9.B, Determination of Incompatibility Type, and re-order as the first item to establish logical process when applying Incompatibility Buffer standards.
3. Clarify applicability of incompatible buffers between uses as applying to both parcels, and acknowledge use of Future Land Use for determining incompatibility buffers in anticipation of future uses.
4. Delete requirement for Incompatibility Buffers where there are differences in building height. These provisions would be unnecessary for most compatible uses, mitigated by requirements for increased setbacks for structures greater than 35' in height, and provide little benefit as height would not be mitigated by the six foot visual screening required of for an Incompatibility Buffer.
5. Clarify that purpose of requiring a six foot landscape barrier (e.g. hedge, fence or wall) should be measured in such as a way as to mitigate the incompatible use, to be further expanded in concurrent amendment related to how hedge, fence or walls are measured.
6. Delete requirement redundant to requirements in Art. 7.F.3.A, Location of Wall or Fence.
7. Expand upon recently added use of Type I Waiver process to allow for relief from required Incompatibility Buffers when multi-family units are designed to be integrated with recreation amenities, to include similar uses such as Congregate Living Facilities (CLFs).

5 CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

6 Section 9 Incompatibility Buffer

7 An incompatibility buffer shall be required between all incompatible use types located on adjacent
8 parcels, or incompatible pods in a Planned Development ~~in accordance with the requirements of Table~~
9 ~~7.F.9.A, Incompatibility Buffer Standards.~~ [Ord. 2009-040]

10 A. Type

11 ~~Incompatibility buffers shall be one of the types listed in, Table 7.F.9.B Required Incompatibility~~
12 ~~Buffer Types.~~ [Relocated below to existing "Determining Incompatibility Type".]

13 1. Landscape Requirements

14 ~~An Incompatibility buffer shall consist of a continuous, opaque landscape barrier. The~~
15 ~~landscape barrier shall either be a hedge, fence or a wall. Shrubs and trees shall be required~~
16 ~~in addition to the barrier pursuant to the Table below.~~ [Ord. 2009-040] [Relocated below to
17 new "B. Incompatibility Buffer Standards".]

18 2. Required Shrub Mix

19 a. ~~Groundcover is not allowed to substitute for shrubs.~~ [Ord. 2009-040] [Relocated below
20 to new "B. Incompatibility Buffer Standards".]

21 b. ~~Type 1 shall have a mix of small and medium shrubs to complete the required rows of~~
22 ~~shrubs.~~ [Ord. 2009-040] [Relocated below to new "B. Incompatibility Buffer
23 Standards".]

24 c. ~~Types 2 and 3 shall have a mix of small, medium and large shrubs to complete the~~
25 ~~required of shrubs.~~ [Ord. 2009-040] [Relocated below to new "B. Incompatibility
26 Buffer Standards".]

27 d. ~~Refer to Table 7.F.7.B, Shrub Planting Requirements.~~ [Ord. 2009-040] [Relocated
28 below to new "B. Incompatibility Buffer Standards".]

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EXHIBIT D

ART. 7.F.9, INCOMPATIBILITY BUFFERS
SUMMARY OF AMENDMENTS

1

Table 7.F.9.A - Incompatibility Buffer Standards

Buffer Type	Width (in feet)	Minimum Landscape Barrier Height (in feet)	Walls Required	Minimum Row of Shrubs	Maximum Tree Spacing (in feet, on-center)
Type 1	10	6	No	2	20
Type 2	15	6	No	2	20
Type 3	20	6	Yes	3	20
[Ord. 2008-003] [Ord. 2009-040]					
Note:					
1. The wall requirement shall be waived where a Type 3 Incompatibility Buffer is required in an AGR PUD in accordance with Art. 3.E.2.F.4.d, Landscape Buffer. [Ord. 2008-003]					

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[Table relocated below.]

AB. Determining Incompatibility Buffer Type

Incompatibility buffers shall be one of the types listed in, Table 7.F.9.A, Required Incompatibility Buffer Types. The type of incompatibility buffer required shall be the most restrictive highest buffer type based on the height or use difference between adjacent uses, in accordance with Table 7.F.9.B, Required Incompatibility Buffer Types. In the case of a conflict, the most restrictive buffer type shall be required. Where required between pods in a PDD, only one Incompatibility Buffer shall be required.

Table 7.F.9.AB - Required Incompatibility Buffer Types

Building Height Difference Between Adjacent Uses			Required Buffer Type
14 to 28 ft.			Type 1
28 to 35 ft.			Type 2
Greater than 35 ft.			Type 3
Difference Between Adjacent Uses (1)			
Existing Use Type Classification	Abutting	Proposed Use Type Classification	Required Buffer Type
Single-Family Residential	↔	Multi-Family, Type II CLF	Type 1
Residential	↔	Commercial	Type 2
Residential	↔	Recreational	Type 2
Residential	↔	Civic	Type 2
Residential	↔	Agricultural	Type 3
Residential	↔	Industrial	Type 3
Residential	↔	Utility (2)	Type 3
[Ord. 2008-003]			
Notes:			
1. <i>Determination of use classification shall be consistent with Art. 4, Use Regulations. Where proposed development abuts vacant parcels, use classification shall be based upon Future Land Use (FLU) designation.</i>			
2. Buffer for minor utilities shall be determined by the DRO.			
2. <i>If the height and use differences in Table 7.F.7.B are not applicable, then a compatibility buffer shall be required (See Art. 7.F.8, Compatibility Buffer).</i>			
3. <i>Determination of use types subject to Art. 4.A.3.A, Use Matrix. [Relocated above.]</i>			

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B. Incompatibility Buffer Standards

1. Landscape Requirements

An Incompatibility buffer shall consist of a continuous opaque landscape barrier in accordance with Table 7.F.9.B, Incompatibility Buffer Standards. The landscape barrier shall either be a hedge, fence or a wall. Berms may be used in conjunction with fences, walls or hedges to meet total height requirements where permitted by Art. 7.B.9, Berms. [Ord. 2009-040]

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Notes:

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EXHIBIT D

ART. 7.F.9, INCOMPATIBILITY BUFFERS
SUMMARY OF AMENDMENTS

1

Table 7.F.9.B - Incompatibility Buffer Standards

Buffer Type	Minimum Width (in feet)	Minimum Landscape Barrier Height (in feet) (1)	Walls Required	Minimum Row of Shrubs	Maximum Tree Spacing (in feet, on center)
Type 1	10	6	No	2	20
Type 2	15	6	No	2	20
Type 3	20	6	Yes (2)	3	20
[Ord. 2008-003] [Ord. 2009-040]					
Note:					
1. Minimum required landscape barrier height shall be measured on the subject site from the nearest adjacent top of curb (parking lot), nearest adjacent crown of road, or nearest adjacent finished floor elevation.					
2. The wall requirement does not apply where a Type 3 Incompatibility Buffer is required in an AGR PUD in accordance with Art. 3.E.2.F.4.d, Landscape Buffer. [Ord. 2008-003]					

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2. Required Shrub Mix

- a. Groundcover is not allowed to substitute for shrubs. [Ord. 2009-040]
- b. Type 1 shall have a mix of small and medium shrubs to complete the required rows of shrubs. [Ord. 2009-040]
- c. Types 2 and 3 shall have a mix of small, medium and large shrubs to complete the required minimum rows of shrubs. [Ord. 2009-040]
- d. Refer to Table 7.F.7.B, Shrub Planting Requirements. [Ord. 2009-040]

C. Walls and Fences

~~Walls used in Type 1 incompatibility buffers shall not be CBS type with a continuous footer unless a minimum of ten clear feet is provided for landscaping.~~

....

E. Type I Waiver

The applicant may apply for a Type I Waiver, pursuant to Article 2.D.6, to be relieved of the requirement to install the incompatibility buffer for pods, areas or tracts within a residential subdivision or PUD that meet one of the following: [Ord.2005-002] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031]

- 1. Adjacent to open space that is 100 feet or greater in width or greater, or [Ord. 2015-031]
- 2. Demonstration that the site layout will integrate recreational amenities with multi-family units, CLFs, or other similar uses. [Ord. 2015-031]

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EXHIBIT E

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 5.B.1.A.2, Fences and Walls (pages 10 - 12 of 100), is hereby amended as
3 follows:
4

5 **Reason for amendments:** [Zoning] Update reference to BCC or ZC authority under Art. 7.F.3.E, Chain Link Fences, to modify prohibitions or requirements for chain link fences to the Type II Waiver process, to clarify application procedures for those seeking alternatives to said requirements.

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8 **Table 2.B.2.G - Summary of Type II Waivers**

Type II Waiver Summary List
GAO Minimum Density Requirements
Urban Redevelopment Area
PDD Frontage
PDD Cul-de-sacs
AGR TMD Parking Structure
AGR TMD Block Structure
Communication Towers
Large Scale Commercial Development Location of Front Side and Rear Parking
<u>Art. 7.F.3.E, Chain Link Fences</u>
[Ord. 2012-027]

9 Part 2. ULDC Art. 5.B.1.A.2, Fences and Walls (pages 10 - 12 of 100), is hereby amended as
10 follows:

Reason for amendments: [Zoning]

1. Update generic standard for measurement for consistency with similar wording used for hedge measurement in Art. 7, to recognize minute differences in height between grades (other than those where berms or retaining walls are used).
2. Clarify that there are different provisions for Grade Changes, Residential lots versus Perimeter Buffers.
3. Correct glitch from prior amendment which inadvertently allowed for use of eight foot fence or walls in the front setback for non-residential uses when located in a perimeter buffer.

ARTICLE 5, SUPPLEMENTARY STANDARDS

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

2. Fences and Walls

a. Height Measurement

The height shall be measured adjacent to the fence or wall from the lowest grade on either side of the fence or wall, unless stated otherwise below: [Ord. 2015-006]

~~1) Located within a Perimeter Buffer~~

~~1-a) Located on Berm~~

Height shall be measured from the elevation of the berm where the fence or wall is constructed, unless in conflict with standards for Grade Change below. [Ord. 2015-006]

~~2-b) Grade Change~~

~~a) Residential~~

~~Height may be increased when the fence or wall is located on a retaining wall, subject to the requirements of Art. 5.B.1.A.2.b.5), Residential District Grade Changes.~~

~~b) PDD or Non-residential Perimeter Buffers~~

~~Height may be increased when the fence or wall is located on a retaining wall, subject to the requirements of Art. 7.F.10, Perimeter Buffers with Grade Changes shall be measured in accordance with Art. 7.D.14, Height Measurement – Grade Change. [Ord. 2015-006]~~

b. Height and Related Standards

1) Residential Districts

The maximum height for a fence or wall on or adjacent to a residential lot line or in a landscape buffer shall be as follows: [Ord. 2015-006]

a) Within required front setback:

- (1) four feet, or [Ord. 2005-041] [Ord. 2015-006]

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EXHIBIT E

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

- 1 (2) six feet for property owned by PBC for preservation or conservation
2 purposes. [Ord. 2005-041] [Ord. 2015-006]
3 b) Within required side, side street, and rear setback: six feet. [Ord. 2015-006]
4 c) Within a landscape buffer: six feet. [Ord. 2015-006]

5
6 **2) Nonresidential Districts**

7 The maximum height for a fence or wall on or adjacent to a lot line or in a landscape
8 buffer shall be as follows: [Ord. 2015-006]

- 9 a) Within the required front setback: six feet. [Ord. 2015-006]
10 b) Within the required side, side street, and rear setback: eight feet. [Ord. 2015-
11 006]
12 ~~c) Within a landscape buffer: eight feet. [Ord. 2015-006]~~

13
14 **4) General Exceptions**

- 15 a) Fences and walls up to eight feet in height shall be permitted within a street
16 buffer adjacent to a golf course. [Ord. 2015-006]
17 b) Fences around tennis courts may exceed six feet in height, subject to the
18 setback requirements in Table 5.B.1.A, Tennis Court Setbacks. [Ord. 2015-006]
19 c) The ZC and BCC may require increased heights to ensure adequate screening
20 and buffering between incompatible uses. [Ord. 2015-006]
21 d) DRO may approve increased fence heights and modify allowable locations for
22 fences with and without barbed wire for minor utilities, water and wastewater
23 treatment plants. [Ord. 2007-013] [Ord. 2015-006]

24 **5) Residential District Grade Changes**

25 The height of a fence or wall located within the front, side or rear setback of a lot
26 supporting a single family dwelling unit, may be increased when located adjacent to a
27 lot having a different grade elevation where a retaining wall is installed along the
28 property line, in accordance with the following: [Ord. 2015-006]

29 **a) Grade Measurement**

30 The difference in grade shall be determined by measuring the elevation where
31 the fence or wall is constructed and the elevation of the abutting lot at the
32 property line. [Ord. 2015-006]

33 **b) Maximum Height Increase**

34 The height of the fence or wall may be increased by the difference in grade up to
35 a maximum of two feet, whichever is less, as follows: [Ord. 2015-006]

- 36 (1) Within the required front setback: Up to a maximum of six feet. [Ord. 2015-
37 006]
38 (2) Within a side or rear setback: Up to a maximum of eight feet. [Ord. 2015-
39 006]
40 (3) A guard railing not to exceed three feet in height may be permitted where the
41 grade difference is greater than two feet, provided the mass of the railing
42 does not exceed the mass necessary to meet the opening limitations and
43 strength requirements of the Florida Building Code, Residential. [Ord. 2015-
44 006]

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47
48 **Part 3. ULDC Art. 7.D.3.B, Hedges (pages 19 – 20 of 50), is hereby amended as follows:**
49

Reason for amendments: [Zoning]

1. Add allowances for minor increases in height for hedges in certain scenario's when used in conjunction with retaining walls located along the property line of parcels having differences in elevation. between parcels with different elevations where retaining walls are used along property lines for measurement when located on berms for consistency with similar provisions in Art. 5.B.1.A.2, Fences and Walls.
2. Consolidate standards for height measurement under new Heading for consistency with similar provisions in Art. 5.B.1.A.2, Fences and Walls.

ARTICLE 7, LANDSCAPING

CHAPTER D GENERAL STANDARDS

Section 3 Shrubs and Hedges

B. Hedges

1. Height Measurement

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EXHIBIT E

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge, unless stated otherwise below. [Relocated from Art. 7.D.3.B.1.c, below]

a. Located on Berm

Height shall be measured from the elevation of the berm where the hedge is installed, unless in conflict with standards for Grade Change below.

b. Grade Change

Height may be increased when the hedge abuts a retaining wall, subject to the following:

1) Residential

The height of the hedge 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 when a retaining wall is installed along the property line, in accordance with the following:

a) Grade Measurement

The difference in grade shall be determined by measuring the elevation of the retaining wall and the elevation of the abutting lot at the property line.

b) Maximum Height Increase

The height of the hedge 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 ten feet.

(3) A guardrail shall be installed on the retaining wall if required by Florida Building Code, subject to the height limitations for fences and walls.

2) PDD or Non-residential

Height may be increased when the hedge abuts a retaining wall subject to the requirements of Art. 7.F.10, Perimeter Buffers with Grade Changes.

2-4. Residential Hedge Height

Hedges may be planted and maintained along or adjacent to a residential lot line, as follows: [Ord. 2005 – 002] [Ord. 2014-025] [Ord. 2015-006]

a. Hedges shall not exceed four feet in height when located within the required front setback. [Ord. 2005-002] [Ord. 2014-025]

b. Hedges shall not exceed eight feet in height when located on or adjacent to the side, side street, or rear property lines. [Ord. 2005-002] [Ord. 2014-025]

~~c. The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge. [Ord. 2005 – 002]~~

3-2. PDD and Non-residential Perimeter Buffer Hedge Height

~~a. Hedges shall not exceed 12 feet in height. [Ord. 2005-002] [Ord. 2014-025]~~

~~b. The hedge height in a landscape barrier shall be measured in accordance with Art. 7.D.14, Height Measurement – Grade Changes. [Ord. 2005-002] [Ord. 2015-006]~~

4-3. Sight Distance

....

5-4. Shrub

....

Part 4. ULDC Art. 7.D.9, Berms (pages 22 – 23 of 50), is hereby amended as follows:

Reason for amendments: [Zoning] Delete reference to shrubs from references regarding use of fence, wall or hedge to meet landscape barrier requirements for Incompatibility Buffers. While additional shrubs may be included or required in Incompatibility Buffers, this would not be counted towards the visual screening required through use of a fence, hedge or wall.

ARTICLE 7, LANDSCAPING

CHAPTER D GENERAL STANDARDS

Section 9 Berms

Berms may be used as non-living landscape barriers only when used in conjunction with plant materials and where existing natural vegetation is not disturbed. Berms may be used in conjunction with fences, walls, ~~or hedges and shrubs~~ to meet the total height requirements of incompatibility landscape buffers, as illustrated in [Figure 7.D.9.C-4, Berm Elevation and Drainage Requirements](#), provided that hedges ~~and shrubs~~ are installed at the height necessary to provide the total six foot screen at the time of planting. Berms may be installed in preservation areas only where they will not affect the viability of preserved trees and vegetation. Runoff from berms shall be contained within the property, as illustrated in [Figure 7.D.9.C-4, Berm Elevation and Drainage Requirements](#), or in a manner approved by the County Engineer.

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EXHIBIT E

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

A. Tier Restrictions

Landscape berms are not allowed within the Exurban, Rural, Agricultural Preserve, or Glades Tiers, unless approved as part of an ALP or located along a Rural Parkway.

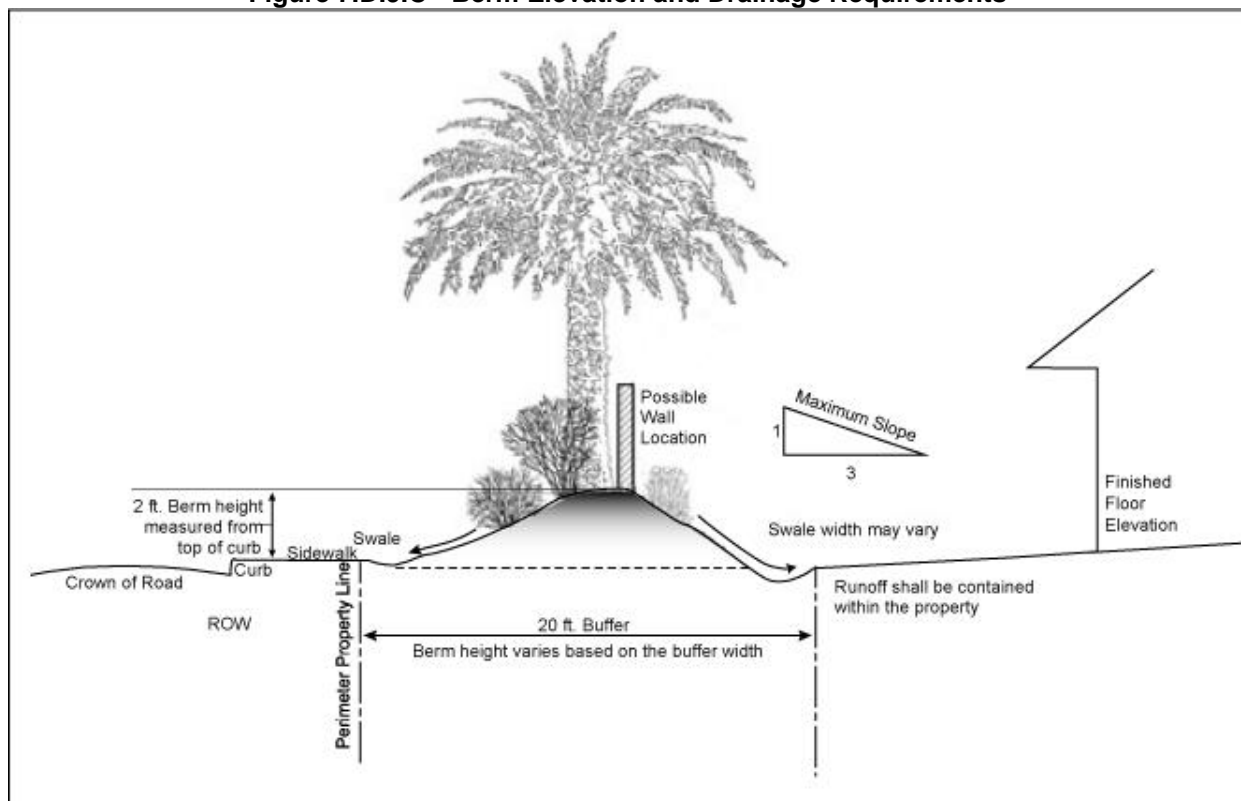
B. Maximum Slope

The slope of a berm shall not exceed three-to-one.

C. Height Measurement

Berm height shall be measured from the nearest adjacent top of the curb (parking lot) or the nearest adjacent crown of the road or the nearest adjacent finished floor elevation, whichever is higher. [Ord. 2005 – 002]

Figure 7.D.9.C - Berm Elevation and Drainage Requirements



[Ord. 2005-002]

Part 5. ULDC Art. 7.D.14, Height Measurement – Grade Changes (pages 27 – 28 of 50), is hereby deleted as follows:

Reason for amendments: [Zoning]

1. Delete and replace with new Art. 7.F.10, Perimeter Buffers with Grade Changes, which clarifies scenario's where increased height may be permitted when a landscape barrier is used in conjunction with a retaining wall in a perimeter buffer. Existing provisions have resulted in confusion in how required Incompatibility Buffer landscape barriers are measured, and in some instances, conflict with natural setback resulting from maximum 3:1 slope when berms are used in a landscaper barrier, as well as standards for how berm height is measured.
2. Delete provisions related to height measurement of landscape barriers located in Perimeter Buffers with grade changes to new Art. 7.F.10, Height Requirements for Landscape Barriers with Grade Changes. Relocation and these standards will improve ease of use by collocating in Section where applicable, with updates as needed to reflect increasing use of fill, whether by preference or as may be required by Art. 18, Flood Damage Prevention, where retaining walls are used as an option to increased buffer widths necessary to accommodate 3:1 slope limitation.

ARTICLE 7, LANDSCAPING

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.~~

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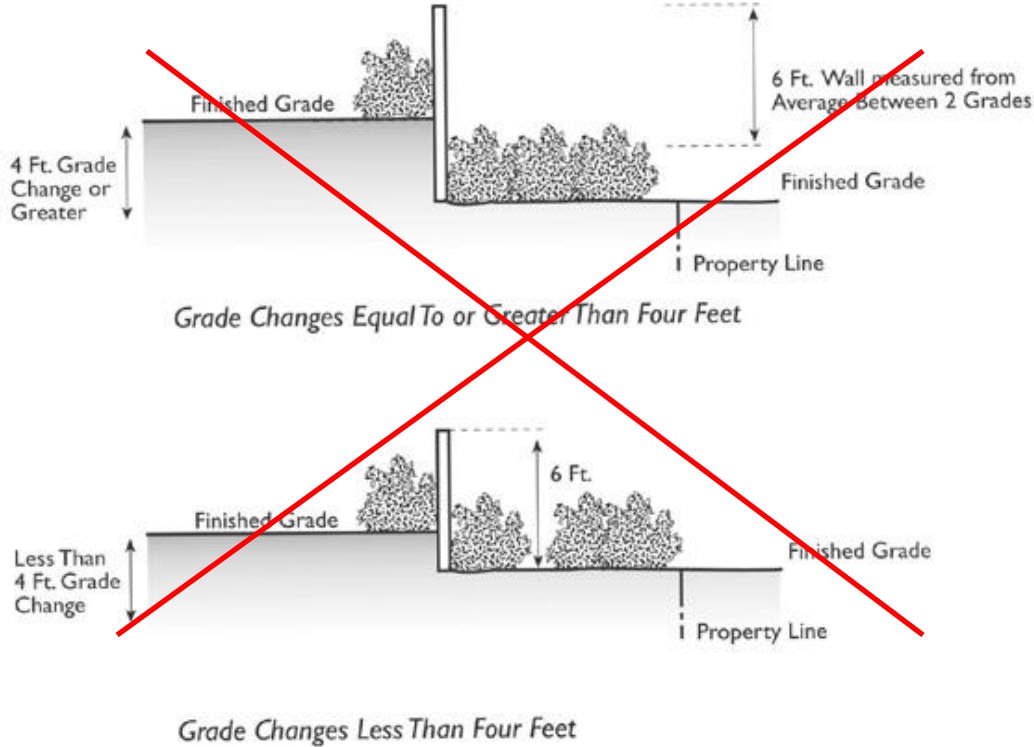
EXHIBIT E

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

~~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 from the lowest grade adjacent to either side of the fence, wall or hedge. [Ord. 2005—002] [Ord. 2015-006]~~

~~Figure 7.D.14.B—Buffers with Grade Changes~~



Part 6. ULDC Art. 7.F.2.C, Hedges (page 36 of 50), is hereby amended as follows:

Reason for amendments: [Zoning] Clarify that hedges cannot be located along the property line in perimeter buffers to ensure maintenance can be accommodated onsite. Minimum setbacks are typically three feet, but are determined on a case by case basis depending on the type of buffer, additional plant material required, or where access from a R-O-W or other property may be accommodated otherwise.

ARTICLE 7, LANDSCAPING

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 2 Trees, Shrubs, and Hedges

C. Hedges

Hedges may be used in place of required shrubs in compatibility and incompatibility buffers. Hedges, in combination with a berm, shall be installed in a manner that provides the minimum height required for continuous solid opaque screen at time of planting. It is recommended that hedges collocated in a buffer with a berm be located at the top of berm. Hedges shall be setback from the property line a sufficient distance to allow for maintenance, or additional landscape material if required.

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EXHIBIT E

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

1
2 Part 7. ULDC Art. 7.F.3, Walls and Fences (page 36 of 50), is hereby amended as follows:
3

Reason for amendments: [Zoning]

1. Clarify existing practice of requiring landscape materials along the exterior side of a wall or fence when located in an Incompatibility or R-O-W Buffer. Increased setbacks may be required due to easement overlap, volume of trees or shrubs required, or other mitigating factors.
2. Clarify that chain link fences are prohibited in Incompatibility or R-O-W buffers unless vinyl coated and screened by a hedge.
3. Update reference to BCC or ZC authority to alter prohibitions or requirements for chain link fences to the Type II Waiver process, to clarify application procedures for those seeking alternatives to said requirements.

ARTICLE 7, LANDSCAPING

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 3 Walls and Fences

If a wall or fence is used, the following shall apply: [Ord. 2007-001] [Ord. 2007-013]

A. Location of Wall or Fence

It is recommended that walls and fences collocated in a buffer with a berm be located at the top of berm. Walls and fences with a continuous footer shall be setback a minimum of ten feet from the edge of the property line. Fences may be permitted adjacent to a property line only when used in compatibility buffers. Fences or walls located in Incompatibility or R-O-W Buffers shall be located a minimum of seven and one-half feet from the outside buffer edge, or the minimum necessary to provide for required trees and shrubs. [Ord. 2007-001] [Ord. 2007-013]

B. Location of Planting

A minimum of 75 percent of required trees shall be located between the exterior of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. Shrubs or hedges shall be installed on both sides of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. [Ord. 2007-013]

1. Exception

Electrified fencing in accordance with [Art. 5.B.1.A.2.e.2\), Electrified Fence](#) – Exceptions and Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is adjacent to. [2013-018]

C. Conflict with Easements

If the placement of the wall or fence conflicts with an easement, the wall or fence shall not encroach upon the easement unless consistent with [Article 3.D, PROPERTY DEVELOPMENT REGULATIONS \(PDRs\)](#). [Ord. 2007-013]

D. Architectural Treatment

If a wall is used in a compatibility or incompatibility buffer, both sides of a wall shall be given a finished architectural treatment that is compatible and harmonious with adjacent development. [Ord. 2007-013]

E. Chain Link Fences

Chain link fence are prohibited in Incompatibility or R-O-W buffers unless vinyl coated. Vinyl coated chain link fences are only permitted only if used in the a R-O-W or Incompatibility buffer, when installed behind an opaque six foot high hedge, unless or approved as a Type II Waiver by the BCC, or ZC. [Ord. 2007-001] [Ord. 2007-013]

42 Part 8. ULDC Art. 7.F.8, Compatibility Buffer (page 39 of 50), is hereby amended as follows:
43

Reason for amendments: [Zoning] Delete requirement redundant to requirements in Art. 7.F.3.A, Location of Wall or Fence.

ARTICLE 7, LANDSCAPING

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 8 Compatibility Buffer

The minimum width of a compatibility buffer is five feet. Compatibility buffers shall provide a continuous solid opaque visual screen at least three feet in height composed of hedges or shrubs, either alone or in

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EXHIBIT E

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

1 combination with a wall, fence or berm. Hedges and shrubs shall reach the required height within two
2 years of installation.

3 ~~A.—Walls~~

4 ~~Walls used in combination with hedges or shrubs shall not be CBS type with a continuous footer~~
5 ~~unless a minimum of ten clear feet is provided for landscaping.~~

6
7
8 **Part 9. New ULDC Art. 7.F.10, Height Requirements for Landscape Buffers with Grade**
9 **Changes (page 41 of 50), is hereby amended as follows:**

10 **Reason for amendments:** [Zoning] Establish new Art. 7.F.10, Perimeter Buffers with Grade Changes, which clarifies scenario's where increased height may be permitted when a landscape barrier is used in conjunction with a retaining wall in a perimeter buffer. Existing provisions (see Part 5 above) have resulted in confusion in how required Incompatibility Buffer landscape barriers are measured, and in some instances, conflict with natural setback resulting from maximum 3:1 slope when berms are used in a landscaper barrier, as well as standards for how berm height is measured.

11 **ARTICLE 7, LANDSCAPING**

12 **CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS**

13 **Section 10 Perimeter Buffers with Grade Changes**

14 The height of a fence, wall or hedge may be increased when located in a perimeter buffer where a retaining wall is used, subject to the following:

15 A. Grade Measurement

16 The difference in grade shall be determined by measuring the elevation of the retaining wall and
17 the elevation of the abutting lot at the property line.

18 B. Compatibility Buffer – Maximum Height Increase

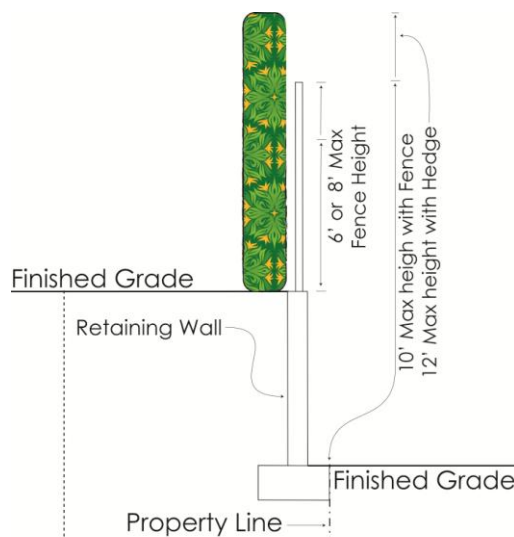
19 1. Fences

20 The height of a fence located on a retaining wall in a Compatibility Buffer may be increased
21 by the difference in grade up to a maximum of four feet, whichever is less, as illustrated in
22 Figure 7.F.10, Height Requirements for Compatibility Buffers with Grade Changes Using
23 Retaining Walls. The fence shall be of the minimum height necessary to comply with Florida
24 Building Code requirements for guardrails.

25 2. Hedges

26 A guardrail shall be installed on the retaining wall if required by Florida Building Code, subject
27 to the height limitations for fences and walls.

28 **Figure 7.F.10 - Height Requirements for Compatibility Buffers**
29 **with Grade Changes Using Retaining Walls**



30 **Ord. 2016-000**

31 C. Incompatibility or R-O-W Buffer – Maximum Height Increase

32 The height of a fence, wall or hedge located in an Incompatibility or R-O-W Buffer with a retaining
33 wall may be increased by the difference in grade in accordance with Figure 7.F.10 Height
34

Notes:

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EXHIBIT E

HEIGHT MEASUREMENT FOR FENCES, WALLS AND HEDGES SUMMARY OF AMENDMENTS

1 Requirements for Incompatibility or R-O-W Buffers with Grade Changes Using Retaining Walls,
2 and the following:

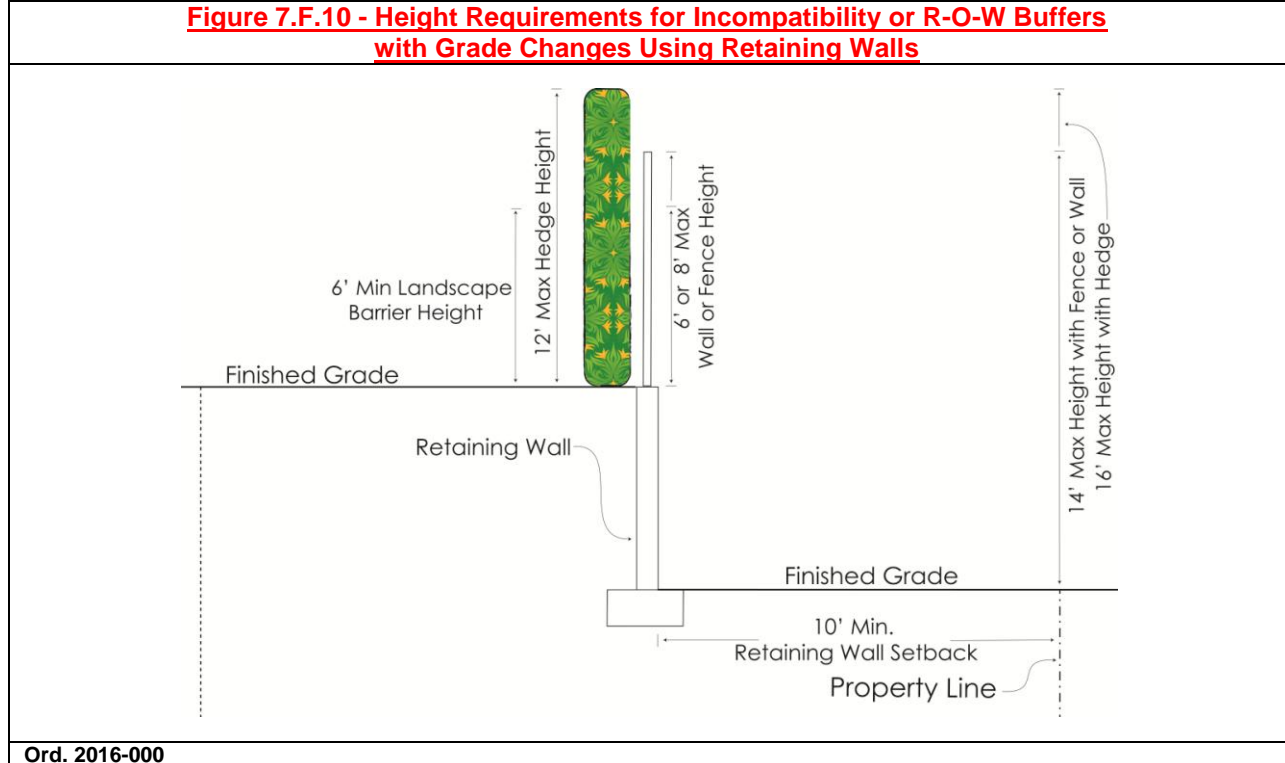
3 **1. Fences and Walls**

4 The height of a fence or wall located on a retaining wall setback a minimum of ten feet from
5 the outer edge of the perimeter buffer may be increased by the difference in grade, up to a
6 maximum overall height of 14 feet, whichever is less. The fence or wall shall be of the
7 minimum height necessary to comply with minimum required landscape barrier height, where
8 applicable, and Florida Building Code requirements for guardrails.

9 **2. Hedges**

10 The height of a hedge abutting a retaining wall setback a minimum of ten feet from the outer
11 edge of the perimeter buffer may be increased by the difference in grade, up to a maximum
12 height of 16 feet, whichever is less. A guardrail shall be installed on the retaining wall if
13 required by Florida Building Code, subject to the height limitations for fences and walls.
14

Figure 7.F.10 - Height Requirements for Incompatibility or R-O-W Buffers
with Grade Changes Using Retaining Walls



15 **[Renumber Accordingly.]**

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39 Hedges.docx

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EXHIBIT F

GLADES REGION AMENDMENTS & ART. 3.B.4, GLADES AREA OVERLAY (GAO) SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 3.B.4, Glades Area Overlay (GAO) (pages 25 – 28 of 234), is hereby amended
3 as follows:
4

Reason for amendments: [Planning/Zoning] These amendments are being processed concurrently with Comprehensive Plan amendments implementing part of the recommendations of the Glades Region Master Plan (GRMP), which will serve as a guiding blueprint to enhance economic competitiveness in the Glades Region (note: the Comprehensive Plan amendments were adopted by the BCC on October 26, 2015). The GRMP was a multi-agency project coordinated by the PBC Department of Economic Sustainability (DES) through funding provided by the U.S. Department of Housing and Urban Development Community Challenge Planning Grant (CCPG).

5 CHAPTER B OVERLAYS

6 Section 4 GAO, Glades Area Overlay

7 A. Purpose and Intent

8 The GAO is established to promote sustainable economic diversification in the Glades Area and
9 facilitate development or redevelopment opportunities emanating from the U.S. Department of
10 Housing and Urban Development Community Challenge Planning Grant Glades Region Master
11 Plan (GRMP). The GAO provides flexibility or streamlined procedures for obtaining development
12 approvals, critical to ensuring a timely response to development or redevelopment opportunities
13 that may in the range of uses and PDRs allowed in the Glades Tier to accommodate uses, which
14 if deemed appropriate, will increase job opportunities and improve the economic vitality of the
15 area. In addition, the GAO may include regulations that recognize the character of the area.
16 **[Ord. 2014-025]**

17 B. Applicability

18 The GAO shall apply to all land within the Urban Service Area (USA) of the Glades Tier. All
19 development orders within the GAO ~~district~~ shall also comply with all applicable Joint Planning
20 Area Agreements, pursuant to Florida Statutes. **[Ord. 2014-025]**

21 C. Boundaries

22 The boundaries of the GAO coincides with the USA in the Glades Tier, which is delineated on
23 Comprehensive Plan Map LU 2.1, Service Areas, and is generally comprised of those lands lying
24 near or around the Cities of Belle Glade, Pahokee and South Bay, and the unincorporated
25 community of Canal Point. **[Ord. 2005-002] [Ord. 2014-025]**

26 1. Tier Requirements

27 The Urban/Suburban Tier Requirements of the ULDC shall apply. **[Ord. 2014-025]**

28 D. Approval Process Use Regulation Exceptions

29 Uses allowed in the GAO shall be permitted, as follows: [Ord. 2005-002] [Ord. 2014-025]

30 1. DRO and BCC Thresholds

31 The density, intensity and acreage thresholds of Table 4.A.3.A, Thresholds for Projects
32 Requiring DRO Approval, and Table 4.A.4.A, Thresholds for Projects Requiring BCC
33 Approval, shall be multiplied by two within the GAO.

34 2. Administrative Approvals Permitted Uses

35 a. General

36 Uses shown in a Use Matrix as Permitted by Right (P), Special Permit (S), or
37 Development Review Officer (DRO) shall remain subject to the same approval process
38 shown in the Use Matrix. **[Ord. 2014-025]**

39 b. Conditional and Requested Uses

40 Uses allowed as Conditional or Requested uses in a non-residential Zoning district may
41 be approved by the DRO after compliance with Art. 2.B.2.B, Standards for Conditional
42 Uses, Requested Uses and Development Order Amendments. [Relocated from Art.
43 3.B.4.D.2, Conditional/Requested Uses below]

44 c. Nonconformities

45 1) Nonconforming Use

46 A nonconforming use permitted to expand subject to DRO approval may be
47 expanded subject to approval of a Special Permit. [Ord. 2006-036] [Ord. 2014-025]
48 **[Relocated from Art. 3.B.4.D.3, Nonconforming Use below]**

49 2) Permitted Uses and Uses Subject to DRO Approval within Nonconforming 50 Structures

51 Uses permitted by right and uses subject to DRO approval may exceed the allowable
52 percentages of Table 1.F.1.G, Nonconformities – Percentage and Approval Process
53 for Maintenance, Renovation and Natural Disaster Damage Repair, provided all the
54 standards below are met:

55 a) Exterior Building and Site Elements Improvements

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EXHIBIT F

GLADES REGION AMENDMENTS & ART. 3.B.4, GLADES AREA OVERLAY (GAO) SUMMARY OF AMENDMENTS

1 A minimum 25 percent of the total maintenance, renovation, or natural disaster
2 damage repair improvement value shall be dedicated to exterior building and site
3 elements. Of that percentage, a minimum of ten percent shall be dedicated to
4 façade improvements abutting the R-O-W (frontage and side street frontages)
5 and a minimum ten percent shall be dedicated to landscape improvements;

6 **b) Limitation**

7 The total maintenance, renovation, or natural disaster damage repair
8 improvements for the proposed use(s) may be allowed only if the proposed
9 improvements will not cause an increase in building square footage or generate
10 additional parking, unless the additional parking requirements or design is
11 required to bring the site into compliance with the ULDC to the greatest extent
12 possible; and,

13 **c) Certification of Improvements**

14 The detailed justification statement of compliance to the above standards and
15 calculations of the improvements, including the total improvement value for the
16 project, shall be signed and sealed by the architect of record for the project, and
17 shall be reviewed and certified by the Zoning Division Permitting Section for
18 compliance with this section prior to submittal to the Building Division.

19 **d) Exceptions for Glades Area Housing Authorities**

20 The following developments shall be exempt from limits on maintenance,
21 renovations and natural disaster damage repairs for conforming residential,
22 administrative, recreational or maintenance uses in nonconforming structures,
23 provided that any addition or expansion is in compliance with the ULDC:

24 1) Pahokee Housing Authority, Padgett Island and Fremd Village
25 developments.

26 2) Belle Glade Housing Authority, Everglades and Osceola developments.

27 **3. Public Hearing Approvals Conditional/Requested Uses**

28 ~~Uses allowed as Conditional or Requested uses in a non-residential Zoning district shall be~~
29 ~~permitted by the DRO in the GAO after compliance with Art. 2.B.2.B, Standards for~~
30 ~~Conditional Uses, Requested Uses and Development Order Amendments. [Relocated~~
31 ~~under new Administrative Approval above]~~

32 **a. Prohibited Uses in Non-residential Districts**

33 ~~Uses not otherwise permitted in a non-residential Zoning district may be approved~~
34 ~~permitted as a Class A Conditional or Requested Use uses in the GAO after provided the~~
35 ~~BCC makes a finding determines that the proposed use meets the following criteria:~~
36 ~~[Ord. 2014-025]~~

37 ~~1)a. Increases increases the number of jobs or provides needed housing;~~

38 ~~2)b. Does does not adversely affect adjacent land uses; and~~

39 ~~c. is consistent with the goals, objectives and policies of the Plan; and~~

40 ~~3)d. Helps helps to support existing or encourage additional Glades Area economic~~
41 ~~development or the GRMP.~~

42 **3. Nonconforming Use**

43 ~~A nonconforming use permitted to expand subject to DRO approval may be expanded~~
44 ~~subject to approval of a Special Permit. [Ord. 2006-036] [Ord. 2014-025] [Relocated under~~
45 ~~new Administrative Approval above]~~

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EXHIBIT F

GLADES REGION AMENDMENTS & ART. 3.B.4, GLADES AREA OVERLAY (GAO) SUMMARY OF AMENDMENTS

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Part 2. ULDC Art. 3.C.1, General, (page 122 of 234), is hereby amended as follows:

Reason for amendments: [Planning/Zoning] New Future Land Use Element (FLUE) Policy 1.6-e, expands upon existing provisions under FLUE Section III.C.5, Agriculture, by clarifying that the AP Zoning district is consistent with all Future Land Use (FLU) designations, except for Conservation. This furthers current County policy recognizing that existing agricultural uses within the Urban/Suburban Tier (includes the GAO) “...shall be considered to be a conforming use...” It will also allow for new agricultural or other uses permitted within the AP district, to be established on parcels with an existing AP Zoning district regardless of FLU designation (excluding Conservation), without requiring a rezoning.

Additional revisions to similar provisions for the AR Zoning district are being included to copy existing reference to pre-emption that is located under use regulations for Bona-fide Agriculture, and the deletion of the term “interim” which was removed from FLUE Section III.C.5, Agriculture in 2009 (Ord. 2009-032).

Note: Additional revisions related to the proposed Plan amendments for FLU and Zoning district consistency within the GAO, will be consolidated and processed concurrently with similar Plan amendments for Infill Redevelopment, as part of ULDC Amendment Round 2016-01, through amendments to ULDC Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA).

4 CHAPTER C STANDARD DISTRICTS

5 Section 1 General

6 A. Agricultural District

7 1. AP, Agricultural Production District

8 The AP district is to conserve and protect areas for exclusive, bona fide agricultural and
9 farming related operations particularly where soil and water conditions favor continued
10 agricultural production. A wide range of agricultural activities and their accessory uses shall
11 be permitted in the AP district in order to maintain the vitality of the agricultural industry in
12 PBC.

13 a. Exempted Residential Uses

14 Legal lots of record with a LR-1 FLU designation located in an area north of the
15 unincorporated community of Canal Point shall be considered conforming for the purpose
16 of renovating or developing a single-family home, including related accessory uses and
17 structures. [Ord. 2007-013]

18 b. Agricultural Production Zoning Consistency

19 Within the Glades Tier, the Agricultural Production Zoning district is consistent with all
20 FLU designations, excluding conservation.

21

22 C. Residential Districts

23 1. AR, Agriculture Residential District

24 c. Agricultural Uses in the U/S Tier

25 1) Existing Agricultural Uses in the U/S Tier

26 Agricultural uses in the U/S Tier existing prior to or in accordance with any previously
27 adopted at the time of adoption of this Code permitting agricultural uses, shall be
28 considered conforming. Any expansion of existing agricultural uses shall be subject
29 to all applicable requirements, unless pre-empted by State law. [Ord. 2011-016]

30 2) New Agricultural Uses

31 Agricultural uses not listed as permitted in the U/S Tier ~~shall~~ may only be permitted
32 as an interim use subject to Class A conditional use approval, unless pre-empted by
33 State law. [Ord. 2011-016]

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EXHIBIT F
GLADES REGION AMENDMENTS &
ART. 3.B.4, GLADES AREA OVERLAY (GAO)
SUMMARY OF AMENDMENTS

1
2 Part 3. ULDC Art. 1.1.3, Abbreviations and Acronyms (page 117 of 119), is hereby amended as
3 follows:
4

Reason for amendments: [Planning/Zoning] Establish new acronym, which while only referenced once in the aforementioned amendments, will likely be cited in future Planning or Zoning staff reports.
--

5 **CHAPTER I DEFINITIONS & ACRONYMS**
6 **Section 3 Abbreviations and Acronyms**

....
GRMP
 Glades Region Master Plan
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EXHIBIT G

**AGRICULTURAL EXCAVATION AND TYPE II EXCAVATION
APPROVAL PROCESS
SUMMARY OF AMENDMENTS**

1

Reason for amendments: Zoning
Amend the Use Matrices in Articles 3 and 4 of the ULDC for Agricultural Excavation and Type 2 Excavation to indicate the most restrictive approval process in the zoning districts where the uses are allowed. The amendment will not change any of the current approval processes, but ensures the most restrictive approval process is listed in the Use Matrices.

Supplementary Use Standards in Article 4.D. for Agricultural Excavation and Type 2 Excavation uses include certain provisions that in some situations cause the uses to be subject to Class A Conditional Use or Requested Use approval, while the uses show a lower approval process in the Article 3 and 4 Use Matrices. Code users usually go to the Use Matrix first and may be misled if the supplemental standards are more restrictive.

The following are the Supplementary Use Standards in Art. 4.D.5.A.5, Use Approval and Procedures and Art. 4.D.5.D.5.c.1), Removal of Excess Fill, that indicate the approval process of the use to be reflected in the Use Matrices:

Agricultural Excavation:
“5. Use Approval and Procedures
....
b. Greater Than Two Acres
Agriculture excavation activity greater than two acres in surface area shall be subject to approval as a Class A Conditional use pursuant to Article 2.B, PUBLIC HEARING PROCEDURES, and this Section. The BCC may permit offsite removal and apply the appropriate compatibility standards of Article 4.D.5.E, Type III Excavations.”

Type 2 Excavation:
“c. Off-site Removal
A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions exist. If the applicant must remove more than ten percent of the fill from the site, then use approval shall be required as follows: [Ord. 2004-040]
1) Removal of Excess Fill
If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in Art. 4.D.5.D, Type II Excavation, then the applicant shall apply for a Class A Conditional Use or Requested use, pursuant to the standards of Art. 2.B.2, Conditional Uses, Requested Uses, Development Order Amendments, Unique Structures and Type II Waivers, and shall comply with the following standards:”

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Part 1. Table 3.B.15.F - IRO Permitted Use Schedule (pages 78 of 234), is hereby amended as follows:

Table 3.B.15.F - IRO Permitted Use Schedule

Use Type	Land Use				NOTE	Use Type	Land Use				NOTE
	C L	C H	C L	C H			C L	C H	C L	C H	
....						Utilities and Excavation					
							D	D	D	D	
						Excavation, Type II	A	A	A	A	49
[Ord. 2010-005] [Ord. 2012-007] [Ord. 2013-001] [Ord. 2014-025]											
Key:											
P Permitted by right.											
D Permitted subject to DRO approval.											
L Permitted by right, subject to accessory use limitations.											
S Permitted subject to Special Permit approval.											
A Permitted subject to Board of County Commission Approval.											

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EXHIBIT G

**AGRICULTURAL EXCAVATION AND TYPE II EXCAVATION
APPROVAL PROCESS
SUMMARY OF AMENDMENTS**

1
2
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Part 2. Table 3.B.16.E - PRA Use Matrix (pages 93 of 234), is hereby amended as follows:

Table 3.B.16.E - PRA Use Matrix (1)(2)(3)

Use Type	Transect Sub-Zones					Note
	UC 1	UC 2	UC 3	UI 1	UI 2	
.....						
Utilities and Excavation						
.....						
<u>Excavation, Type II</u>	A	A	A	A	A	49
.....						
[Ord. 2011-016] [Ord. 2013-001]						
Note:						
.....						
Key:						
P Permitted by Right						
S Permitted subject to Special Permit approval.						
D Permitted subject to DRO approval.						
B Permitted subject to Zoning Commission Approval.						
A Permitted subject to Board of County Commission Approval.						

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Part 3. Table 3.E.1.B - PDD Use Matrix, (pages 149 of 234), is hereby amended as follows:

Table 3.E.1.B - PDD Use Matrix

Use Type	PUD					MUPD						MXPD		PIPD			LCC			NOTE		
	Pods					FLU						FLU		Use Zone			FLU					
	R	C	R	C	A	C	C	C	C	C	I	E	I	C	C	I	C	I	M		R	C
E	O	E	I	G	L	H	L	H	R	N	D	N	H	H	N	O	N	H	V	L	H	
S	M	C	V	R			O	O		D	C	S		O	D	M	D	P	P			
				/											/	/		D	D			
				P																		
				R																		
Utilities and Excavation Uses																						
.....																						
Excavation, Agricultural				P																		49
				R																		
Excavation, Type II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	49
	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
.....																						
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2013-001] [Ord. 2014-025]																						
Notes:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																						

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EXHIBIT G

**AGRICULTURAL EXCAVATION AND TYPE II EXCAVATION
APPROVAL PROCESS
SUMMARY OF AMENDMENTS**

1
2 **Part 4. Table 3.F.1.F - Traditional Development Permitted Use Schedule, (pages 199 of 234), is**
3 **hereby amended as follows:**
4

Table 3.F.1.F - Traditional Development Permitted Use Schedule

District	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	N/C	Open Space/Rec			Dev	Preserve	
.....											
Type II Excavation	<u>P</u> <u>R</u>	<u>R</u>	<u>R</u>	<u>P</u> <u>R</u>	<u>R</u>	<u>R</u>	<u>P</u> <u>R</u>	<u>P</u> <u>R</u>	<u>P</u> <u>R</u>		49
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037][Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-001]											
Notes:											
P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit R Requested Use											

5
6
7 **Part 5. Table 4.A.3.A - Use Matrix, (pages 17 of 171), is hereby amended as follows:**
8

Table 4.A.3.A - Use Matrix

Use Type	Zoning District/Overlay																NOTE	
	Agriculture/Conservation			Residential					Commercial					Industry/Public				
	P	A	A	AR	R	R	R	R	C	C	C	C	C	C	I	I		P
.....																		
Excavation, Agriculture		<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>P</u> <u>A</u>	<u>D</u> <u>A</u>
.....																		
Excavation, Type II		<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>	<u>D</u> <u>A</u>
.....																		
[Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2013-001]																		
Key:																		
P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit B Permitted in the district only if approved by the Zoning Commission (ZC) A Permitted in the district only if approved by the Board of County Commissioners (BCC)																		

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EXHIBIT G

AGRICULTURAL EXCAVATION AND TYPE II EXCAVATION APPROVAL PROCESS SUMMARY OF AMENDMENTS

1
2 Part 6. Table 4.D.5.A.5, Use Approval and Procedures [Related to Agricultural Excavation]
3 (pages 146 - 147 of 171), is hereby amended as follows:
4

Reason for amendments: Zoning

1) Remove supplementary use standard language related to approval as the Use Matrix is amended to indicate the more restrictive approval process; and, 2) Update titles to clarify regulations that pertain to DRO or BCC approval.

5 **CHAPTER D EXCAVATION**

6 **Section 5 Excavation Standards**

7 **A. Agricultural Excavations**

8 **5. Use Approval and Procedures**

9 All applications for agricultural excavation shall include a detailed explanation of the proposed
10 bona fide agricultural use. This explanation shall demonstrate consistency with applicable
11 industry standards and satisfy the definition requirements of bona fide agriculture pursuant to
12 Article 1.I, Definitions and Acronyms. The excavation shall be the minimum necessary to
13 implement the proposed bona fide agricultural use. **[Ord. 2008-037]**

14 **a. Two Acres or Less - DRO**

15 ~~Unless exempt, DRO review and approval shall be required for AG Agricultural~~
16 ~~Excavation consisting of two acres or less in surface area, may be approved pursuant to~~
17 ~~Article 2.D.1, Development Review Officer.~~ The DRO shall review for compliance with
18 the standards of this Section and may approve the application with or without conditions.

19 **b. Greater Than Two Acres - Conditional or Requested Use**

20 ~~Agriculture excavation activity greater than two acres in surface area shall be subject to~~
21 ~~approval as a Class A Conditional use pursuant to Article 2.B, PUBLIC HEARING~~
22 ~~PROCEDURES, and this Section. The BCC may permit offsite removal and shall apply~~
23 the appropriate compatibility standards of Article 4.D.5.E, Type III Excavations.

24 **c. Additional Review**

25 See Section 5.F.6 for Excavation Pre-application Checklist. **[Ord. 2008-037]**

26

27
28
29 Part 7. ULDC Art. 4.D.5.D, Type II Excavation, (pages 149-150 of 171), is hereby amended as
30 follows:
31

Reason for amendments: Zoning

1. Remove supplementary use standard language related to approval as the Use Matrix is amended to indicate the more restrictive approval process;
2. Update titles to clarify regulations that pertain to DRO or BCC approval; and,
3. Relocate and consolidate language related to removal of fill in excess of ten percent.

32 **CHAPTER D EXCAVATION**

33 **Section 5 Excavation Standards**

34 **D. Type II Excavation**

35

36 **5. Use Approval and Procedures**

37 ~~Prior to initiating excavation activity, approval shall be required in accordance with this~~
38 ~~Section. **[Ord. 2008-037]**~~

39 **a. DRO Approval**

40 Prior to initiating Type II excavation activities, ~~DRO review and approval shall be~~
41 ~~required. Application shall be made in accordance with Article 2.D, ADMINISTRATIVE~~
42 ~~PROCESS, and this Section.~~ DRO shall review the final site development plan for
43 compliance with the standards of this Section and may approve with or without
44 conditions.

45 **b. Off-site Removal of Excess Fill ~~from the Site~~ - DRO**

46 DRO may approve removal of more than ten percent of the extracted material from the
47 site if:

48 1) The applicant demonstrates that the make up of the natural soil contains an
49 excessive amount of silt, rock, or muck and construction of required drainage
50 structures or construction of required structural foundations require removal of an
51 excessive amount of silt, rock or muck; or

Notes:

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EXHIBIT G

AGRICULTURAL EXCAVATION AND TYPE II EXCAVATION APPROVAL PROCESS SUMMARY OF AMENDMENTS

- 1 2) The removal of the material is the minimum necessary to accommodate on-site
2 drainage requirements or structural fill requirements; and
3 3) The impact of ~~hauling~~ the ~~excavated~~ material ~~off-site~~ will not cause adverse affects to
4 ~~adjacent internal~~ property owners or ~~internal~~ streets.
- 5 **c. Off-site Removal of Excess Fill - Conditional or Requested Use**
6 A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions
7 exist. ~~If the applicant must remove more than ten percent of the fill from the site, then use~~
8 ~~approval shall be required as follows: an excess of ten percent of fill is proposed to be~~
9 ~~removed from a site and no unusual conditions exist justifying removal of more than ten~~
10 ~~percent of the excavated material, as specified in Art. 4.D.5.D.5.b, Off-site Removal of Fill~~
11 ~~- DRO, the applicant shall be subject to the following:~~ **[Ord. 2004-040] [Relocated from**
12 **Removal of Excess Fill, below]**
- 13 **1) Removal of Excess Fill Approval Process**
14 ~~If an excess of ten percent of fill is proposed to be removed from a site and no~~
15 ~~unusual conditions exist justifying removal of more than ten percent of the excavated~~
16 ~~material, as specified in Art. 4.D.5.D, Type II Excavation, then the applicant shall~~
17 **a) Apply for a Class A Conditional Use or Requested use process, pursuant to the**
18 standards of Art. 2.B.2, Conditional Uses, Requested Uses, Development Order
19 Amendments, Unique Structures and Type II Waivers, ~~and~~ **[Partially relocated to**
20 **Off-site Removal, above]**
- 21 **2) Requirements**
22 **The applicant shall comply with the following standards:**
- 23 1) Art. 4.D.8.A, Operational Standards and Requirements; ~~and~~
24 2) Littoral; ~~and~~
25 3) Upland Reclamation Standards in Art. 4.D.8.E, Maintenance and Monitoring; ~~and~~
26 4) Maintenance and Monitoring requirements for excavated areas, and littoral
27 plantings in Art. 4.D.8.E, Maintenance and Monitoring; ~~and~~
28 5) Buffer requirements in Article 4.D.5.E, Type III A Excavations; ~~and~~
29 6) Setbacks shall be provided pursuant to Type II setback requirements in Article
30 4.D.5.D.3, Separations and Setbacks. **[Ord. 2004-040] [Ord. 2010-022]**
- 31 **a3) Frontage**
32 The development shall have direct frontage on and access to a collector or arterial
33 street depicted on the County's Thoroughfare Identification Map.
- 34 **b4) Location**
35 The following Type III A standards shall apply, unless waived by the BCC after a
36 finding of fact that waiver of these standards will not violate the compatibility
37 standards, pursuant to Art. 4.D.5.E.8, Compatibility Standards. **[Ord. 2004-040]**
38

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EXHIBIT H

ART. 8.H.2, BILLBOARDS SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 8.H.2, Billboards (pages 36 to 40 of 40), is hereby amended as follows:
3

Reason for amendments: [County Attorney/Zoning] Eliminate reference to settlement agreement since it will expire on February 6, 2016; and, clarify the billboard special permit process for maintenance requiring building permits, demolition, relocation, and replacement of billboards.

4 CHAPTER H OFF-SITE SIGNS

5 Section 2 Billboards

6 A. Purpose and Intent

7 It is the purpose and intent of the BCC to ~~restrict prohibit~~ billboards and similar off-site signs in
8 order to improve the aesthetic appearance of unincorporated PBC ~~and. It is also the purpose and~~
9 ~~intent of the BCC to remove and amortize all billboards and similar large off-site signs in order to~~
10 ~~curb minimize~~ the visual and aesthetic degradation caused by these structures and to achieve the
11 goal of an aesthetically improved built environment. It is the purpose and intent of this Section to
12 leave the regulations that were adopted consistent with the Billboard Stipulated Settlement
13 Agreement in place after the expiration of the agreement. Existing billboards with valid billboard
14 registrations permits may be relocated or replaced subject to the requirements of this Section.
15 No new billboards are permitted in unincorporated Palm Beach County other than those relocated
16 or replaced pursuant to this Section.

17 B. WCRAO Prohibitions

18 Billboard signs are prohibited in the WCRAO, unless existing as of January 10, 2004 and the
19 subject of a valid billboard registration permit issued pursuant to this Section. Billboards may not
20 be relocated within the WCRAO at the time of this amendment and identified in the stipulated
21 billboard settlement agreement, Art. 8.H.2, Billboards. [Ord. 2006-004]

- 22 ~~1. Each billboard company shall be provided with a complete copy of the 1988 billboard~~
23 ~~inventory.~~
- 24 ~~2. The 1988 billboard inventory shall be revised by each billboard company to reflect the current~~
25 ~~status of billboards it owns or controls.~~
- 26 ~~3. The revised billboard inventory shall include the location, height, size, and number of~~
27 ~~billboard faces.~~

28 C. Annual Billboard Registration Renewal Registration Permits

29 ~~The Zoning Division shall establish a system of billboard registration permits. The 1998 Billboard~~
30 ~~inventory of registered billboards is required to be renewed annually by the respective owner(s) in~~
31 ~~A registration permit shall be issued for each billboard not to be removed pursuant to the billboard~~
32 ~~stipulated settlement agreement. Billboard registration permits shall be issued as special permits,~~
33 ~~as provided in Article 2.D.2, Special Permit. Billboard registration permits shall be issued as~~
34 ~~provided below.~~

- 35 ~~1. An application for a billboard registration permit shall include the following information:~~
 - 36 ~~a. name, address, and telephone number of the billboard company owning or controlling the~~
37 ~~billboard;~~
 - 38 ~~b. name of applicant;~~
 - 39 ~~c. agent's authorization for the applicant to act on behalf of a billboard company;~~
 - 40 ~~d. location, height, number of sign faces, and size of sign faces; and~~
 - 41 ~~e. permit number or other acceptable evidence the billboard was lawfully erected.~~
- 42 ~~2. Billboard registration permits shall be issued annually.~~
- 43 ~~3. Applications for initial billboard registration permits shall be submitted no later than January 1,~~
44 ~~1998 with the exception of registration permits for lawfully erected billboards located on~~
45 ~~federal aid primary highways. Applications for permits for the unregistered billboards on~~
46 ~~federal aid primary highways described above shall be submitted no later than January 10,~~
47 ~~2004.~~
- 48 ~~4. Billboard registration permits shall be valid for a period of one year and shall be renewed~~
49 ~~annually upon compliance with the terms of this Section, and the billboard stipulated~~
50 ~~settlement agreement.~~
- 51 51. Renewals for billboard registrations permits shall be submitted by the Billboard Owners at
52 least 60 days prior to expiration date of the existing registration Permit. The Owners have the
53 responsibility to notify the County of any billboards that have been annexed or are otherwise
54 removed from the registration list in a format acceptable to the Zoning Director.
- 55 62. PBC may establish charge a fee of \$50.00 by resolution in the Official Schedule of Fees to be
56 charged for the renewal of each registered Billboard. for the issuance of each billboard
57 registration permit. This fee may be increased by the BCC from time to time.
- 58 73. Billboard registration permits shall be transferable if ownership of the billboard or Billboard
59 Company changes.

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EXHIBIT H

ART. 8.H.2, BILLBOARDS SUMMARY OF AMENDMENTS

1 ~~84.~~ This billboard registration system shall not require "tagging" of the billboards structure by the
2 owner. ~~of the Bbillboard structure.~~

3 ~~95.~~ Violations

4 a. If a ~~permit-registration~~ holder fails to submit fees required by this ~~s~~Section prior to or upon
5 the annual expiration date, PZB shall:

6 1) Immediately issue a notice of violation as specified below; and

7 2) Suspend acceptance of any applications for Special Permit for demolition, relocation,
8 replacement, or maintenance of billboards off-premises signs from the same
9 registration permit holder. No new Special Ppermit applications shall be accepted
10 from the same permit holder until final resolution of any disputes arising from the
11 PZB's actions.

12 b. In the event that disputes arise regarding the amount of annual license fees charged, the
13 permit holder may establish an escrow account into which he/she shall pay an amount
14 equal to that portion of fees and other charges assessed by PZB which is in dispute. PZB
15 shall be named as the beneficiary of the escrow account. This escrow account shall be
16 established prior to the annual expiration date and shall remain in effect until final
17 resolution of the dispute. Affected billboards off-premises signs shall continue to be
18 treated as illegal signs; however, as long as the escrow account remains in effect, they
19 shall not be removed as provided in this subsection.

20 c. The notice of violation in accordance with Article 10.B.1.A, shall be sent by certified mail,
21 return receipt requested. At a minimum, it shall:

22 1) Indicate the total amount of annual fees due.

23 2) Indicate that the registration permit holder has 30 days from the date of mailing in
24 which to pay the total fee due.

25 3) Assess an additional delinquency fee equal to 25 percent of the amount due.

26 4) Inform the registration permit holder that failure to pay all required fees within the
27 time allowed shall constitute a violation of this ~~chapter~~ Section and his/her billboard
28 off-premises signs shall thereupon be considered to be illegal.

29 5) Inform the registration permit holder of the process established by this chapter for the
30 removal of illegal signs.

31 6) Inform the registration permit holder of his right to appeal the action of PZB, as
32 provided in this subsection.

33 d. A copy of the notice of violation may also be prominently affixed to each billboard off-
34 premises sign.

~~D. Billboard Owners Not Party to the Stipulated Settlement Agreement~~

35 ~~Any firm or individual owning billboards may become eligible to utilize the provisions of this~~
36 ~~Section provided they execute an agreement consistent with the stipulated billboard settlement~~
37 ~~agreement. Such firms or individuals shall execute an agreement as approved by the County~~
38 ~~Attorney's Office.~~

~~E. Removal of Billboard Sign Faces~~

39 ~~Each billboard company that has signed or agreed to the stipulated billboard settlement~~
40 ~~agreement, or similar agreement as approved by the County Attorney, shall permanently remove~~
41 ~~ten percent of the total of sign faces it owns or controls. Billboard companies that have signed the~~
42 ~~stipulated settlement agreement shall remove the sign faces within one year following adoption of~~
43 ~~this amendment to the ULDC. Billboard companies that execute an agreement approved by the~~
44 ~~County Attorney shall remove the sign faces within one year following execution of the~~
45 ~~agreement.~~

46 1. ~~The total amount of sign faces to be removed shall be calculated utilizing the billboard~~
47 ~~inventory. The sign faces shall be removed utilizing the procedure set forth below.~~

48 2. ~~The sign faces to be removed shall be identified in Exhibit "A" of the billboard stipulated~~
49 ~~settlement agreement or similar agreement. However, the sign faces to be removed as~~
50 ~~identified in Exhibit "A" may be substituted for reasons established in the stipulated billboard~~
51 ~~settlement agreement.~~

52 3. ~~The Building Division, with the written approval of the Zoning Division, shall issue a~~
53 ~~demolition permit for each sign face to be removed.~~

54 4. ~~The demolition permit shall be in a form prepared by the Zoning Division, and shall include~~
55 ~~the location, permit number, name of billboard company, and date when such sign face is to~~
56 ~~be removed.~~

57 5. ~~Each billboard company shall provide a statement, in a form approved by the PBC Attorney's~~
58 ~~Office, certifying the removal of a sign face. Removal of the sign face shall include the entire~~
59 ~~billboard structure.~~

~~DF. Demolition, Relocation, Replacement or Maintenance of Billboards~~

60 ~~Billboards maintenance requiring building permits, and billboard demolition, may be relocated~~
61 ~~relocation, or replacement shall be subject to the provisions of the billboard stipulated settlement~~
62 ~~agreement or similar agreement. Billboard relocation shall occur as indicated below:~~

~~1. Submittal Process~~

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EXHIBIT H

ART. 8.H.2, BILLBOARDS SUMMARY OF AMENDMENTS

- 1 4. A billboard company shall submit an application for a Special Permit to notify the Zoning
2 Division requesting its intent for demolition, relocation, replacement, or maintenance of a
3 billboard in the format acceptable to the Zoning Director. in writing of its intent to relocate a
4 billboard. The application written notification shall be submitted provided at least 30 days
5 prior to the requested intended date for the Special Permit of demolition and relocation,
6 unless otherwise waived by the Zoning Director. Each Special Permit application shall include
7 the registration issued in 1998 that is associated with the subject billboard.
- 8 2. ~~Each billboard to be relocated shall be assigned a billboard registration permit. The Zoning~~
9 ~~Division shall verify the request for relocation, subject to the billboard stipulated settlement~~
10 ~~agreement. Upon verification of the request for relocation, the Building Division shall issue a~~
11 ~~demolition permit for removal of the affected billboard.~~
- 12 **2. Demolition**
- 13 a3. For each billboard ~~demolished,~~ demolition Special Permit issued by the Zoning Division,
14 a the billboard company owner shall also submit an application to the Building Division
15 requesting a provide verification of the demolition permit. The application shall include
16 the Zoning Division's Demolition Special Permit. Upon demolition of the billboard, a
17 Certificate of Completion of Demolition ~~from~~ issued by the Building Division shall act as
18 the verification of the demolition. A copy of the Certificate of Completion shall be
19 submitted to the Zoning Division. [Ord. 2005 – 002]
- 20 b4. Each billboard demolished subject to this Section may be relocated. The combination of a
21 proof of billboard registration from the Zoning Division, a billboard demolition ~~s~~
22 ~~p~~Permit from the Zoning Division, and a Certificate of Completion of Demolition from the
23 Building Division shall be required prior to submitting application for a billboard relocation
24 ~~s~~Special ~~p~~Permit. **[Ord. 2005 - 002]**
- 25 c5. A billboard relocation ~~s~~Special ~~p~~Permit application shall be submitted within four years
26 from the issuance of the Certificate of Completion of demolition from the Building
27 Division. The relocation of the billboard shall be confirmed with a Building Department
28 Certificate of Completion submitted to the Zoning Division no later than the end of the fifth
29 year. Failure of the applicant to submit to the Zoning Division the Certificate of
30 Completion from the Building Division for the relocation of the billboard by the end of the
31 fifth year, or by date specified in a condition of approval in the ~~s~~Special ~~p~~Permit, shall
32 result in the relocation ~~s~~Special ~~p~~Permit becoming null and void. ~~This requirement shall~~
33 ~~not be applicable to previously completed billboard relocations.~~ **[Ord. 2005 - 002]**
- 34 **3. Relocation**
- 35 a6. A billboard relocation ~~s~~Special ~~p~~Permit ~~permit~~ shall allow construction of a billboard with
36 the same or lesser number of faces as contained on the demolished billboard. Two
37 relocated single face, single billboard structures may be combined into a new two-face
38 billboard structure.
- 39 b7. A relocated billboard may be constructed only within the following comprehensive plan
40 land use categories: "CH" (Commercial High), "CL" (Commercial Low), or "I" (Industrial).
- 41 c8. Within the CH, CL, and I future land use plan categories, a relocated billboard may only
42 be located within the following zoning districts: CG, CC, IL, IG, MUPD, and PIPD.
- 43 d9. Any billboard proposed for relocation within a conditional use, planned development, or
44 similar project with an approved signage plan shall obtain approval for the relocation from
45 the BCC, which shall retain the same discretion it exercised when granting the original
46 development approval. If the billboard relocation requires modification of a signage plan
47 that does not require BCC approval, the relocation shall be approved by the DRO,
48 subject to the requirements of this Section ~~and the billboard stipulated settlement~~
49 ~~agreement.~~
- 50 e10. Relocation of a billboard to a PDD shall comply with the height and setback requirements
51 for structures approved in the master plan. If modification of signage located within a
52 PDD does not require BCC approval, such modification of signage shall be approved by
53 the DRO.
- 54 f14. A relocated billboard shall not be relocated on property assigned a residential,
55 agricultural, or conservation zoning designation. For the purposes of this Section,
56 residential, agricultural, and conservation zoning districts ~~shall be as described in the~~
57 ~~billboard stipulated settlement agreement.~~ are the corresponding zoning districts to the
58 residential, agricultural, or conservation FLU designations as indicated in Tables 3.A.3.B
59 and 3.A.3.C. of the ULDC. For purposes of this Section, Traditional Development Districts
60 are considered residential districts. Billboards may not be relocated to property assigned
61 a Traditional Development District. Billboards may not be relocated to the residential,
62 recreational and civic pods of a PIPD.
- 63 g12. All relocated billboards shall be located within an area containing a front dimension
64 containing at least 500 linear feet. This linear dimension may include property abutting a
65 public R-O-W.

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EXHIBIT H

ART. 8.H.2, BILLBOARDS SUMMARY OF AMENDMENTS

- 1 h13. The height of any relocated billboard shall not exceed 40 feet above finished grade,
2 excluding temporary embellishments.
- 3 j14. A relocated billboard shall comply with the setbacks listed below:
4 1)a- Front: the lesser of 15 feet or the required district setback.
5 2)b- Side: the lesser of the billboard's previous setback or the required district setback.
6 3)c- Rear: the lesser of the billboard's previous setback or the required district setback.
7 4)d- Side corner: the lesser of the billboard's previous setback or the required district
8 setback. If applicable, the required district side corner setback may be reduced to 15
9 feet when the specific lot configuration makes relocation of the sign structure
10 impossible based on application of the required district setback.
- 11 j15. A relocated billboard shall not be constructed within a lateral distance of at least 250 feet
12 of any residential zoning district located on the same side of the street. The lateral
13 distance shall be measured along the street R-O-W, and shall include public R-O-W. This
14 requirement shall supersede any other setback requirements established by this Section.
- 15 k16. When a relocated billboard will be placed on a public R-O-W which:
16 1)a- is designated by PBC for an ultimate width of 120 feet less, and,
17 2)b- abuts a residential zoning district across the street, then a residential "clear zone"
18 shall be established.
- 19 l17. The "clear zone" shall extend at least 170 feet from the front setback of the billboard.
20 The "clear zone" shall be the public R-O-W. Any portion of the "clear zone" located within
21 the abutting residential district shall not contain any existing or proposed residential use.
- 22 m18. When a relocated billboard will be placed on a public R-O-W which:
23 1)a- is designated by PBC for an ultimate width of more than 120 feet but less than 170
24 feet, and,
25 2)b- abuts a residential zoning district across the street;
26 3)c- then a residential "clear zone" shall be established;
27 4)d- the "clear zone" shall extend at least 170 feet from the front setback of the billboard.
28 The "clear zone" shall be include the public R-O-W. Any portion of the "clear zone"
29 located within the abutting residential district shall not contain any existing or
30 proposed residential use.
- 31 n19. When a relocated billboard will be placed on a public R-O-W which:
32 1)a- is designated by PBC for an ultimate width of more than 170 feet, and;
33 2)b- abuts a residential zoning district across the street, then a residential "clear zone" is
34 not required.
- 35 o20. For the purposes of this Section, a residential "clear zone" may include such uses as
36 landscaping, perimeter buffers, vegetation preservation areas, drainage facilities, roads,
37 recreational areas, and similar nonresidential uses.
- 38 p24. A relocated billboard shall not be placed within 120 feet of any residential zoning district
39 located across from, but not directly abutting, a public R-O-W. For the purposes of this
40 Section, the 120 feet distance shall be measured from the rear of the billboard to the
41 nearest point of the residential zoning district.
- 42 q22. For relocated billboards, the setback shall be measured from the property line.
- 43 r23. A billboard shall not be relocated to a site on a road with an R-O-W width of less than 80
44 feet.
- 45 ~~24. The number of billboards to be relocated during any 12-month period shall be limited by the~~
46 ~~stipulated billboard settlement agreement.~~
- 47 s25. A minimum separation of at least 500 feet from any other existing or relocated billboard
48 that is not on the same structure must be maintained.
- 49 **4G. Billboard Replacement**
50 A replacement for an existing billboard may be constructed consistent with the provisions of
51 this Section.
- 52 a1. Shall be located within the permitted billboard location.
- 53 b2. A replacement billboard shall remain on the same side of the public R-O-W.
- 54 c3. Existing billboard or the setbacks provided by the zoning district.
- 55 d4. For replacement billboards, the front setback shall be measured from the property line.
- 56 e5. A replacement billboard may be constructed at the same or lesser height of the existing
57 billboard.
- 58 f6. The sign face or faces of the replacement billboard shall not exceed the size of the sign
59 face or faces of the existing billboard.
- 60 g7. A replacement billboard shall contain the same number, or lesser number, of sign faces
61 as the existing billboard.
- 62 h8. When an existing billboard is located on property that is being or has been acquired for
63 public road R-O-W purposes, the billboard location criteria of this Section may be waived
64 subject to approval of a Type I Waiver. The DRO may approve the Type I Waiver for
65 billboard location criteria when the width of the R-O-W to be acquired will not allow
66 billboard replacement consistent with the intent of this Section. **[Ord. 2012-027]**

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EXHIBIT H

ART. 8.H.2, BILLBOARDS SUMMARY OF AMENDMENTS

- 1 ~~1)a-~~ Supplemental billboard regulations.
2 ~~a1)~~ Roof-mounted billboards are prohibited.
3 ~~b2)~~ Billboards shall not be relocated to a site on a road with an R-O-W width of less
4 than 80 feet.
5 ~~3)~~ ~~The number of billboards to be relocated during any 12-month period shall be limited~~
6 ~~by the stipulated billboard settlement agreement.~~
7 ~~c4)~~ Billboard illumination shall be directed only towards the billboard face.
8 ~~d5)~~ ~~Following execution of the stipulated billboard settlement agreement, b~~ Billboards
9 ~~with valid registration permits~~ shall be legal, conforming structures, and may be
10 repaired and maintained as provided by the applicable building codes of PBC.
11 ~~Billboards to be removed by the operation of the stipulated billboard settlement~~
12 ~~agreement may be repaired and maintained as legal structures. However, any~~
13 ~~expenses incurred for such repair and maintenance shall the sole responsibility~~
14 ~~of the billboard owner, and PBC shall incur no liability for such expenses.~~
15 ~~e6)~~ Registered b Billboards registration permits may be sold, transferred, or
16 exchanged ~~without regard to participation in the stipulated billboard settlement~~
17 ~~agreement.~~

E.H. Repair and Maintenance of Billboards

18 All billboards shall be maintained in good repair. Repair and maintenance of billboards shall be
19 exempt from the limitations of Article 1.F, NONCONFORMITIES. Repair and maintenance of
20 billboards shall not include any improvement which increases the height, size, or number of
21 billboard faces. Temporary embellishments may be included as part of normal maintenance and
22 repair of billboards.

F.I. Effect of Annexation

- 23
24
25 1. Any billboard ~~included within the billboard stipulated settlement agreement~~ that is annexed
26 shall not be eligible for relocation into ~~any the~~ unincorporated area.
27 2. Any registered ~~The billboard registration permit for any billboard included within the billboard~~
28 ~~stipulated settlement agreement~~ that is annexed shall be void upon annexation.

G.J. Appeals

29 Appeals of any decision by the Zoning Director or Building Director regarding interpretation or
30 implementation of this Section ~~or the billboard stipulated settlement agreement~~ shall be made to
31 ~~the BCC a Hearing Officer~~ in accordance with Article 2.A.1.S. Appeal 1.B, INTERPRETATION OF
32 THE CODE of the ULDC.
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EXHIBIT I

NORTHLAKE BOULEVARD OVERLAY ZONE (NBOZ) SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 2.D.6, Type I Waiver (pages 45-46 of 87), is hereby amended as follows:
3

Reason for amendments: [Zoning] Reference new Type I Waiver provisions proposed for the Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines outlined in Part 2 of this Exhibit.

4 CHAPTER D ADMINISTRATIVE PROCESS

5 Section 6 Type I Waiver

6 A. Purpose

7 The purpose of Type I Waivers is to allow flexibility for mixed use or infill redevelopment projects,
8 or site design or layout, where alternative solutions can be permitted, subject to performance
9 criteria or limitations. Waivers are not intended to relieve specific financial hardship nor
10 circumvent the intent of this Code. A Waiver may not be granted if it conflicts with other sections
11 of this Code, or the Florida Building Code. [Ord. 2011-016]

12 B. Applicability

13 Requests for Type I Waivers shall only be permitted where expressly stated within the ULDC:
14 [Ord. 2011-016] [Ord. 2012-027]
15

Table 2.D.6.B - Summary of Type I Waivers

Type I Waiver Summary List
Glades Area Overlay (GAO)
<u>Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines</u>
Infill Redevelopment Overlay (IRO)
Urban Redevelopment Overlay (URAO)
Lifestyle Commercial Center (LCC)
Required Parking for Location Criteria Exception in Type I Restaurant with Drive Through
Commercial Greenhouse Loading Zones
Solid Waste Transfer Station Landscape Buffer Planting
Screening for Room Mounted Mechanical Equipment
Green Architecture
Eliminate or Reduce Loading Standards
Requirements for Walls or Fences Where Adjacent to Existing Walls
Billboard Replacement – Billboard Location Criteria
Required Parking for Community Vegetable Garden
Incompatibility Buffers for Recreation or Civic Pods, Areas or Tracts
PUD Informational Signs
[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031]

16 C. Standards

17 When considering whether to approve, approve with conditions, or deny a Type I Waiver request,
18 the DRO shall consider the following standards in addition to any other standards applicable to
19 the specific Waiver as contained in this Code: [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027]

- 20 1. The Waiver does not create additional conflicts with other requirements of the ULDC, and is
21 consistent with the stated purpose and intent for the Zoning district or Overlay; [Ord. 2010-
22 022] [Ord. 2011-016] [Ord. 2012-027]
- 23 2. The Waiver will not cause a detrimental effect on the overall design and development
24 standards of the project, and will be in harmony with the general site layout and design
25 details of the development; and, [Ord. 2010-022] [Ord. 2012-027]
- 26 3. The alternative design option recommended as part of the Waiver approval, if granted, will
27 not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027]
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Notes:

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EXHIBIT I

NORTHLAKE BOULEVARD OVERLAY ZONE (NBOZ) SUMMARY OF AMENDMENTS

1
2 **Part 2. ULDC Art. 3.B.8, Northlake Boulevard Overlay Zone (NBOZ) (pages 30-32 of 234), is**
3 **hereby amended as follows:**
4

Reason for amendments: [Zoning] The Northlake Boulevard Overlay Zone (NBOZ) is based on an Inter-local Agreement between Lake Park, North Palm Beach, Palm Beach Gardens, and Palm Beach County. The proposed amendments will better align the County's application of the NBOZ Design Guidelines with partner municipalities. Palm Beach County is the last participant in the NBOZ Inter-local to retain a deadline for compliance with the Design Guidelines, which has oft been cited as a burden for affected unincorporated area property owners (17 remaining as of 2015), and some of the municipalities allow for greater flexibility through provisions allowing for use of Waivers.

Background and Summary: As explained in Art. 3.B.8.A, Purpose and Intent (see below), the NBOZ was a multi-jurisdictional effort that sought to improve the overall appearance of properties fronting Northlake Boulevard from U.S. 1 westward to Military Trail. This was to be accomplished through adoption of the NBOZ Design Guidelines, which established a regulatory framework that in most cases strengthened certain development regulations such as sign standards, with the broader purpose of providing a more unified approach to redevelopment along a corridor that is governed by four separate jurisdictions.

The NBOZ Design Guidelines can be found online here:

[http://www.pbcgov.com/pzb/epzb%20uldc/Northlake/DesignGuide Northlake Blvd Ovrly District.pdf](http://www.pbcgov.com/pzb/epzb%20uldc/Northlake/DesignGuide%20Northlake%20Blvd%20Ovrly%20District.pdf)

The "Design Guidelines" is not a stand-alone Code, but is used in combination with each jurisdictions development regulations, which can be difficult for both applicants and staff in some scenarios. When applying the ULDC and Design Guidelines, the more restrictive provision shall prevail. However, since the adoption of the "Design Guidelines" the County has updated various signage, landscaping and architectural standards within the ULDC to reflect an overall trend towards improving the aesthetics of all development or redevelopment within the County. Subsequently, while still less stringent in some instances, most County standards may be generally consistent with, or exceed, the older standards included in the Design Guidelines.

Under Art. I.,4-4.D, Waivers and Variances, the "Design Guidelines" specifically recognize that partner jurisdictions may allow for Waivers or Variances from certain standards. However, Palm Beach County only has provisions that allow for Variances within the NBOZ. Recently, industry approached the County and the NBOZ Task Force requesting consideration of changes that would greatly revise certain signage or landscaping standards, which neither entity supported. In discussing alternative solutions and in recognition of Waiver provisions offered by other jurisdictions, the County proffered a compromise that would establish administrative Waivers from the Design Guidelines, provided that any Waiver granted would further the purpose and intent of the "Design Guidelines."

As the proposed Waivers only apply to the "Design Guidelines", any deviations from the County's ULDC, or other NBOZ Design Guidelines not specified, would require approval of a Variance, or other Waiver, if permitted.

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EXHIBIT I

NORTHLAKE BOULEVARD OVERLAY ZONE (NBOZ) SUMMARY OF AMENDMENTS

CHAPTER B OVERLAYS

Section 8 NBOZ, Northlake Boulevard Overlay Zone

A. Purpose and Intent

The purpose and intent of the NBOZ is to encourage improvement, enhancement, renovation, and/or redevelopment of the Northlake Boulevard Corridor and to provide criteria by which to review development/redevelopment within the Overlay Zoning District. The criteria outlined in "Design Guidelines: Northlake Boulevard Overlay Zoning District (NBOZ)" will serve to unify commercial development along the corridor and provide a positive collective identity for the corridor. These regulations were prepared under the guidance of the Northlake Boulevard Corridor Task Force (NBCTF) – an intergovernmental task force created by Interlocal agreement composed of two representatives each from PBC, the Town of Lake Park, the Village of North Palm Beach and the City of Palm Beach Gardens. [Ord. 2011-016]

B. Applicability

The provisions of the NBOZ, as outlined in "Design Guidelines: Northlake Boulevard Overlay Zoning District (NBOZ)" prepared by Michael Redd & Associates, and dated March 11, 2002, which are incorporated herein by reference, shall apply to all proposed development order applications within the boundaries of the NBOZ, as described in Article 3.B.89.C, Boundaries.

C. Boundaries

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

D. Conflict

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

Reason for amendments: [Zoning] Delete deadline to comply with NBOZ Design Guidelines for Signage and Landscaping, for consistency with other jurisdictions participating in the NBOZ Inter-local Agreement. While Lake Park has extended their deadlines, Palm Beach Gardens has deleted them altogether.

~~E. Deadline to Comply with Requirements for Signage and Landscaping~~

~~The deadlines to comply with signage and landscaping requirements contained in the provisions of the Design Guidelines for the NBOZ are hereby extended to July 5, 2016. [Ord. 2011-016] [Ord. 2014-025]~~

~~1. Notice to Property Owners~~

~~Written certified notice shall be provided by PBC Zoning to the property owner at least one year in advance of the July 5, 2016 deadline. [Ord. 2011-016] [Ord. 2014-025]~~

E. Type I Waivers for NBOZ Design Guidelines

An applicant may apply for Type I Waivers for development standards contained within the NBOZ Design Guidelines in accordance with Article 2.D.6, Type I Waivers. Applications for Type I Waivers shall be expressly limited to Sections listed in Table 3.B.8.E, Type I Waivers for NBOZ Design Guidelines. Type I Waiver requests shall be submitted concurrently with any other DRO application request for Public Hearing certification, where applicable.

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EXHIBIT I

NORTHLAKE BOULEVARD OVERLAY ZONE (NBOZ) SUMMARY OF AMENDMENTS

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Table 3.B.8.E - Type I Waivers for NBOZ Design Guidelines (1)

<u>NBOZ Design Guideline</u>	<u>Criteria</u>
Art. I, General Provisions	
<u>Sec. 1-3.A.2</u>	<u>Proposed Waiver is consistent with NBOZ Design Guidelines Art. I.1-1.A, Purpose and intent</u>
Art. III, Architectural Elements	
<u>Sec. 3-1, General Provisions (excluding Sec. 3-1.A, Intent)</u>	<ol style="list-style-type: none"> 1. <u>Demonstration that the NBOZ Design Guideline requirement will reduce required parking, or substantially restrict the operation of the existing business or property use.</u> 2. <u>Proposed Waiver is consistent with NBOZ Design Guidelines Art. I.1-1.A, Purpose and intent, and Article III, Sec. 3-1.A, Intent.</u>
<u>Sec. 3-2, Design Treatments</u>	
<u>Sec. 3-3, Building Façade / Elevation</u>	
<u>Sec. 3-4, Building Color and Finish</u>	
<u>Sec. 3-5, Architectural Elements</u>	
<u>Sec. 3-6, Window / Door Treatments</u>	
<u>Sec. 3-7, Preferred Roof Materials / Styles</u>	
Art. IV Landscape Elements	
<u>Art. 4-2.D.4, Relocation or Replacement for Redevelopment</u>	<ol style="list-style-type: none"> 1. <u>Demonstration that the NBOZ Design Guideline requirement will reduce required parking, or substantially restrict the operation of the existing business or property use.</u> 2. <u>Proposed Waiver is consistent with NBOZ Design Guidelines Art. I.1-1.A, Purpose and intent, and Article IV, 4-1, Intent.</u>
<u>Sec. 4-3 Non-Conforming landscape area</u>	
<u>Sec. 4-5, New construction and substantial revision</u>	
<u>Sec. 4-6, Prohibited and standard invasive plants</u>	
<u>Sec. 4-7, Preferred landscape palette</u>	
<u>Sec. 4-8, Minimum landscape requirements</u>	
<u>Sec. 4-9, Miscellaneous landscape elements</u>	
<u>Sec. 4-10, Landscape requirements for off-street parking areas</u>	
<u>Sec. 4-11, Minimum landscape buffer and planting requirements</u>	
<u>Sec. 4-12, Foundation landscaping and plantings</u>	
<u>Sec. 4-15, Pruning</u>	
Art. V, Signage and Outdoor Displays	
<u>Sec. 5-4, Temporary Signs</u>	<ol style="list-style-type: none"> 1. <u>Demonstration that the NBOZ Design Guideline requirement will reduce required parking, or substantially restrict the operation of the existing business or property use.</u> 2. <u>Proposed Waiver is consistent with NBOZ Design Guidelines Art. I.1-1.A, Purpose and intent, and Article V, 5-1.A, Intent.</u>
<u>Sec. 5-5, Accessory Signs</u>	
<u>Sec. 5-6, Business signs</u>	
<u>Sec. 5-8, Measurement determination</u>	
<u>Sec. 5-9, Design, construction, and location standards</u>	
Art. VI, Site Plan Elements	
<u>Sec. 6-1, General design</u>	<ol style="list-style-type: none"> 1. <u>Demonstration that the NBOZ Design Guideline requirement will reduce required parking, or substantially restrict the operation of the existing business or property use.</u> 2. <u>Proposed Waiver is consistent with NBOZ Design Guidelines Art. I.1-1.A, Purpose and intent.</u>
<u>Sec. 6-2, Building orientation and placement</u>	
<u>Sec. 6-3, Off-street parking areas</u>	
<u>Sec. 6-4, Pedestrian amenities</u>	
<u>Sec. 6-5, Site and street furniture</u>	
Notes:	
1. Deviations from the limitations or permissions granted for Waivers shall be prohibited.	

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