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**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



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8 **25. REQUEST FOR PERMISSION TO ADVERTISE – 2005 Amendments**

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Exhibit A	Article 1 - General Provisions
Exhibit B	Article 2 - Development Review Procedures
Exhibit C	Article 3 - Overlays and Zoning Districts
Exhibit D	Article 4 - Use Regulations
Exhibit E	Article 5 - Supplementary Standards
Exhibit F	Article 6 - Parking
Exhibit G	Article 7 – Landscaping
Exhibit H	Article 8 - Signage
Exhibit I	Articles 1, 3, 5 – Lighting Ordinance
Exhibit J	Article 3.F - Traditional Development Districts/Traditional Marketplace Development (TDD/TMD)

23 **Summary:** The proposed ordinances will account for minor revisions, scrivener's
24 errors, and omitted text from the 2003 Unified Land Development Code (ULDC) as well
25 as several specific amendments, including:

- 26
27 - Articles 1, 3, 5 - Lighting Ordinance.
28 - Article 3.F - Traditional Development Districts/Traditional Marketplace
29 Development (TDD/TMD): Revisions to accommodate submittal of Agricultural
30 Reserve (AGR) TMDs.

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32 **Background:** The proposed Code Amendments were submitted for review to the Land
33 Development Regulation Advisory Board (LDRAB) and Land Development Regulation
34 Commission (LDRC) on May 11, 2005 and June 8, 2005. All proposed ULDC
35 amendments were found to be consistent with the Plan. Exhibit I, Article 3.F -
36 Traditional Development Districts/Traditional Marketplace Development (TDD/TMD),
37 and other minor amendments, will be presented to LDRAB/LDRC on July 13, 2005.
38

39 **Motion:** Staff recommends a motion to approve on preliminary reading and advertise
40 for 1st Reading on June 15, 2005 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF
41 COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING
42 THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 03-067, 03-068 and 03-
43 070, AS AMENDED, AS FOLLOWS: TO AMEND **ARTICLE 1 – GENERAL**
44 **PROVISIONS; CHAPTER E – PRIOR APPROVALS; CHAPTER G – EMINENT**
45 **DOMAIN; CHAPTER I – DEFINITIONS AND ACRONYMS; ARTICLE 2 –**
46 **DEVELOPMENT REVIEW PROCEDURES; CHAPTER A – GENERAL; CHAPTER B –**
47 **PUBLIC HEARING PROCEDURES; CHAPTER D – ADMINISTRATIVE PROCESSES;**
48 **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS; CHAPTER A – GENERAL;**
49 **CHAPTER B – OVERLAYS; CHAPTER C – STANDARD DISTRICTS; CHAPTER D –**
50 **PROPERTY DEVELOPMENT REGULATIONS (PDRS); CHAPTER E – PLANNED**
51 **DEVELOPMENT DISTRICTS (PDDS); CHAPTER F – TRADITIONAL DEVELOPMENT**
52 **DISTRICTS (TDDS); ARTICLE 4 - USE REGULATIONS; CHAPTER A – USE**
53 **CLASSIFICATION; CHAPTER B – SUPPLEMENTARY USE STANDARDS; CHAPTER**
54 **D – EXCAVATION; ARTICLE 5 - SUPPLEMENTARY STANDARDS; CHAPTER A –**
55 **GENERAL; CHAPTER B – ACCESSORY AND TEMPORARY USES; CHAPTER C –**
56 **DESIGN STANDARDS; CHAPTER D – PARKS AND RECREATION – RULES AND**
57 **RECREATION STANDARDS; CHAPTER E – PERFORMANCE STANDARDS;**
58 **CHAPTER G – DENSITY BONUS PROGRAMS; ARTICLE 6 - PARKING; CHAPTER A**
59 **– PARKING; CHAPTER B – LOADING STANDARDS; ARTICLE 7 - LANDSCAPING;**
60 **CHAPTER H – ENFORCEMENT; ARTICLE 8 - SIGNAGE; CHAPTER E –**
61 **PROCEDURES FOR SIGNAGE; PROVIDING FOR: INTERPRETATION OF CAPTIONS;**
62 **REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN**
63 **THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.**
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EXHIBIT A

ARTICLE 1, GENERAL PROVISIONS

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Part 1. Unified Land Development Code of Palm Beach County (ULDC), Art. 1.G.1.B.8, Density and Intensity, (page 24 of 25), is hereby amended as follows:

Reason for amendment: Clarification submitted by the Planning Division to ensure ULDC is consistent with the Plan.

CHAPTER G EMINENT DOMAIN

Section Properties Affected by Eminent Domain Proceedings

B. Development Standards

8. Density and Intensity

Property conveyed without compensation may be utilized in calculating allowed density or intensity, consistent with ~~subject to~~ the applicable density/intensity restriction provisions in the Plan.

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES

Part 1. ULDC, Art. 2.A.1.G.1, General (page 10 of 51), is hereby amended as follows:

Reason for amendment: Glitch – Delete redundant text.

CHAPTER A GENERAL

Section 1 Applicability

G. Application Procedures

1. General

An application shall be submitted for all development orders regulated by this Code. Applications require sufficiency review prior to being placed on the agenda for a public hearing or meeting, or proceeding to the subsequent step in the development review process, unless otherwise specified in this Code. ~~An application shall be submitted for all development orders regulated by this Code. Applications require sufficiency review prior to being placed on the agenda for a public hearing or meeting, or proceeding to the subsequent step in the development review process, unless otherwise specified in this Code.~~

Part 2. ULDC, Art. 2.A.1.G.2, Application Form (page 10 of 51), is hereby amended as follows:

Reason for amendment: To clarify that application requirements include both form and content. Examples of content include: site plans, surveys, traffic studies, etc.

CHAPTER A GENERAL

Section 1 Applicability

G. Application Procedures

2. Application ~~Form~~ Requirements

The form and application requirements for a development order shall be ~~in a form submitted as~~ specified by the PBC official responsible for reviewing the application.

Part 3. ULDC, Art. 2.A.1.G.3.b, Insufficiency (page 10 of 51), is hereby amended as follows:

Reason for amendment: To clarify that insufficient applications made sufficient within the given timeframes shall be scheduled for the next available agenda based on the established dates in the Annual Zoning Calendar (Art. 2.A.1.C.1).

CHAPTER A GENERAL

Section 1 Applicability

G. Application Procedures

3. Sufficiency Review

The appropriate PBC official responsible for reviewing the application shall determine whether or not the ~~if an~~ application is ~~complete sufficient or insufficient within ten days of submittal~~ by reviewing the information required in the application and any additional data necessary to evaluate the application.

a. Sufficiency

If the application is determined to be sufficient, ~~within ten days of submittal~~ it shall be reviewed by the appropriate PBC official pursuant to the procedures and standards of this Article. The application shall then be placed on the next available agenda consistent with the established dates published in the a Annual Zoning ~~e~~ Calendar, or proceed to the next subsequent step in the development review process. The agenda shall be made available to the public no less than five days prior to the applicable hearing or review date.

b. Insufficiency

If an application is determined to be insufficient, staff shall provide a written notice to the applicant specifying the deficiencies. The notice shall be mailed within ten days of receipt of the application.

- 1) No further action shall be taken on the application until the deficiencies are remedied.
2) If amended and determined to be sufficient, the application shall be processed in accordance with Art. 2.A.1.G.3.a, Sufficiency.
3) If the deficiencies are not remedied within 20 days the application shall be considered withdrawn.

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES

Part 4. ULDC, Art. 2.A.1.I.3.a, Resubmittal Requirements (page 11 of 51), is hereby amended as follows:

Reason for amendment: To clarify the deadline for submitting revised information/documentation to DRO to be consistent with timeframes established in the Annual Zoning Calendar.

CHAPTER A GENERAL

Section I Review and Certification

3. Non-certification

a. Resubmittal Requirements

The applicant shall provide a written response addressing all outstanding certification issues in a manner and form acceptable to the Zoning Division. The revised documents shall be submitted to all DRO agencies for review and comment a minimum of 15 working calendar days prior to the next scheduled DRO review date.

Part 5. ULDC, Art. 2.A.1.L.5.a, BCC, ZC, BA (page 14 of 51), is hereby amended as follows:

Reason for amendment: Art. 1.C.1.A, General, defines day as follows: "A working weekday unless otherwise stated or used in reference to a violation..."

CHAPTER A GENERAL

Section 1 Applicability

L. Actions by Decision Making Bodies or Persons

5. Continuance or Postponement

a. BCC, ZC, BA

The body conducting the public hearing may, on its own motion or at the request of an applicant, continue the public hearing to a fixed date, time and place. An applicant shall be granted one postponement to the next regularly scheduled hearing if requested in writing five working days prior to the hearing. The body conducting the hearing shall determine if an application shall be postponed when an applicant fails to submit a request for postponement five days prior to the hearing. All subsequent request for continuance or postponement shall be granted at the discretion of the decision making body.

Part 6. ULDC, Art. 2.B.1.B, Standards (page 18 of 51), is hereby amended as follows:

Reason for amendment: Clarifies that substantial amendments to a PDD, TDD or COZ are subject to ZC/BCC approval (same as a DOA to a Class A, B or Conditional Use). Art. 2.D.1.B, Application Types specifies DRO authority to require site plan approval, and Art. 2.D.1.G.3, Amendments to BCC/ZC Approvals is being amended to clarify DRO authority.

CHAPTER B PUBLIC HEARING PROCEDURES

Section 1 Official Zoning Map Amendment (Rezoning)

D. Development Order Amendment to a PDD, TDD or COZ

A development order for a PDD, TDD or COZ may be amended, extended, varied or altered either pursuant to the conditions established with its original approval, or as otherwise set forth in this Code. Before Prior to any PDD, TDD or COZ are being amended, extended, varied or altered, the applicant shall demonstrate and the ZC/BCC must find that a change of circumstances or conditions has occurred which make it necessary or reasonable to amend, extend, vary or alter the PDD, TDD or COZ.

Part 7. ULDC, Art. 2.D.B.1.b [Related to Application Types] (page 27 of 51), is hereby amended as follows:

Reason for amendment: Clarifies that a COZ is subject to DRO site plan approval; thereby ensuring that the DRO has the authority to approve site plan amendments in accordance with Art. 2.D.1.G.3, Amendments to BCC/ZC Approvals.

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EXHIBIT B

ARTICLE 2 – DEVELOPMENT REVIEW PROCEDURES

1 CHAPTER D ADMINISTRATIVE PROCESSES

2 Section 1 Development Review Officer

3 B. Application Types

- 4 1. The following types of development shall require approval of a master plan, site plan or
- 5 subdivision plan by the DRO prior to the issuance of a building permit, commencement of any
- 6 related land development activity, utilization of any use or approval granted by the BCC or
- 7 ZC, or utilization of any use requiring approval by the DRO:
- 8 a. Conditional Use/Requested Use;
- 9 b. All development in a PDD, ~~or TDD~~ or COZ;

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

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2 Part 1. ULDC, Art. 3.B.15.E.2, Commercial Districts (page 29 of 125), is hereby amended as
3 follows:
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5 Reason for amendment: Planning Division request to clarify language to be consistent with the Plan.

6
7 CHAPTER B OVERLAYS

8 Section 15 WCRAO, Westgate Community Redevelopment Agency

9 E. Official Zoning Map Amendments

10 1. Industrial Districts

11 2. Commercial Districts

12 Any request to rezone parcels in the WCRAO that were not designated commercial on the
13 FLUA as of the Plan's August 31, 1989 adoption to a commercial district or PDD shall not
14 require an amendment to the FLUA of the Plan, provided the following criteria are met:
15
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17 Part 2. ULDC, Art. 3.D.1.A, PDRs, (page 40 of 125), is hereby amended as follows:
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19 Reason for amendment: Clarify that front setback, and all other setbacks shall be based on the definition
20 for "lot frontage" - that side of the property line abutting a legally accessible street. On a corner lot, the
21 frontage may be designated by the owner, subject to the approval by the Zoning Division who will
22 determine whether it is consistent with the orientation of the other lots and improvements on the same
23 side of the accessible street.

24
25 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

26 Section 1 PDRs for Standard Zoning Districts

27 A. PDRs

28 The minimum lot dimensions, minimum and maximum density, maximum FAR, maximum building
29 coverage, and minimum setbacks in each standard zoning district are indicated in Table 3.D.1.A-
30 5, Property Development Regulations unless otherwise stated. Front, side, side street and rear
31 setbacks shall be applied in accordance with the lot orientation as defined by lot frontage.
32
33

34 Part 3. ULDC, Table 3.D.1.A.5, Property Development Regulations (page 41 of 125), is hereby
35 amended as follows:
36

37 Reason for amendment: 1) RT District: correct glitch from consolidation of RT and RTS districts, to
38 indicate minimum historical lot size of 1/2 acre for LR-1 straight zoned development; 2) Delete density
39 and FAR provisions and refer to appropriate tables of the Plan to eliminate redundancy (Note: The PO
40 district is subject to the density and FAR requirements of the Plan).

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

Table 3.D.1.A-5 - Property Development Regulations

Zoning District	Lot Dimensions			Density (7) (8)		FAR (8)	Building Coverage	Setbacks (10)			
	Size	Width and Frontage	Depth	Min	Max			Front	Side	Side Street	Rear
Agriculture/Conservation											
PC	1 ac.	-	-	-	-	-	-	50	50	50	50
AP	10 ac.	300	300	-	-1 (1)	-40	10%	100	50	80	100
AGR	5 ac.	300	300	-	-2	-15	15%	100	50	80	100
Residential											
AR	(2) (3)(4)	300	300	-	-(5)	.15	15%	100	50	80	100
RE	2.5 ac.	200	200	-	-0.4	-	20%	50	40	50	50
<u>RT (LR-1)</u>	<u>20,000</u>										
RT (LR-2/LR-3)	14,000	100	125	-	-2.0	-	30%	25	15	25	25
RS	6,000	65	75	-	-5.0	-	40%	25	7.5	15	15
RM	(6)	65	75	5.0	-	-	40%	25	15	25	15(11)
Commercial											
CN	0.5 ac.	100	100	-	-	-25	25%	30	30	(9)	30
CC	1 ac.	100	200	-	-	-35	25%	30	30	(9)	30
CG	1 ac.	100	200	-	-	-35	25%	50	15	(9)	20
CLO	1 ac.	100	200	-	-	-25	25%	30	15	(9)	20
CHO	1 ac.	100	200	-	-	-35	25%	40	15	(9)	20
CRE	3 ac.	200	300	-	-	-50	40%	80	50	80	50
Industrial											
IL	1 ac.	100	200	-	-	-45	45%	40	15	25	20
IG	2 ac.	200	200	-	-	-45	45%	45	20	45	20
Institutional/Civic											
IPF	1 ac.	100	200	-	-	-35	25%	50	15	25	20
PO	-	-	-	-	-	-	-	-	-	-	-

[Ord. 2005 – 002]

Notes for Table 3.D.1.A-5:

- The only density allowed in the AP zoning district is for properties in the LR-1 FLU category located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point, in the Glades Tier only. [Ord. 2005 – 002]
- The minimum lot size in the AR district corresponds to the FLU category as follows: RR20 – 20 acres; RR10 – 10 acres; RR5 – 5 Acres; RR2.5 – 2.5 acres; U/S Tier – 5 acres.
- Nonconforming lots in the AR district may use the setback provisions in Art. 1.F.4, Nonconforming Lots.
- AR lots in the RR-2.5-FLU designation may use the RE PDR's. [Ord. 2005 – 002]
- ~~The maximum density in the AR district corresponds to the FLU category as follows: RR20 – 1 unit/20 acres; RR10 – 1 unit/10 acres; RR5 – 1 unit/5 acres; RR2.5 – 1 unit/2.5 acres; U/S Tier – 1 unit/5 acres. [Ord. 2005 – 002] Renumber accordingly~~
- Density is determined by the FLU designation on each parcel of land in the Plan. The number of units permitted on a parcel of land which complies with the applicable property development regulations and design standards, therefore, is an acceptable minimum lot size. [Ord. 2005 – 002]
- ~~The minimum and maximum allowable densities shall be in accordance with Table 2.1-1 of the Plan, and other related provisions, unless otherwise noted. The minimum allowable density may be less if a project is granted a minimum density exception pursuant to the Plan. [Ord. 2005 – 002]~~
- ~~The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted. The .15 FAR for the AR district is applicable where the primary use of a lot is residential. The maximum allowable density may be greater if the project is granted the right to develop above the standard density pursuant to the applicable provisions in the Plan or this Code, such as WHP, TDR, or a provision in an Overlay. [Ord. 2005 – 002]~~
- Setback equal to width of R-O-W buffer pursuant to Art. 7, Landscaping. [Ord. 2005 – 002]
- Buildings over 35 feet in height may be permitted in accordance with Article 3.D.1.E, Multifamily, Non-residential Districts and PDD's. [Ord. 2005 – 002]
- Property previously developed with a RM or RH rear setback of 12' shall be considered conforming and subject to Art. 1.E, Prior Approvals. [Ord. 2005 – 002]

Part 4. ULDC, Art. 3.D.1.B, General Exceptions (page 41 of 125), is hereby amended as follows:

Reason for amendment: Glitch – Clarify prior Code provisions for PO, with exception to FAR as regulated by the Plan.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 1 PDRs for Standard Zoning Districts

B. General Exceptions

4. PO District

Development in the PO district shall be exempt from Art. 3.D.1, PDRs for Standard Zoning Districts. However, the PO district shall be subject to the FAR requirements of the Plan.

Notes:

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

Part 5. ULDC, Art. 3.D.1.D.5.a, Structures Projections and Improvements Permitted in Setbacks (page 45 of 125), is hereby amended as follows:

Reason for amendment: 1) Correct punctuation; and, 2) Add exception for balconies in the front setback for single-family and zero lot line homes.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

Section 1 PDRs for Standard Zoning Districts

D. Setbacks

5. Setback Exceptions

The following structures, projections, and improvements shall be allowed within required setbacks:

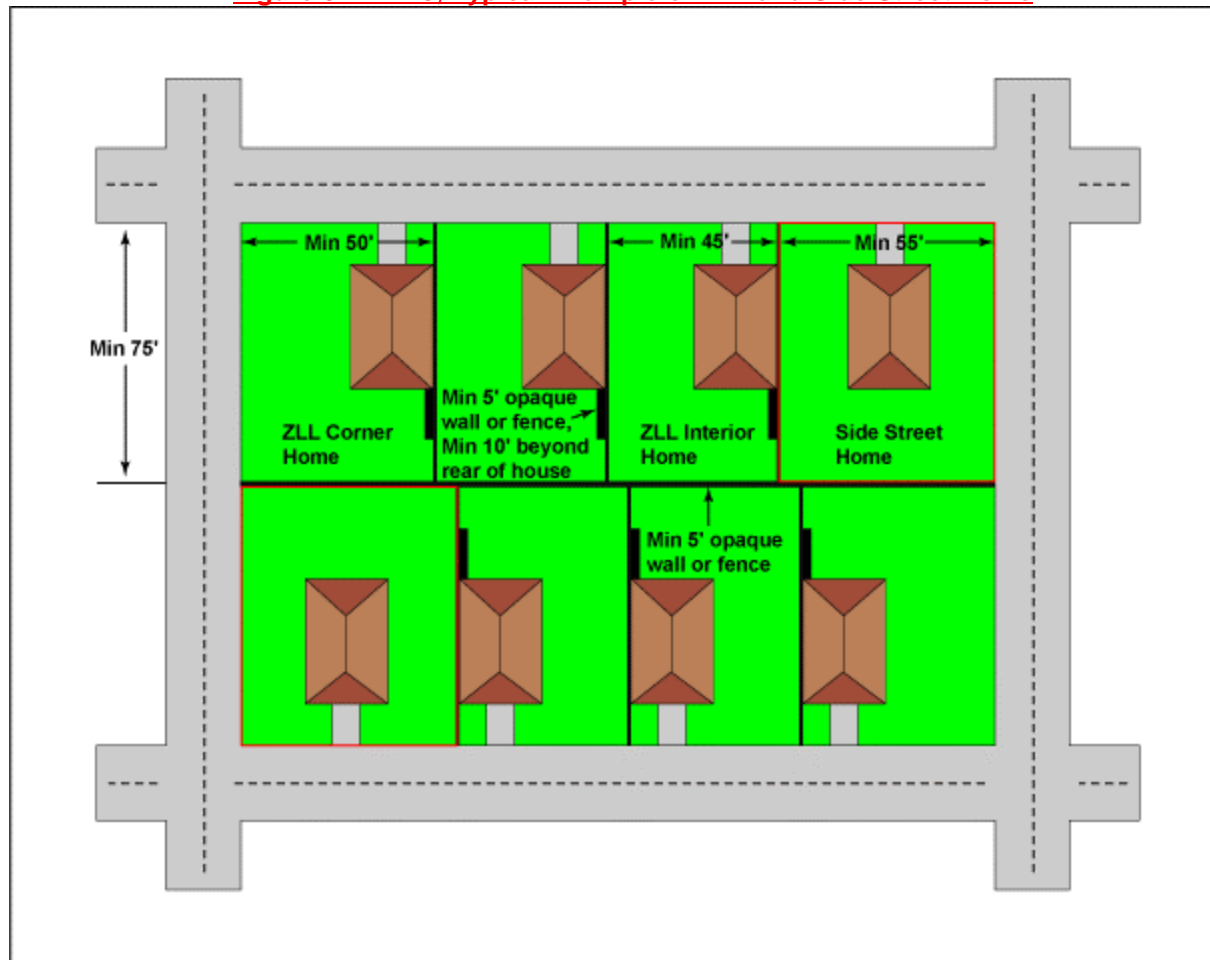
a. Structures Projections and Improvements Permitted in Setbacks

- 1) Arbors and trellises less than ten feet in height, subject to a minimum three foot setback;
2) Balconies projecting a maximum of three feet into the front setback of a SFD or ZLL home, subject to the following limitations:
a) Limited to the front setback only, not including reduced setbacks allowed for side loading garages;
b) Total combined width of balconies projecting into front setback shall not exceed 25 percent of the total width of the front façade; and,
c) ZLL homes with balconies projecting into the front setback shall have a minimum ten foot side setback from the ZLL.

Part 6. ULDC, Art. 3.D.2.B, Zero Lot Line (ZLL) (page 47 of 125), is hereby amended as follows:

Reason for amendment: Add Figure 3.D.2.B-3, Typical Example of ZLL and Side Street Home, to clarify difference between ZLL interior, ZLL corner, and side street homes; and, to show that a side street home is not required to have a privacy wall or fence (e.g. side street homes do not have zero lot lines) in the side setback.

Figure 3.D.2.B-3, Typical Example of ZLL and Side Street Home



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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

Part 7. ULDC, Table 3.D.2.B-7, ZLL Property Development Regulations (page 47 of 125), is hereby amended as follows:

Reason for amendment: Clarify minimum lot width applicable to side street homes, and to delete reference to "floater."

Table 3.D.2.B-7 - ZLL Property Development Regulations

Table with 5 main columns: Lot Dimensions (Size, Width and Frontage, Depth), Max Height, Building Coverage, and Setbacks (Front, ZLL Side, Side, Side Street, Rear). Row 1: 4500 sf, 45 - interior, 50 - corner, 55 - floater, side street home, 75, 35, 50%, 10 - unit, 25 - front loading garage, 10 - side loading garage, 0, 10, 10, 10.

Part 8. ULDC, Art. 3.D.2.C.8, Side Street Home (page 50 of 125), is hereby amended as follows:

Reason for amendment: Clarifies that a side street home is not required to have a privacy wall or fence (e.g. side street homes do not have zero lot lines).

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS

Section 2 PDRs for Specific Housing Types

C. ZLL Design Standards

11. Privacy Walls or Fences

a. ZLL Home Wall

A minimum five foot high opaque wall or fence shall be provided along the ZLL of a ZLL home, beginning at the end of the home with a zero setback and extending a minimum distance of ten feet beyond the rear of the home toward the rear property line.

1) Exception

A wall or fence shall not be required if the ZLL side is adjacent to dedicated open space a minimum of 50 feet in width.

Part 9. ULDC, Art. 3.D.2.C.8.f, Side Street Home (page 50 of 125), is hereby amended as follows:

Reason for amendment: Glitch - several of the provisions under Art. 3.D.2.C, ZLL Design Standards apply to both ZLL and side street homes, therefore side street homes cannot be entirely exempted.

CHAPTER D PROPERTY DEVELOPMENT REGULATIONS

Section 2 PDRs for Specific Housing Types

C. ZLL Design Standards

12. Side Street Home

A side street home (aka floater) may be located on a lot having a street, a minimum of 50 feet of open space, or combination along two sides. A side street home shall comply with the minimum setback requirements in Table 3.D.2.A-7, ZLL Property Development Regulations. A side street home shall be exempt from the design standards in Art. 3.D.2.C, ZLL Design Standards, unless expressly stated therein.

Part 10. ULDC, Art. 3.E.1.B.3, Uses Allowed (page 53 of 125), is hereby amended as follows:

Reason for amendment: 1) Scrivener's error; 2) To add provisions that recognize previously approved additional requested uses conforming and to allow for expansion of these uses.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

B. Future Land Uses and Density

3. Uses Allowed

Notes:

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

Uses allowed in a PDD shall be pursuant to Table 3.E.1.B-10, PDD Use Matrix. Previously approved planned developments shall be governed by the underlying FLU designation in the Plan or pod designation on the most recent approved master plan for purpose of determining the uses allowed and applicability of this Code. Previously approved additional requested uses shall be considered conforming uses, and any expansion, relocation or increase in intensity shall be subject to BCC approval.

Part 11. ULDC, Art. 3.E., Thresholds (page 69 of 125), is hereby amended as follows:

Reason for amendment: 1) Clarify requirement to be a PUD.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

C. Thresholds

1. Thresholds

~~A PUD shall meet~~ Projects which exceed the minimum acreage indicated in Table 3.E.2.C-14, PUD Minimum Acres, shall be submitted and reviewed as a PUD, unless submitted as a MHPD or TDD.

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS

1
2 Part 1. ULDC, Table 4.A.3.A-1, Use Matrix (page of 13 of 149), is hereby amended as follows:
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4 Reason for amendment: 1) Special Permits were originally required for accessory dwellings (AD) to
5 document that the AD would be used by a person with disabilities, elderly or low income. Prior
6 amendments under Ord. 2003-067 deleted occupancy limitations, thus negating need to require special
7 permits. Accessory dwelling supplementary use standards are addressed at time of building permit
8 review and CO; and, 2) AD in AP District is not consistent with the Plan.
9

Table 4.A.3.A-1 – Use Matrix

Use Type	Zoning District/Overlay																N O T E		
	Agriculture/ Conservation			Residential					Commercial					Industry/ Public					
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C O	C H O	C G R E	I L	I G		P O	I P F
				R S A	U S A														
Residential Uses																			
Single Family		P		P	P	P	P	P	P								A	122	
Zero Lot Line Home								D	D								A	142	
Townhouse								D	D								A	132	
Multi-Family									P								A	87	
Mobile Home Dwelling		S	S	S														85	
Accessory Dwelling		S	S	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>									1	
Congregate Living Facility, Type 1				P	P	P	P	P	P								P	34	
Congregate Living facility, Type 2				A	A			A	B	B		B					B	34	
Congregate Living Facility, Type 3								A	A	A		A		A			A	34	
Estate Kitchen		P	P	P	P	P	P	P	P									48	
Farm Residence		P	P															50	
Farm Workers Quarters		S	S															51	
Garage Sale		P		P	P	P	P	P	P									60	
Guest Cottage		P		P	P	P	P	P	P									66	
Home Occupation		P	P	P	P	P	P	P	P									70	
Nursing Convalescent Facility								A	A	A		A		A			B	90	
Security or Caretaker Quarters		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	119	
[Ord. 2005 – 002]																			
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)																	

10
11 Part 2. ULDC, Art. 4.B.1.A.1, Accessory Dwelling (page 20 of 149), is hereby amended as
12 follows:
13

14 Reason for amendment: To clarify that accessory dwellings are not entitled to have separate electric
15 service from the principal single family dwelling.
16

17 CHAPTER B Supplementary Use Standards

18 Section 1 Uses

19 A. Definitions and Supplementary Standards for Specific Uses

20 1. Accessory Dwelling
21

Notes:

Underlined language indicates proposed new language.

Language ~~crossed out~~ indicates language proposed to be deleted.

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS

An accessory dwelling unit located on the same lot as a principal single family dwelling. An accessory dwelling is a complete, independent living facility equipped with a kitchen and provisions for sanitation and sleeping.

a. Number of Units

A maximum of one accessory dwelling may be permitted as an accessory use to a principal single family dwelling unit which is owner occupied. The accessory dwelling may be attached to the principal dwelling or freestanding.

b. Maximum Floor Area

- 1) On less than one acre: 800 square feet.
2) On one acre or more: 1000 square feet.
3) The floor area calculation shall include only the living area of the accessory dwelling under a solid roof.

c. Additional Floor Area

Floor area under a solid roof that is utilized as a porch, patio, porte cohere, carport, or garage shall not exceed 500 square feet.

d. Maximum Number of Bedrooms/Baths

One bedroom and one bathroom.

e. Compatibility

The accessory dwelling shall be architecturally compatible in character and materials with the principal dwelling.

f. Property Development Regulations (PDRs)

The accessory dwelling shall comply with the PDRs applicable to the principal dwelling.

g. No Separate Ownership

The accessory dwelling shall remain accessory to and under the same ownership as the principal dwelling and shall not be subdivided or sold as a condominium.

h. Kitchen Removal

An agreement to remove all kitchen equipment shall be executed for the dwelling unit prior to the issuance of a Special Permit. The agreement shall require the kitchen to be removed if the principal dwelling is no longer owner occupied.

i. No Separate Electrical Service

Both the principal single family dwelling and the accessory dwelling shall be connected to the same meter. Separate electric service shall be prohibited.

Part 3. ULDC, Art. 4.B.1.A.29, Church or Place of Worship, (page 37 of 149), is hereby amended as follows:

Reason for amendment: To clarify difference between accessory and co-located church or place of worship uses, to be consistent with prior ULDC provisions.

CHAPTER B Supplementary Use Standards

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

29. Church or Place of Worship

Means a premise or site owned, or operated, or leased by a tax-exempt religious group which that is used periodically, primarily or exclusively for religious worship, activities and related services including a retreat, convent, seminary or other similar facility. A church or place of worship may include collocated facilities. Collocated facilities that which require additional approval, except as provided below by F.S., include a day care, school, cemetery, or CLF, or other bed based use such as a convent, seminary, dormitory, or retreat.

....

Part 4. ULDC, Art. 4.B.1.A.83, Medical or Dental Office, Lines 34 and 36-40, is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

83. Medical or Dental Office

An establishment where patients, who are not lodged overnight, are admitted for examination or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths,

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS

optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida.

a. CN District

May exceed 3,000 square feet of GFA if approved as a Class A conditional use.

b. AP and AGR Districts

Must ~~shall~~ be limited to public health or government owned clinics serving the rural or agricultural community.

c. Ambulatory Surgical Center

Medical centers licensed by the Florida Agency for Health Care Administration (FAHCA), under the authority of F.S. Chapter 395, Part 1, and FAC Chapter 59A-5, limited to the provision of elective same day surgical care, where patients are ambulatory.

1) Floor Area

a) An ambulatory surgical center up to 10,000 square feet of GFA may be permitted subject to the approval process for a medical or dental office.

b) An ambulatory surgical center greater than 10,000 square feet of GFA is only permitted in developments with a CH FLU designation, subject to BCC approval as a Class A or Requested Use.

2) Elective Surgical Care

Ambulatory surgical centers must not be designed to accept patients requiring emergency care, including the provision of ambulance drop off areas; however, ambulatory surgical centers may be permitted to incorporate ambulance loading zones and related emergency facilities necessary to address any complications that may arise during normal procedures, as required by AHCA or Florida Statute.

Part 5. ULDC, Table 4.B.1.A-6, Residential Districts in the U/S Tier, (page 59 of 149), is hereby amended as follows:

Reason for amendment: Scrivener’s error. Revised to be consistent with Table 4.A.3.A-1, Use Matrix.

Table 4.B.1.A-6 - Residential Districts in the ~~U/S~~ USA Tier

Residential Districts in the U/S <u>USA</u> Tier	
Special Permit	Five acres or less.
DRO	More than five but less than 20 acres.
Class B conditional use or Requested Use	20 or more acres.

Part 6. ULDC, Art. 4.B.1.A.b.1.)a).(4), (page of 63 of 149), is hereby amended as follows:

Reason for amendment: 1) Glitch: incorrectly applied from prior code; and 2) To be consistent with the standards for a Permanent Produce Stand.

CHAPTER B Supplementary Use Standards

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

101. Produce Stand

b. Temporary Stands

1) Use Limitations

A temporary stand used for the retail sale of agricultural products not necessarily grown on the site. A temporary produce stand shall consist exclusively of fresh unprocessed fruit, vegetables, flowers, and containerized interior houseplants.

a) Location Criteria

The stand and accessory area shall be located:

- (1) on an arterial street designated on the PBC Thoroughfare Plan;
- (2) a minimum of 100 feet from an Intersection of an arterial and any other dedicated R-O-W;
- (3) at least 600 feet from any other agricultural stand permitted in accordance with these provisions; if located in a zoning district other than a commercial district;
- (4) at least 500 feet from ~~adjacent residential uses the property line of an existing primary residential structure~~, and
- (5) located on a legal lot of record no less than one acre in size.

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EXHIBIT D

ARTICLE 4 – USE REGULATIONS

Part 7. ULDC, Art. 4.D.5.F.3.a (page 132 of 149), is hereby amended as follows:

Reason for amendment: To be consistent with FLUE Comp Plan Policy 2.3-e.3, page 60.

CHAPTER D EXCAVATION

Section 5 Excavation Standards

F. Type III Excavations

3. Location

A Type III excavation may be permitted in accordance with Table 4.A.3.A-1, Use Matrix. Mining may be permitted with limitations in the districts identified below.

a. AP District in the AP FLU Designation

~~The use of material mined in the AP zoning district~~ Mining shall be limited to the support of public road construction projects, agricultural activities, or water management projects associated with ecosystem restoration, regional water supply or flood protection, on sites identified by the SFWMD or the U.S. Army Corps of Engineers where such uses provide viable alternative technologies for water management. ~~only and~~ Mining shall demonstrate compliance with standards ~~the~~ in Art. 4.D.5.F.7, Compatibility Standards.

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS

Part 1. ULDC, Art. 5.B.1.A.2.e, Residential Districts, (page 12 of 63), is hereby amended as follows:

Reason for amendment: Environmental Resources Management (ERM) is responsible for maintaining properties acquired by the County for environmental preserves or natural areas. ERM indicates that some of these parcels have residential Zoning designations, and may require the installation of a six foot high fence to secure the perimeter of the property.

CHAPTER A ACCESSORY AND TEMPORARY USES

Section 1 General

A. Purpose and Intent

2. Fences, Walls and Hedges

e. Residential Districts

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

1) Within required front setback:

a) four feet, or

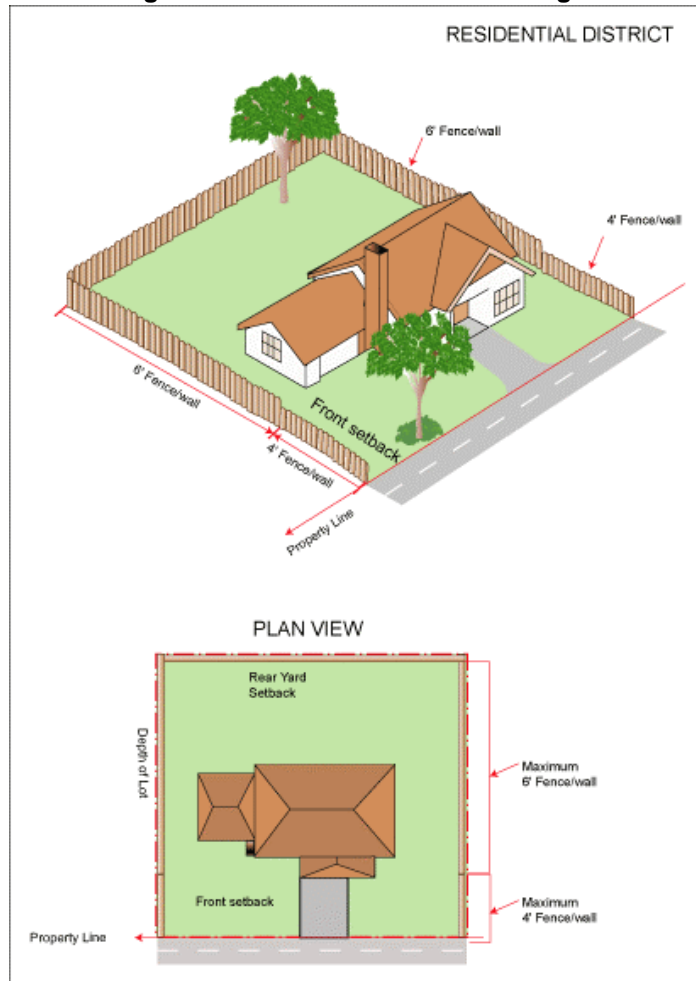
b) six feet for property owned by Palm Beach County for preservation or conservation purposes.

2) Within required side, side street, and rear setback: six feet.

Part 2. Repealing ULDC, Figure 5-B.1.A-2, Fence & Wall Height (page 12 of 63), and adopting in its place a new Figure 5-B.1.A-2, Fence & Wall Height:

Reason for amendment: Glitch - Amended figure for fences and walls to remove references to the hedges. Figure 7.D.3.B-4, Residential Hedge Height addresses hedge requirements.

Figure 5-B.1.A-2- Fence & Wall Height



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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS

Part 3. ULDC, Art. 5.B.1.A.16.a, General (page 24 of 63), is hereby amended as follows:

Reason for amendment: BCC direction pursuant to comments received from the PBC Board of Realtors at prior public hearing not to further allow Real Estate office in subdivisions that are not PUDs.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

16. Neighborhood Commercial Development (NCD)

c. Criteria

6) Limitation

Uses shall be limited to the regulations of the CN district, excluding real estate sales offices.

Part 4. ULDC, Art. 5.E.3.A.5, Exemptions [Related to Nuisances] (page 40 of 63), is hereby amended as follows:

Reason for amendment: 1) Deleted the exemption pertaining to “outdoor lighting”, since it has been included in the new Lighting Ordinance. 2) Portable power generators generally produce higher sound levels than are currently permitted in Table 5.E.3.C-12, Maximum Sound Levels. Code Enforcement requested that the standards contained in the table be waived in the event of power outages associated with natural disasters (i.e. hurricanes).

CHAPTER E PERFORMANCE STANDARDS

Section 3 Nuisances

A. General

5. Exemptions

f. AGR District

Noise, vibration, smoke, emissions, particulate matter, and odors, ~~and outdoor lighting~~ by farm operations conforming to generally accepted agricultural and management practices in the AGR district.

g. Temporary, Portable Power Generators

Sound generated by temporary, portable power generators used only during periods of electrical power outages in utility distribution systems maintained by the utility service provider, when associated with natural disasters.

Part 5. ULDC, Art. 5.G.2.J.3, Review Process (page 61 of 63), is hereby amended as follows:

Reason for amendment: To add a provision that ensures that projects that combine two or more density programs where the increase/transfer of density exceeds two units per acre, are subject to BCC approval.

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Program

J. TDR: Receiving Area Procedure

3. Review Process

The review process for TDR applications is based upon the density and type of residential development proposed.

a. The transfer of two units per acre or less to a residential subdivision is reviewed by the DRO and shall be subject to the provisions of Art. 2.D.1.C, Review Procedures, except as provided below. Parcels which meet the minimum acreage thresholds for a PDDs or TDD shall not utilize this Chapter option;

b. The transfer of more than two units per acre to a residential subdivision is reviewed as a Class A conditional use and shall be subject to the provisions of Art. 2.B, Public Hearing Procedures, except as provided below. Parcels which meet the minimum acreage thresholds for a PDDs or TDD are allowed to utilize the option contained in this paragraph, provided the parcel meets the PDDs PDRs contained in Art. 3.E, Planned Development Districts (PDDs), or contained in Art. 3.F, Traditional Development Districts (TDDs);

c. The transfer of any density to a planned development is reviewed as a requested use and shall be subject to the provisions of Art. 3.E, Planned Development Districts (PDDs),

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EXHIBIT E

ARTICLE 5 – SUPPLEMENTARY STANDARDS

except for SCO PIPD, which shall be approved by the DRO. A general application by a property owner for receiving area status and a density bonus shall be accepted for review and processing pursuant to Art. 2, Development Review Process.

d. BCC approval is required for any project that is requesting a combined density increase/transfer through the WHP and TDR programs that exceeds two units per acre.

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EXHIBIT F

ARTICLE 6 – PARKING

1
2 **Part 1. ULDC, Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements and**
3 **Notes (page 6 and 11 of 39), is hereby amended as follows:**
4

Reason for amendment: Added note that references loading zone requirements for self-service storage.

Table 6.A.1.B-1 - Minimum Off-Street Parking and Loading Requirements – Con't.

Use Type: Commercial	Parking ¹	Loading²
Landscape service	1 space per 500 sq. ft.; plus 1 space per 2,500 sq. ft. of outdoor storage area	A
Laundry services	1 space per 200 sq. ft.	N/A
Lounge, cocktail	1 space per 3 seats	C
Medical or dental office	1 space per 200 sq. ft.	C
Monument sales, retail	1 space per 500 sq. ft.; plus 1 space per 2,500 sq. ft. of outdoor storage area	E
Office, business or professional	1 space per 200 sq. ft.	C
Pawn Shop	1 space per 200 sq. ft.	C
Personal services	1 space per 200 sq. ft.	N/A
Printing and copying services	1 space per 250 sq. ft.	B
Repair and maintenance, general	1 space per 250 sq. ft.	B
Repair services, limited	1 space per 250 sq. ft.	N/A
Restaurant, fast food	1 space per 3 seats including outdoor seating area	C
Restaurant, high turnover sit-down		C
Restaurant, quality		C
Restaurant, specialty		C
Retail sales, auto parts	1 space per 200 sq. ft.	C
Retail sales, general	1 space per 200 sq. ft.	C
Retail sales, mobile or temporary	Enclosed: 1 space per 200 sq. ft. Open: 50 spaces total or 10 spaces per acre, whichever is greater	N/A
Self-service storage	1 space per 200 storage bays; minimum of 5 customer spaces; security quarters calculated separately	N/A ⁶
Shopping centers	5 spaces per 1,000 sq. ft. GFA (centers up to 500,000 sq. ft.); 5 spaces per 1,000 sq. ft. of GLA (centers over 500,000 sq. ft.)	B
Theater, drive-in	1 space per 250 sq. ft.	N/A
Theater, indoor	1 space per 3 seats	B
Theater, indoor, in-line	1 space per 3 seats; plus 1 space per employee	B
Theater, indoor, stand alone	1 space per 4 seats; plus 1 space per employee	B
Loading Key:		
Standard "A" - One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" - One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" - One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" - One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" - One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

Notes for Table 6.A.1.B-1

- 1 In addition to the parking requirements of Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements, uses with company vehicles shall provide one space per company vehicle.
- 2 Government services may request alternative calculation methods for off-street parking pursuant to Art. 6.A.1.C.1.h, Government Services.
- 3 Nurseries requiring fewer than 20 parking spaces may construct surface parking lots with shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking, except for the required handicapped parking space(s).
- 4 Nurseries requiring 20 or more parking spaces may construct surface parking lots with 50 percent of the required spaces as shellrock or other similar materials subject to Art. 6.A.1.D.14.b.4.a, Shellrock, or grassed subject to Art. 6.A.1.D.12, Grass Parking.
- 5 Assembly, nonprofit, institutional uses in the Redevelopment and Revitalization Overlay may calculate parking at a rate of one space per employee.
- 6 Limited access facilities must provide off-street loading spaces as indicated in Art. 4.B.1.A.120.d.2), Loading.

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EXHIBIT F

ARTICLE 6 – PARKING

Part 2. ULDC, Art. 6.A.1.D.2.c, Location of Front, Side, and Rear Parking (page 15 of 39), is hereby amended as follows:

Reason for amendment: To further promote infill redevelopment or new development of small or irregular shaped parcels.

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

2. Location of Required Parking

c. Location of Front, Side, and Rear Parking

A minimum of ten percent of the required parking spaces shall be located at the side and/or rear of each building it is intended to serve- however, Development on irregular or narrow parcels requiring 50 or less parking spaces, where a drive isle or parking lot cannot be accommodated on the side or rear shall be exempt. A public pedestrian walk shall connect the parking areas to a store entrance. Such pedestrian access way shall be a minimum of four feet in width, clearly marked, well lighted and unobstructed.

Part 3. ULDC, Art. 6.A.1.D.16, Queuing Standards (page 29 of 39), is hereby amended as follows:

Reason for amendment: Request made by representatives of banking industry.

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

16. Queuing Standards

a. Queuing shall be provided for all drive-thru establishments. Each queuing space shall be a minimum of ten feet by 20 feet, clearly defined and designed so as not to conflict or interfere with other traffic using the site. The dimensions for the point of service space may be reduced to nine by 20 feet. Unless otherwise indicated below, queuing shall be measured from the front of the stopped vehicle located at the point of service to the rear of the queuing lane. One additional queuing space shall also be provided after the point of service for all uses.

Part 4. ULDC, Art. 6.A.1.D.19.b.1), Commercial Vehicles (page 33 of 39), is hereby amended as follows:

Reason for amendment: Request by Code Enforcement staff to clarify enforcement of commercial vehicle parking limitations. Tied to gross vehicle weight rating (GVWR) of vehicle, which is obtainable through manufacturers websites and State of Florida vehicle registrations. GVWR includes both the weight of the vehicle, and all loads, including passengers and fuel. Does not include a vehicles towing capacity.

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

19. Parking of Vehicles and Boats in Residential Districts

b. Exemptions

1) Commercial Vehicle

One commercial vehicle of not over one ton rated capacity may be parked per dwelling unit, providing all of the following conditions are met: vehicle is registered or licensed; used by a resident of the premises; gross vehicle weight rating (gvwr) does not exceed 12,500 10,000 pounds, ~~including any load~~; height does not exceed nine feet, including any load, bed, or box; and total vehicle length does not exceed 26 feet.

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EXHIBIT F

ARTICLE 6 – PARKING

Part 5. ULDC, Art. 6.B.1.E.1, Width (page 37 of 39), is hereby amended as follows:

Reason for amendment: Clarify the existing standards regulating the loading space width, and to be consistent with prior code provisions.

CHAPTER B LOADING STANDARDS

Section 1 Loading

E. Dimensional Standards and Design Requirements

1. Width

A loading space shall have a minimum width of ~~42~~ 15 feet. Additional loading spaces adjacent to, and not separated from the first loading space may be reduced to a minimum of 12 feet in width.

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EXHIBIT G

ARTICLE 7 – LANDSCAPING

1 Part 1. ULDC, Art. 7.H.1, Temporary Suspension of Landscape Standards, (page 41 of 52), is
2 hereby amended as follows:
3
4

5 Reason for amendment: To add a hurricane to the examples of natural disasters, clarify language and
6 correct scrivener’s errors.
7

8 CHAPTER H ENFORCEMENT

9
10 Section 1 Temporary Suspension of Landscape Standards

11 ~~The installation of landscaping required by this Article temporarily suspended, in individual cases, by t~~
12 ~~The Executive Director of PZB may temporarily suspend the standards of this Article and establish~~
13 ~~timeframes and guidelines to replace destroyed or damaged landscape material through a Departmental~~
14 ~~PPM in certain the following cases situations. These cases may include: a hurricane; after a freeze~~
15 ~~resulting in unavailability of when required landscape materials are not available; during a period of~~
16 ~~drought resulting in in which the use of water is restricted restrictions on water usage imposed~~ by a
17 ~~governmental authority; or prior to a building CO in response to extenuating a similar event circumstances~~
18 ~~beyond the control of the applicant.~~

19 A. Performance Surety

20 If the landscape standards of this Article are suspended pursuant to this Article, the property
21 owner shall may enter into an agreement with PBC to allow issuance of the permit or CO or
22 Certificate of Completion provided the property owner includes as part of this agreement, only if
23 the property owner provides adequate guarantee or surety that the terms of this Article will be met
24 after the suspension period has been lifted. The guarantee shall consist of a performance bond or
25 other surety agreement approved by the County Attorney in an amount equal to 110 percent of
26 the direct costs of materials and labor and other costs incidental to the installation of the required
27 landscaping completion agreement. Performance bonds or other guarantees required pursuant to
28 this subsection shall name PBC as a beneficiary and specify the time-frame for the completion of
29 the landscape standards of this Article.
30

31 [Renumber subsequent text accordingly]

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EXHIBIT H

ARTICLE 8 – SIGNAGE

1
2 Part 1. ULDC, Art. 8.E.2, Required Tag (page 21 of 41), is hereby amended as follows:
3

4 Reason for amendment: Provides an alternative for located required tags on wall signs to a location on
5 the sign itself, or at the base of the structure to which the wall sign is attached. Retains 1' to 3'
6 requirement for freestanding signs, which are subject to Art. 7.D.11.D, Planting Around Signs.

7
8 CHAPTER E PROCEDURES FOR SIGNAGE

9 Section 2 Required Tag

- 10 A. Every sign for which a building permit is required shall be plainly marked with the corresponding
- 11 permit number issued for the sign. The permit number shall be marked on permanent material
- 12 with a contrasting color in numbers at least one inch in height.
- 13 B. Tags shall be displayed on signs or ~~sign structures~~ at the base of a structure in a visible location.
- 14 Tags for freestanding signs must be located on the structure between one and three feet above
- 15 grade.
- 16 C. The absence of the required tag shall be evidence that the sign is in violation of this Article.

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EXHIBIT I

LIGHTING ORDINANCE

LIGHTING WHITE PAPER BACKGROUND AND SUMMARY

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4
5 In response to current project submittals and recently completed projects, a pattern of requests
6 for increasingly higher levels of lighting illumination has been occurring. Staff has ascertained
7 that inadequate code language currently exist in order to apply to acceptance or rejections of
8 such applications. Staff has drafted outdoor lighting standards to help mitigate the adverse
9 lighting impacts of such projects. The attached draft regulations represent the combination of
10 key components of locally and nationally adopted outdoor lighting standards, Illuminating
11 Engineering Society of North America (IES) standards, and input from Land Development
12 Regulation Advisory Board (LDRAB) Lighting subcommittee and industry representatives.

13 14 **History of Outdoor Lighting**

15 Palm Beach County Ordinance No. 87-26, which established building security code standards,
16 generally outlined minimum lighting requirements for security purposes. With the increased
17 development of Palm Beach County, businesses have realized that greater illumination levels
18 give them a competitive edge by utilizing the psychological and marketing advantages of having
19 comparatively greater illumination levels on their site. This is creating an unbounded and non-
20 uniform lighting environment within the County. Many states, counties and municipalities,
21 including municipalities within Palm Beach County have already adopted regulations on outdoor
22 lighting. The public has become increasingly aware of the adverse impacts of excessive outdoor
23 lighting including glare, light trespass and non-uniform illumination. Although our current
24 building permit process requires submittal of a photometric plan for all projects except one or
25 two family residences, neither the building code or the ULDC provides any standards for
26 rejecting applications with inappropriate or unacceptable illumination levels or containment.

27 28 **Comparison of Lighting Standards to PBC Municipalities**

29 Currently fourteen municipalities within PBC have specific outdoor lighting standards regulating
30 light trespass, illumination levels, glare, security lighting and the use of full cut off fixtures. Staff
31 has prepared a comparison chart (see attachment 1) of these municipal lighting standards.

32 33 **Key Issues with Outdoor Lighting and Recommendations for Code Standards**

34 The objectives of outdoor lighting include promoting safe movement of pedestrians and
35 vehicles, providing a secure environment, highlighting prominent building features and setting a
36 desired intensity of light in order to encourage nighttime use. This must be accomplished while
37 preventing adverse impacts of inappropriate lighting such as glare, light trespass and excessive
38 illumination levels. The following is a summary of key elements of the lighting standards drafted
39 by Staff.

40 41 **1. Security**

42 Staff is recommending that minimum lighting levels of 1 footcandle specified in current security
43 code be maintained for public safety. In addition these lighting levels would be maintained from
44 dusk until dawn by use of automatic timing devices that improve energy efficiency.

45 46 **2. Illumination Levels**

47 One business can easily overshadow its commercial or residential neighbor by maximizing its
48 illumination levels commonly referred to as "hot spots". These types of lighting levels result in
49 illumination patterns that have adverse impact on adjoining properties and roadways. Creating
50 a uniform lighting environment will eliminate competing lighting levels and reduce visual
51 distractions on roadways. In addition, different types of areas within a site justifiably require
52 varying lighting levels.

53 Staff has addressed this by regulating maximum and minimum lighting levels for building accent
54 lighting, canopies, parking lots and outdoor storage and display areas. Staff is also
55 recommending the definition of max to min ratios which will ensure uniformity and prevent the
56 creation of "hot spots" within a site.

57 58 **3. Light Trespass**

59 Light trespass occurs when neighbors of an illuminated space are affected by the lighting
60 system's inability to contain its light within the area intended. The most common form of light
61 trespass is spill light, illuminating objects beyond the property boundaries. Light trespass has
62 become an increasing concern as residential and commercial developments are constructed

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EXHIBIT I

LIGHTING ORDINANCE

1 closer to each other. Light trespass can be minimized through careful selection of lamp
2 wattage, luminaire type, and placement.
3 Current security code regulates the overspill of light from commercial properties onto adjacent
4 residential properties only. Staff is recommending that overspill requirements be extended to
5 include nonresidential to non-residential abutting properties.

6
7 **4. Control Glare**

8 Glare occurs when a bright source causes the eye to continually be drawn toward the bright
9 image or the brightness of the source prevents the viewer from adequately viewing the intended
10 target. Glare may create a loss of contrast or an afterimage on the retina of the eye reducing
11 overall visibility.

12 The requirement of full cutoff luminaires at specified heights is being recommended to reduce
13 glare in an adjacent unintended field of view, and lower the intensity of the light at high angles.
14 Another benefit of the full cutoff luminaire is the reduction of light pollution or "sky glow". Sky
15 glow is the haze or glow of light that surrounds highly populated areas and reduces the ability to
16 view the nighttime sky.

17
18 **5. Luminaire Height**

19 Limiting the height of the luminaire is another key component that can help improve the visual
20 aesthetics in developed areas of the county. Balance and proportion, as it relates to site
21 features such as landscaping and building height. Lack of standards governing luminaire
22 heights will result in visual discontinuities both during daytime and nighttime hours.

23 Staff has recommended that luminaire height be applied differently for the various tiers and uses
24 within the county. This would allow greater heights within the urban /suburban tier as well as
25 industrial and commercial type uses and lower heights for the rural/exurban and glades tiers as
26 well as residential uses.

27
28 **6. Existing Outdoor Lighting and Attrition**

29 Utilizing the framework of the existing ULDC provisions for modifications to Prior Approvals and
30 Non-Conforming Structures, existing outdoor lighting will be brought into compliance through
31 attrition, over time, without the need of implementing an extensive county wide outdoor lighting
32 amortization program.

33
34
35 **Part 1. ULDC, Art. 1.E.1.C, Previous Approvals (page 16 of 25), is amended as follows:**

36
37 Reason for amendment: Identifies thresholds where renovations and additions require compliance with
38 lighting ordinance.

39
40 **CHAPTER E PRIOR APPROVALS**

41
42 **Section 1 General**

43 **C. Previous Approvals**

44 **2. Structural Renovations**

45 Interior or exterior renovations or additions to existing buildings and structures that are in
46 excess of 35 percent of the current Property Appraiser's value of the structure shall comply
47 with Art. 5.E.3.D, Outdoor Lighting Standards, Art. 6, Parking, Art. 7, Landscaping, and Art.
48 8.G.1, Building Mounted Signs, to the greatest extent possible. Renovations in excess of 75
49 percent or more of the current assessed value of the structure shall comply with Art. 5.C,
50 Design Standards. Renovations shall be cumulative over the most recent five-year period.

51 **3. Parking Lot Alterations or Additions**

52 Alterations or additions to vehicular use areas shall comply with Art. 5.E.3.D, Outdoor
53 Lighting Standards, Art. 6, Parking, Art. 7, Landscaping, and Art. 8.G.2.A, Freestanding
54 Signs, for the affected area.

55
56
57 **Part 2. ULDC, Art. 1.I, Definitions and Acronyms, is amended as follows:**

58
59 Reason for amendment: Add new definitions and acronyms to accommodate lighting ordinance.

60
61 **CHAPTER I DEFINITIONS AND ACRONYMS**

62 **Section 2 Definitions**

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EXHIBIT I

LIGHTING ORDINANCE

1 **D. Terms Defined Herein Shall Have the Following Meanings:**

- 2 . Drop Lens Fixture – Any luminaire that is not a full cut off luminaire.

3 **E. Terms Defined Herein Shall Have the Following Meanings:**

- 4 . Entrance Area – 66 feet (see IES definition).

5 **F. Terms Defined Herein Shall Have the Following Meanings:**

- 6 . Fixture - The assembly that houses the lamp or lamps and can include all or some of the
7 following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a
8 reflector or mirror, and/or a refractor or lens.

- 9 . Foot-candle - a unit of light quantity or density when the foot is the unit of measure. One (1)
10 foot-candle (fc) equals one (1) lumen per square foot of area. When metric units are used,
11 lux is the unit of light quantity. One (1) lux equals one (1) lumen per square meter of area.
12 One (1) foot-candle equals ten and seventy-six hundredths (10.76) lux.

- 13 . Full-cutoff Luminaire - A luminaire light distribution where zero candela intensity occurs at
14 an angle of 90 degrees above nadir, and at all greater angles from nadir.

15 **G. Terms Defined Herein Shall Have the Following Meanings:**

- 16 . Glare - a discomforting condition ~~that~~ ~~which~~ occurs when the brightness of a light contrasts
17 with a low brightness background and makes it difficult for the human eye to adjust.

18 **H. Terms Defined Herein Shall Have the Following Meanings:**

- 19 . Horizontal plane - means an imaginary line drawn across the bottom of a light fixture above
20 which no light shall be emitted.

21 **I. Terms Defined Herein Shall Have the Following Meanings:**

- 22 . Illuminance - the quantity of light arriving at a surface divided by the area of the lighted
23 surface, measured in footcandles. Horizontal illuminance applies to a horizontal surface;
24 vertical illuminance applies to a vertical surface. Average illuminance is the level of
25 illuminance over an entire illuminated target area. Maximum illuminance is the highest level
26 of illuminance on any point within the entire area; minimum illuminance is the lowest level of
27 illuminance on any point within the target area.

- 28 . Illuminance Levels – for the purposes of Art. 5.E.3.D, Outdoor Lighting Standards, all
29 illuminance levels and foot candles means the maintained illuminance levels utilizing lamp
30 manufacture mean lumen values. The average illuminance level applies to an entire
31 illuminated target area. Unless otherwise noted, illuminance levels refer to horizontal
32 illuminance levels.

33 **L. Terms Defined Herein Shall Have the Following Meanings:**

- 34 . Lighting, Animated - for the purposes of Art. 5.E.3.D, Outdoor Lighting Standards, flashing
35 or moving lights that otherwise change at intervals more frequently than once every six
36 seconds.

- 37 . Light Loss Factor - for the purposes of Art. 5.E.3.D, Outdoor Lighting Standards, a
38 percentage amount applied to the actual anticipated foot-candle levels of a fixture, which
39 reduces the calculated light level output on the photometric plan to account for lower light
40 level output from a fixture due to the age of the bulb, debris or dust on the fixture, and other
41 factors that degrade the output capacity of the fixture.

- 42 . Light trespass - the illumination of light produced by a luminaire, which is beyond the
43 boundaries of the property on which the luminaire is located.

- 44 . Lumen - a unit of luminous flux. One footcandle is one lumen per square foot.

- 45 . Luminaire - a complete lighting system, which includes a fixture and any associated
46 freestanding pole or other similar structure.

- 47 . Luminaire Height - the measurement from a paved or landscaped surface at ground level
48 directly under the fixture to the top of the luminaire.

49 **S. Terms Defined Herein Shall Have the Following Meanings:**

- 50 . Spillover Light - light that is distributed into areas where the illumination is not needed or
51 intended.

- 52 . Spot Light - Any light fixture or luminaire that incorporates a reflector or a refractor to
53 concentrate the light output into a directed beam in a particular direction.

54 **Section 3 Acronyms**

56 LLF Light Loss Factor

57 IESNA Illuminating Engineering Society of North America

58
59
60 **Part 3. ULDC Art. 3.B.15.G.3.g, Lighting [Related to WCRAO] (page 33 of 125), is amended as follows:**

61
62
63 Reason for amendment: Amend WCRAO provisions to refer to new lighting standards.

64
65 **g. Lighting**

66 All development shall comply with the following lighting standards, in addition to those
67 requirements in Art. 5.E.3. ~~ED~~, Outdoor Lighting.

68 ~~1. —Illumination shall be downcast and shall not overflow to adjacent property;~~

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EXHIBIT I

LIGHTING ORDINANCE

- 1 ~~1.2.~~ Attached wall fixtures shall be mounted no higher than five feet above the first story,
- 2 and shall not be located on building roofs;
- 3 ~~3.~~ ~~Parking lot lighting shall not exceed 25 feet in height, and shall be located a minimum~~
- 4 ~~of 40 feet apart;~~
- 5 2.4. Roof top lighting shall be prohibited, unless required by Florida Building Code.; ~~and~~
- 6 ~~5. Lighting fixtures shall be scaled to pedestrians, and shall be compatible with building~~
- 7 ~~and site.~~

Part 4. ULDC Art. 3.C.1.C.2.b.3, Right to Farm (page 39 of 125), is hereby amended as follows:

Reason for amendment: Amend agricultural provisions to address new lighting standards.

3) Right to Farm

All land in the AGR and AP districts are located in areas where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring property may be subjected to inconvenience and discomfort arising from generally accepted agricultural management practices, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of properties in these areas are hereby put on official notice that: (1) the state Right-to-Farm Act, F.S.§ 823.14, may bar them from obtaining a legal judgment against such as a public or private nuisance; and (2) farm operations that conform to generally accepted agricultural and management practices in the AGR and AP districts are exempt from the following miscellaneous standards contained in Art. 5.E, Performance Standards of this Code for noise, vibration, smoke, and emissions and particulate matters ~~and outdoor lighting.~~

Part 5. Repealing ULDC Art. 5.E.3.D, Outdoor Lighting (Ord. 2003-067), page 42 of 63, and the PBC Security Code Ord. 87-26 and adopting in its place a new Art. 5.E.3.D, Outdoor Lighting Standards

Reason for amendment: Reasons for amendment are addressed in "Lighting White Paper" at top of this attachment.

CHAPTER E PERFORMANCE STANDARDS

Section 3 Nuisances

D. Outdoor Lighting

1. Purpose and Intent

It is the intent of this Section to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. Such individual fixtures, luminaires and lighting systems are designed, constructed, and installed to: control glare and light trespass, minimize obtrusive light, eliminate the increase of lighting levels on competing sites, provide safe roadways for motorists, cyclists and pedestrians, conserve energy and resources while maintaining safety, security and productivity, and curtail the degradation of the nighttime visual environment.

2. Applicability

All outdoor lighting shall be subject to the requirements of Table 5.E.3.D - , Illumination Levels , and Table 5.E.3.D - , Maximum Permitted Luminaire Height, unless exempted or permitted to deviate as described herein. Lighting not specifically listed may be classified by the Zoning Director of PZB pursuant to Art. 1.B, Interpretation of the Code. In addition to the standards in this Section, outdoor lighting shall be consistent with Article 14, Environmental Standards.

a. Conflict

In the case of a conflict between this Section and other provisions of this Code, or other applicable codes, the more strict regulation shall apply.

b. Non-conforming Lighting

All luminaires that do not comply with the standards of this Section shall be subject to the limitations on expansion, maintenance, relocation, damage repair and renovations pursuant to Art. 1.F, Non-conformities.

c. Exemptions

The following uses shall be exempt to the extent listed below:

1) Residential

Notes:

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EXHIBIT I

LIGHTING ORDINANCE

1 Single-family, townhouses, multi-family dwellings up to two units shall not be subject
2 to the requirements of this section.

3 **2) Street Lights**

4 Street lights in any public ROW that meet the requirements of the appropriate public
5 utility.

6 **3) Temporary Lighting**

7 The temporary use of low wattage or low voltage lighting for public festivals,
8 celebrations, and the observance of holidays are exempt from regulation except
9 where they create a hazard or nuisance from glare. The use of temporary lighting
10 shall not exceed a period of 60 days per year.

11 **d. Prohibited Outdoor Lighting**

12 The following types of outdoor lighting are prohibited in unincorporated PBC:

13 1) Any light that creates glare observable within the normal range of vision onto a street
14 or creates a safety hazard;

15 2) Any light that resembles an authorized traffic sign, signal, or device, or that interferes
16 with, misleads, or confuses vehicular traffic as determined by the Zoning Director or
17 Traffic Director;

18 3) Beacon or searchlights, except for temporary grand openings and special events, as
19 limited by State of Florida or Federal law;

20 4) Any drop lens fixtures; and

21 5) Animated lighting, unless authorized under Art. 8, Signage.

22 **e. Deviations**

23 Lighting may vary from this Section to the extent necessary to comply with the following:

24 1) F.S. § 655.962, related to ATM lighting;

25 2) F.S. § 812.173, related to Parking Lots for Convenience Businesses;

26 3) Lighting on schools required by FBC Chapter 423 and 424, and the SDPBC Electrical
27 Design Criteria;

28 4) Airport Lighting regulated by State or Federal law;

29 5) Lighting for obstructions to air navigation as provided in U.s. Department of
30 Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K;

31 6) Lights required on vehicles under state uniform traffic control statutes or for vessels
32 under vessel safety statutes under F.S. § 316 and 327;

33 7) Lighting for public health required by F.S. § 381;

34 8) Electrical code statute requirements under state building code;

35 9) F.S. § 553.963 and F.S. § 553.904, Efficiency and Energy Conservation Statutes
36 under Building Code Standards;

37 10) Lighting for outdoor theaters under F.S. § 555.07;

38 11) Lighting for communication towers under Art. 4.C.3.Q.2 of the ULDC; and

39 12) Other federal, state and local laws and regulations that may apply.

40 **3. Submittal Requirements**

41 **a. Photometric Plan**

42 All building permit applications that include the use of external luminaires, or luminaries
43 visible from the exterior of a structure shall include an outdoor lighting plan and an
44 outdoor security lighting plan showing location, type, and height of all luminaires, and
45 photometrics in foot-candle output of all proposed and existing luminaires on-site. On-
46 site lighting to be included in the calculations shall include, but is not limited to, lighting for
47 parking lot, canopies, recessed lighting along the building and/or overhang. Each plan
48 shall include any calculations or modifications required to comply with items listed in
49 Article 5.E.3.D.2.e, Deviations. The photometric plans shall include the following:

50 1) A table showing the average, minimum, and maximum foot-candles, average to
51 minimum ratio, and maximum to minimum ratio on the site, and maximum luminaire
52 heights. Maximum photometric calculation grid shall not exceed 10 feet.

53 2) Manufacturer's catalog cuts that provide a description of the luminaires, including
54 wattage, lumen output, glare reduction/control devices, lamps, on-off cycle control
55 devices and mounting devices.

56 3) All photometric plans must be signed and sealed by a licensed engineer or architect.

57 4) A Certificate of Compliance signed and sealed by a licensed engineer or architect
58 must be submitted prior to the issuance of a Certificate of Occupancy.

59 5) The photometric plan shall not include time averaging or other alternative methods of
60 measurement. A Light Loss Factor (LLF) shall be used for the calculations in a
61 photometric plan. The values of the LLF shall be a maximum value of 0.72 for Metal
62 Halide and 0.81 for High Pressure Sodium based on manufacturers' initial lamp
63 lumens.

64 **4. Standards**

65 **a. Confinement**

66 All outdoor lighting shall be full cutoff luminaries. No luminaries shall be directed
67 upwards to avoid urban sky glow. In the U/S Tier, accent and landscape luminaries not
68 exceeding 100 watts with a maximum illumination of one-foot candle measured at 12 feet
69 in height.

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EXHIBIT I

LIGHTING ORDINANCE

b. Light Trespass

The maximum illumination at the property line of an adjoining residential parcel or public right-of-way is 0.33 horizontal and vertical footcandles measured at six feet above grade level. Said illumination likewise measured at the property line of an adjoining non-residential parcel, shall not exceed 3.0 horizontal and vertical foot-candles measured at six feet above grade level.

c. Security Lighting and Time Restrictions

- 1) Full cutoff luminaires shall be used for all security lighting and dusk-to-dawn area lighting.
- 2) Outdoor Illumination, including but not limited to, areas used for outdoor sales and display, eating, parking, assembly, service, storage of equipment and freight, loading and unloading, repair, maintenance, commercial activities, and industrial activities shall not continue after 11:00 P.M., or no more than one hour after active use of the area ceases, whichever is later, except for security lighting.
- 3) Security lighting shall be required for all active entrances to buildings, parking lots and access to buildings or parking lots. All security lighting shall maintain an average of 1fc, a minimum of 0.5fc and a maximum of 3fc from dusk until dawn.
- 4) No outdoor recreational facility shall be illuminated after 11:00 PM except to conclude a scheduled and sanctioned recreational or sporting event by PBC or other authorized agency in progress prior to 11:00 PM. The luminaires shall be extinguished after outdoor recreational events are completed and the site has been vacated.
 - a) **Exceptions**
Public recreational facilities such as boat ramps, fishing piers, or other similar facilities that operate or are open to the public on a 24 hour basis.
- 5) Automatic timing devices that control the hours of illumination shall be required for all parking lots, car dealerships/outdoor display lots and parking garages. These devices may remain on Eastern Standard Time throughout the year.

d. Illumination Levels

Table 5.E.3.D - - Illumination Levels, indicates the minimum and maximum illumination levels for specific site elements, as well as the maximum to minimum, and average to minimum ratios.

Table 5.E.3.D - - Illumination Levels

Outdoor Lighting	Maximum Illumination (1)	Minimum Illumination (1)	Max to Min Ratio	Average to Min Ratio
1. Buildings and Accessory Structures				
a. Accent, Pathway and Landscape Lighting (2)	5.0 (5)	-	-	-
b. Canopies, Drive-thru and Overhangs	30.0	3.0	10:1	2.5:1
2. Parking Lots				
a. Multi-family Residential	3.0	0.3	10:1	-
b. All Others	12.0	1.0	12:1	3:1
3. Parking Structures				
a. Parking Area	10.0	1.0	10:1	4:1
b. Ramps – Day	20.0	2.0	10:1	-
c. Ramps – Night	10.0	1.0	10:1	-
d. Entrance Area – Day	50.0	5.0	10:1	-
e. Entrance Area – Night	10.0	1.0	10:1	-
f. Stairways	5.0	2.0	-	-
4. Property Boundary	Refer to Light Trespass			
5. Specialty Lighting (4)				
a. Golf Courses	Per IESNA Lighting Handbook			
b. Outdoor Entertainment				
c. Parks				
6. Other Lighting Types				
a. Outdoor Display and Storage for vehicle sales and rental.	15 (3)	1.0	15:1	4:1
b. Other Outdoor Display and Storage Areas.	20	1.0	15:1	4:1
c. Outdoor Work Areas.	20	1.0	15:1	4:1
Notes:				
1. Measured in foot-candles.				
2. Building or accessory mounted luminaires used to light parking lots shall comply with Parking Lot illumination levels.				
3. May be increased to 20 foot candles for the first row of display parking located adjacent, but not more than 100' from a ROW.				
4. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.				
5. Fully shielded bollards not greater than 42 inches in height may be permitted up to 20 foot candles.				

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EXHIBIT I

LIGHTING ORDINANCE

e. Luminaire Heights

Table 5.E.3.D - - Maximum Permitted Luminaire Height, identifies the maximum height for any freestanding or structure mounted luminaires.

Table 5.E.3.D - -Maximum Permitted Luminaire Height

Location	Maximum Height	
	U/S Tier	Rural, Exurban and AGR Tiers
Buildings and Accessory Structures		
a. Buildings	25 feet or eave overhang, whichever is lower (unless required by the Florida Building Code)	
b. Accessory Structures	10 feet	8 feet
Parking Lot		
a. Residential	20 feet	15 feet
b. Industrial	40 feet	-
c. Commercial, Civic and Institutional	30 feet, or equal to the height of the building up to a maximum of 40 feet	
Parking Structures		
a. Luminaires on top parking level.	20 feet or 25 feet (4)	15 feet
Property Boundary, Residential		
a. Luminaires within 100 feet of residential (2)	20 feet	15 feet
Specialty Lighting (3)		
a. Golf Courses	Per IESNA Lighting Handbook	
b. Outdoor Entertainment		
c. Parks		
Notes:		
1. For the purposes of this table, residential parcel shall include any residential use, or any vacant parcel with a residential FLU designation.		
2. The height of any lighting luminaire within 100 feet of a parcel with a residential use or FLU designation shall be limited in accordance with the height limitations for Property Boundary, Residential.		
3. Applicable to outdoor recreation areas only, excluding areas such as parking lots, drive isles, pathways, building and landscape lighting.		
4. Minimum setback shall be 45 feet from exterior edge of wall for all luminaries, except luminaries mounted to interior face of perimeter wall, which do not exceed the height of the perimeter wall.		

f. Measurement

- 1) Illumination levels shall be measured in foot candles with a direct-reading, calibrated, portable light meter. The light meter shall be placed not more than six inches above grade level.
- 2) For the purposes of measuring light trespass, the light meter shall be placed at the property line of the subject parcel six feet above the grade level.

Part 6. Art. 5.E.3.A.5.f, AGR District (page 40 of 63), is hereby amended as follows:

Reason for amendment: To accommodate new light standards.

f. AGR District

Noise, vibration, smoke, emissions, particulate matter, odors, ~~and outdoor lighting~~ by farm operations conforming to generally accepted agricultural and management practices in the AGR district.

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EXHIBIT J
ARTICLE 3.F – TRADITIONAL DEVELOPMENT DISTRICTS
(Updated 6/10/05)

1
2 **Part 1** ULDC, Art. 3.F.1.F1.d, Requested Uses [Related to Use Regulations], is hereby
3 amended as follows:
4

5 Reason for amendment: AGR TMD developers are proposing to request alternate locations for specific
6 requested uses, to allow for future design flexibility.

7
8 **CHAPTER TRADITIONAL DEVELOPMENT DISTRICTS**

9 **Section 1 General Provisions for TDDs**

10 **F. Use Regulations**

11 **1. Use Designations**

12 **d. Requested Uses (R)**

13 These uses require approval by the BCC in accordance with the standards and
14 procedures in Art. 2.B, Public Hearing Procedures, and are identified by an R in the
15 matrix. ~~1) Location~~ Requested uses shall be shown on the master plan or site plan
16 approved by the BCC ~~and shall remain in the location shown.~~ The location, or alternative
17 locations for each requested use must be approved by the BCC. Requested uses must
18 be located in only one of the locations approved by the BCC.
19
20

21 **Part 2.** ULDC, Table 3.F.1.H-32, Traditional Development Permitted Use Schedule (page 54 of
22 125), is hereby amended as follows:
23

24 Reason for amendment: To amend table heading to be consistent with PDD Use Matrix

25 **Table 3.F.1.H-32 - TDD Traditional Development Permitted Use Schedule Matrix**

District Tier	TND						TMD			NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/ Rural	AGR	
<u>Land Use Zone Pods</u>	Res	Neighborhood Center (NC)	Open Space/ Rec	Res	NC	Open Space/ Rec			Dev.	Preserve
Residential Uses										

26
27
28 **Part 3.** Repealing ULDC Figure 3.F.2.A-5, TDD Block Structure (page 104 of 125), and adopting
29 in its place a new Figure 3.F.2.A-5, TDD Block Structure:
30

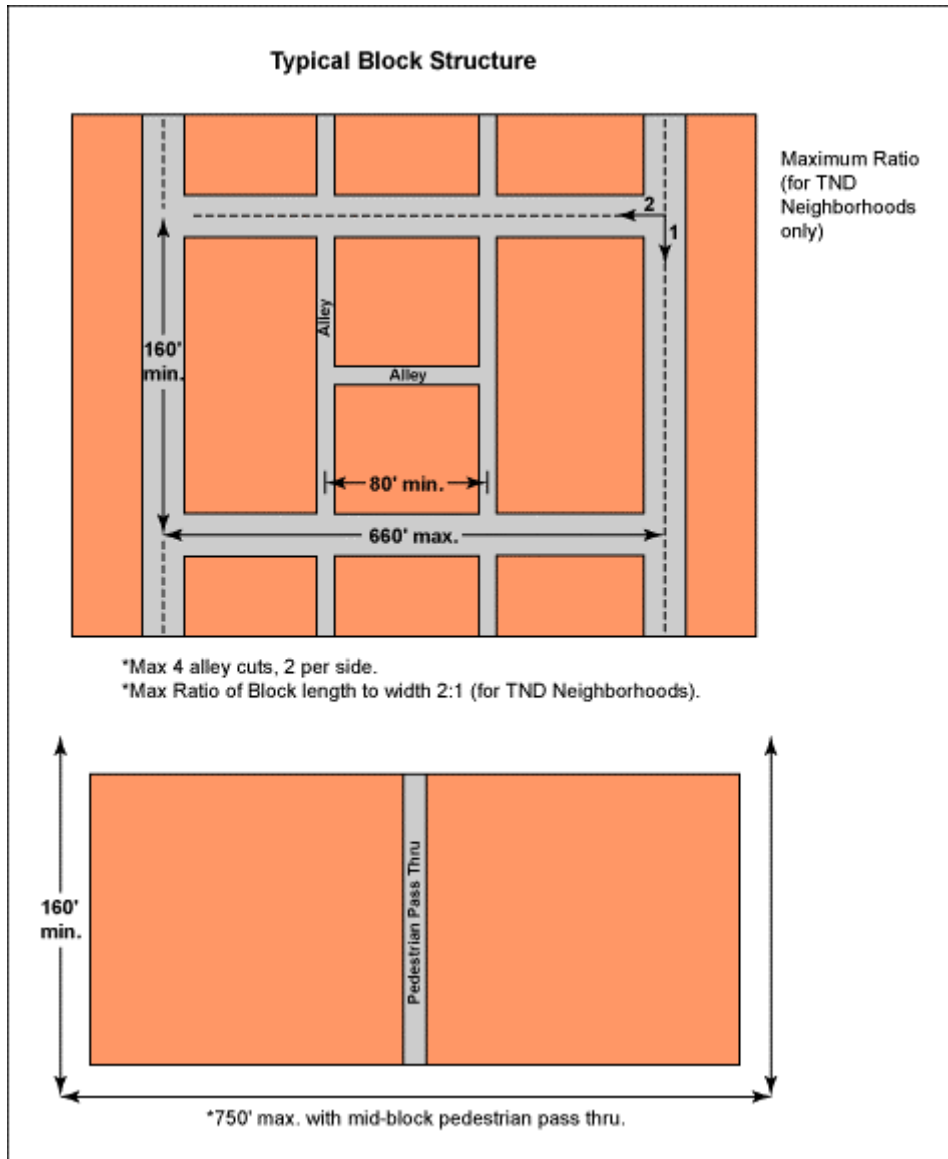
31 Reason for amendment: Amend figure to be consistent with Art. 1.C.4, Measurement, and Figure
32 1.C.4.A-2 – Typical Example of Measurement of Distance from Center Line to Site Element.

33
34
35 **Figure 3.F.2.A-5 TDD Block Structure**

Notes:

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EXHIBIT J
ARTICLE 3.F – TRADITIONAL DEVELOPMENT DISTRICTS
 (Updated 6/10/05)



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Part 4. ULDC, Art. 3.F.2.A.1.c.2), Connectivity [Related to Streets], is hereby amended as follows:

Reason for amendment: To clarify that AGR TMDs are not subject to street connectivity requirements.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 2 General Standards

A. Applicability

1. Streets, Sidewalks and Alleys

c. Streets

2) Connectivity

All streets and alleys shall connect to other streets and alleys to form a continuous vehicular and pedestrian network within the district, and Streets shall connect to streets in to adjacent development or vacant parcels, except for AGR TMDs. The use of gates or other preventative barriers shall not be permitted on collector streets.

Part 5. ULDC, Art. 3.F.2.A.1.e, Alleys, is hereby amended as follows:

Reason for amendment: To clarify that AGR TMDs are not subject to minimum TDD alley requirements.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 2 General Standards

Notes:

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EXHIBIT J
ARTICLE 3.F – TRADITIONAL DEVELOPMENT DISTRICTS
(Updated 6/10/05)

1 **A. Applicability**

2 **1. Streets, Sidewalks and Alleys**

3 **e. Alleys**

4 A minimum of one alley shall be required in all blocks, except blocks of single family and
5 ZLL residential uses and AGR TMDs. Alleys shall conform to the standards in Art. 11,
6 Subdivision, Platting and Required Improvements, and the following:

7
8
9 **Part 6. ULDC, Table 3.F.2.A-36, TDD Street Lighting Standards, is hereby amended as follows:**

10
11 Reason for amendment: Request to clarify maximum street lighting heights for non-residential and mixed
12 use.

13 **Table 3.F.2.A-36 – TDD Street Lighting Standards**

Street Light Fixture Height	Residential	Non-residential/Mixed-Use
Maximum	20 ft.	48 22 ft.
Minimum	12 ft.	14 ft

14
15
16 **Part 7. ULDC, Art. 3.F.2.A.3.a, U/S Tier [Related to Minimum Pervious Surface Area], is hereby**
17 **amended as follows:**

18
19 Reason for amendment: To allow for a pervious surface area to be consistent with an U/S TMD.

20
21 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)**

22 **Section 2 General Standards**

23 **A. Applicability**

24 **3. Minimum Pervious Surface**

25 **a. U/S and AGR Tiers**

26 20 percent of the ~~project site~~ gross development area.

27
28
29 **Part 8. ULDC, Art. 3.F.2.A.4.a.2)b), R-O-W Buffer [Related to Internal Compatibility and**
30 **Incompatibility Buffers], is hereby amended as follows:**

31
32 Reason for amendment: AGR TMD developers have requested to waive the R-O-W buffer requirement
33 where adjacent to the required rural parkways (100' in width), subject to staff request that required R-O-W
34 buffer screening and planting is met within 100' rural parkway.

35
36 **CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)**

37 **Section 2 General Standards**

38 **A. Applicability**

39 **4. Landscaping and Buffering**

40 **b) R-O-W Buffer**

41 (1) The R-O-W buffer width reduction permitted under Article 7.F.6, R-O-W Buffer, shall
42 only be permitted for any property line which abuts a 100 foot wide rural parkway. In
43 the AGR Tier, a R-O-W buffer abutting open space a minimum of 100 feet in width
44 and designated as a rural parkway may be deleted subject to DRO approval of a
45 regulating plan that demonstrates that the required R-O-W planting and buffering
46 requirements will be installed in the rural parkway.

47 (2) A minimum ~~six~~ four-foot high hedge, fence or wall visual screen shall be required in a
48 R-O-W buffer or rural parkway adjacent to any surface parking area having more
49 than two rows of parking.

50
51
52 **Part 9. ULDC, Art. 3.F.2.A.4.b, Related to Internal Compatibility and Incompatibility Buffers, is**
53 **hereby amended as follows:**

54

Notes:

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EXHIBIT J
ARTICLE 3.F – TRADITIONAL DEVELOPMENT DISTRICTS
(Updated 6/10/05)

Reason for amendment: Landscape buffers are not required for residential uses in a TMD when separated from adjacent uses, clarified to include streets in addition to alleys, pedestrian walkways or plazas.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 2 General Standards

A. Applicability

4. Landscaping and Buffering

b. Internal Compatibility and Incompatibility Buffers

Buffers are not required within TDDs, except that a solid six-foot high wall or five-foot wide landscape planting area providing a visual screen at least six feet in height is required along an interior property line where a non-residential use abuts a residential use. The height of the wall or landscape screen shall not exceed three feet within required front setback areas. ~~1) Exception for Multi-family and Townhouses~~ The internal buffer requirement for multi-family and townhouse units may be waived when the units are constructed on a main street; ~~or~~ are attached to a commercial structure; ~~or are~~ separated from a commercial structure by streets or an alley, pedestrian walkway or plaza; or when adjacent to open space, plazas or private recreational uses associated with units requiring a buffer.

Part 10. ULDC, Art. 3.F.4.A, Specific Purpose, hereby amended as follows:

Reason for amendment: Minor clarifications requested by Ascot.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

A. Specific Purpose

The purpose of the TMD district is to:

1. Provide a concentrated area for shopping, entertainment, business, services and cultural opportunities by allowing a mix of commercial and institutional uses and establishing physical development and design standards that create pedestrian-oriented development;
2. Provide housing opportunities through vertically integrated residential uses;
3. Promote a mix of uses in a manner that creates a stronger pedestrian orientation through design, placement and organization of buildings, plazas, common public space, and dispersed parking; and
4. Ensure traditional marketplaces are compatible with the overall design objectives of the Plan and ~~is~~ the MGTS.

Part 11. ULDC, Art. 3.F.4.B, Further Purpose of a TMD District in the Agricultural Reserve Tier (AGR-TMD), hereby amended as follows:

Reason for amendment: To further clarify the intent of an AGR TMD.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

B. Further Purpose of a the TMD District in the ~~Agricultural Reserve~~ AGR Tier (AGR-TMD)

In addition to the above, ~~a TMD district in the Agricultural Reserve Tier (the purpose of the~~ AGR-TMD) ~~shall is to:~~

1. Promote the preservation of agriculture by providing for compact commercial areas and preserved agricultural land;
2. Provide for commercial uses serving AGR residents at accessible locations on major arterials; ~~and~~
3. Encourage design that is compatible with the surrounding agricultural or rural area; ~~;~~
4. Implement the conceptual designs that submitted to the BCC on April 6, 2005; and
5. Implement the requirements of Policy 1.5-m, 1.5.1-m, 1.5.1-n, and 2.4-c of the Plan.

Part 12. ULDC, Art. 3.F.4.D.1, General Standards, [Related to Development Standards for All TMDs], hereby amended as follows:

Notes:

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EXHIBIT J
ARTICLE 3.F – TRADITIONAL DEVELOPMENT DISTRICTS
(Updated 6/10/05)

Reason for amendment: To further clarify different requirements associated with the AGR TMD.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

D. Development Standards for all TMDs

The following standards apply to TMDs located in all tiers:

1. General Standards

The following standards apply to all TMDs; however, additional standards or provisions shall apply to the AGR Tier, per Art. 3.F.4.E, Standards Applicable to AGR Tier. except those in the AGR Tier refer to Art. 3.F.4.B, further purposes of a TMD District in the Agricultural Reserve Tier, for TMDs in the AGR tier.

Part 13. ULDC, Art. 3.F.4.D.1.e.4), Maximum Frontage per Establishment [Related to Development Standards for all TMDs], is hereby amended as follows:

Reason for amendment: 1) Use term single tenant to be consistent with other Sections; and 2) To allow for an alternative to maximum frontage per establishment subject to the provision of architectural and floor plan design that creates intended streetscape.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

D. Development Standards for all TMDs

1. General Standards

e. Maximum Floor Area per Single Tenant Establishment

4) Maximum Frontage per Single Tenant Establishment

No single tenant may occupy more than 200 feet of frontage to a depth of 40 feet, measured from the storefront. An increase of up to 20 percent, or a maximum of 240 feet of frontage per single tenant, is permitted in the AGR Tier, if the additional frontage incorporates a distinct architectural facade that differentiates from the architecture of the primary frontage, a minimum of 40 feet in length, with a similar percentage of transparency, and the provision of an additional building entrance or the appearance of an entrance.

Part 14. ULDC Art. 3.F.4.D.2.b, Sidewalks [Related to Development Standards for all TMDs], is hereby amended as follows:

Reason for amendment: Add sidewalk exemption to access ways to an internal parking lot. Sidewalks will be provided per mainstreet and other pedestrian circulation requirements.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

D. Development Standards for all TMDs

2. Street Designations and Configurations

b. Sidewalks

Sidewalks are required on both sides of all streets and shall be designed to be consistent with Figure 3.F.2.A-6, TDD Commercial Street, except for: alleys; drive isles between rows of parking or providing access to in a surface parking lot; service streets; the side of a street abutting a preserve area of an AGR-TMD; and, where one side of a street abuts a surface parking lot or open space. All sidewalks shall conform to the requirements of Art. 3.F.2.A.1, Streets, Sidewalks, and Alleys.

Part 15. ULDC Art. 3.F.4.D.4, Frontages [Related to Development Standards for all TMDs], is hereby amended as follows:

Notes:

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EXHIBIT J
ARTICLE 3.F – TRADITIONAL DEVELOPMENT DISTRICTS
(Updated 6/10/05)

Reason for amendment: Clarification to differentiate frontage and setback alternatives for residential development.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

D. Development Standards for all TMDs

4. Frontages and Residential PDRs

All buildings shall be designated on the site plan as either Primary or Secondary Frontage and shall conform to the following requirements:

d. Optional Standards for Residential PDRs

Residential buildings may use the TND Residential Lot Size and Setback Regulations, or the following:

1) Residential Buildings with Alley Frontage Design Alternative

Townhouses and multi-family dwellings may be permitted to have frontage from a street built to alley standards, subject to the following:

(a) Build to Lines and Setbacks

Setbacks or build to lines must be measured from the alley, or sidewalk if provided.

(1) Front setbacks must not exceed 30 feet.

(2) Side street setbacks must be a minimum of five feet, and a maximum of 10 feet. An exception may be made for one side of a block which fronts on open space or a recreation use.

(3) Rear setbacks shall have access to and be within 20 feet of a street, an open space or plaza, with sidewalks that connect to the projects pedestrian circulation system.

(b) Continuity and Separations

One separation between buildings is allowed for each 80 feet of frontage, provided it is located a minimum of 80 feet from the end of a block. The width of this separation shall not exceed 25 feet for pedestrian access, or 40 feet for a mid block plaza. One mid block plaza may be permitted to have a separation of up to 120 feet in the AGR Tier only.

Part 16. ULDC, Art. 3.F.4.D.6, Foundation Planting [Related to Development Standards for all TMDs], is hereby amended as follows:

Reason for amendment: To clarify exemption does not apply to alleys located at the end of a block, to ensure that buildings that use alleys to meet block structure use appropriate landscaping (especially where sidewalks are not required for alleys).

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

D. Development Standards for all TMDs

6. Foundation Planting

Notwithstanding the requirements of Art. 7.D.11, Foundation Plantings, foundation plantings shall not be required for primary and secondary building frontages, buildings along an alleyway or access way to a parking area, where the alley or access way is located in-between non-residential buildings, or where buildings front on a plaza or square.

Part 17. ULDC, Art. 3.F.4.D.7, Parking [Related to Development Standards for all TMDs], is hereby amended as follows:

Reason for amendment: To delete on-street parking requirements for alleyways used to provide access to residential units or provide perimeter or service access.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

D. Development Standards for all TMDs

7. Parking

Notes:

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EXHIBIT J
ARTICLE 3.F – TRADITIONAL DEVELOPMENT DISTRICTS
(Updated 6/10/05)

On-street parking is required on both sides of all two-way streets and on at least one-side of one-way streets, except within 25 feet of a street intersection or alley, or ten feet of a fire hydrant, or along arterials, planned collector streets, alleys or a vehicular access way to internal parking, ~~as allowed by Art. 4.B.4.b.2)b)(2).~~

Part 18. ULDC, Art. 3.F.4.D.8, Plazas and Squares [Related to Development Standards for all TMDs], is hereby amended as follows:

Reason for amendment: Ascot recommendation to simplify figures for plazas by using table format.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD)

D. Development Standards for all TMDs

8. Plazas ~~and Squares~~

Plazas ~~or squares~~ are required to provide a focal point for pedestrians, and must meet the minimum standards of Table 3.F.4.D-41, Minimum Dimensions for Required Plazas, and subject to the following standards:

Table 3.F.4.D-41 – Minimum Dimensions for Required Plazas			
	<u>Minimum Size</u>	<u>Minimum Length</u>	<u>Minimum Width</u>
<u>Central Plaza</u>	<u>10,000 sf</u>	<u>120 feet</u>	<u>80 feet</u>
<u>Other Plazas</u>	<u>5,000 sf</u>	<u>60 feet</u>	<u>40 feet</u>

a. Minimum Total Area

20,000 square feet or five percent of the gross development area within a TMD, whichever is greater, shall be used for public plazas or squares.

~~**b. Minimum Size for Required Plazas or Squares**~~

~~**1) Central Plaza**~~

~~10,000 sq. ft.~~

~~**2) Other Plazas or Squares**~~

~~5,000 sq. ft.~~

~~**be. Required Location**~~

The central plaza shall front on a Main Street; other plazas ~~or squares~~ shall be bounded by a street on at least one side.

~~**d. Required Dimensions for Required Plazas or Squares**~~

~~**1) Minimum Length**~~

~~**a) Central Plaza**~~

~~120 feet.~~

~~**b) Other Plazas or Squares**~~

~~60 feet.~~

~~**2) Minimum Width**~~

~~**a) Central Plaza**~~

~~80 feet.~~

~~**b) Other Plazas or Squares**~~

~~40 feet.~~

~~**ce. Required Landscaping and Pedestrian Amenities**~~

1) At least A minimum of 15 percent of all plazas ~~and squares~~ shall be shaded by landscaping or shade structures, at time of installation. Landscaping shall provide a minimum of 50 percent of required shade.

2) A minimum of 40 percent of the overall plaza ~~or square~~ areas shall be pervious.

3) Each plaza ~~or square shall~~ must provide a minimum of one linear foot of seating for each 200 square feet of overall area.

~~**df. Corner and Mid-Block Plaza Squares Abutting Buildings**~~

Wherever a plaza ~~or square~~ is bounded by buildings, the building frontages ~~shall~~ must conform to the standards for a Primary Frontage, including requirements for arcaded walkways and building see Art. 3.F.4.D.4, Frontages.

Part 19. ULDC, Figure 3.F.4.D-25, TMD Plazas and Squares, is hereby amended as follows:

Reason for amendment: Ascot recommendation to simplify figures for plazas by using table format.

Figure 3.F.4.D-25 – TMD Plazas ~~and Squares~~

Notes:

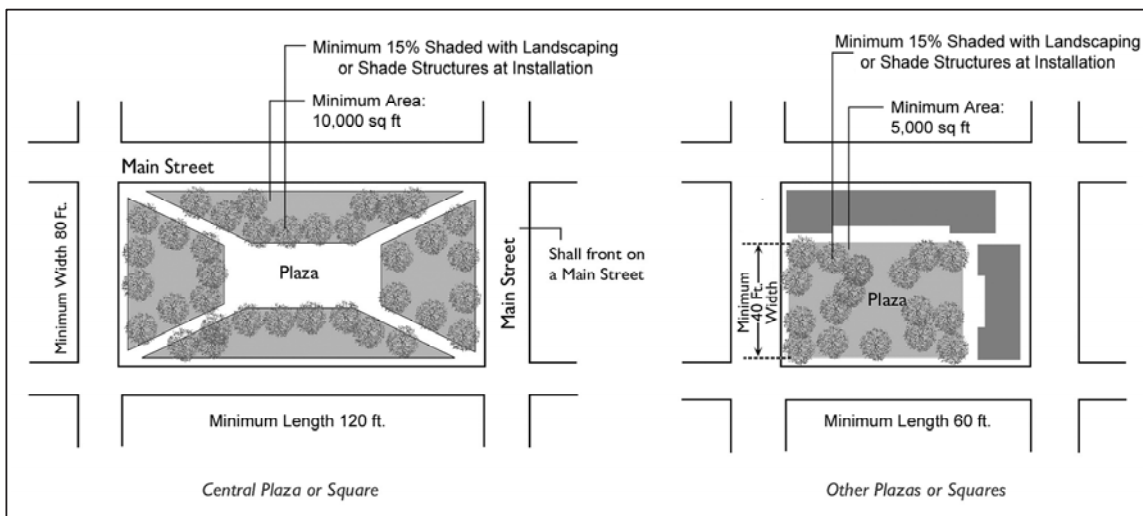
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EXHIBIT J
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 (Updated 6/10/05)



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Part 20. ULDC, Art. 3.F.4.E.9, Block Structure, is hereby amended as follows:

Reason for amendment: Clarify maximum percentage allowed to deviate from block structure requirements.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Standards Applicable to AGR Tier

9. Block Structure

a. BCC Waiver

An AGR TMD shall comply with Art. 3.F.2.A.1.b, Block Structure, except for the provision below, unless waived by the BCC- provided that the BCC determines that the block structure proposed is functionally equivalent for the purposes of Art. 3.F.1.A.4, and Art. 3.F.4.A, Purpose. The waiver may be granted only upon the applicants' agreement to be bound by the block configuration of the site plan approved by the BCC.

b. AGR TMD Free Standing Structures

A maximum of ten percent of the overall allowable square footage of an AGR TMD may be permitted to be developed as free standing structures, provided that a minimum of one façade is developed according to the standards for primary or secondary frontage. Buildings developed under this provision shall not be required to have circulation on all four sides, nor be subject to continuity and separation requirements.

Part 21. ULDC, Art. 3.F.4.E, Standards Applicable to AGR Tier, is hereby amended as follows:

Reason for amendment: Proposed AGR TMDs are requesting to utilize parking lot access aisles, alleys and access ways to meet block requirements. Definition of a block is "an area of land entirely bounded by streets." Such streets are required to be defined within the project boundaries and do not include external R-O-W.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Standards Applicable to AGR Tier

10. Definition for Street

Streets in a TMD may also include access aisles in a parking lot for commercial blocks, only when located along the side or rear of a block; non-residential alleys; and, alleys in residential blocks, subject to the standards of Art. 3.F.D.4.d.1), Residential Buildings with Alley Frontage Design Alternative.

Part 22. ULDC, Art.5.C.1.C, Exemptions [Related to Architectural Guidelines, and Design Standards (page 29 of 63), is hereby amended as follows:

Notes:

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EXHIBIT J
ARTICLE 3.F – TRADITIONAL DEVELOPMENT DISTRICTS
(Updated 6/10/05)

Reason for amendment: The architectural requirements for recesses and projections conflict with the building form mandated for TMD primary and secondary frontages.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

C. Exemptions

1. Agricultural or industrial buildings not visible from a public street or residential zoning district.
2. Buildings which are exempt from local building permits or government review pursuant to State of Florida or Federal Statutes.
3. Recreational buildings and accessory structures within a PUD.
4. Primary and secondary building frontages within a TMD, shall be exempt from the requirements of Art. 5.C.1.H.1.c.1)a), Recesses/Projections.

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Notes:

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