

1
2
3
4
**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



5
6
7
8 **Agenda Item #**

9
10 **UNIFIED LAND DEVELOPMENT CODE (ULDC) Amendment Round 2006-02**

11
12 **Summary:** The proposed ordinance will account for minor revisions, scrivener's errors, and
13 omitted text from the in Unified Land Development Code (ULDC), as well as several specific
14 amendments, including:

- 15
16 Exhibit A Article 1 – General Provisions
17 Exhibit B Article 2 – Development Review Process
18 Exhibit C Article 3 – Overlays & Zoning Districts
19 Exhibit D Article 4 – Use Regulations
20 Exhibit E Article 5 – Supplementary Standards
21 Exhibit F Article 6 – Parking
22 Exhibit G Article 7 – Landscaping
23 Exhibit H Special Permits

24
25 **LDRAB/LDRC:** The proposed Code Amendments were submitted for review to the Land
26 Development Regulation Advisory Board (LDRAB) and Land Development Regulation
27 Commission (LDRC) on October 25, 2006, and November 9, 2006. All proposed ULDC
28 amendments were found to be consistent with the Plan.

29
30 **BCC Public Hearings:** November 27, 2006 – Request for Permission to Advertise for First
31 Reading on January 4, 2007: Approved, 7-0.

32
33 **Motion:** Staff recommends a motion to approve on First Reading and advertise for Adoption on
34 January 25, 2007 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY
35 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND
36 DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 -**
37 **GENERAL PROVISIONS; CHAPTER H - LOT OF RECORD; CHAPTER I - DEFINITIONS AND**
38 **ACRONYMS; ARTICLE 2 - DEVELOPMENT REVIEW PROCESS; CHAPTER B - PUBLIC**
39 **HEARING PROCEDURES; CHAPTER D - ADMINISTRATIVE PROCESS; CHAPTER E -**
40 **MONITORING; ARTICLE 3 - OVERLAYS & ZONING DISTRICTS; CHAPTER C - STANDARD**
41 **DISTRICTS; CHAPTER D - PROPERTY DEVELOPMENT REGULATIONS (PDRS); CHAPTER**
42 **E - PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F - TRADITIONAL**
43 **DEVELOPMENT DISTRICTS (TDDS); ARTICLE 4 - USE REGULATIONS; CHAPTER A - USE**
44 **CLASSIFICATION; CHAPTER B - SUPPLEMENTARY USE STANDARDS; ARTICLE 5 -**
45 **SUPPLEMENTARY STANDARDS; CHAPTER B - ACCESSORY AND TEMPORARY USES;**
46 **ARTICLE 6 - PARKING; CHAPTER A - PARKING; CHAPTER B - LOADING STANDARDS;**
47 **ARTICLE 7 - LANDSCAPING; CHAPTER B - TYPES OF PLANS; CHAPTER F - PERIMETER**
48 **BUFFER LANDSCAPE REQUIREMENTS; APPENDIX D - CHECKLIST OF STANDARDS**
49 **THAT CAN BE ALTERED WITH AN APPROVED ALP; ARTICLE 8 - SIGNAGE; CHAPTER C -**
50 **PROHIBITIONS; CHAPTER D - TEMPORARY SIGNS REQUIRING SPECIAL PERMIT;**
51 **PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT;**
52 **SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT**
53 **CODE; AND AN EFFECTIVE DATE.**

54
55 **SPECIAL PERMIT WHITE PAPER:**

56
57 **Introduction:** The PBC Zoning staff has in an effort to reduce unnecessary review time for staff
58 and to expedite applicant requests for temporary special uses completed a comprehensive
59 study of all Special Permits. The conclusion of the study has allowed staff to eliminate
60 Special Permits that are no longer relevant or through minor changes to the Supplementary
61 Use Standards can now be reviewed by DRO one time and/or through building permitted
62 process.

63
64 **Background and Summary:** Prior to the adoption of the 1992 Zoning Code, there were only
65 several Special Permits issued by the Zoning Division. With the adoption of the Unified
66 Land Development Code (ULDC) in 1992, existing and new uses were identified as being
67 temporary in nature and although having minimal impacts on surrounding uses, they could if

1 necessary, be mitigated by a site plan and conditions of approval through the special permit
2 process. The Special Permit process over the years has been successful in regulating these
3 temporary uses for compliance with the sound zoning and site planning principles, as well
4 as establishing a mechanism for monitoring their time limitations. Since the adoption of the
5 Special Permit provisions in 1992, additional uses have been added or deleted from the
6 various use matrixes in the ULDC. These proposed amendments reflect a careful review of
7 current and past trends in special permits and the need to update the code.
8

9 **The ULDC currently has twenty-four different types of Special Permits for temporary**
10 **uses. The proposed amendments accomplish several goals:**

- 11 1. Maintain those Special Permits that require a review and possible recommendations or
12 modification to site layout as well as ability for staff to impose conditions to mitigate the
13 temporary use.
- 14 2. Eliminate permits that are no longer required because of other ULDC amendments to
15 require them by be reviewed one time by Development Review Officer or by Zoning staff
16 as part of the building permit process. Certain permits have either never been issued
17 since 1992 when the regulations were adopted or could be combined into other existing
18 review processes. Thereby, saving the applicant and staff review time and costs for
19 processing the application to the applicant. Revisions to code language will clarify the
20 intent of regulating the remaining uses and need to monitor their temporary status
21 through the new ePZB dbase system in PZB.
22
23

24 **Recommendations:**

25
26 **The Zoning Division is recommending approval of the proposed amendments and the**
27 **following:**
28

- 29 1. Maintain the existing Special Permits:
 - 30 a. Accessory Dwelling (PUD and AGR),
 - 31 b. Security Caretaker Quarters,
 - 32 c. Adult Entertainment,
 - 33 d. Bed and Breakfast,
 - 34 e. Retail Sales, mobile or Temporary,
 - 35 f. Special Event,
 - 36 g. Produce Stand,
 - 37 h. Air stripper, Remedial,
 - 38 i. (COW) Mobile Towers,
 - 39 j. Nursery Wholesale and,
 - 40 k. Communication Panel, Antennas, Commercial.
- 41 1. Modify the review process for the Special Permits listed below to streamline the review
42 process while achieving the same overall goals that were achieved in the existing process,
 - 43 a. Recycling Collection Station;
 - 44 b. Recycling Drop-off Bin;
 - 45 c. Farm Workers Quarters;
 - 46 d. Green Market;
 - 47 e. Congregate Living Facility;
 - 48 f. Real Estate Sales Model and Management Office;
 - 49 g. Assembly, Nonprofit Institutional (within Redevelopment and Revitalization Overlay);
 - 50 h. Film Production Studio;
 - 51 i. Groom's Quarters.
- 52 3. Eliminate the following Special Permits based on fact they have never been used since
53 1992, reviewed either under the existing DRO and building permit process or another county
54 agency currently reviews and,
 - 55 a. Temporary Sign Non-Residential Development,
 - 56 b. Film Permit Extended,
 - 57 c. Film Permit Temporary,
 - 58 d. Assembly, Nonprofit Institutional.
- 59 4. Update the three-use matrixes to reflect more restrictive review process while at same time updating
60 the supplemental standards to address changes in regulations related to this use.
61
62
63
64
65
66
67
68
69
70

ORDINANCE 2006 _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1** - GENERAL PROVISIONS; CHAPTER H - LOT OF RECORD; CHAPTER I - DEFINITIONS AND ACRONYMS; **ARTICLE 2** - DEVELOPMENT REVIEW PROCESS; CHAPTER B - PUBLIC HEARING PROCEDURES; CHAPTER D - ADMINISTRATIVE PROCESS; CHAPTER E - MONITORING; **ARTICLE 3** - OVERLAYS & ZONING DISTRICTS; CHAPTER C - STANDARD DISTRICTS; CHAPTER D - PROPERTY DEVELOPMENT REGULATIONS (PDRS); CHAPTER E - PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F - TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); **ARTICLE 4** - USE REGULATIONS; CHAPTER A - USE CLASSIFICATION; CHAPTER B - SUPPLEMENTARY USE STANDARDS; **ARTICLE 5** - SUPPLEMENTARY STANDARDS; CHAPTER B - ACCESSORY AND TEMPORARY USES; **ARTICLE 6** - PARKING; CHAPTER A - PARKING; CHAPTER B - LOADING STANDARDS; **ARTICLE 7** - LANDSCAPING; CHAPTER B - TYPES OF PLANS; CHAPTER F - PERIMETER BUFFER LANDSCAPE REQUIREMENTS; APPENDIX D - CHECKLIST OF STANDARDS THAT CAN BE ALTERED WITH AN APPROVED ALP; **ARTICLE 8** - SIGNAGE; CHAPTER C - PROHIBITIONS; CHAPTER D - TEMPORARY SIGNS REQUIRING SPECIAL PERMIT; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

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

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

WHEREAS, the BCC desires to further amend the ULDC, based upon public participation and advice from the Palm Beach County Land Development Regulation Advisory Board; and

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

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

Section 1. Adoption

The amendments set forth in Exhibits A, B, C, D, E, F, G, and H attached hereto and made a part hereof, are hereby adopted.

Section 2. Interpretation of Captions

All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance are intended for the convenience of usage only and have no effect on interpretation.

Section 3. Providing for Repeal of Laws in Conflict

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability

If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item contained in this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this Ordinance.

Section 5. Providing for a Savings Clause

All development orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the Board of County Commissioners, the Zoning Commission, the Development Review Committee, Enforcement Boards, all other County decision-making and advisory boards, Special Masters, Hearing Officers, and all other County officials, issued pursuant to the regulations and procedures established prior to the effective date of this Ordinance shall remain in full force and effect.

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

2 The provisions of this Ordinance shall be codified in the Unified Land Development
3 Code and may be reorganized, renumbered or relettered to effectuate the codification of
4 this Ordinance.

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

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

8

9 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm
10 Beach County, Florida, on this the _____ day of _____, 20_____.

SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

EFFECTIVE DATE: Filed with the Department of State on the _____ day of
_____, 20_____.

EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

1
2 Part 1. ULDC, Art. 1.H.1, Potentially Buildable Lot (page 23 of 96), is hereby amended as
3 follows:

4
5 CHAPTER H LOT OF RECORD

6 Section 1 Potentially Buildable Lot

7 A. Applicability

8 The following provisions shall apply to a lot that is not depicted on either a plat of record, affidavit
9 of exemption, or affidavit of plat waiver.

10 B. Standards

11 A lot may be considered buildable for the purpose of constructing a single family dwelling and
12 accessory uses or structures only if all of the following criteria are satisfied:

13 1. Date of Creation

14 The lot was created under one of the following two options:

15 a1. Option 1 - Creation prior to February 2 5, 1973.

16 a. The lot existed prior to February 2 5, 1973 in its current configuration as evidenced
17 by a chain of title; ~~and~~

18 b. ~~The lot has access as follows:~~

19 1) ~~In accordance with Art. 11, Subdivision, Platting and Required Improvements, Table~~
20 ~~11.E.2.A-1, Chart of Access Hierarchy; or~~

21 2) ~~From a recorded exclusive easement, a minimum of 20 feet in width, granting the~~
22 ~~owner, its successors and assigns a perpetual right of useable access across all~~
23 ~~properties lying between said lot and a street.~~

24 b2. Option 2 - Creation after on or subsequent to February 2 5, 1973 and before June
25 16, 1992.

26 1) a. The lot was created after on or subsequent to February 2 5, 1973 and existed prior to
27 June 16, 1992 in its current configuration as evidenced by a chain of title; and

28 2) ~~b.~~ The lot complied with the density requirements of the Plan in effect at the time the lot
29 was created; ~~and.~~

30 3) ~~c.~~ The lot complies with one of the following:

31 a1) Art. 3.D, Property Development Regulations (PDRS), Table 3.D.1.A-5, Property
32 Development Regulations, or

33 b2) Art. 11.A.4.B, Building Permits and Other Approvals; or

34 c) The lot exists in its present configuration as shown in the 1989 PBC FLU Atlas
35 adopted August 31, 1989, and

36 2d. Legal Access

37 The lot has legal access (that was in existence at the time the lot was created, and which
38 remains in place) to streets currently identified on the PBC Thoroughfare R-O-W Identification
39 Map, as follows:

40 a.1) In accordance with Art. 11, Subdivision, Platting and Required Improvements, Table
41 11.E.2.A-1, Chart of Access Hierarchy; or

42 b.2) From a recorded easement exclusively for the purposes of ingress and egress access, a
43 minimum of 20 feet in width, granting the owner, its successors and assigns a perpetual
44 right of useable access across all properties lying between said lot and a street.

46
47 Part 2. ULDC, Art. 1.I.2.S.110, Structure (page 83 of 96), is hereby amended as follows:

48 CHAPTER I DEFINITIONS & ACRONYMS

49 Section 2 Definitions

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

51 110. Structure –

52 a. ~~For the purposes of Art. 9, Unless specified otherwise, means that which is~~ three feet or
53 more in height which is built or constructed or erected or tied down having a fixed location
54 on the ground or attached to something having a permanent location on the ground, such
55 as buildings, homes, mobile homes, towers, walls, fences, billboards, shore protection
56 devices and poster panels. [Ord. 2004-013]

57
58
59

60 Part 3. ULDC, Art. 1.I.2.T.10, TDR Escrow Agreement (page 85 of 96), is hereby amended as
61 follows:
62

Notes:
Underlined language indicates proposed new language.
Language ~~crossed-out~~ indicates language proposed to be deleted.
.... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

1 CHAPTER I DEFINITIONS & ACRONYMS

2 Section 2 Definitions

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

4 10. TDR, Escrow Agreement - for the purposes of Art. 5, a legal document which holds money
5 or an approved surety in trust by a third party to be turned over to PBC upon the fulfillment of
6 a condition.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

U:\zoning\CODEREV\2006\BCC Hearings\2006-02 Round\1-04-07 First Reading\Exhibit A - Article 1.doc

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS SUMMARY OF AMENDMENTS

(Updated 11/20/06)

1
2 Part 1. ULDC, Art. 2.B.1.B, Standards [Related to Official Zoning Map Amendment (Rezoning)]
3 (page 15 of 49), is hereby amended as follows:
4

5 CHAPTER B PUBLIC HEARING PROCEDURES

6 Section 1 Official Zoning Map Amendment (Rezoning)

7 B. Standards

8 When considering a development order application for rezoning to a standard zoning district a
9 proposed amendment, the BCC ~~or~~ and ZC shall consider ~~the following~~ standards 1 – 8 indicated
10 below. In addition the standards indicated in section 2.B of this chapter shall also be considered
11 for rezoning to a standard zoning district with a conditional use, and rezoning to a PDD or TDD
12 with or without a requested use or waiver. An amendment which fails to meet any of these
13 standards shall be deemed adverse to the public interest and shall not be approved

14 1. Consistency Consistent with the Plan

15 ~~Whether~~ the proposed amendment is consistent with the Plan.

16 2. Consistency Consistent with the Code

17 ~~Whether~~ the proposed amendment is not in conflict with any portion of this Code, and is
18 consistent with the stated purpose and intent of this Code.

19 3. Compatibility Compatible with Surrounding Uses

20 ~~Whether and the extent to which~~ the proposed amendment is compatible, and generally
21 consistent with existing uses and ~~zones~~ surrounding zoning districts the subject land, and is
22 the appropriate zoning district for the parcel of land. In making this finding, the BCC may
23 apply an alternative zoning district.

24 ~~4.5.~~ Effect on the Natural Environment

25 ~~Whether and the extent to which~~ the proposed amendment will not would result in
26 significantly adverse impacts on the natural environment, including but not limited to water,
27 air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the
28 environment.

29 ~~5.6.~~ Development Patterns

30 ~~Whether and the extent to which~~ the proposed amendment will would result in a logical,
31 orderly, and timely development pattern.

32 ~~6.7.~~ Consistency with Neighborhood Plan

33 ~~Whether and to what extent~~ the proposed zoning district is consistent with applicable
34 neighborhood plans in accordance with BCC Board policy, and.

35 ~~7.8.~~ Adequate Public Facilities

36 ~~The extent to which~~ the proposed amendment ~~rezoning~~ complies with Art. 2.F,
37 Concurrency.

38 ~~8.4.~~ Changed Conditions or Circumstances

39 ~~Whether and the extent to which~~ there are any demonstrated changed conditions or
40 circumstances that necessitate require an the amendment.

41
42
43 Part 2. ULDC, Art. 2.B.2, Conditional and Requested Uses (page 16 of 49), is hereby amended
44 as follows:
45

46 CHAPTER B PUBLIC HEARING PROCEDURES

47 Section 2 ~~Conditional and Requested Uses. Conditional Uses, Requested Uses and~~ 48 Development Order Amendments

49 A. Purpose

50 Conditional uses, and requested uses, and development order amendments are generally
51 compatible with the other uses permitted in a district, but require individual review of their
52 location, design, configuration, intensity and/or density and may require the imposition of
53 conditions to ensure the appropriateness and compatibility of the use at a particular location

54 B. Standards

55 When considering a development order application for a conditional or requested use, or a
56 development order amendment, the BCC and ZC shall consider ~~the following~~ standards 1 - 9
57 indicated below. A conditional or requested use, or development order amendment which fails to
58 meet any of these standards shall be deemed adverse to the public interest and shall not be
59 approved.

60 1. Consistency Consistent with the Plan

61 The proposed use or amendment is consistent with the purposes, goals, objectives and
62 policies of the Plan, including standards for building and structural intensities and densities,
63 and intensities of use.

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

6) *All impacts shall be internal to the project.*

3. **Procedures**

After approval by the County Engineer and the Zoning Director to participate in an EAC process, the application shall be submitted and reviewed pursuant to the applicable development approval procedure, except that:

a After the application is certified by the DRO, the proposed modification may proceed directly to the next BCC hearing for which advertising requirements can be met.

G.F. Conditions of Approval

1. **Class A Conditional/Requested Use/Development Order Amendment**

The DRO and ZC may recommend, and the BCC may impose, such conditions in a development order for a Class A conditional use, ~~or~~ requested use, or development order amendment that are necessary to accomplish the purposes of the Plan and this Code; to prevent or minimize adverse effects upon the public, the environment and neighborhoods; and to ensure compatibility, including, but not limited to, limitations on function, size, bulk, location of improvements and buildings, standards for landscaping, buffering, lighting, adequate ingress and egress, conveyance of property, on-site or off-site improvements, duration and hours of operation. Conditions shall be included if conventional standards are inadequate to protect the public interest and surrounding land uses or if additional improvements are needed to facilitate a transition between different uses. Conditions are not intended to restate Code provisions. Any Code provision which is expressly restated as a condition of approval, shall not be eligible for a variance unless otherwise specified in the condition. Fixed time periods may be set for compliance with conditions and shall be governed by Art. 2.E, Monitoring.

[Art. 2.B.2.G, Development Order Amendment has been relocated above to F, as indicated by italicized text.]

Part 3. **ULDC, Art. 2.D, Administrative Process Administrative Amendments [related to Administrative Process] (page 37 of 49), is hereby amended as follows:**

CHAPTER D ADMINISTRATIVE PROCESS

....
Section 4 Administrative Amendments

A. Purpose

To allow minor corrections, additions and amendments to an approved site plan or subdivision plan requiring approval from the Zoning Division and a maximum of one additional agency.

B. Types of Administrative Amendments

Administrative Amendments permitted include, but are not limited to, change in sign locations, minor modifications to parking areas, relocation of terminal islands to accommodate trees or utility lines, reduction in building size, addition of canopies, minor revisions to lot lines, temporary sales trailers, and other minor structures.

C. Procedures

1. Applicants shall be seen on a walk-in basis during a time frame established by the Zoning Director.
2. Applicants shall be required to submit a complete administrative amendment application including any necessary approvals from an affected agency, and required authorization.
3. Applicants shall be able to clearly identify the area being changed, provide all applicable information (square footage, height, width), adjust tabular and other site plan related data, and legibly make the change to the site plan.

D. Standards

1. The proposed amendment shall comply with all applicable sections of the ULDC and the regulations of any other affected agency.
2. The affected area shall only be used for the purpose identified in the application.

Part 4. **ULDC, Art. 2.D.1. Development Review Officer (page 25 of 49), is hereby amended as follows:**

CHAPTER D ADMINISTRATIVE PROCESS

Section 1 Development Review Officer

C. Review Procedures

1. Staff Review

Notes:

Underlined language indicates proposed new language.
Language ~~crossed-out~~ indicates language proposed to be deleted.
.... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

At least five days prior to the DRO review date, each applicant shall be provided a written list of issues, if any, which must be addressed prior to approval of the application.

a. Expedited DRO Applications (EDA - Signature Only)

Expedited applications will not receive written comments from the DRO. A P previously postponed Type 1 EDA items will receive updated comment letters only.

D. Application Requirements

....

E. Standards

....

F. Conditions

....

G. Plan Amendments and Approval of Certain Site Plans

The DRO may approve minor amendments to site plans and subdivision plans, and approve new site plans, in accordance with the following procedures.

1. Expedited DRO Applications (EDA - Signature Only)

a. Type I EDA

The Type I EDA is for projects that require the submittal of a new site plan. Amendments to a site plan or subdivision plan which require recommendation and comment by five or fewer agencies as determined by the DRO, Type I EDA's shall only be used for the approval of Type IB excavations and public schools. Applications must be submitted in accordance with the Zoning calendar and placed on the next available DRO agenda, subject to approval by the Zoning Director. An The EDA application shall be submitted in accordance with Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures. In addition to the standards in Article 2.A.1, Applicability, the The applicant shall be responsible for obtaining the recommendations from the affected PBC departments or other agencies, in a form and manner acceptable to the Zoning Division, a minimum of two working days before the scheduled DRO review date.

b. Type II EDA

The Type II EDA is for amendments to an existing approved site plan or subdivision plan which requires recommendation and comment by five or fewer agencies as determined by the DRO. , may be submitted in accordance with the Zoning calendar and placed on the next available DRO agenda, subject to approval by the Zoning Director. An The EDA application shall be submitted by appointment only, in accordance with Art. 2.A.1, Applicability, and reviewed in accordance with the standards in Art. 2.D.1.C, Review Procedures. In addition to the standards in Art. 2.A.1, Applicability, theThe applicant shall be responsible for obtaining the recommendations from the affected PBC departments or other agencies, in a form and manner acceptable to the Zoning Division. ; a minimum of two working days before the scheduled DRO review date.

2. Administrative Amendments

Minor corrections, additions and amendments to an approved site plan or subdivision plan, which do not require recommendation and comment from an agency other than the Zoning Division, may be approved administratively by the DRO. Administrative Amendments permitted include, but are not limited to, a change in sign location, minor modifications to parking areas (such as the relocation of handicapped parking spaces), relocation of terminal islands to accommodate trees or utility lines, addition of phase lines reduction in building size, addition of canopies, removal of excess parking, minor revisions to lot lines to be consistent with a plat, temporary sales trailers, and other minor structures. An application for an Administrative Amendments shall be submitted in accordance with Article 2.A.1, Applicability, and reviewed in accordance with the standards in Article 2.D.1.C, Review Procedures.

Part 5. ULDC, Art. 2.D.3.C, Type IB Administrative Variances [Related to Generators] (page 25 of 49), is hereby amended as follows:

CHAPTER D ADMINISTRATIVE PROCESS

Section 3 Type IA and Type IB Administrative Variances

C. Type IB Administrative Variances

Type IB variances may be considered for the following:

3. Permanent Generators on SFD and ZLL Lots

A variance may be requested to reduce the minimum front and/or side setback requirements for permanent generators proposed on single family or ZLL lots, provided that the generator complies with all other applicable ULDC requirements.

Notes:

Underlined language indicates proposed new language.

Language crossed-out indicates language proposed to be deleted.

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as italicized with reference in parenthesis.

EXHIBIT B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 11/20/06)

1 Part 6. ULDC, Art. 2.E.2.A, Suspension of Development Orders (page 31 of 49), is hereby
2 amended as follows:

3
4 CHAPTER E MONITORING

5 Section 2 Procedures

6 A. Suspension of Development Orders

7 1. Upon expiration of any time period established by this Code or for any failure to comply with,
8 or continued violation of a condition of development approval, except for a condition imposed
9 by the DRO_i or a condition for which a complete administrative time extension application has
10 been submitted, or a variance, no new development orders affecting the property shall be
11 issued by PBC, and no action which might tend to vest the development order shall be
12 permitted, except as permitted by Art. 2.E.2.A.5, Procedures for Rezoning, until a final
13 determination is made by the Executive Director, or BCC or ZC pursuant to Article 2.E.2.B,
14 Administrative Extension of Time, and Article 2.E.2.D, Failure to Comply with Conditions_i or
15 Time Requirements other than for a DRO Imposed Condition of Approval, herein. This
16 suspension of development rights shall not preclude the property owner from filing a new
17 petition for the subject property to amend or supersede an existing development order, or the
18 BCC or ZC from approving this petition. This suspension of development orders shall also
19 apply to any failure to comply with, or continued violation of, a condition of development
20 approval, if a status report public hearing is scheduled pursuant to Article 2.E.2.D, Failure to
21 Comply with Conditions_i or Time Requirements other than for a DRO Imposed Condition of
22 Approval.

23
24 ~~....~~
25 3. Upon the expiration of any time period except for a time period to comply with a condition of
26 approval imposed by the DRO_i or when a complete administrative time extension application
27 for a time certain condition of approval has been submitted, ~~or~~ upon reasonable cause to
28 believe that a property owner has not complied with a condition or a condition of development
29 approval has been violated, or a variance has not been utilized, a document shall be filed
30 with the clerk of the circuit court to be placed with the records governing title to the affected
31 property except as provided in Art. 2.E.2.A, Suspension of Development Orders, herein. This
32 document may apply only to that portion of the property related to the expired time period, or
33 any condition violated. The document shall give record notice that: **[Ord. 2005 – 002]**
34 a. A condition of development has been violated or a time certain activity has not proceeded
35 as required;
36 b. A review of the project will be conducted pursuant to terms of this Section;
37 c. Until the review is completed, no new development orders shall be issued by PBC; and
38 no action which might tend to vest the development order shall be permitted; and
39 d. Such other information as may be reasonable and necessary to afford adequate record
40 notice of the effect of this Section on the rights of property owners.

41
42
43 Part 7. ULDC, Art. 2.E.2.B, Administrative Extension of Time (page 33 of 49), is hereby
44 amended as follows:

45
46 CHAPTER E MONITORING

47 Section 2 Procedures

48 B. Administrative Extension of Time

49 ~~....~~
50 3. In reviewing applications for administrative time extensions for requirements other than
51 conditions of approval and variances, the Executive Director of PZB shall approve a time
52 extension provided there are no current Code violations or outstanding liens or fines and the
53 development order;
54 a. Is consistent with the Plan;
55 b. Is consistent with the Code; and

56 ~~....~~
57 5. In reviewing applications for administrative extensions for variances, the criteria listed in Art.
58 2.E.2.B.4.a - f shall apply.

59 65. When the extension of time is for the payment of fees, the amount due shall increase by an
60 interest payment equal to the rate established by F.S. §55.03. The interest rate established
61 at the time an extension is approved shall remain the same until the fee is paid. If the
62 extension covers a period less than a year, then the interest shall be prorated.

Notes:

Underlined language indicates proposed new language.

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

~~....~~ (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS

(Updated 11/20/06)

76. When the Executive Director of PZB approves an extension of time for completion of a time certain requirement, he/she may require the property owner to guarantee the completion by furnishing a cash deposit, letter of credit, or surety bond.

Part 8. ULDC, Art. 2.E.2.B.2, Administrative Extension of Time [Related to Time Certain Project Buildout] (page 32 of 49), is hereby amended as follows

CHAPTER E MONITORING

Section 2 Procedures

....
B. Administrative Extension of Time

....
2. Upon the filing of an application for an administrative extension of time, the Executive Director, or other person designated by this Code, may grant an extension of time to comply with a requirement. A time extension shall commence upon the expiration of the date to comply with the time requirement, or the expiration of the last extension, whichever is applicable. Conditions of approval with a time certain project buildout date may be provided an additional 90 days if a complete building permit application has been submitted to the Building Division prior to this deadline. The maximum duration of an administrative time extension is as follows:

a. Development Order

....
b. Conditions of Approval not Requiring the Posting of Performance Security Pursuant to Article 12.C.2, Conditions

An administrative extension shall not exceed 12 months ~~shall be the maximum. , with the exception of time certain project buildout date condition(s) as mandated by the Traffic Performance Standards. An administrative extension for a project buildout date condition may be granted up to the Buildout Period assumed in the Traffic Study submitted with the application, provided that it has been reviewed and approved by the County Engineer and that no additional conditions of approval are necessary to comply with the Traffic Performance Standards. If additional conditions of approval are required, the request for time extension through the new project buildout year shall be submitted in the form of a Development Order Amendment to the BCC or ZC, as appropriate, for approval.~~ Subsequent applications may be filed, however, the total administrative extensions approved shall not exceed 24 months except 1) for project buildout date conditions and 2) when government-caused delays can be documented as the reason for failure to meet required deadlines. The Executive Director of PZB shall grant such extensions as necessary to offset government-caused delays, not necessarily equal to the time of delay, and each extension shall be based only on a delay that has already occurred. It is the responsibility of the property owner to notify staff in writing of the delay, and document the cause of the delay, however, no application or fee will be required. If the BCC has previously approved a time extension, any administrative extensions of time shall not extend more than 24 months from the original date for compliance except 1) for project buildout date conditions and 2) when there have been government-caused delays. If government caused delay has prevented compliance with a condition of approval which is due prior to the issuance of a building permit or certificate of completion, the compliance deadline may extended to a specific date. The condition will then be subject to the review requirements of this Section for time certain conditions of approval.

c. Conditions of Approval Requiring The Posting of Performance Security pursuant to Article 12.C.2, Conditions

A one-time administrative time extension not to exceed six months shall be the maximum. ~~Conditions of approval that provide a deadline for obtaining building permits may be provided an additional 90 days if a complete building permit application has been submitted to the Building Division prior to this deadline. [Ord. 2005 – 002]~~

Part 9. ULDC, Art. 2.E.2.C, Appeal (page 33 of 49), is hereby amended as follows:

CHAPTER E MONITORING

Section 2 Procedures

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT B

ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

C. Appeal

An appeal of a denial of an administrative time extension may be made to the BCC for development orders approved by the BCC or ZC, ~~and~~ to the DRAB for conditions imposed by the DRO and to the hearing officer for variances. An appeal shall be made upon forms prescribed by the department within 30 days of the mailing of the notice that the request for an administrative extension has been denied.

....

Part 10. ULDC, Art. 2.E.2.D.8.b.1).b), Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval [Related to Project Buildout Period as mandated in the Traffic Performance Standards] (page 33 of 49), is hereby amended as follows:

CHAPTER E. MONITORING

Section 2 Procedures

D. Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval

8. Decision of the BCC or ZC for Failure to Comply with the Following:

Time requirements to commence development, utilize a conditional or requested use or record a plat; or Non-performance security conditions (~~those not~~ required by Article 12.C.2, Conditions). [Ord. 2005-002]

- b. After deliberation, the BCC or ZC shall take one or more of the following actions:
 - 1) Grant a time extension:

- b) To comply with a condition of approval for a period not to exceed 24 months- with the exception of time certain project buildout date condition(s) as mandated by the Traffic Performance Standards. A project buildout date condition may receive approval of a time extension up to the Buildout Period assumed in the Traffic Study. The term of the time extension shall commence upon the expiration of the date to complete the time certain activity, or the expiration of the last extension, whichever is applicable. When the BCC or ZC approves an extension of time for the payment of fees, the amount due shall increase by an interest payment equal to the rate established by F.S. §55.03. The interest rate established at the time an extension is approved shall remain the same until the fee is paid. If the extension covers a period less than a year, the interest shall be prorated.

Part 11. ULDC, Art. 2.E.2.F, Procedures (page 37 of 49), is hereby amended as follows:

CHAPTER E MONITORING

Section 2 Procedures

F. Failure to Use Variance

If a property owner fails to utilize a variance within the timeframes as provided in Table 2.E.3.B-1, the variance shall become null and void.

GF. Expiration of Time Extensions Granted by the BCC

In the event that the property owner has not complied with the condition of development approval or time certain activity at the expiration of a time extension, the development order shall be subject to the requirements of Art. 2.E.2.B, Administrative Extension of Time, Art. 2.E.2.D, Failure to Comply with Conditions or Time Requirements other than for a DRO Imposed Condition of Approval, or Art. 2.E.2.E, Failure to Comply with Conditions of Approval Imposed by the DRO, herein, as appropriate. [Ord. 2005 – 002]

HG.Fees

Fees to implement this Section shall be established by the BCC.

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT B

**ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS**

(Updated 11/20/06)

1 Part 12. ULDC, Art. 2.E.3.B.2, Conditional and Requested Uses, Planned Development Districts
2 (PDD) other than Planned Unit Developments and Traditional Marketplace and
3 Traditional Town Development Districts (page 37 of 49), is hereby amended as follows:
4

5 **CHAPTER E MONITORING**

6 **Section 3 Supplementary Regulations for Classes of Development Orders**

7 **B. Effect of Phasing on Time Frames for Receipt of a Required Permit or Commencement of a
8 Required Action**

9 **2. Conditional and Requested Uses, PDDs other than PUDs, TTDs and TMDs**

10 The Final site plan/Final Subdivision plan for conditional and requested uses, PDDs other
11 than PUDs, TTDs, or TMDs, may provide for phasing. Table 2.E.3.B-1, Time Limitation of
12 Development Order for Each Phase, provides the maximum number of phases permitted for
13 each type of development order. If there are multiple phases, ~~each of~~ the first ~~two~~ phases
14 shall contain a minimum of 20 percent of the land area and the first and second phases shall
15 contain a combined minimum of 40 percent of the land area unless otherwise approved in the
16 development order approved by the BCC or ZC. A TMD in the U/S Tier shall include a
17 minimum of 25 percent residential/non residential of the total project. Table 2.E.3.B-1, Time
18 Limitation of Development Order for Each Phase, also provides time requirements for
19 commencement of development. [Ord. 2006-004]
20
21

22 Part 13. ULDC, Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase (page 38
23 of 49), is hereby amended as follows:
24

TABLE 2.E.3.B-1 - TIME LIMITATION OF DEVELOPMENT ORDER FOR EACH PHASE					
TYPE OF DEVELOPMENT ORDER	MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION ⁴	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
REZONING – RESIDENTIAL-NON-PLANNED DEV. DIST. (PDD) or TRADITIONAL DEV. DIST. (TDD) <u>(Including any associated variance(s))</u>	2	Record plat or affidavit of plat waiver or commence ¹ development	Three years ^{2,7}	No extensions permitted	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
REZONING - NONRESIDENTIAL-Non-PDD or TDD <u>(Including any associated variance(s))</u>	2	Commence ¹ development	Three years ^{2,7}	12 months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
CONDITIONAL USES CLASS A AND CLASS B, REQUESTED USES INCLUDING THOSE IN PDDs, and TDDs <u>(Including any associated variance(s))</u>	⁵ 2	Commence development or utilize Conditional Use or Requested Use if no construction ¹ is required	Three years ^{2,7}	12 months	Pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein: Class A -BCC review; Class B - Zoning Commission review
PDD: NON PLANNED UNIT DEV. (PUD) <u>(Including any associated variance(s))</u>	4	Commence ¹ development	Three years ^{2,7}	12 months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art.2.E.2.D herein

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT B

**ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

TABLE 2.E.3.B-1 - TIME LIMITATION OF DEVELOPMENT ORDER FOR EACH PHASE						
TYPE OF DEVELOPMENT ORDER		MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION ⁴	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION
PDD: PUD; TDD: TRADITIONAL NEIGHBORHOOD DEV. (TND) <u>(Including any associated variance(s))</u>		No maximum	Record plat ⁶	Three years ^{2,7}	No extensions permitted	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
TDD <u>(Including any associated variance(s))</u>	TMD in the AGR Tier	1	Commence development ¹	Three years ^{2,7} <u>or, for a TTD, as may be recommended by DRI or local government conditions of approval.</u>	12 months	BCC review pursuant to subsections Art. 2.E.2.A, Suspension of Development Orders and Art. 2.E.2.D, Failure to Comply with Conditions herein
	TMD in the U/S Tier	4				
	TMD in all other Tiers and TTD	No Maximum				
DEVELOPMENT ORDERS WHICH AT THE TIME OF CERTIFICATION ARE NOT ASSOCIATED WITH ANY OTHER DEVELOPMENT ORDER WHICH IS SUBJECT TO THE	SITE PLAN	2	Commence Development	Four years ^{3,7}	No extensions permitted	Plan null & void for the undeveloped phases of a site plan, unplatted phases of a subdivision plan, and variances if applicable.
	FINAL SUB-DIVISION PLAN: NON-RESIDENTIAL	2	Commence Development	Four years ^{3,7}		
REQUIREMENTS OF ART.2.E (THOSE LISTED ABOVE)	FINAL SUBDIVISION PLAN; RESIDENTIAL	No maximum	Record Plat	Three years ^{3,7}		
	<u>NON CON-CURRENT VARIANCES</u>	N/A	<u>Commence Development</u>	One year	<u>24 months</u>	<u>Variance becomes null & void if applicable</u>

Notes for Table 2.E.3.B - 1

¹ Commencement of development shall consist of:

- a. Receipt of a building permit and first inspection approval of first component of the primary structure(s) for a) the entire development, as defined by the certified site plan or certificate of concurrency for those development orders which do not require the certification of a site plan or b) all of the next phase if phasing is provided by the development order and final Master Plan pursuant to Art. 2.E.3.B.3.b, Final Site Plan or Final Subdivision Plan, herein; or

The installation of significant site improvements such that the improvements would only permit the development of the approved project and any other pattern of development would require extensive changes to the installed improvements.

Commencement of development shall not consist of:

- a. The dividing of land into parcels, unless the determination of commencement is to be made for property in a residential zoning district which is not a PDD and for which there is no conditional use/special exception and this division is accomplished through the recording of a plat or plat waiver; or
- b. Demolition of a structure; or
- c. Deposit of refuse, solid or liquid waste, or fill on the parcel unless the development order is exclusively and specifically for such; or
- d. Clearing of land.

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT B

**ARTICLE 2 - DEVELOPMENT REVIEW PROCESS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

TABLE 2.E.3.B-1 - TIME LIMITATION OF DEVELOPMENT ORDER FOR EACH PHASE					
TYPE OF DEVELOPMENT ORDER	MAXIMUM NUMBER OF PHASES	NEXT REQUIRED ACTION OR DEVELOPMENT ORDER	MAXIMUM TIME TO RECEIVE DEVELOPMENT PERMIT OR COMMENCE DEVELOPMENT	MAXIMUM LENGTH OF ADMINISTRATIVE TIME EXTENSION ⁴	ACTION UPON FAILURE TO COMPLY WITH TIME REQUIREMENT WITHOUT AN APPROVED TIME EXTENSION

² From resolution adoption date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases. The maximum time to commence development for each phase of a Type III excavation shall be established by a condition of approval.

³ From plan certification date for first phase, and from date of commencement of development of last phase, or last plat recordation date, for subsequent phases.

⁴ All administrative time extensions listed in this table are to be approved or denied by the Executive Director of PZB. Time extensions for Type IA and IB administrative variances, and Type II non-concurrent variances are to be approved by the Zoning Director.

⁵ The maximum number of phases and duration of each phase for a Type III excavation shall be established by a condition of approval.

⁶ The recordation of a plat for the preservation area of an AGR-PUD shall not qualify as meeting this requirement.

⁷ An additional 90 days will be provided if prior to the expiration of any time period established by this Code, staff is notified by the property owner that either a complete building permit application has been submitted, or technical compliance for a plat has been received, as appropriate, and development will commence, or the plat will be recorded, within 90 days of the deadline. If the required action does not occur within the ninety days, the requirements of Art. 2.E.2, Procedures, shall apply. This provision shall not be utilized when there has been a failure to comply with concurrency reservation or development order conditions that are required for the Development Order to comply with Art. 12.C.2, Conditions. **[Ord. 2005 – 002]**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

U:\zoning\CODEREV\2006\BCC Hearings\2006-02 Round\1-04-07 First Reading\Exhibit B - Article 2.doc

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

1
2 **Part 1. ULDC, Art. 3.C.1.C.2.a, Exempted Residential Uses [Related to AGR, Agriculture**
3 **Reserve District] (page 38 of 134), is hereby amended as follows:**
4

5 **CHAPTER C STANDARD DISTRICTS**

6 **Section 1 Districts**

7 **C. Agricultural Districts**

8 **2. AGR, Agricultural Reserve District**

9 The AGR district is a portion of PBC lying between Hypoluxo Road on the north, Clint Moore
10 Road on the south, the Ronald Reagan Turnpike on the east, and the Arthur R. Marshall
11 Loxahatchee National Wildlife Refuge on the west. The district encompasses unique
12 farmland, regional water management and wetlands areas. It is designated as an area to be
13 preserved primarily for agricultural, environmental and water resources and open space
14 related activities west of SR 7, agricultural and regional water management use if possible,
15 Residential development is restricted to low-densities and commercial development is limited
16 to those uses serving farm workers and other residents of the district. Gaming, pari-mutual
17 wagering, off-track betting, events or activities held or broadcast for similar purposes shall be
18 prohibited.

19 **a. Exempted Residential Uses**

20 Residential subdivisions and PUDs approved by the BCC prior to January 1, 1990 shall
21 be exempt from the provisions of the AGR district to the minimum extent required to allow
22 for continued development pursuant to their original development order and the intent of
23 the provisions of the AGR district.

24 **1) Exempted Developments**

25 The exemption applies to the following residential developments that may continue to
26 exist, however, they may not subdivide nor expand the boundaries of the property:
27 Willis Glider Port, Delray Lakes Estates, Tierra de Rey, Tierra de Rey South, Rio
28 POCO, Snow Ranch Estates, (a.k.a. Horseshoe Acres), and Delray Training Center.

29 **2) Permitted Contiguous Development**

30 An exception shall be permitted in accordance with FLUE Policy 1.5-c, whereas
31 Delray Lakes Estates, Willis Glider Port and Snow Ranch Estates (a.k.a. Horseshoe
32 Acres) may expand the aforementioned may be expanded, subject to BCC approval,
33 to allow development of contiguous residual parcels at a density that is consistent
34 with the existing development, where it would serve to establish uniform boundaries.
35 Expansion shall be subject to Table 3.C.1.C-5, AGR Contiguous Development PDRs.
36 **[Ord. 2006-004]**
37

Table 3.C.1.C-5 – AGR Contiguous Developments PDRs

Name of Project	Lot Dimensions			Building Coverage	Setbacks			
	Size	Width and Frontage	Depth		Front	Side	Side Street	Rear
<u>Delray Lakes Estates</u>	<u>1 acre</u>	<u>65⁽¹⁾</u>	<u>75⁽¹⁾</u>	<u>40%</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>
<u>Willis Gliderport</u>	<u>1.5 acre</u>	<u>200</u>	<u>300</u>	<u>40%</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>15</u>
<u>Horseshoe Acres</u>	<u>2 acres</u>	<u>300</u>	<u>300</u>	<u>15%</u>	<u>100</u>	<u>50</u>	<u>80</u>	<u>100</u>

Notes for Table 3.C.1.C-5, AGR Contiguous Development PDRs

1. All lots shall have an average width and depth that is consistent with lots in the Delray Lakes Estate PUD.

38
39
40 **Part 2. ULDC, Art. 3.D.3.A.3.a, Floor Area [Related to CN District] (page 51 of 134), is hereby**
41 **amended as follows:**

42
43 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)**

44 **Section 3 District Specific Regulations**

45 **A. District Specific Regulations**

46 **3. CN District**

47 **a. Floor Area**

48 ~~Uses shall be limited to a maximum of 3,000 square feet of GFA, unless approved as a~~
49 ~~Class A conditional use.~~

50 **[Renumber accordingly (b and c).]**

51
52

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

1 Part 3 . ULDC, Art. 3.D.3.A.5.a, Floor Area, [Related to CC District] (page 51 of 134), is hereby
2 amended as follows:
3

4 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRS)

5 Section 3 District Specific Regulations

6 A. District Specific Regulations

7 5. CC District

8 a. Floor Area

9 ~~The maximum floor area permitted on any lot or within any project in the CC district shall~~
10 ~~be 30,000 square feet of GFA, unless approved as a Class A conditional use.~~

11 [Renumber accordingly (b).]
12
13

14 Part 4. ULDC, Table 3.E.1.B-10, PDD Use Matrix (page 13 of 142), is hereby amended as
15 follows:
16

Table 3.E.1.B-10 - PDD Use Matrix

Use Type	PUD					MUPD						MXPD				PIPD			M	R	N	
	Pods					Land Use Designations						Land Use Designations				Use Zone						
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	C	C	I	C				I
	E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	N	O	N	P	P	T
	S	M	C	V	R			O	O		D	S			O	O	D	M	D	D	D	E
				/	P						T					/	/					
Commercial Uses																						
....		P																				
Medical Or Dental Office		R				P	P	P	P		<u>D</u>	P	P	P	P		P				83	
....																						

17
18
19 Part 5 . ULDC, Table 3.E.1.B-10, PDD Use Matrix, (page 55 of 134), is hereby amended as
20 follows:
21

22 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

23 Section 3 Planned Development District (PDDs)

Table 3.E.1.B-10 - PDD Use Matrix

Use Type	PUD					MUPD						MXPD				PIPD			M	R	N	
	Pods					Land Use Designations						Land Use Designations				Use Zone						
	R	C	R	C	A	C	C	C	C	C	I	I	C	C	C	C	I	C				I
	E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	N	O	N	P	P	T
	S	M	C	V	R			O	O		D	S			O	O	D	M	D	D	D	E
				/	P						T					/	/					
Commercial Uses																						
....																						
Financial Institution		R				R	<u>PR</u>	R	<u>PR</u>			R	<u>PR</u>	R	<u>PR</u>		<u>PR</u>				55	
....																						

[Ord. 2005-002] [Ord. 2004-051]

24
25
26 Part 6 . ULDC, Art. 3.E.1.C.2.a.5), [Related to Access and Circulation] (page 63 of 134), is
27 hereby amended as follows:
28

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

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

2 **Section 1 General**

3 **C. Objectives and Standards**

4 **2. Performance Standards**

5 **a. Access and Circulation**

6 **5) Cul-de-sacs**

- 7 a) No more than 25 40 percent of the local streets in a PDD ~~shall~~may terminate in a
8 cul-de-sac or a dead-end. This standard may be waived by the BCC; and
9 b) An additional 25 percent of the local streets in a PDD may terminate in a cul-de-
10 sac or a dead end with the provision of continuous pedestrian connectivity
11 between the cul-de-sacs or dead ends; and
12 c) Parcels with an irregular configuration may be exempt from standards a) and b)
13 above, if the applicant can demonstrate there are no other alternatives.

14
15
16 **Part 7. ULDC, Table 3.E.2.D-16, PUD Property Development Regulations (page 72 of 134), is**
17 **hereby amended as follows:**
18

Table 3.E.2.D-16 - PUD Property Development Regulations

POD	Lot Dimensions			Density		FAR ⁽²⁾	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth	Min.	Max.			Front	Side	Side Street	Rear
Residential											
SF	Apply the RS district regulations in Table 3.D.1.A-5, Property Development Regulations.										
ZLL	Refer to Article 3.D.2.B, Zero Lot Line (ZLL).										
TH	Refer to Article 3.D.2.A, Townhouse.										
MF	Apply the RM district regulations in Table 3.D.1.A-5, Property Development Regulations.										
Civic											
Private	0.5 ac	100	100	-	-	0.35	30 percent	25	20	25	20
Public	1 ac.	100	200	-	-						
Commercial											
Commercial	Apply CC district regulations in Table 3.D.1.A-5, Property Development Regulations										
Recreation											
Recreation Pod	-	65	75	-	-	0.35	30 percent	25	15	25	15
Neighborhood Park	0.1	45	75	-	-	0.45	15 percent	15	15	15	15
Preservation (1)											
Preservation	Apply the AGR district regulations in Table 3.D.1.A-5, Property Development Regulations										

Notes for Table 3.E.2.D-16, PUD Property Development Regulations.

- 19
20
21 1. Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.
22 2. The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted.
23 [Ord. 2005-002]

24 **Part 8. ULDC, Art.3.E.2.E.3, Recreation Pod (page 74 of 134), is hereby amended as follows:**

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

26 **Section 2 Planned Unit Development (PUD)**

27 **E. Pods**

28 **3. Recreation Pod**

29 Recreation areas shall be designated on the master plan as recreation pods and in
30 accordance with Art. 5.D, Parks and Recreation Standards.

31 **a. Installation**

Site improvements shall be provided in accordance with Art. 5.D, Parks and Recreation –
Rules and Recreation Standards.

Notes:

Underlined language indicates proposed new language.
Language ~~crossed-out~~ indicates language proposed to be deleted.
.... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

b. Parking

Parking shall not be required for recreation pods less than one acre.

c. Special Events

The HOA shall be responsible for ensuring adequate off street parking is provided during special events.

Part 9. ULDC, Table 3.E.3.D-20, MUPD Property Development Regulations (page 82 of 134), is hereby amended as follows:

D. Property Development Regulations

The minimum lot dimensions, maximum FAR, maximum building coverage, and minimum setbacks in the MUPD district are indicted in Table 3.E.3.D-20, MUPD Property Development Regulations, unless otherwise stated.

Table 3.E.3.D-20 – MUPD Property Development Regulations

FLU Designations	Lot Dimensions			FAR ⁽²⁾	Maximum Building Coverage	Setbacks ¹			
	Size	Width & Footage	Depth			Front	Side	Side Street	Rear
CL	3 ac		200	-25	25 percent	25	C-15 R-30	25	C-20 R-30
CH	5 ac	300	300	-50	30 percent	30	C-15 R-30	30	C-20 R-30
CLO	3 ac	200	250	-35	25 percent	25	C-15 R-30	25	C-20 R-30
CHO	5 ac	200	200	-50	25 percent	30	C-15 R-30	30	C-20 R-30
IND	5 ac	300	300	-45	45 percent	30	C-15 R-40	30	C-20 R-40
CR	5 ac	300	300	-50	30 percent	30	C-15 R-40	30	C-20 R-40
INST	5 ac	300	300	-50	30 percent	30	C-15 R-30	30	C-20 R-30

Notes to Table 3.E.3.D-20, MUPD Property Development Regulations:

C Indicates the building setback if the lot abuts a non-residentially zoned or designated lot.

R Indicates the setback from an adjacent parcel with a residential zoning designation.

1. Setbacks are measured in linear feet from the boundary of the MUPD.

2. The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted.
~~The maximum FAR may be increased to .50 as allowed by the Future Land Use Element (FLUE) of the Plan.~~

Part 10. ULDC, Art. 3.E.4.A.1, Purpose and Intent [Related to MXPDP] (page 85 of 134), is hereby amended as follows:

CHAPTER E

Section 4 Mixed Use Planned Development (MXPDP)

A. General

1. Purpose and Intent

The purpose and intent of the MXPDP district is to provide for the compatible *development and* integration of residential and non-residential uses into a unified development with enlightened and imaginative approaches to community planning, including: ~~The intent of an MXPDP is to provide for the compatible development and integration of residential and nonresidential uses~~

- a. the use of vertical or horizontal integration with residential and non-residential uses;
- b. the selection of land uses which allows for internal automobile trip capture and compatibility with residential uses;
- c. the design of a site plan which provides for the integration of residential and non-residential uses;
- d. the design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles; and
- e. the utilization of multiple family homes to provide a transition area between non-residential uses and adjacent residential development.

Part 11. ULDC, Table 3.E.4.D-24, MXPDP Property Development Regulations (page 82 of 134), is hereby amended as follows:

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

1

Table 3.E.4.D-24 - MXPD Property Development Regulations

FLU	Lot Dimensions			FAR ⁽¹⁾	Maximum Building Coverage	Setbacks			
	Acres	Width	Depth			Front	Side	Side Street	Rear
CL	3	200	200	.45	30%	25	C-15 R-40	25	C-20 R-40
CH	5	300	300	.85	40%	25	C-15 R-40	25	C-20 R-40
CLO	3	200	200	.45	30%	25	C-15 R-40	25	C-20 R-40
CHO	5	300	300	.85	40%	25	C-15 R-40	25	C-20 R-40
RESIDENTIAL	Apply RM district regulations								
RECREATION POD	Apply PUD Recreation Pod regulations								
NEIGHBORHOOD PARK	Apply PUD Neighborhood Park regulations								

Notes for Table 3.E.4.D-24, MXPD Property Development Regulations:

C Indicates the setback from an adjacent commercial zoned parcel.

R Indicates the setback from an adjacent residential zoned parcel.

1. The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted.

2
3
4
5
6

Part 12 . ULDC, Table 3.E.5.D-26, Property Development Regulations (page 89 of 134), is hereby amended as follows:

Table 3.E.5.D-26 - PIPD Property Development Regulations

PODs	Lot Dimensions			Max. FAR ⁽¹⁾	Maximum Building Coverage	Setbacks			
	Size	Width and Frontage	Depth			Front	Side	Street	Rear
Light Industrial	1 ac	100	200	.45	30%	25	C - 15 R - 40	25	C - 15 R - 40
General Industrial	2 ac	200	200	.45	30%	25	C - 20 R - 40	25	C - 20 R - 40
Commercial	Apply MUPD, MXPD or TMD regulations								
Residential	Apply PUD regulations								
Recreation	Apply PUD Recreation Pod and Neighborhood Park regulations								
Civic	Apply PUD Civic regulations								

Notes to Table 3.E.5.D-26, PIPD Property Development Regulations:

C Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod, or a recreation area.

R Indicates the required building setback for land uses abutting a residential zoning district or a residential pod.

1. The maximum FAR shall be in accordance with Table 2.1-2 of the Plan, and other related provisions, unless otherwise noted.

[Ord. 2004-040]

7
8
9
10
11
12
13
14

Part 13 . ULDC, Table 3.F.1.F-32, Traditional Development Permitted Use Schedule (Continued), (page 100 of 134), is hereby amended as follows:

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDs)

Section 1 General Provisions for TDDs

Table 3.F.1.F-32 – Traditional Development Permitted Use Schedule (Continued)

District Tier Land Use Zone	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/ Rec	Res	N/C	Open Space/ Rec			Dev	Preserve	
Commercial Uses											
.... Financial institution		<u>PR</u>			<u>PR</u>		<u>PR</u>	<u>PR</u>	<u>PR</u>		55

[Ord. 2005 – 002] [Ord. 2005-041]

15
16
17
18
19
20
21
22
23

U:\zoning\CODEREV\2006\BCC Hearings\2006-02 Round\1-04-07 First Reading\Exhibit C - Article 3.doc

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT D

**ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

1
2 Part 1. ULDC, Table 4.A.3.A.1, Use Matrix (page 11 of 142), is hereby amended as follows:
3

Table 4.A.3.A-1 - Use Matrix (continued)

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	C H O	C G R E	I L	I G		P O	I P F
				R S A	U S A														
Commercial Uses																			
....																			
Convenience Store with Gas Sales												A		A		B	D		37
....																			
Office, Business or Professional									P	P	P	P	P		P	P			
....																			
Medical or Dental Office		P		A					D	A	P	D	P		P		P	D	83
....																			

[Ord. 2005-002] [Ord. 2004-051]

4
5 Part 2. ULDC, Art. 4.B.1.A.16.b, Auction (page 31 of 142), is hereby amended as follows:
6
7

8 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

9 **Section 1 Uses**

10 **A. Definitions and Supplementary Standards for Specific Uses**

11 **16. Auction**

12 An establishment engaged in the public sale of goods to the highest bidder

13 **b. Outdoors**

14 An auction with all or a portion of the activity and display of merchandise occurring
15 outside of an enclosed building shall require approval of a Class A conditional use
16 provided the site meets the non-residential use location criteria of the AR district Plan.

17
18
19 Part 3. ULDC, Art. 4.B.1.A.44-1, Electric Power Facility (page 43 of 142), is hereby amended as
20 follows:
21

22 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

23 **Section 1 Uses**

24 **A. Definitions and Supplementary Standards for Specific Uses**

25 **44-1. Electric Power Facility**

26 The principal use of property for electric generation. [Ord. 2006 – 004]

27 **a. Setbacks**

- 28 1) An electric power facility, for electrical generation only, shall not be located within
29 1,000 feet of a residential zoning district.
30 2) Principal uses and structures (excludes poles) shall be setback a minimum of 500
31 feet from all property lines.
32 3) Accessory uses and structures (excluding poles) shall be setback a minimum of 50
33 feet from all property lines.

34 **b. Screening**

35 Screening around the perimeter of an electric power facility shall be provided at the time
36 the facility is constructed or when surrounding development occurs. The standards in
37 Art. 7, Landscaping, shall be waived if the required screening is not visible from adjacent
38 lots or streets.

39 **c. Ash disposal and wood recycling facilities**

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

Ash disposal and wood recycling facilities shall be permitted on sites in the AP district as an accessory use to biomass electric power facilities. The primary use for the site shall be consistent with the underlying zoning designation.

- 1) Ash stockpiles shall not exceed 220 feet in height.
- 2) Ash disposal facilities shall only be used to process onsite materials.
- 3) Ash disposal facilities shall be subject to review by applicable governmental agencies.

Part 4. ULDC, Art. 4.B.1.A.74-2, Kennel, Type III Commercial (page 52 of 142), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

74-2. Kennel, Type III (Commercial)

A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit. [Ord. 2006-036]

a. Limitations of Use

A Type III kennel is intended to be entirely self contained within an enclosed building, and shall be subject to the following: [Ord. 2006-036]

1) Maximum Square Footage

Shall not exceed 3,000 square in the CC and TMD districts, or 7,500 square feet in any other permitted district. [Ord. 2006-036]

2) Number of Animals Permitted

Prior to review by DRO, preliminary approval shall be obtained from the PBCACC demonstrating that the proposed location can comply with all PBCACC requirements, and indicating the maximum number of animals permitted. [Ord. 2006-036]

3) Standards

All use areas shall be within an enclosed building constructed, maintained and operated so that no noise or odor nuisances related to the kennel operations can be detected outside the building. With exception to designated drop off areas, no outdoor runs, playgrounds, walking areas, yards or similar uses shall be permitted. [Ord. 2006-036]

4) Waste Disposal

A Type III kennel shall meet the ECR I and ECR II standards and shall be subject to all applicable rules and regulations of the FDEP, PBCHD and SWA. [Ord. 2006-036]

5) AZO Overlay

Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]

b. Approval Process

A Type III kennel that is collocated and operated in conjunction with and accessory to a related general retail sales use for animal care products, shall be permitted subject to DRO approval if less than 30 percent of the overall GFA of the combined uses. [Ord. 2006-036]

c. PIPD

A Type III Commercial Kennel shall be permitted in a commercial or light industrial use zone of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan Future Land Use Element Policy 2.2.4-b.

Part 5. ULDC, Art. 4.B.1.A.76, Research Laboratory, (page 53 of 142), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

76. Laboratory, Research

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

~~a. Research Lab~~

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

~~A research laboratory shall only be allowed as a requested use in a MUPD with EDC or MLU land use.~~

1) Exception

~~A research laboratory shall be allowed as a requested use in a MUPD with IND land use.~~

ab. Outdoor Activities

Outdoor manufacturing, processing or testing shall be limited to industrial districts only.

bc. Accessory Use

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

c. Biotechnology Research Protection Overlay (BRPO)

A research laboratory located in the BRPO and the IL District may be approved by the DRO and shall not be subject to the limitations of Table 4.A.3.A-2, Thresholds for Projects Requiring Board of County Commissioner Approval.

Part 6. ULDC, Art. 4.B.1.A.83, Medical or Dental Office, (page 55 of 142), 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, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida. [Ord. 2005 – 002]

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 be limited to public health or government owned clinics serving the rural or agricultural community.~~ [Ord. 2005-041]

dc. Ambulatory Surgical Center

Ambulatory surgical centers licensed by the Florida Agency for Health Care Administration (AHCA), 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. [Ord. 2005-041]

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. [Ord. 2005-041]
- 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. [Ord. 2005-041]

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. [Ord. 2005-041]

Part 7. ULDC, Art. 4.B.1.A.109, Type I Restaurant, (page 68 of 142), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

109. Restaurant, Type I

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for take out who place orders through a window or remote transmission device; or sales to patrons for take out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board;

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT D

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS

(Updated 11/20/06)

1 countertop sales where payment is made prior to consumption; disposable containers and
2 utensils; limited service dining facilities with no hostess or waiters; and self service or
3 prepackaged condiments. Traffic generation rates are normally in the range 130 to 500 trips
4 per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and
5 Engineering. [Ord. 2006-004]

6 a. Location Criteria

7 A Type I restaurant with a drive through, ~~or where the total GFA, including outdoor dining~~
8 ~~areas, for such use or uses is greater than 20 percent of overall building GFA unless~~
9 ~~approved under Art. 4.B.1.A.109.c.2), Permitted by Right,~~ shall be subject to the
10 following: [Ord. 2006-004]

11 1) Intersection Criteria

12 A maximum of two Type I restaurants shall be permitted at an intersection in
13 accordance with Art. 5.E.2.B, Intersection Criteria. [Ord. 2006-004]

14 2) Separation Criteria

15 A Type I restaurant shall be separated from any other Type I subject to these
16 standards, in accordance with Art. 5.E.2.C.2. [Ord. 2006-004]

17 3) Exception

18 A Type I restaurant that is designed to enhance pedestrian circulation, safety and
19 accessibility while limiting vehicular circulation using exemplary site design and
20 architectural treatment that incorporates the following, may be exempt from
21 intersection and separation criteria: [Ord. 2006-004]

- 22 a) Required sidewalks and related pedestrian connections fronting on the façade
23 supporting the primary entrance shall be increased to eight feet in width; [Ord.
24 2006-004]
- 25 b) Dumpster enclosures shall be physically connected to and architecturally
26 consistent with the building and shall not be freestanding; [Ord. 2006-004]
- 27 c) No reductions in the width of required foundation planting areas shall be
28 permitted; [Ord. 2006-004]
- 29 d) Wall signage is limited to one façade of the restaurant; [Ord. 2006-004]
- 30 e) Landscape plans and architectural elevations shall be required as part of any
31 application for a Conditional or Requested Use, or any DOA affecting the items
32 listed herein. [Ord. 2006-004]
- 33 f) Where applicable, a drive through, including queuing and by-pass lanes shall not
34 be visible from adjacent public streets. This may be accomplished by the use of
35 a Type 3 Incompatibility Buffer, exemplary architectural design that incorporates
36 walls or other visual barriers a minimum of six feet in height, or a combination of
37 the two; [Ord. 2006-004]
- 38 g) Required parking shall not be separated from restaurant entrances by any means
39 of vehicular circulation with exception of drive isles used to access those parking
40 spaces; [Ord. 2006-004]
- 41 h) The restaurant shall not have continuous vehicular circulation on all four sides.
42 For the purposes of this Section, vehicular circulation shall include drive ways,
43 drive aisles, or other means of internal vehicular circulation located within 50 feet
44 or less of the building. Vehicular circulation shall not include customer parking
45 provided for the restaurant, one-way drive-through lanes and related by-pass
46 lanes serving the restaurant. [Ord. 2006-004]

47 b. U/S Tier

48 A Type I restaurant with a CL FLU designation shall comply with Art. 5.E.1, Major
49 Intersection Criteria, unless the restaurant meets the requirements of Art.
50 4.B.1.A.109.c.2), Permitted by Right. [Ord. 2006-004]

51 c. Approval Process Exceptions

52 1) DRO Approval

53 A Type I restaurant without a drive-through may be approved by the DRO in a district
54 where the use is permitted by Table 3.B.1.B-10, PDD Use Matrix, ~~or~~ Table 4.A.3.A-1,
55 Use Matrix, or Table 3.F.1.F-32, Traditional Development Permitted Use Schedule,
56 provided GFA including outdoor dining areas does not exceed ~~3,000~~ 5,000 square
57 feet; and the use is not located in an out parcel or freestanding building. [Ord. 2006-
58 004]

59 2) Permitted by Right

60 A Type I restaurant without a drive-through or located in an out parcel, may be
61 permitted by right in any PDD or TDD with a commercial or institutional FLU
62 designation, Pod or Use Zone; the commercial or recreational pod of a PUD, MHPD
63 or RVPD; or the IL and all commercial Zoning districts, provided: [Ord. 2006-004]

- 64 a) GFA including outdoor dining areas does not exceed 1,500 square feet; [Ord.
65 2006-004]
- 66 b) All district specific requirements are addressed; [Ord. 2006-004]

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 11/20/06)

c) The total of all Type I restaurant uses does not exceed 25 percent of the overall GFA of the development, unless it is the sole use of the property; and [Ord. 2006-004]

d) The restaurant is not located in a freestanding building, unless it is the sole use of the property. [Ord. 2006-004]

d. TMD District

A Type I Restaurant shall not: [Ord. 2005 – 002] [Ord. 2006-004]

1) Exceed 3,000 square feet of GFA. An additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 4,500 square feet of GFA. An exception shall be permitted where food is served cafeteria or buffet style, to allow up to 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA. [Ord. 2005-002] [Ord. 2006-004]

2) Be located in an outparcel or freestanding building; with exception to restaurants in a AGR TMD where food is served cafeteria or buffet style; or [Ord. 2005 – 002]

3) Have a drive-thru, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building. [Ord. 2005 – 002]

e. Outdoor Dining

Shall comply with the principal structure setbacks.

Part 8. ULDC, Art. 4.B.1.A.110, Type II Restaurant, (page 68 of 142), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

110.Restaurant, Type II

An establishment with no drive-through, equipped to sell food and beverages served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption. Traffic generation rates are normally in the range of 90 to 130 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering. [Ord. 2006-004]

a. Alcohol Sales

A Type II Restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use. A Type II Restaurant with less than 150 seats that does not qualify for a 4COP/SRX license shall obtain a Special Permit prior to obtaining an alcoholic beverage license. The Special Permit shall be subject to the following restrictions: [Ord. 2006-004]

1) Accessory Use

Alcohol sales, service, and consumption shall not exceed 30 percent of receipts. An annual accounting of the restaurant receipts prepared by a Certified Public Accountant (CPA) shall be provided to the Zoning Division. [Ord. 2006-004]

2) Kitchen

The restaurant shall have a full kitchen which shall remain open and serving full course meals while alcohol is being served. [Ord. 2006-004]

3) Floor Area

A maximum of 30 percent of the floor area of the restaurant or number of seats, whichever is less, shall be devoted solely to alcohol sales. [Ord. 2006-004]

4) Special Permit Renewal

The Special Permit shall be renewed annually. [Ord. 2006-004]

b. Use Limitations and Approval Process [Ord. 2005 – 002]

1) DRO Approval [Ord. 2006-036]

a) CLO and CHO Districts/PDDs and TNDs

A Type II Restaurant less than 3,000 square feet of GFA per establishment including outdoor dining areas, may be approved by the DRO, provided the total of all Type II Restaurants do not exceed 30 percent of the GFA of the development. [Ord. 2006-036]

b) CHO District/PDDs

If contained in an office, hotel or motel structure that does not exceed 30 percent of the GFA of the structure, or 5,000 square feet, whichever is less, may be approved by the DRO. [Ord. 2006-036]

c) CRE District, and CL, CR and Commercial Pods of a PDD

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT D

ARTICLE 4 – USE REGULATIONS
SUMMARY OF AMENDMENTS

(Updated 11/20/06)

- 1 A Type II Restaurant less than 5,000 square feet of GFA per establishment,
2 including outdoor dining areas, may be approved by the DRO. [Ord. 2006-036]
- 3 **2) Catering Service**
- 4 Catering may be permitted as an accessory use to a restaurant. Except in the IL
5 district, the use of three or more delivery or service vehicles shall require DRO
6 approval. [Ord. 2006-004]
- 7 **3) Take Out Service**
- 8 Take out service is permitted as an accessory use provided there are no vehicle take
9 out windows that include exterior menu boards, queuing lanes or order service.
10 [Ord. 2006-004]
- 11 **4) TNDs and TMDs**
- 12 ~~A Type II Restaurant shall not exceed 5,000 square feet of GFA, except that an~~
13 ~~additional 1,500 square feet shall be permitted for outdoor dining areas, for a~~
14 ~~maximum of 6,500 square feet of GFA.~~ Take out windows designed for vehicular use
15 are prohibited unless located in the rear of a building, with access from an alley or the
16 interior of a parking area, and covered by a canopy or the second story of a building.
17 [Ord. 2006-004]

19
20 **Part 9. ULDC, Art. 4.B.1.A.119, Security or Caretaker Quarters [Related to Maximum Floor**
21 **Area] (page 75 of 142), is hereby amended as follows:**

22
23 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

24 **Section 1 Uses**

25 **A. Definitions and Supplementary Standards for Specific Uses**

26 **119. Security or Caretaker Quarters**

27 An accessory residence used by a caretaker or security guard actively engaged in providing
28 security, custodial or managerial services upon the premises.

29 **a. Number**

- 30 1) A maximum of one security quarters shall be permitted on the same lot as a bona
31 fide agricultural, commercial, industrial, or institutional use.
- 32 2) A maximum of one security quarters shall be permitted within the area governed by
33 the site plan of an approved conditional use, requested use, or planned development.

34 **b. Maximum Floor Area**

- 35 1) On less than one acre: 800 square feet.
- 36 2) On one acre or more: 1000 square feet.

37 **cb. Occupancy**

38 A security or caretaker quarters shall be for the exclusive use of the site on which it is
39 located and shall be occupied only by the custodian, caretaker, or owner of the principal
40 use and their family.

41 **de. Accessory Use**

42 A security or caretaker quarters shall be allowed as an accessory use to a public or civic
43 use in all districts.

44 **ed. Temporary Use**

45 Unless stated otherwise, a security or caretaker quarters use shall not be permitted in
46 association with a temporary use.

47 **fe. Mobile Home**

48 A mobile home may be used for a security or caretaker quarters only in the AGR, AP,
49 AR, IL, IG, PO, IPF, and MHPD districts. If a mobile home is used, the Special Permit
50 shall be renewed annually.

51 **gf. Discontinuation of Use**

52 A security or caretaker quarter's use shall continue only as long as the principal use that
53 it serves remains active. Upon termination of the principal use, the right to have the
54 quarters shall end and the use shall be immediately discontinued. Once discontinued,
55 such quarters shall not be reestablished except in conformity with this Section.

56
57
58
59
60
61
62
63
64
65 U:\zoning\CODEREV\2006\BCC Hearings\2006-02 Round\1-04-07 First Reading\Exhibit D - Article 4.doc

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT E

ARTICLE 5 - SUPPLEMENTARY STANDARDS
SUMMARY OF AMENDMENTS

(Updated 11/20/06)

1
2 Part 1. ULDC, Art. 5.B.1.A.1, General [Related to Accessory Uses and Structures] (page 52 of
3 56), is hereby amended as follows:
4

5 CHAPTER B ACCESSORY AND TEMPORARY USES

6 Section 1 Supplementary Regulations

7 A. Accessory Uses and Structures

8 1. General

9 The following standards in this Section shall apply to all development in standard, PDD or
10 TDD zoning districts, unless otherwise stated:
11

12
13 Part 2. ULDC, Art. 5.B.1.A, Accessory Uses and Structures (page 20 of 56), is hereby amended
14 as follows:
15

16 CHAPTER B ACCESSORY AND TEMPORARY USES

17 Section 1 Supplementary Regulations

18 A. Accessory Uses and Structures

19 18. Permanent Generators

20

21 b. Standards

22 1) General

23 The following standards shall apply to all permanently installed generators.

24 a) Maximum Permissible Sound Level

25 Refer to Art. 5.E.3.B.2, and Table 5.E.3.C-12 Maximum Sound Levels.

26 b) Screening

27 Generators that are not located within, or completely screened by a building,
28 shall be screened from view when adjacent to or visible from a public R-O-W or
29 parcels with a conservation or residential FLU or use. Screening may include the
30 use of fences, walls or hedges, or a combination thereof.

31 c) Maintenance Cycle

32 Generators may be operated for exercising purposes one time per week,
33 excluding Sundays, for a period not exceeding 30 minutes between the hours of
34 10:00 a.m. to 5:00 p.m.

35 d) Location and Setbacks

36 Generators shall meet the district setback requirements for principal structures,
37 but shall not be located between the front or side street façade of a building and
38 a R-O-W or in an easement, unless:

39 (1) The generator shall be screened from view from any public rights-of-way or
40 adjacent property lines by an opaque fence /wall;

41 (2) If this criteria cannot be met, the applicant may apply for a Type IB variance,
42 pursuant to Article 2.D.3.C.3. [Ord. 2006 - 004]

43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

U:\zoning\CODEREV\2006\BCC Hearings\2006-02 Round\1-04-07 First Reading\Exhibit E - Article 5.doc

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT F
ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

1
2 Part 1. ULDC, Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements (page 3
3 of 34), is hereby amended as follows:
4

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

Use Type: Recreational	Parking ¹	Loading ²
.... <u>Clubhouse (Recreational Pod)⁷</u>	<u>1 space per 300 sq. ft. of air conditioned area (includes all interior uses); and 1 bicycle parking rack shall be provided</u>	<u>N/A</u>
.... <u>Tennis Courts⁶ And Basketball Courts⁷</u>	1.5 spaces per court; and 1 bicycle parking rack shall be provided	N/A
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.		

[Ord. 2005-002]

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, us with company vehicles shall provide 1 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, 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. [Ord. 2005-002]
6. Limited access facilities must provide off-street loading spaces as indicated in Art. 4.B.1.A.120.d.2), Loading. [Ord. 2005-041]
7. Golf cart parking may be used to satisfy a portion of the required parking for residential PDD rec. pods, pursuant to Art. 6.A.1.D.7, Golf Cart Parking.

5
6
7
8 Part 2. ULDC, Art. 6.A.1.D.15.a, Ingress and Egress (page 26 of 34), is hereby amended as
9 follows:
10

11 **CHAPTER A PARKING**

12 **Section 1 General**

13 **D. Off-Street Parking**

14 **15. Access**

15 **a. Ingress and Egress**

16 Each parking space shall have appropriate access to a street or alley. Legally platted
17 lots that accommodate ~~Only dwelling units with no more than one or~~ two units shall be
18 allowed backward egress from a driveway onto a street. In all other cases, maneuvering
19 and access aisle area shall be sufficient to permit vehicles to enter and leave the parking
20 lot in a forward motion.

21
22
23 Part 3. ULDC, Art. 6.B.1.E, Dimensional Standards and Design Requirements [Related to
24 Loading Standards] (page 29 of 34), is hereby amended as follows:
25

26 **CHAPTER B LOADING STANDARDS**

27 **Section 1 Loading**

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT F
ARTICLE 6 – PARKING
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

E. Dimensional Standards and Design Requirements

Required loading spaces shall be subject to the following minimum standards:

1. Width

A loading space shall have a minimum width of 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. [Ord. 2005-041]

2. Length

Loading spaces shall be a minimum of 55 feet in length, ~~unless reduced by the DRO.~~

....

7. Loading Space Reduction

All required off-street loading spaces and their appurtenant aisles and driveways shall be deemed to be required space and shall not be encroached upon or reduced in any manner except upon approval by the DRO in the following circumstances:

a. Reduction in Number of Spaces

1) Change in Use

The number of loading spaces may be proportionately reduced if the space is not needed as a result of a reduction in size or change in use.

2) Administrative Reduction

For uses ~~which~~ that contain less than 10,000 square feet of total GFA, the Zoning Director may waive or reduce the loading standards.

b. Co-locating Loading and Dumpster

A loading space and dumpster may be co-located provided the minimum dimensional requirements are satisfied to ensure the functionality of each activity.

c. Reduction in Width and Length

The minimum required width and length may be reduced to not less than 12 feet and 18.5 feet, respectively, subject to submittal and approval of documentation including but not limited to: evidence of actual loading demand for the proposed use(s), as well as other available technical data, traffic engineering and planning information.

U:\zoning\CODEREV\2006\BCC Hearings\2006-02 Round\1-04-07 First Reading\Exhibit F - Article 6.doc

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT G

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

Part 1. ULDC, Art. 7.B.3, Alternative Landscape Plan (page 11 of 48), is hereby deleted in its entirety and replaced with a new Art. 7.B.3, Alternative Landscape Plan:

CHAPTER B TYPE OF PLANS

Section 3 Alternative Landscape Plan (ALP)

A. Purpose and Intent

An ALP is intended to promote the preservation and incorporation of existing native vegetation or specimen palms or trees, or for the innovative use of plant material and improved site design.

B. Applicability

Any application for a Development Order may be eligible to apply for an ALP.

1. Design Principles

To qualify for consideration an application for an ALP shall demonstrate compliance with the following principles.

- a. Innovative use of plant materials and design techniques in response to unique characteristics of the specific Tier and site.
- b. Preservation or incorporation of existing native vegetation.
- c. Use of a variety of plant material, including plants of color, form, and texture, in excess of minimum requirements.
- d. Incorporation of naturalistic design principles, such as variations in topography, meandering or curvilinear plantings, and grouping of dominant plant materials (trees, large shrubs) in a manner consistent with existing native vegetation.
- e. Integration of landscaping and pedestrian facilities in a manner consistent with the Tier in which the development is located. In U/S Tiers and in TDD's, this may include reduced ground-level planting within the R-O-W buffer if canopy shade trees along sidewalks are provided.
- f. Use of additional shade trees to create a greater canopy effect.
- g. A greater degree of compatibility with surrounding uses than a standard landscape plan would offer, provided the resulting landscape conforms with the design principles and guidelines of this Article.
- h. Use of water-efficient irrigation systems and xeriscaping at appropriate locations.
- i. Incorporation of specific environmental attributes such as soil, hydrology, and vegetative communities unique to the site, and which are compatible with environmental features on adjacent properties.

2. Allowable Modifications to Standards

The standards that can be modified through the use of an ALP are listed below in Table 7.B.3.A-1, Standards That Can Be Altered with an ALP. Any standard not listed herein shall not be eligible to be modified through an ALP.

Table 7.B.3 – Standards That Can Be Altered With An ALP

Specific Regulation	
Art. 7.F.2.A.1	Minimum Tree Quantities
Art. 7.F.7.B	Shrub Hierarchy
Art. 7.F.7.C	Planting Pattern
Art. 7.F.7.D	Clustering
Art. 7.F.8	Compatibility Buffer
Art. 7.F.9	Incompatibility Buffer
Art. 7.F.10.A.	Perimeter Buffer
Art. 7.F.10.A.1	R-O-W Buffer
Art. 7.F.10.A.2	Compatibility Buffers
Art. 7.F.10.A.3	Incompatibility Buffers
Art. 7.G.2.A	Terminal Islands
Art. 7.G.2.B	Interior Islands
Art. 7.G.2.C	Divider Median
Art. 7.G.2.D	Landscape Diamonds
Art. 7.G.2.E..1	Curbing
Art. 7.G.2.F	Parking Structures
Table 7.C.3-1	Minimum Tier Requirements (Only the following items listed in the table)
	Minimum Tree Height Perimeter
	Minimum Tree Height Interior
	Facades To Be Planted
	Percentage of Facade

[Renumber all sequential Tables accordingly.]

C. Application Requirements

An application for a ALP shall be in a form established by the Zoning Director, to include the following:

1. Design Principles

Notes:

- Underlined language indicates proposed new language.
- Language ~~crossed-out~~ indicates language proposed to be deleted.
- (ellipses) indicates language not amended which has been omitted to save space.
- Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT G

ARTICLE 7 – LANDSCAPING SUMMARY OF AMENDMENTS (Updated 11/20/06)

1 The ALP shall include a narrative and any necessary supporting documentation that clearly
2 details compliance with Art. 7.B.3.B.1, Design Principles.

3 **2. Required Findings**

4 The applicant must provide documentation to demonstrate compliance with Art. 7.B.3.D.1,
5 Required Findings.

6 **D. Approval**

7 ALPs must be submitted in conjunction with a Zoning application, in accordance with Article 2,
8 DEVELOPMENT REVIEW PROCESS, or a building permit application, subject to the following
9 requirements.

10 **1. Required Findings**

11 An ALP shall only be approved upon finding that:

12 a. There are unique characteristics of the property, site design or use that warrant special
13 consideration to modify or deviate from the requirements of this section and that these
14 characteristics are not self-created.

15 b. The ALP meets or exceeds the minimum requirements of this Section, while recognizing
16 the unusual site design or use restraints on the property.

17 c. Approval of the ALP will provide for both increased consistency and compatibility with
18 adjacent projects located in the Tier.

19 d. The ALP conforms to the requirements of Table 7.B.3.A-1, and no exceptions to the
20 limitations on the standards that may be modified are requested.

21 **2. Optional Preliminary Meeting**

22 Applicants may schedule a preliminary meeting with Zoning staff to identify issues and
23 discuss possible design alternatives.

24 **3. Approval Process**

25 Application for an ALP shall be approved in accordance with the following:

26 **a. Building Permit**

27 An application for an ALP for projects only requiring building permits shall be submitted
28 concurrently at time of building permit application. The Zoning Division must approve the
29 ALP prior to issuance of a building permit.

30 **b. DRO Approval**

31 An application for an ALP for projects requiring DRO approval, including projects
32 approved by the ZC or BCC, shall be submitted concurrently at time of application for
33 DRO approval. The Zoning Division must approve the ALP prior to DRO approval,
34 unless approved by the ZC or BCC.

35 **c. Optional Submittal with a Zoning Application**

36 If submitted with an application for a rezoning, conditional use, requested use, variance,
37 or development order amendment, an applicant may opt to request that the ZC or BCC,
38 whichever is applicable, approve the ALP.

39 **4. Appeals**

40 If an application for an ALP is denied by the DRO or Zoning Division, an applicant may
41 appeal the decision through a Peer Review, as follows: The applicant may select a
42 landscape architect licensed in the State of Florida to certify to the Zoning Division, that the
43 proposed ALP is in compliance with this Article. The Zoning Division shall provide a Peer
44 Review Certification Form for this purpose. Certification shall substitute for a staff
45 determination of consistency with this Article.

46
47
48 Part 2. ULDC, Art. 7.F.3, Walls and Fences (page 30 of 48), is hereby amended as follows:

49
50 **CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS**

51 **Section 3 Walls and Fences**

52 If a wall or fence is used, a minimum of 75 percent of the required trees shall be located between the
53 exterior of the wall or fence along the R-O-W or facing adjacent property. Shrubs or hedges shall be
54 installed on both sides of the wall or fence. ~~If a wall with a continuous footer is used, a minimum of ten~~
55 ~~clear feet of planting area shall be provided.~~

56 **A. Location**

57 It is recommended that walls and fences collocated in a buffer with a berm be located at the top
58 of berm. Walls and fences with a continuous footer shall be setback a minimum of ten feet from
59 the edge of the property line.

60 **B. Conflict with Easements**

61 If the placement of the wall or fence conflicts with an easement, the wall or fence shall not
62 encroach upon the easement unless consistent with Article 3.D, PROPERTY DEVELOPMENT
63 REGULATIONS (PDRS).

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT G

ARTICLE 7 – LANDSCAPING
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

BC. Architectural Treatment

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

CD. Chain Link Fences

Vinyl coated chain link fences are permitted only if used in the R-O-W buffer, installed behind an opaque six foot high hedge or approved by the BCC, or ZC, ~~or~~ BA.

Part 3. ULDC, Art. 7, Appendix D, Checklist of Standards That Can Be Altered With An Approved ALP (page 44 through 48), is hereby deleted in it's entirety.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66

U:\zoning\CODEREV\2006\BCC Hearings\2006-02 Round\1-04-07 First Reading\Exhibit G - Article 7.doc

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT H

**SPECIAL PERMITS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)**

1 **Part 3 . ULDC, Table 4.A.3.A-1, Use Matrix (page 12 of 149), is hereby amended as follows:**
2

Table 4.A.3.A-1 – Use Matrix

Use Type	Zoning District/Overlay																N O T E			
	Agriculture/ Conservation			Residential				Commercial					Industry/ Public							
	P	A	A	AR		R	R	R	R	C	C	C	C	C	C	I		I	P	I
	C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L		G	O	P
...																				
Farm Workers Quarters		<u>DS</u>	<u>DS</u>																	51
...																				
Recycling Collection Station										<u>DB</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>		<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	106
Recycling Drop Off Bin			<u>DS</u>							<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	<u>DS</u>	104
...																				

[Ord. 2005-002] Ord. 2005-041]

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)

3
4
5 **Part 4. ULDC, Art. 4.B.1.A.14, Assembly, Nonprofit Institutional (page 32 of 149), is hereby**
6 **amended as follows:**

7
8 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

9 **Section 1 Uses**

10 **A. Definitions and Supplementary Standards for Specific Uses**

11 **14. Assembly, Nonprofit Institutional**

12 A site or facility open to the public, owned or operated by a not-for-profit organization for
13 social, educational or recreational purposes. Typical uses include museums, cultural centers,
14 recreational facilities, botanical gardens and community services such as after school care or
15 tutorial services, medical services, and employment services.

16 ...
17 **b) Redevelopment and Revitalization Overlay**

18 The use may be located on a local residential street, subject to the following criteria:

- 19 1) Approval of a Special Permit;
- 20 2) Limited to a maximum of 3,000 square feet of GFA, unless approved as a Class A
- 21 conditional use;
- 22 ...

23
24
25 **Part 5. ULDC, Art. 4.B.1.A.20.f, Bed and Breakfast (page 34 of 149), is hereby amended as**
26 **follows:**

27
28 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

29 **Section 1 Uses**

30 **A. Definitions and Supplementary Standards for Specific Uses**

31 **20. Bed and Breakfast**

Notes:

- Underlined language indicates proposed new language.
- Language ~~crossed-out~~ indicates language proposed to be deleted.
- ... (ellipses) indicates language not amended which has been omitted to save space.
- Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT H

SPECIAL PERMITS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

1 ~~f. LOSTO Overlay~~

2 ~~A bed and breakfast shall be allowed pursuant to the Special Permit use standards.~~

3
4
5 Part 6. ULDC, Art. 4.B.1.A.51.d, Farm Workers Quarters (page 47 of 149), is hereby amended
6 as follows:

7
8 CHAPTER B SUPPLEMENTARY USE STANDARDS

9 Section 1 Uses

10 A. Definitions and Supplementary Standards for Specific Uses

11 51. Farm Workers Quarters

12 d. AR/RSA

13 May be permitted in the AR/RSA District with a SA FLU, subject to DRO Approval. ~~a~~
14 ~~Special Permit approval.~~

15
16
17 Part 7. ULDC, Art. 4.B.1A.54.b, Temporary Film Permit (page 47 of 149), is hereby amended as
18 follows:

19 CHAPTER B SUPPLEMENTARY USE STANDARDS

20 Section 1 Uses

21 A. Definitions and Supplementary Standards for Specific Uses

22 54. Film Production Studio

23 ~~b. Temporary Film Permit~~

24 ~~A temporary film permit to allow locational shooting for a period of less than three weeks~~
25 ~~may be allowed subject to approval of a Special Permit by the Zoning Division. This~~
26 ~~permit may be issued in all districts subject to the following requirements:~~

27 ~~1) Coordination~~

28 ~~The Director of the Film Liaison Office shall coordinate with the Zoning Director to~~
29 ~~schedule the proposed film shooting.~~

30 ~~2) Conditions of Approval~~

31 ~~Reasonable conditions may be imposed which are designed to mitigate any~~
32 ~~anticipated impacts on surrounding properties.~~

33 ~~3) Renewal~~

34 ~~One additional renewal may be granted for an additional three weeks, for a maximum~~
35 ~~duration of six weeks.~~

36
37
38
39 Part 8. ULDC, Art. 4.B.1.A.54.c, Extended Film Permit (page 47 of 149), is hereby amended as
40 follows:

41 CHAPTER B SUPPLEMENTARY USE STANDARDS

42 Section 1 Uses

43 A. Definitions and Supplementary Standards for Specific Uses

44 54. Film Production Studio

45 c. **Extended Film Permit**

46 An **extended** film permit shall be issued by the Director of the TV and Film Commission
47 Office. ~~for a period greater than six weeks.~~ The duration of the permit shall not exceed 24
48 months without approval of the Zoning Director. This permit may be issued in all districts.

49
50
51
52 Part 9. ULDC, Art. 4.B.1.A.64.b, Green Market (page 49 of 149), is hereby amended as follows:

53 CHAPTER B SUPPLEMENTARY USE STANDARDS

54 Section 1 Uses

55 A. Definitions and Supplementary Standards for Specific Uses

56 64. Green Market

57 b. Duration and Approval

58 c. Site Operation

59 **Notes:**

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT H

SPECIAL PERMITS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

1 The market stall shall be located on the site as not to utilize required parking spaces or
2 obstruct any access or parking lot aisles.
3 d. The applicant shall obtain an electrical permit for temporary power, if applicable.

6 Part 10. ULDC, Art. 4.B.1.A.65.d, Groom’s Quarters (page 49 of 149), is hereby amended as
7 follows:

9 CHAPTER B SUPPLEMENTARY USE STANDARDS

10 Section 1 Uses

11 A. Definitions and Supplementary Standards for Specific Uses

12 65. Groom's Quarters

13 d. Approval Process

14 Table 4.B.1.A-5 – Groom’s Quarters Number of Bedrooms
and Bathrooms

Process	Number of groom’s quarters permitted
Permitted	<u>One max four</u>
Special Permit	Two through four
DRO	Five through 20
Class B	21 through 100
Class A	101 or more

17 Part 11. ULDC, Art. 4.B1.A.85.d, Mobile Home Dwelling (page 57 of 149), is hereby amended as
18 follows:

20 CHAPTER B SUPPLEMENTARY USE STANDARDS

21 Section 1 Uses

22 A. Definitions and Supplementary Standards for Specific Uses

23 85. Mobile Home Dwelling

24 d. Temporary During Construction

25 In the AR district in the RSA, a mobile home dwelling shall be allowed ~~on a temporary~~
26 ~~basis~~ subject to ~~approval of a Special Permit and~~ the following standards:

27 1) **Building Permit**

28 A building permit for the single-family dwelling shall have been issued by the Building
29 Director.

30 2) Limitations on MH Approval

31 a.) The approval for the mobile home shall be valid for two years from the date of
32 issuance of the building permit, or issuance of the certificate of Occupancy for
33 the single family dwelling. No time extensions shall be granted. One MH approval
34 per PCN number.

37 Part 12. ULDC, Art. 4.B.1.A.104, Recycling Drop-Off Bin (page 67 of 149), is hereby amended as
38 follows:

40 CHAPTER B SUPPLEMENTARY USE STANDARDS

41 Section 1 Uses

42 A. Definitions and Supplementary Standards for Specific Uses

43 104. Recycling Drop-Off Bin

44 A totally enclosed mobile structure, containing no more than four cubic yards, within which
45 pre-sorted, non-biodegradable recovered materials are collected for redistribution or sale for
46 the purpose of reuse, subject to DRO approval. If there is no DRO certified site plan on file
47 with the Zoning Division, a Special Permit shall be required.

48 a. **Mobility**

49 The mobility of a drop-off bin shall be maintained at all times.

50 b. **Location**

51 The drop-off bin shall be located in or adjacent to an off-street parking area, and shall not
52 be located within required parking space.

53 c. **Maintenance**

Notes:

Underlined language indicates proposed new language.

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

.... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT H

SPECIAL PERMITS
SUMMARY OF AMENDMENTS
(Updated 11/20/06)

The bin and adjacent area shall be maintained in good appearance and free from litter, debris, and residue on a daily basis. Failure to maintain a good appearance shall result in the revocation of the special use permit.

d. Processing

Only limited sorting, separation, or processing of deposited materials shall be allowed on the site. The unit shall employ no mechanical sorting or processing equipment.

e. Type of Materials

Collection and storage of deposited materials shall be limited to pre-sorted, recyclable glass, plastic, aluminum and steel containers, paper, newsprint and cardboard.

f. Signage

The name and phone number of a responsible party shall be clearly posted on the drop-off bin. The name of the organization that is collecting the recyclable materials, if different than the owner, shall also be posted on the drop-off bin.

g. Number

Only one bin per material type per development, including out parcels, shall be permitted.

h. Recycling Bin

Recycling materials shall be contained within a leak-proof bin or trailer. There shall be no outdoor storage of materials or refuse.

i. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to DRO a Special Permit approval.

Part 13. ULDC, Art. 4.B.1.A.106, Recycling Collection Station (page 69 of 149), is hereby amended as follows:

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses
106. Recycling Collection Station

A totally enclosed structure or mobile container, containing more than four cubic yards, within which pre-sorted, recyclable and recovered materials are collected for redistribution or sale for the purpose of reuse, subject to Administrative Amendment approval. If no DRO site plan then Special Permit required.

a. TMD District

Shall not be located on a Main Street.

Part 14. ULDC, Art. 8.C.1, PROHIBITIONS (page 13 of 40), is hereby amended as follows:

CHAPTER C PROHIBITIONS

Section 1 Banners, Streamers, or Pennants

Banners, streamers, pennants, and other signs made of lightweight fabric or similar material, except grand opening banners, mounted to a pole or building, except where otherwise stated in this Section.

Notes:
Underlined language indicates proposed new language.
Language ~~crossed-out~~ indicates language proposed to be deleted.
... (ellipses) indicates language not amended which has been omitted to save space.
Relocated language is shown as *italicized* with reference in parenthesis.