

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



5
6
7
8 **49. REQUEST FOR PERMISSION TO ADVERTISE – 2005 Amendments**

9

10	Exhibit A	Article 1 - General Provisions
11	Exhibit B	Article 2 - Development Review Procedures
12	Exhibit C	Article 3 - Overlays and Zoning Districts
13	Exhibit D	Article 4 - Use Regulations
14	Exhibit E	Article 5 - Supplementary Standards
15	Exhibit F	Article 6 - Parking
16	Exhibit G	Article 7 – Landscaping
17	Exhibit H	Article 11 – Subdivision
18	Exhibit I	Article 17 – Decision Making Bodies
19	Exhibit J	WCRAO (Articles 1, 3, 4, 5, 7, and 8)
20	Exhibit K	BCC/PDD Thresholds (Articles 3, and 4)
21	Exhibit L	Golf Course Conversion (Article 3)
22	Exhibit M	Restaurants and Location Criteria (Articles 1, 2, 3, 4, 5, and 6)
23	Exhibit N	Places of Assembly (Articles 1, 3, 4, and 6)
24	Exhibit O	Parks and Recreation (Articles 4, 5, and 7)
25	Exhibit P	ERM (Articles 1, 3, 4, 10, 14, and 17)
26	Exhibit Q	Air Curtain Incinerator (Article 4)
27	Exhibit R	Fire Hydrant (Article 1, and 15)
28	Exhibit S	Cell Towers (Articles 1, and 4)
29	Exhibit T	Permanent Generators (Articles 3, 4, and 5)
30	Exhibit U	Rooftop Screening (Articles 3, and 5)

31
32

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

- 36
- 37 • WCRAO (Articles 1, 3, 4, 5, 7, and 8)
 - 38 • BCC/PDD Thresholds (Articles 3, and 4)
 - 39 • Golf Course Conversion (Article 3)
 - 40 • Restaurants and Location Criteria (Articles 1, 2, 3, 4, 5, and 6)
 - 41 • Places of Assembly (Articles 1, 3, 4, and 6)
 - 42 • Parks and Recreation (Articles 4, 5, and 7)
 - 43 • ERM (Articles 1, 3, 4, 10, 14, and 17)
 - 44 • Air Curtain Incinerator (Article 4)
 - 45 • Fire Hydrant (Article 1, and 15)
 - 46 • Cell Towers (Articles 1, and 4)
 - 47 • Permanent Generators (Articles 3, 4, and 5)
 - 48 • Rooftop Screening (Articles 3, and 5)
- 49

50 **Background:** The proposed Code Amendments were submitted for review to the Land
51 Development Regulation Advisory Board (LDRAB) and Land Development Regulation
52 Commission (LDRC) on September 14, 2005, October 12, 2005 and December 14,
53 2005. All proposed ULDC amendments were found to be consistent with the Plan.
54

55 **Motion:** Staff recommends a motion to approve on preliminary reading and advertise
56 for 1st Reading on January 26, 2006 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF
57 COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE
58 UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067 AND ORDINANCE 03-070, AS
59 AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS;** CHAPTER B –
60 INTERPRETATION OF THE CODE; CHAPTER F – NONCONFORMITIES; CHAPTER I –
61 DEFINITIONS AND ACRONYMS; **ARTICLE 2 – DEVELOPMENT REVIEW PROCESS;**
62 CHAPTER A – GENERAL; CHAPTER E – MONITORING; CHAPTER F – CONCURRENCY

1 (ADEQUATE PUBLIC FACILITY STANDARD); **ARTICLE 3** – OVERLAYS & ZONING
2 DISTRICTS; CHAPTER A – GENERAL; CHAPTER B – OVERLAYS; CHAPTER C –
3 STANDARD DISTRICTS; CHAPTER D – PROPERTY DEVELOPMENT REGULATIONS;
4 CHAPTER E – PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F –
5 TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); **ARTICLE 4** – USE REGULATIONS;
6 CHAPTER A – USE CLASSIFICATION; CHAPTER B – SUPPLEMENTARY USE
7 STANDARDS; CHAPTER C – COMMUNICATION TOWER, COMMERCIAL; CHAPTER D –
8 EXCAVATION; **ARTICLE 5** – SUPPLEMENTARY STANDARDS; CHAPTER B -
9 ACCESSORY AND TEMPORARY USES; CHAPTER C – DESIGN STANDARDS; CHAPTER
10 D – PARKS & RECREATION – RULES AND RECREATION STANDARDS; CHAPTER E –
11 PERFORMANCE STANDARDS; CHAPTER G – DENSITY BONUS PROGRAMS; **ARTICLE 6**
12 – PARKING; CHAPTER A – PARKING; CHAPTER B – LOADING STANDARDS; CHAPTER
13 C DRIVEWAYS AND ACCESS; **ARTICLE 7** – LANDSCAPING; CHAPTER A – GENERAL;
14 CHAPTER C – MGTS TIER COMPLIANCE; CHAPTER D – GENERAL STANDARDS;
15 CHAPTER F – PERIMETER BUFFER LANDSCAPE REQUIREMENTS; **ARTICLE 8** –
16 SIGNAGE; CHAPTER D – TEMPORARY SIGNS REQUIRING SPECIAL PERMIT; CHAPTER
17 F – GENERAL PROVISIONS FOR ALL SIGN TYPES; CHAPTER G – STANDARDS FOR
18 SPECIFIC SIGN TYPES; CHAPTER H – OFF-SITE SIGNS; **ARTICLE 10** – ENFORCEMENT;
19 CHAPTER C – GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD;
20 **ARTICLE 11** – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS; CHAPTER A
21 – GENERAL REQUIREMENTS; **ARTICLE 14** – ENVIRONMENTAL STANDARDS; CHAPTER
22 C – VEGETATION PRESERVATION AND PROTECTION; CHAPTER D – PROHIBITED
23 INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE; **ARTICLE 15** – HEALTH
24 REGULATIONS; CHAPTER B – (ENVIRONMENTAL CONTRAL RULE II) DRINKING WATER
25 SUPPLY SYSTEMS; **ARTICLE 17** – DECISION MAKING BODIES; CHAPTER B – GENERAL
26 PROVISIONS; CHAPTER C – APPOINTED BODIES; PROVIDING FOR: INTERPRETATION
27 OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE;
28 INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.
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
67
68
69
70

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\Coverpage.DOC

EXHIBIT A

ARTICLE 1 – GENERAL PROVISIONS
(Updated 12/27/05)

Part 1. ULDC, Art.1.F.1, Purpose and Intent [Related to Nonconformities] (page 15 of 96), is hereby amended as follows:

Reason for amendment: Glitch – To reinsert and clarify 1992 Code text inadvertently omitted during 2003 rewrite.

CHAPTER F NONCONFORMITIES

Section 1 Purpose and Intent General

A. Purpose and Intent

To establish regulations to address uses, structures and lots that were lawfully established before this Code was adopted or amended, that now do not conform to the terms and requirements of this Code. The purpose and intent of this Section is to regulate and limit the continued existence of uses, structures and lots, which do not conform to the provisions of this Code, and, where possible, bring them into conformance with this Code.

B. Applicability

It is the intent of this Section to permit these nonconformities to continue, but not to allow nonconformities to be enlarged or expanded, except under the limited circumstances established in this Article. The provisions of this Article are designed to curtail substantial investment in nonconformities to preserve the integrity of this Code and the Plan. In determining whether a use is nonconforming and will be protected by the provisions of this Article, the following shall apply:

- 1. Nonconforming use status shall not be provided for any use, structure, or lot which was illegally commenced, constructed, created or unlawfully continued, or commenced after the use restrictions became applicable.
2. Nonconforming status shall only be provided where a use, structure or lot is actually commenced, constructed or created, not merely contemplated. Further, a use must be continuous during business hours and not an occasional or irregular use of the property.
3. An accessory nonconforming use shall not become the principal use.
4. Documents submitted in a form established by the Zoning Director shall be provided by the property owner to establish that a use, structure or lot lawfully existed prior to the adoption of applicable regulations. Affidavits alone are not sufficient evidence to establish nonconforming status.

Part 2. ULDC, Art. 1.F.4, Nonconforming Lots (page 19 of 96), is hereby amended as follows:

Reason for amendment: Amending the ULDC language to allow conforming lots on less than 1.5 acres who wish to construct an accessory unit to meet the 25 foot setback with standards for landscaping buffer and ingress/egress (unit must face into the lot and not to adjacent properties.)

CHAPTER F NONCONFORMITIES

Section 4 Nonconforming Lot

A. Development

A lot which does not meet the minimum dimensional criteria of this Code may be developed if all of the following conditions are met:

B. Residential Development Regulations

A nonconforming residential lot may utilize the following setbacks for a single-family dwelling unit only.

C. Accessory Dwellings

Accessory dwellings on non-conforming lots with a RR FLU designation that are equal to or less than 1.5 acres may utilize a 25-foot side or rear setback, subject to the following where the setback is less than the setback required for the SFD unit:

- 1. A minimum five-foot high continuous solid opaque visual screen consisting of a hedge, fence or wall, shall be installed and maintained along the property line adjacent to the length of the accessory dwelling.
2. Ingress/egress to the accessory dwelling shall not be oriented towards the adjoining property.

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

(Updated 12/27/05)

1
2 Part 3. ULDC, Art. 1.H.1.B, Standards [Related to Potentially Buildable Lot (page 23 of 96), is
3 hereby amended as follows:
4

5 Reason for amendment: Amend language to be consistent with recent PPM.

6
7 CHAPTER H LOT OF RECORD

8 Section 1 Potentially Buildable Lot

9 A. Applicability

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

12 B. Standards

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

- 15 1. Creation prior to February 2, 1973.
 - 16 a. The lot existed prior to February 2, 1973 in its current configuration as evidenced by a
 - 17 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 2. Creation ~~after~~ on or subsequent to February ~~2 5~~, 1973 and before June 16, 1992.
 - 25 a. The lot was created ~~after~~ on or subsequent to February ~~2 5~~, 1973 and existed prior to
 - 26 June 16, 1992 in its current configuration as evidenced by a chain of title; and
 - 27 b. The lot complied with the density requirements of the Plan in effect at the time the lot was
 - 28 created.
 - 29 c. The lot complies with one of the following:
 - 30 1) Art. 3.D, Property Development Regulations (PDRS), Table 3.D.1.A-5, Property
 - 31 Development Regulations, or
 - 32 2) Art.11.A.4.B, Building Permits and Other Approvals; or
 - 33 3) The lot exists in its present configuration as shown in the 1989 PBC FLU Atlas
 - 34 adopted August 31, 1989; and,
 - 35 d. The lot has Legal Aaccess, which was in existence at the time the lot was created and
 - 36 which remains in place, as follows:
 - 37 1) In accordance with Art. 11, Subdivision, Platting and Required Improvements, Table
 - 38 11.E.2.A-1, Chart of Access Hierarchy; or
 - 39 2) From a recorded easement exclusively for the purposes of ingress and egress
 - 40 access, a minimum of 20 feet in width, granting the owner, its successors and
 - 41 assigns a perpetual right of useable access across all properties lying between said
 - 42 lot and a street.

45 Part 4. ULDC, Art. 1.I.2, Definitions (page 45 of 96), is hereby amended as follows:
46

47 Reason for amendment: See Attachment D, Article 4 – Use Regulations, for FPL White Paper.

48
49 CHAPTER I DEFINITIONS & ACRONYMS

50 Section 2 Definitions

- 51
- 52 E. Terms defined herein or referenced Article shall have the following meanings:
- 53
- 54 12. **Electric Power Facility** – ~~The A~~ principal use of property for ~~an~~ electrical generation
- 55 ~~transmission voltage switching station.~~
- 56 13. **Electric Transmission Facility** – Mechanical equipment associated with electric
- 57 transmission networks, including transmission voltage facilities or switching substations, and
- 58 electrical distribution substations that exceed the standards of Art 4.B.1.A.134.a.1),
- 59 Residential Districts and 2) Non-residential Districts.
- 60 [ReNUMBER Accordingly.]

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
(Updated 12/27/05)

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

....
23. **Utility, Minor** - for the purposes of Art. 4, mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission ~~voltage~~ facilities. Typical uses include gas and water regulators, electrical distribution substations, sewage lift stations, telephone exchange buildings, and communication substations.

Part 5. ULDC, Art. 1.1.2.C.91, Contiguous (page 40 of 96), is hereby amended as follows:

Reason for amendment: Planning Division request to 1) clarify definition as applied to density calculations; and, 2) clarify AGR preservation parcels to be consistent with the Plan.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

91. Contiguous

- a. Lots that share a common border, or lands separated only by streets, easements, pipelines, power lines, conduits, R-O-W under ownership of the land owner of one of the subject parcels, a POA or a governmental agency, or a public utility.
 - 1) ~~For density purposes only, contiguous lots that share a common border. L~~ lots that touch point-to-point, or lots which are separated by waterways, streets or major easements are not considered contiguous ~~for density calculations.~~
 - 2) For the purpose of AGR preservation parcels, the following shall not be considered contiguous: lots that touch point-to-point or are separated by collector or arterial streets.

Part 6. ULDC, Art. 1.1.2, Definitions (page 63 of 96), is hereby amended as follows:

Reason for amendment: Health Department added definition of "objectionable odor" referenced in new Art. 5.E.3.D.4, Objectionable Odors.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

- 2. Objectionable Odor - An objectionable odor is defined as any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance, in accordance with Rule 62-210 F.A.C.

Part 7. ULDC, Art. 1.1.2.W.30, Work/Live Space (page 92 of 96), is hereby amended as follows:

Reason for amendment: Deleted "mixed use" specification to allow work/live space in an MUPD or a commercial pod of a PUD/PIPD, that are not considered to be mixed use developments.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

- 30. **Work/Live Space** - a space within a ~~mixed-use~~ building that is used jointly for residential, commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. [Ord. 2004-040]

Part 8. ULDC, Art. 1.1.3, Abbreviations and Acronyms (page 93 of 96), 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 A

ARTICLE 1 – GENERAL PROVISIONS

(Updated 12/27/05)

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

Reason for amendment: To add commonly used acronyms for 1) Multi-family – MF; 2) Single-family Dwelling – SFD; and Townhouse – TH.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 3 Abbreviations and Acronyms

- MF Multi-family Dwelling
- SFD Single-family Dwelling
- TH Townhouse Dwelling
-

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\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

(Updated 12/27/05)

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

Reason for amendment: Relocate U/S Tier TDD Phasing limitations to Art. 2.E, Monitoring, to ensure all other Monitoring requirements are applicable. Amendment limits 25% requirement to TMDs only.

CHAPTER E MONITORING

Section 3 Supplementary Regulations for Classes of Development Orders

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

1. Residential District (Non-PDD or TDD) PUD and TND Districts

The development order and master plan or final subdivision plan for the Residential District (Non-PDD or TDD) PUD, or TND Districts, may provide for phasing. Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, provides time requirements for recording plats.

2. Conditional And and Requested Uses, PDDs other than PUDs, Planned Development Districts (PDD) other than Planned Unit Developments TTDs and TMDs Traditional Marketplace and Traditional Town Development Districts

The Final site plan/Final Subdivision plan for ~~the~~ conditional and requested uses, PDDs other than ~~then~~ PUDs, ~~traditional marketplace, or~~ TTDs, or TMDs, may provide for phasing. Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, provides the maximum number of phases permitted for each type of development order. If there are multiple phases, each of the first two phases shall contain a minimum of 20 percent of the land area unless otherwise approved in the development order approved by the BCC or ZC. A TMD in the U/S Tier shall include a minimum of 25 percent of the total project. Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase, also provides time requirements for commencement of development.

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

Reason for amendment: Relocate U/S Tier TDD Phasing limitations to Art. 2.E, Monitoring, to ensure all other Monitoring requirements are applicable – specifically clarify U/S Tier TMD limitation on phasing.

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
....						
TDD	TRADITIONAL MARKETPLACE DEV. (TMD) IN THE AGR. RESERVE TIER	1	Commence development ¹	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
	<u>TMD in the U/S Tier</u>	<u>4</u>				
	<i>TMD in all Other Tiers and TTD</i>	<i>No maximum</i>				
TDD: TMD IN ALL OTHER TIERS; and TRADITIONAL TOWN DEV. (TTD)		<i>No maximum</i>	<i>Commence development¹</i>	<i>Three years^{2,7}</i>	<i>12 months</i>	<i>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</i>
....						

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\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

(Updated 12/27/05)

Part 1. ULDC, Table 3.C.1.A-4, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (page 37 of 134), is hereby amended as follows:

Reason for amendment: To add additional FLU designations to table: Economic Development Center (EDC) [Policy 2.2.4-a.2, FLUE Page 50].

Table 3.C.1.A-4 Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts

FLU Designation		Zoning District (1)				
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR ²	AGR ³				
Residential						
RR-20	AR					
RR-10	AR	CRE ⁴				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR	RE	RT	AP ⁵		
LR-2	AR	RE	RT			
LR-3	AR	RE	RT			
MR-5	AR	RE	RT	RS	RM ⁶	
HR-8	AR	RE	RT	RS	RM	
HR-12	AR	RE	RT	RS	RM	
HR-18	AR	RE	RT	RS	RM	
Commercial						
CL-O	CLO					
CL	CN	CC	CLO			
CH-O	CLO	CHO				
CH	CN	CC	CLO	CHO	CG	
CR	CRE					
Industrial						
IND	IL	IG	CRE ⁷			
<u>EDC</u>	<u>IL</u>	<u>IG</u>				
Institutional/Civic						
INST	AR	RE	RT	RS	RM	IPF
PARK	IPF	PO				
U/T	PO					

Key: Any application for a conditional use and/or subdivision of property shall require the subject site be rezoned to a highlighted district.

¹ The PO District is consistent with all FLU designations.

² The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only.

³ The AGR District is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2005-002]

⁴ The CRE District is consistent with the RR-10 designation only for those uses identified in Policy 2.2.3-a in the Plan

⁵ The AP District is consistent with the LR-1 designation in the Glades Tier only for properties located north of Pahokee, on the east side of US 441, for the unincorporated community of Canal Point. [Ord. 2005 – 002]

⁶ The RM District is consistent with the MR-5 designation only for those areas already zoned RM.

⁷ Certain uses in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards.

Part 2. ULDC, Art. 3.C.1.C.2.a, Exempted Residential Uses (page 38 of 134), is hereby amended as follows:

Reason for amendment: Plan Amendment Round 05-01, item 2.B.1 Agricultural Reserve Clarifications, amending FLUE Policy 1.5-c, allowing for expansion of existing non-conforming AGR sub-divisions and residential PDD's, where such expansion will allow for the "squaring" off of the existing development. Includes: Willis Gliderport: 00-41-45-13-00-000-5040; Horseshoe Acres: 00-42-43-27-05-071-0740; and, Delray Lakes Estates: 00-42-46-20-01-000-0070, 0091, 0411, 0412, and 0421.

CHAPTER C STANDARD DISTRICTS

Section 1 Districts

C. Agricultural Districts

2. AGR, Agricultural Reserve District

The AGR district is a portion of PBC lying between Hypoluxo Road on the north, Clint Moore Road on the south, the Ronald Reagan Turnpike on the east, and the Arthur R. Marshall Loxahatchee National Wildlife Refuge on the west. The district encompasses unique farmland, regional water management and wetlands areas. It is designated as an area to be

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

(Updated 12/27/05)

preserved primarily for agricultural, environmental and water resources and open space related activities west of SR 7, agricultural and regional water management use if possible, Residential development is restricted to low-densities and commercial development is limited to those uses serving farm workers and other residents of the district. Gaming, pari-mutual wagering, off-track betting, events or activities held or broadcast for similar purposes shall be prohibited.

a. Exempted Residential Uses

Residential subdivisions and PUDs approved by the BCC prior to January 1, 1990 shall be exempt from the provisions of the AGR district to the minimum extent required to allow for continued development pursuant to their original development order and the intent of the provisions of the AGR district. The exemption applies to the following residential developments that may continue to exist, however, they may not subdivide nor expand the boundaries of the property: Willis Glider Port, Delray Lakes Estates, Tierra de Rey, Tierra de Rey South, Rio POCO, Snow Ranch Estates, (a.k.a. Horseshoe Acres), and Delray Training Center. An exception shall be permitted in accordance with FLUE Policy 1.5-c, whereas the aforementioned may be expanded, subject to BCC approval, to allow development of contiguous residual parcels at a density that is consistent with the existing development, where it would serve to establish uniform boundaries.

b. Previously Approved and Nonconforming Uses

All uses that are existing and were legally established or requested before the effective date of Ord. 2001-061, but are not permitted by the provisions of the AGR district, shall be considered exempted uses or non-conforming uses as set forth below:

1) Exempted Uses

The following non-residential developments, may continue to exist and are to be accommodated as part of the continuation of the AG Reserve Tier: Eternal Light Cemetery, 11520 SR-7, Boynton Beach; Faith Farm Ministry, 9538 Hwy 441, Boynton Beach; Our Lady Queen of Peace Church and service complex, W. Atlantic Ave.; Caridad Clinic, West Boynton Beach Blvd.; Soup Kitchen, 9850 Boynton Beach Blvd.; 4 Points Market; 3 Amigos Convenience Store; Fina Gas Station-Hey 4 U trucking; and, Sunshine Meadows.

2) Existing Nonconforming Uses

Replacement, relocation or expansion of nonconforming uses shall be subject to Class A conditional use approval and the following:

- a) Existing uses eliminated due to R-O-W acquisition by eminent domain, and relocation of the use on site is not feasible, may be relocated to an adjacent site.
b) Existing Nonconforming uses may expand up to 50 percent of the building square footage. If a use is on less than one acre of property, the land area is permitted to be expanded up to a total of one acre.
c) PDRs:
(1) Maximum FAR: .35
(2) Maximum Building Coverage: 25 percent
(3) Minimum Building setbacks: 30 feet on all sides

3) Right to Farm

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

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

(Updated 12/27/05)

1

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	H	V	O
	S	M	C	V	R			O	O		D	S			O	O	D	M	D	P	P	T
					/												/	/		D	D	E
					P												L	G				
Recreation Uses																						
....																						
Entertainment, Outdoor		R				R	R			P	<u>D</u>					R	R			P		46
....																						

[Ord. 2005 – 002]

Notes to Table 3.E.1.B-10, PDD Use Matrix:

- P Permitted by right
- D Permitted subject to approval by the DRO
- S Permitted in the district only if approved by Special Permit
- R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.

2
3
4
5
6

Part 6. ULDC, Table 3.E.1.B-10, PDD Use Matrix (page 57 of 134), is hereby amended as follows:

Reason for amendment: See Attachment D, Article 4 – Use Regulations for FPL White Paper.

7

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	H	V	O	
	S	M	C	V	R			O	O		D	S			O	O	D	M	D	P	P	T	
					/												/	/		D	D	E	
					P												L	G					
Commercial Uses																							
....																							
Electric Power Facility		R				R		R	R	R							<u>R</u>	<u>P</u>	<u>R</u>	<u>R</u>	<u>P</u>		<u>44-1</u>
Electric Transmission Facility		<u>R</u>				<u>R</u>		<u>R</u>	<u>R</u>	<u>R</u>							<u>R</u>	<u>R</u>	<u>R</u>			<u>44-2</u>	
....																							

[Ord. 2005 – 002]

Notes to Table 3.E.1.B-10, PDD Use Matrix:

- P Permitted by right
- D Permitted subject to approval by the DRO
- S Permitted in the district only if approved by Special Permit
- R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.

8
9
10

Part 7. ULDC, Table 3.E.1.B-11, PUD Density, (page 62 of 134), is hereby amended as follows:

Reason for amendment: Glitch – amended to be consistent with the Plan [Table 2.1-1, Residential Categories and Related Densities, Page 41 – FLUE].

11

Table 3.E.1.B-11 - PUD Density

	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18
MIN	0.5 du/ac	(1)	0.5 du/ac	1 du/ac	2 du/ac	3 du/ac	5 du/ac	5 du/ac	5 du/ac
MAX	1 du/ac	(2)	1 du/ac	2 du/ac	3 du/ac	5 du/ac	8 du/ac	<u>12 8</u> du/ac	<u>18 8</u> du/ac

Notes for Table 3.E.1.B-11, PUD Density:

1. The minimum density in the RR FLU designation for a PUD are as follows: RR20 – 0.5 unit/20 acres; RR10 0.5 unit/10 acres; RR5 – 0.5 unit/5 acres; RR2.5 – 0.5 unit/2.5acres.
2. The maximum density in the RR FLU designations for a PUD are as follows: RR20 – 1 unit/20 acres; RR10 – 1 unit/10 acres; RR5 – 1 unit/5 acres; RR2.5 - 1 unit/2.5acres.

12

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

(Updated 12/27/05)

Part 8. ULDC, Art. 3.E.2.E.1.b, Optional Residential (OR) Pod (page 73 of 134), is hereby deleted as follows:

Reason for amendment: Deleted OR provisions due to subjective guidelines for evaluation and difficult applicability. Planning and Zoning staff will be studying more quantitative requirements in conjunction with workforce housing in 2006.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

E. Pods

1. Residential Pod

~~b. Optional Residential (OR) Pod~~

~~An OR pod is intended to encourage and allow innovative residential development techniques which have not been contemplated by this Code but which provide adequate setbacks, open space around dwelling units, privacy, parking, recreation opportunities, and access. An OR pod is not intended as an alternative to a variance. The OR designation, therefore, shall not be applied as a corrective measure to existing development which does not conform to this Code. An OR pod may be designated on the master plan as follows:~~

~~1) Site Plan~~

~~The application for a PUD proposing an OR pod shall contain a site plan for the OR pod meeting the minimum technical information requirements of the DRO. The site plan and deviation from typical PDRs shall be justified in the Justification Statement submitted with the application and clearly indicated on the site plan. The OR pod designation shall only be applied to an undeveloped residential pod.~~

~~2) Graphics~~

~~The application shall contain graphic representations, which illustrate the provision of adequate setbacks, open space, privacy, parking, recreation, and access for each housing type in the pod.~~

~~3) Flexibility~~

~~The PDRs for the proposed housing type may be modified by a maximum of 50 percent. No other PDR reduction allowed by this Code shall be permitted.~~

~~a) Exceptions~~

~~The front setback may only be reduced for a garage or carport with the entrance parallel to a side property line. The minimum separation between detached units shall be ten feet.~~

~~4) Other Codes~~

~~All other requirements in applicable Codes shall apply.~~

~~5) BCC Approval~~

~~The OR designation shall be subject to approval by the BCC and reflected in the legal advertisement for the DO. The flexibility approved by the BCC may be applied in whole or in part to the pod. Lots or dwelling units in the pod, which do not utilize the flexibility, shall be developed in accordance with this Code.~~

[Renumber accordingly.]

Part 9. ULDC, Art. 3.E.2.F.3, Preservation Area [Related to AGR PUD] (page 77 of 134), is hereby amended as follows:

Reason for amendment: 1) To clarify PDRs applicable to AGR Preserve parcels for PDDs and TDDs (by reference); and 2) Relocate buffer requirements to Art. 3.E.2.F.4, Development Area. Note: Includes amendment to Art. 3.E.2.F.3.c, Uses, as approved by LDRAB on September 14, 2005 [Reason: ERM specified uses permitted by the Code in the Preserve Management Plan.]; and, FLUE Policy 1.5.1-j defines requirements for Art. 3.E.2.F.3.h, Perpetual Preservation.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

3. Preservation Area

A Preservation Area or a pod designated as a Preservation Area is intended to support bona fide agriculture uses, wetlands, or other significant open space. Adjacent residential

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

(Updated 12/27/05)

development in the PUD should be designed to be compatible with a Preservation Area and shall not detract from its operation or function.

a. Location and Access

Preservation Areas which are not contiguous to Development Areas may be situated anywhere in the AGR FLU designations, provided they are accessible by a street.

b. Adjacency

Preservation Areas shall be located, to the greatest extent practical, adjacent to existing, planned, or projected Preservation Areas.

c. Uses

Uses allowed in a Preservation Area are indicted in Table 3.E.1.B-10, PDD Use Matrix, and specified by the Preserve Management Plan as approved by ERM.

d. Configuration

1) Property Development Regulations

A Preserve Area and any remaining portion of a lot used to create a Preserve Area shall meet the minimum PDRs of the AGR district, with exception to the following: lot width may be reduced to 100 feet for a Rural Parkway, as defined in the Plan, or for an equestrian use that meanders through a 60/40 development area; and, a legal lot of record that does not meet the minimum acreage or dimensions of the AGR district may be used as a preserve area if in compliance with all other requirements of this Section.

2) General

Preservation Areas shall be arranged in a unified whole so as to maximize the purpose, function, and perpetuation of the preservation use. This shall be accomplished, in part, through the following:

a) Agriculture

Agricultural areas shall have boundaries that which allow for efficient agricultural operation, and shall not be encroached upon by a Development Area.

b) Wetlands

The boundary of preserved wetlands shall be determined by the ecological function of the viable area, as determined by the BCC upon recommendations from ERM and/or the SFWMD. Wetland areas shall be preserved in the following order of priority: adjacent to off-site wetlands; open space; fallow land; or, agricultural land. Primary consideration shall be given to preserved wetland areas adjacent to off-site wetlands.

c) Buffer

A buffer shall be provided between a Preservation Area and residential, commercial, or civic pods in the Development Area to ensure mutual compatibility. The Development Area shall not adversely affect the Preservation Area, including the perpetuation of agriculture uses. This buffer shall be located in the Development Area and adhere to the provisions of Article 7, LANDSCAPING, and Article 14.C, VEGETATION PRESERVATION AND PROTECTION. Required buffers shall not be counted toward meeting the minimum Preservation Area required in Table 3.E.2.C-15, PUD Land Use Mix.

d) Width

The minimum width of a Preservation Area, in order to be counted toward the minimum preservations requirement, shall be 100 feet.

e. Contiguity

1) 80/20 Option

The Preservation Area in the 80/20 option shall be located contiguous to the Development Area.

2) 60/40 Option

The Preservation Area for the 60/40 option shall be a minimum 150 acres and contiguous to, but not intrusive into, the Development Area with the following exceptions:

a) Equestrian communities may have pastures designated as Preservation Area, which meander, in a contiguous fashion, throughout the PUD;

b) A Preservation Area in the 60/40 option may be located remote from its associated Development Area provided that at least one of the following conditions are met:

(1) the Preservation Area contains at least 150 acres and meets the requirements in Article 3.E.2.F.3.d, Configuration; or

(2) the Preservation Area shares at least one common boundary of which a minimum of 50 percent of its length the common boundary is contiguous with an existing Preservation Area, an agricultural area preserved under the PACE program, or a designated wetland which is in public ownership, and which, when combined with the adjacent existing area, has a land area equal to or greater than 150 acres.

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

(Updated 12/27/05)

f. Plans

Plans submitted to the DRO shall depict the Preservation Area as specified below.

1) Contiguous Area

When the Preservation Area is contiguous to the Development Area, the Preservation Area shall be shown and designated on the master plan and all applicable subdivision plans at the same scale and in the same detail as the Development Area.

2) Non-contiguous Area

When the Preservation Area is not contiguous to the Development Area, the Preservation Area shall be referenced by a location sketch and notes on the master plan.

g. Boundary Plat

All Preservation Areas shall be platted. The plat(s) shall be recorded simultaneously with the first plat in the Development area. The plat shall limit the land to the intended preservation use(s).

h. Perpetual Preservation

Prior to recording the plat for a Preservation Area, the Preservation Area shall be established in perpetuity in one of the following manners and in a form acceptable to the County Attorney.

1) Dedication and Acceptance

Dedication of the Preservation Area to the BCC and acceptance of the dedication by the BCC;

2) Conservation Easement

Recordation of an Agricultural Conservation Easement;

3) Restrictive Covenant

Recordation of a restrictive covenant, made in favor of PBC, stating the basis for and limiting the land to the intended use(s).

Part 10. ULDC, Art. 3.E.2.F.4.d, Landscape Buffer [Related to AGR PUD] (page 79 of 134), is hereby amended as follows:

Reason for amendment: Relocate buffer requirements from Art. 3.E.2.F.3, Preservation Area.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

F. AGR PUD

4. Development Area

d. Landscape Buffer

A Type 3 incompatibility buffer shall be required between the Development Area and all adjacent properties zoned AGR, AP, SA, or AR; including Preservation Areas. The buffer shall be a minimum of 50 feet in width and installed in accordance with Article 7, Landscaping.

1) Reduction

A buffer required along the perimeter of a Development Area may be reduced by 50 percent if:

- a) the buffer is within a nonresidential pod and adjacent to a R-O-W greater than 50 feet in width;
b) the buffer is adjacent to another platted PUD buffer a minimum of 20 feet in width; or
c) the buffer is adjacent to open space (e.g. lake, canal, etc.) greater than 50 feet in width.

Part 11. ULDC, Art. 3.E.3.B, Objectives and Standards (page 83 of 134), is hereby amended as follows:

Reason for amendment: To add a provision allowing BCC to require civic dedication where impacts necessitate such, subject to the requirement that a clear rationale nexus can be demonstrated between the proposed use and a civic requirement.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 3 Multiple Use Planned Development (MUPD)

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

(Updated 12/27/05)

B. Objectives and Standards

1. Design Objectives

....

2. Performance Standards

....

3. Civic Dedication

BCC may require that a portion of the gross acreage of the development be dedicated to PBC for public purposes, when insufficient facilities are available to allow for the provision of government services required for the proposed development. The dedication of such property shall be in accordance with Art. 3.E.2.E.4.c.1), Public Civic. The PDRs for the PO district shall apply to the civic parcel.

Part 12. ULDC, Art. 3.E.3.D.1, Work/Live Space (page 84 of 134), is hereby amended as follows:

Reason for amendment: Deleted "mixed use" specification to allow work/live space in an MUPD or a commercial pod of a PUD/PIPD, that are not considered to be mixed use developments.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 3 Multiple Use Planned Development (MUPD)

D. Property Development Regulations

1. Work/Live Space

A space within a ~~mixed-use~~ building that is used jointly for residential, commercial and/or industrial purposes, where the residential space is accessory to the primary use as a place of work. Work/Live spaces shall comply with the following supplemental use standards:

....

Part 13. ULDC, Art. 3.E.4.B, Objectives and Standards (page 85 of 134), is hereby amended as follows:

Reason for amendment: To add a provision allowing BCC to require civic dedication where impacts necessitate such, subject to the requirement that a clear rationale nexus can be demonstrated between the proposed use and a civic requirement.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 4 Mixed Use Planned Development (MXPD)

B. Objectives and Standards

1. Design Objectives

....

2. Performance Standards

....

3. Civic Dedication

BCC may require that a portion of the gross acreage of the development be dedicated to PBC for public purposes, when insufficient facilities are available to allow for the provision of government services required for the proposed development. The dedication of such property shall be in accordance with Art. 3.E.2.E.4.c.1), Public Civic. The PDRs for the PO district shall apply to the civic parcel.

Part 14. ULDC, Art. 3.E.6.E.2.a, OR Pod (page 94 of 134), is hereby deleted as follows:

Reason for amendment: Deleted OR provisions as a result of the removal of these provisions from Art. 3.E.2.E.1.b, OR Pod.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 6 Mobile Home Planned Development District (MHPD)

E. Pods

2. Residential Pod

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

(Updated 12/27/05)

The site design and layout for each residential pod shall be indicated on a site plan and/or subdivision plan approved by the DRO. The site design shall include the fee simple, rental, lease, or condominium lot configuration and circulation systems. The layout shall indicate compliance with Table 3.E.6.D-28, MHPD Property Development Regulations, and the setbacks for accessory structures such as storage buildings, covered parking areas, screen enclosures, and pools.

a. ~~OR Pod~~

~~An optional residential pod may be provided in accordance with the standards for an OR pod in a PUD.~~

Part 15. ULDC, Art. 3.F.1.H, Phasing and Platting (page 99 of 134), is hereby amended as follows:

Reason for amendment: All phasing requirements are to be in accordance with Table 2.E.3.B-1, Time Limitation of Development Order for Each Phase. TMD U/S Tier relocated to Art. 2.E.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 1 General Provisions for TDDs

H. Phasing and Platting

1. Phasing

TDDs shall be subject to the phasing, time limitations and review requirements of Art. 2.E, Monitoring. **[Ord. 2005 – 002]**

a. ~~U/S Tier~~

~~Phasing of TDD developments in the U/S Tier shall be limited to a maximum of four phases of up to three years each. The first phase of the project shall include a minimum of 25 percent of the total project, unless otherwise approved by the BCC. **[Ord. 2005 – 002]**~~

2. Platting

All land in a TDD shall be platted in accordance with Art. 11, Subdivision, Platting and Required Improvements. All land within the TDD, including private civic tracts and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential or commercial tract. **[Ord. 2005 – 002]**

Part 16. ULDC, Table 3.F.1.I-32, Traditional Development Permitted Use Schedule (page 101 of 134), is hereby amended as follows:

Reason for amendment: To be consistent with the Plan, FLUE Policy 1.5.1-m and 1.5.1-o, as amended by Plan Amendment Round 05-01, Section 2.B.1, Ag Reserve Clarifications. Note: The current print table of the ULDC incorrectly shows Grooms Quarters, but it was deleted as part of Ord. 2005-02.

Table 3.F.1.I-32 - Traditional Development Permitted Use Schedule

District Tier ² Land Use Zone ³	TND ¹						TMD ¹				NOTES
	U/S			Ex/Rural			U/S	Ex/ Rural	AGR		
	Res	N/C	OS/Rec	Res	N/C	OS/Rec			Dev.	Preserve	
Residential Uses											
Farm workers quarters										P	51
....											
Agricultural Uses											
Groom's quarters										S	65
....											

Notes Table 3.F.1.I-32, Traditional Development Permitted Use Schedule:
P = Permitted, S = Special Permit, D= Development Review Officer, R = Requested 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 C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

(Updated 12/27/05)

1 Part 17. ULDC, Art. 3.F.4.E.8, Preserve Area and Open Space Requirements (page 131 of 134),
2 is hereby amended as follows:
3

4 Reason for amendment: Glitch - correct reference to ensure that AGR TMD Preserve Area requirements
5 are consistent with amendments to AGR PUD.
6

7 CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

8 Section 4 Traditional Marketplace Development (TMD)

9 E. Standards Applicable to AGR Tier

10 8. Preservation Area and Open Space Requirements

11 A TMD shall conform to Objective 1, Art. 1.E, Prior Approvals, and the following additional
12 requirements:

13 a. Minimum Preservation Area

14 A minimum of 60 percent of the gross acreage, less roadways identified on the
15 Thoroughfare Identification Map, shall be designated as preserve area. Rural Parkway
16 easements may be counted toward the preserve requirement.

17 b. Location

18 The Preservation Area shall be contiguous with the TMD, or noncontiguous provided it
19 has a common border with other land that is at least 150 acres and:

- 20 1) In a Conservation district;
- 21 2) Designated as an AGR Preservation Area; or
- 22 3) Has had development rights removed and is permanently restricted to useable open
23 space or agricultural uses through a conservation easement or other legal instrument
24 approved by the County Attorney's Office.

25 c. Preservation Areas

26 An AGR Preservation Area shall comply with the requirements of Art. 3.E.2.F.3
27 3.F.4.E.8.c, Preserve Preservation Area, and policies under Objective 1.5 of the FLUE of
28 the Plan.
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

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\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

(Updated 12/27/05)

1
2 **Part 1. ULDC, Table. 4.A.3.A-1, Use Matrix (page 16 of 142), is hereby amended as follows:**
3

Reason for amendment:

Florida Power and Light (FPL) Transmission Switching Substations White Paper

Introduction:
Kilday and Associates, on behalf of FPL, is requesting to amend Art. 4.B.1.A, Definitions and Supplementary Standards for Specific Uses, to add new use regulations for Electrical Transmission Switching Substations. FPL indicates that these substations exceed the limitations of Art. 4.B.1.A.134, Minor Utility, are not as intense as Art. 4.B.1.A.44, Electric Power Facility, and require specific regulations to address FPL power distribution requirements. Zoning staff agrees that the current ULDC regulations that need to be updated to provide for transmission facility requirements.

Background and Summary:
In summary, both Minor Utility and Electric Power Facility uses were included in the 1992 ULDC, as amended. Electrical transmission voltage facilities were subject to the requirements of an Electric Power Facility, as the definition of a Minor Utility excluded "...electric generation and transmission voltage facilities..." With the adoption of the new ULDC (Ord. 2003-067), electric power facilities were no longer permitted in the AGR or residential zoning districts.

In conclusion, Electric Transmission Switching stations continue to be regulated by Art. 4.B.1.A.44, Electric Power Facility. FPL indicates that the need to provide electrical distribution facilities in both proposed and existing residential areas, including the AGR Tier, requires the flexibility to allow these substations in residential districts.

Recommendations:
Zoning Staff: Staff is recommending that the requested amendment be modified to: 1) require BCC approval; 2) increase setbacks for utility structures and equipment; and 3) increase required landscaping and buffering where facilities are visible from public streets or parcels with a conservation, commercial or residential FLU or use.
LDRAB General Sub-committee: Friday, August 19, 2005 meeting – Recommendation to approve as recommended by Zoning staff and subject to minor revisions.
LDRAB/LDRC: Wednesday, December 14, 2005 meeting – Recommendation to approve 14 – 0.

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

Use Type	Zoning District/Overlay																NOTE			
	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	C C O	C H O	C G R E	I L	I G		P O	I P F	
				R S A	U S A															
Utilities & Excavation																				
....																	D			
Electric Power Facility			A							A	A	A	A	A	A	A	A	P	A	44-1
Electric Transmission Facility		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	A	44-2	
....																				
Utility, Minor		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	P	D	134	
....																				

- 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)

5
6
7
8

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

(Updated 12/27/05)

Part 2. ULDC, Art. 4.B.1.A.44, Electric Power Facility (page 43 of 142), is hereby amended as follows:

Reason for amendment: See FPL White Paper above.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

44-1. Electric Power Facility

The A principal use of property for an electrical generation or transmission voltage switching station.

a. Setbacks

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

b. Screening and Perimeter Buffers

A Type III incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial or residential FLU or use. Palms may not be substituted for required canopy trees. This buffer may be modified in accordance with Art. 7.B.3, Alternative Landscape Plan (ALP). Screening around the perimeter of an electric power facility shall be provided at the time the facility is constructed or when surrounding development occurs. The standards in Art. 7, Landscaping, shall be waived if the required screening is not visible from adjacent lots or streets.

c. Electric Transmission Facility

An electric transmission facility collocated with a new request or DOA for an electric generation facility may be reviewed and approved as one application. The transmission facility shall comply with the requirements of Art. 4.B.1.A.44-2, Electric Transmission Facility.

Part 3. ULDC, Art. 4.B.1.A., Definitions and Supplementary Standards for Specific Uses (page 43 of 142), is hereby amended as follows:

Reason for amendment: See FPL White Paper above.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

44-2. Electric Transmission Facility

Mechanical equipment associated with electric transmission networks, including transmission voltage facilities or switching substations, and electrical distribution substations that exceed the standards of Art 4.B.1.A.134.a.1), Residential Districts and 2) Non-residential Districts.

a. Setbacks

Notwithstanding the requirements of Table 3.D.1.A-5, Property Development Regulations, setbacks for electric transmission facilities, excluding transmission lines, shall be as follows:

1) Buildings

Buildings used for electric transmission facilities shall be setback a minimum of 50 feet from all property lines.

2) Mechanical Equipment and Related Structures

Setbacks for mechanical equipment, related structures and fencing shall be a minimum of 75 feet, or a minimum of 150 feet when adjacent to or visible from a street or parcels with a conservation (when open to the public), commercial or residential FLU or use. Setbacks may be reduced to 100 feet, if the incompatibility buffer is increased to 50 feet in width and the number of required trees are doubled. Setbacks may also be reduced to 75 feet when adjacent to commercial properties, or when separated from adjacent properties by a R-O-W 100 feet in width or greater, if

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

(Updated 12/27/05)

the applicant can demonstrate that structures will not be visible from residential or public use areas.

3) Maximum Height

One additional foot of setback shall be provided in addition to the minimum setback for each one foot in height, or fraction thereof, over 35 feet.

b. Screening and Perimeter Buffers

A Type III incompatibility buffer shall be required when the subject site is adjacent to or visible from any street or parcels with a conservation (when open to the public), commercial or residential FLU or use. Palms shall not be substituted for required canopy trees. This buffer may be modified in accordance with Art. 7.B.3, Alternative Landscape Plan (ALP).

Part 4. ULDC, Art. 4.B.1.A.51, Farm Workers Quarters (page 45 of 142), is hereby amended as follows:

Reason for amendment: To be consistent with the Plan, FLUE Policy 1.5.1-m and 1.5.1-o, as amended by Plan Amendment Round 05-01, Section 2.B.1, Ag Reserve Clarifications.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

51. Farm Workers Quarters

One or more residential structures occupied by farm workers who provide labor in conjunction with agricultural operations.

a. Density

One dwelling unit limited to a maximum of four beds shall be permitted for each 25 acres. ~~Farm worker quarters shall not be located on property in the AGR Tier in which no residential density is assigned by the FLU designation.~~

b. Clustering

Ten or more units on any lot shall be clustered and subject to DRO approval.

c. AGR/PUD or TMD

AGR/PUD or TMD Preserve shall be allowed one dwelling unit per acre provided such units are clustered onto a single compact area of the preserve and are restricted to occupancy by farm workers. *Farm worker quarters shall not be located on property in the AGR Tier in which no residential density is assigned by the FLU designation.*

d. AR/RSA

May be permitted in the AR/RSA District with a SA FLU, subject to a Special Permit approval. [Ord. 2005 – 002]

Part 5. ULDC, Art. 4.B.1.A.65, Grooms Quarters (page 48 of 142), is hereby amended as follows:

Reason for amendment: To be consistent with the Plan, FLUE Policy 1.5.1-m and 1.5.1-o, as amended by Plan Amendment Round 05-01, Section 2.B.1, Ag Reserve Clarifications.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

65. Groom's Quarters

On-site living quarters for persons responsible for grooming and caring for horses boarded at a stable. Occupancy shall be limited to on-site employees and members of the employees' family only.

a. Number Permitted

1) 20 Acres or Less

One groom's quarters shall be permitted for each four horse stalls.

2) More Than 20 Acres

One groom's quarters shall be permitted for each three horse stalls.

b. Floor Area

1) Each Unit

Each groom's quarters shall not exceed 500 square feet of GFA per unit.

2) 20 Acres or Less

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

(Updated 12/27/05)

- 1 The total GFA for all groom's quarters shall not exceed 5,000 square feet per lot.
- 2 **c. Bedrooms and Bathrooms**
- 3 A maximum of one bedroom and one bathroom per groom's quarter.
- 4 **d. Approval Process**
- 5

Table 4.B.1.A-5 - Number of Bedrooms and Bathrooms

Process	Number of groom's quarters permitted
Permitted	One
Special Permit	Two through four
DRO	Five through 20
Class B	21 through 100
Class A	101 or more

- 6
- 7 **e. AGR Tier**
- 8 For parcels in the AGR Tier with more than 20 groom's quarters, or more than 20
- 9 groom's quarters on the Preservation Area ~~preserve area~~ of an AGR-PUD or TMD, the
- 10 allowable density shall be decreased by one unit for each groom's quarter to a maximum
- 11 reduction of one-half of the number of dwelling unites associated with the property.
- 12 **f. Kitchen Facilities**
- 13 Groom's quarters may contain individual cooking facilities and/or one common dining
- 14 facility. An agreement to remove all kitchen equipment shall be executed prior to
- 15 approval of the groom's quarter. The agreement shall require the kitchen to be removed if
- 16 the unit ceases to operate as a groom's quarters.
- 17
- 18

19 **Part 6. ULDC, Art. 4.B.1.A.72, Hotel, Motel (page 51 of 142), is hereby amended as follows:**

21 Reason for amendment: 1) Corrected title; and 2) Clarified CHO and CG limitations to be consistent with
22 Table 3.E.1.B-10, PDD Use Matrix and Table 4.A.3.A-1, Use Matrix.

23 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

24 **Section 1 Uses**

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

26 **72. Hotel, Motel, SRO, and Rooming and Boarding House**

27 An establishment requiring a license by the State of Florida used, maintained or advertised
28 as a place where furnished sleeping accommodations are supplied for short term rent to
29 guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and
30 rooming and boarding houses.

31 **a. Commercial CHO, CG, and CRE Districts**

32 If permitted by Table 3.E.1.B-10, PDD Use Matrix, or Table 4.A.2.A-1, Use Matrix, a A
33 hotel, motel, SRO, or rooming and boarding house with a CL, CHO and CH FLU
34 designation are permitted shall comply with the following: in only the CHO, CG, and CRE
35 districts.

36 **1) Lot Size**

37 A minimum of one acre or the minimum required by the district, whichever is greater.

38 **2) Lot Width**

39 A minimum of 100 feet or the minimum required by the district, whichever is greater.

40 **3) Sleeping Units**

41 A maximum of one per 1,000 square feet of lot area.

42 **b. RM District**

43 A rooming and boarding house is permitted only in the RM district with an HR FLU
44 designation. The number of beds permitted shall be calculated consistent with a Type 3
45 CLF. Hotels, motels, and SROs are prohibited.

46 **c. CRE District**

47 A hotel, motel, SRO, boarding or rooming house shall only be located in a RR FLU
48 designation as a Class A conditional use.

49 **d. Accessory Uses**

50 Hotels and motels may include typical accessory uses, such as fitness centers, meeting
51 rooms, conference centers, restaurants and lounges.

52 **e. Lounge**

53 An accessory lounge shall not exceed ten percent of the GFA of ~~the~~ a hotel or motel.

54 **Notes:**

55 Underlined language indicates proposed new language.

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

57 (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

(Updated 12/27/05)

Part 7. ULDC, Art. 4.B.1.A.121, Shade House, (page 78 of 142), is hereby amended as follows:

Reason for amendment: Amendment requested by industry which provided documentation indicating that hydroponic farming requires specific allowances for building coverage and FAR. [Note: FAR may be increased by any amount up to .75 FAR to allow for greenhouses, other uses would still be limited to the maximum FAR allowed in the Plan. (i.e. in the AGR District, the Plan allows for a .15 FAR. Therefore, a site could be developed with a .15 FAR of other permitted uses, and up to .60 FAR for Greenhouses.]

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

121. Shade House

A temporary screen enclosure used to protect plants from insects, heat and exposure to the sun.

a. Permits

A shade house used for bona fide agricultural purposes less than 12 feet in height shall not be required to obtain a building permit.

Table 4.B.1.A-9 - Minimum Setbacks 12 feet or Less In Height

Table with 2 columns: Setback Type (Front and Street, Side and Rear) and Setback Distance (15 feet, 7.5 feet)

TABLE 4.B.1.A-10 - MINIMUM SETBACKS OVER 12 FEET IN HEIGHT

Table with 2 columns: Setback Type (Front and Street, Side and Rear) and Setback Distance (25 feet, 15 feet)

b. Commercial Greenhouse

Commercial greenhouses having roofs and walls made of rolled plastic or other similar materials, used for the indoor cultivation of plants, including hydroponic farming using water containing dissolved inorganic nutrients, may be permitted in the AP and AGR districts, subject to the following:

1) DRO Approval

Commercial greenhouses that exceed the FAR limitations of Table 2.1-1 of the Plan, or with five or more acres of building coverage must be approved by the DRO.

2) Property Development Regulations

Setbacks for greenhouses in excess of 25 feet in height must be in accordance with Table 3.D.1.A-5, Property Development Regulations. Setbacks for greenhouses less than 25 feet in height may be reduced by 50 percent. FAR and Building Coverage may be increased up to a maximum of .75 to accommodate commercial greenhouses.

3) Landscaping and Buffering

Commercial greenhouses are exempt from the interior and foundation planting requirements of Table 7.C.3-1, Minimum Tier Requirements. A Type III incompatibility buffer shall be required along property lines where greenhouses are adjacent to or visible from a public R-O-W or parcels with a civic, conservation, commercial, recreational residential FLU designation or use. Buffers shall be a minimum of 25 feet in width for greenhouses up to 25 feet in height, and 50 feet for greenhouses greater than 25 feet in height.

a) Exceptions

(1) Visual Screening

Landscape buffer and planting requirements may be waived in areas where it can be demonstrated that greenhouse structures are not visible from the subject property lines or use areas.

(2) Alternative Planting

Planting requirements may be satisfied by the use of existing native vegetation or the placement of other related plant material, provided that the growing area is at least 25 feet wide and meets the buffering requirements for a Type III incompatibility buffer.

4) Parking and Loading

All parking and loading shall occur in the designated areas indicated on the site plan.

a) Parking

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

(Updated 12/27/05)

If vans, buses, or commercial loading vehicles are used for employee transportation, required parking shall be configured to accommodate these vehicles.

b) Loading

Loading zones shall not be oriented towards residential uses, and shall be setback from property lines a minimum of 250 feet, unless waived by the DRO.

5) Storage

Only equipment directly related to the facility may be stored on site. All stored equipment must be screened from view from adjacent properties and streets.

6) Interior Lighting

Greenhouses shall not be illuminated between 9 p.m. and 6 a.m. if light is visible from outside of the structure from any adjacent R-O-W, or properties with a residential FLU designation or use.

7) Accessory Office

An office is permitted as an accessory use, subject to the following and all other applicable requirements:

- a) Less than five acres of commercial greenhouse: 1,000 square feet.
b) Greater than five acres of commercial greenhouse: 2,000 square feet.
c) Bathroom facilities shall not be included in the calculation of office square footage.

8) Signage

Signage for commercial greenhouses shall be limited to one freestanding sign located at the projects primary entrance.

9) Pervious Surface Area

An exception to the requirements of Table 7.C.2-1, Minimum Tier Requirements may be made for Commercial Greenhouses to allow for an increase in impervious surface area up to 80 percent, provided all applicable agencies responsible for reviewing for adequate drainage, review and approve the application for compliance prior to DRO certification or issuance of a building permit.

Part 8. ULDC, Art. 4.B.1.A.134, Minor Utility (page 81 of 142), is hereby amended as follows:

Reason for amendment: See FPL White Paper above.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

134. Utility, Minor

Mechanical equipment associated with utility distribution, collection, or transmission networks, required by their nature to be relatively dispersed throughout their service area other than electric generation and transmission voltage facilities. Typical uses include gas and water regulators, electrical distribution substations, sewage lift stations, telephone exchange buildings, and communication substations.

a. Floor Area

1) Residential Districts [Ord. 2004-040]

A maximum of 3,000 square feet of gross enclosed floor area.

2) Non-residential Districts

A maximum of 10,000 square feet of gross enclosed floor area. [Ord. 2004-040]

3) A minor utility exceeding either standard above may be approved as a Class A Conditional Use or a Requested Use. [Ord. 2004-040]

b. Buffer

A minor utility shall be located and buffered to ensure compatibility with surrounding land uses. Increased setbacks, screening, and buffering around the utility may be required to ensure compatibility. [Ord. 2004-040]

c. Lift Station

1) New Subdivisions

Facilities located in new subdivisions shall be subject to DRO approval concurrent with the subdivision approval.

2) Streets

Facilities located within streets or utility easements shall not be subject to DRO approval.

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

(Updated 12/27/05)

1 Part 9. ULDC, Art. 4.B.1.A.141, Work/Live Space (page 87 of 142), is hereby amended as
2 follows:
3

4 Reason for amendment: Deleted "mixed use" specification to allow work/live space in an MUPD or a
5 commercial pod of a PUD/PIPD, that are not considered to be mixed use developments.
6

7 CHAPTER B SUPPLEMENTARY USE STANDARDS

8 Section 1 Uses

9 A. Definitions and Supplementary Standards for Specific Uses

10 141. Work/Live Space

11 A space within a ~~mixed-use~~ building that is used jointly for residential, commercial and/or
12 industrial purposes, where the residential space is accessory to the primary use as a
13 place of work. [Ord. 2004-040]
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

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\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

(Updated 12/27/05)

Part 1. ULDC, Art. 5.B.1.A.9, Recreation Facility (page 12 of 56), is hereby amended as follows:

Reason for amendment: Glitch – Reinserted omitted from 1992 Code text concerning setbacks (previously 50 feet) and corrected reference to Table 3.C.1.A-4, FLU Designation and Corresponding Standard Zoning Districts.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

9. Recreation Facility

Recreation facilities shall be subject to the following standards:

a. Common Area

- 1) Setbacks from residential uses shall be a minimum of 50 feet from any residential property line consistent with the requirements of Table 3.C.1.A-4, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts.
2) Swimming pools and spas shall be setback in accordance with Table 5.B.1.A-3, Pool/Spa Setbacks.
3) Golf course structures and clubhouses shall be setback in accordance with Table 3.E.2.D-16, PUD Property Development Regulations.
4) If deemed necessary to ensure compatibility with surrounding uses, the DRO shall require an incompatibility buffer in accordance with Article 7.F.9, Incompatibility Buffer.

b. Residential Lot

- 1) The following setbacks shall apply to tennis courts:

Table 5.B.1.A-2 – Tennis Court Setbacks

Table with 2 columns: Location (Front, Side, Side Street, Rear) and Setback (25 feet, 7.5 feet, 15 feet, 7.5 feet)

Part 2. ULDC, Art.5.C.1.D, Effect [Related to Architectural Guidelines], (page 25 of 56), is hereby amended as follows:

Reason for amendment: Glitch - to correct outdated reference.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

D. Effect

1. Effect on Prior BCC and ZC Approvals

These guidelines shall apply to all previously approved projects as a BCC or ZC condition of approval as part of a DOA or Status Report. Previously approved architectural conditions of approval shall remain in full effect unless amended by the BCC or ZC. Non-residential projects previously approved by the BCC or ZC shall comply with Art. 5.C.H.1.a 1.E.1, General.

2. Effect on Prior DRO Approvals

These guidelines shall not apply to projects or buildings which have a previously approved site plan by the DRO, unless within a PDD or for any use specifically identified within Art. 4.B, Supplementary Use Standards. Non-residential projects previously approved by the DRO or ZC shall comply with Art. 5.C.H.1.a 1.E.1, General.

3. Effect on Other Regulations

These guidelines shall supplement architectural requirements of an Overlay District, Neighborhood Plan, or other applicable regulations. In case of a conflict, the more strict regulation shall apply.

Part 3. ULDC, Art.5.E.3, Nuisances (page 36 of 56), is hereby amended as follows:

Reason for amendment: Glitch – text inadvertently omitted from the 1992 Code and request by Code Enforcement Director and County Attorney to be reinserted.

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

(Updated 12/27/05)

1 CHAPTER E PERFORMANCE STANDARDS

2 Section 3 Nuisances

3 D. Smoke, Emissions and Particulate Matter

4 1. General Requirements

5 No use or activity shall be operated except in full compliance with the standards controlling
6 air pollution as provided in the laws of the State of Florida and the ordinances of Palm Beach
7 County.

8 2. Smoke

9 In all districts, unless otherwise covered by a specific visible emission limiting standard by a
10 FDEP Rule or County Ordinance, every use shall be operated so as to prevent the emission
11 of smoke from any source whatever, the density of which is equal to or greater than that
12 designated as Number 1 on the Ringlemann Chart, or the opacity of which is equal to or
13 greater than twenty percent. For the purpose of grading the density of smoke, the
14 Ringlemann Chart, as published and used by the United States Bureau of Mines, or Method
15 9, as published in Rule 62-296 F.A.C., is incorporated herein by reference. All
16 measurements shall be at the point of emission.

17 3. Dust and Particulates

18 Every use shall be operated to prevent the emission into the air of dust or other solid
19 particulate matter which may cause danger to land and the health of persons or animals at or
20 beyond the lot line of the premises on which the use is located, in accordance with Rule 62-
21 296 F.A.C.

22 4. Objectionable Odors

23 No person shall cause, suffer, allow or commit the discharge of air pollutants which contribute
24 to an objectionable odor in accordance with Rule 62-296 .320 (2) F.A.C.

25 5. Toxic or Noxious Matter

26 No use shall for any period of time, discharge across the boundaries of a lot on which it is
27 located, toxic or noxious matter in such concentrations as to be detrimental to or endanger
28 the public health, safety, comfort, or general welfare, or cause injury or damage to persons,
29 land, or the use of land, or render unclean the waters of the state to the extent of being
30 harmful or inimical to the public health, or to animal or aquatic life, or to the use of such
31 waters for domestic water supply, industrial purposes, recreation, or other legitimate and
32 necessary uses.

33 **[Renumber accordingly]**

34
35
36 **Part 4. ULDC, Art. 5.G.1.C.1, Density Bonus (page 44 of 56), is hereby amended as follows:**

37
38 Reason for amendment: To clarify minimum percentage to coincide with addition of minimum percentage
39 to Table 5.G.1.D-13, WHP Density Bonus.

40
41 **CHAPTER G DENSITY BONUS PROGRAMS**

42 **Section 1 Workforce Housing Program (WHP)**

43 **C. Incentives**

44 **1. Density Bonus**

45 A density bonus of at least ~~ten~~ 40 percent and up to 100 percent of the permitted density,
46 may be allowed based on project location, the existing very-low and low income
47 concentrations in the area of the proposed development and land use compatibility. **[Ord.**
48 **2005 – 002]**

49
50
51 **Part 5. ULDC, Art. 5.G.1.D, Density Bonus (page 44 of 56), is hereby amended as follows:**

52
53 Reason for amendment: To add requirement for minimum density bonus and increase minimum
54 percentage of density bonus units required to be affordable, to be consistent with Zoning in Progress
55 adopted by the BCC on November 17, 2005.

56
57 **CHAPTER G DENSITY BONUS PROGRAMS**

58 **Section 1 Workforce Housing Program (WHP)**

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

(Updated 12/27/05)

D. Density Bonus

A density bonus may be approved by the Planning Director or BCC in accordance with the requirements of this Article. [Ord. 2005 – 002]

1. Permitted Density

For the purposes of this Section, permitted density shall be the number of units allowed by:

a. Standard District

The standard density allowed by the Plan; [Ord. 2005 – 002]

b. PDD or TDD

The maximum density allowed by the Plan, or the density approved by the development order for a PDD or TDD, whichever is less; or [Ord. 2005 – 002]

c. TDR Receiving Areas

TDR units shall not be included in the density bonus determination. [Ord. 2005 – 002]

2. Bonus Determination and Percentage of Affordable Units Affordability Determination

The number of units awarded as a density bonus and the percentage of affordability shall be determined by the Planning Director, in accordance with Table 5.G.1.D-13, Density Bonus. The determination shall be based on the size, location and development characteristics of the project with consideration given towards affordability, accessibility, compatibility, quality of design, pedestrian and vehicular circulation, open space, and resource protection. The percentage of affordable units shall be at a minimum of 50 percent of the total number of density bonus units. The Planning Director shall prepare a report for the applicant, DRO, ZC, or BCC, whichever is appropriate. In the report, the Planning Director shall make a determination of compliance with this chapter, consistency with the Plan and recommend approval, approval with conditions, or denial of the request. [Ord. 2005 – 002]

Table 5.G.1.D – 13, WHP Density Bonus

% of Affordable Housing in Sector	> 50%	40-50%	20-40%	0-20%
Maximum Density Bonus	40%	60%	80%	100%
Minimum Density Bonus ¹	40%	40%	40%	40%
Minimum % of Density Bonus Units Required to be Affordable	2050%	3050%	4050%	50%

Notes for Table 5.G.1.D-13, WHP Density Bonus

1. The minimum density bonus shall be as indicated, or a maximum of 16 units /acre, whichever is less. [Ord. 2005-002]

3. Maximum Bonus and Density

The overall density allowed (density plus density bonus) shall not exceed 16 units/acre, or a 100 percent increase above the permitted density, whichever is less. [Ord. 2005 – 002]

4. Minimum Bonus

The minimum density bonus allowed would be a ten percent increase above the permitted density. [Ord. 2005 – 002]

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 REGULATIONS

(Updated 12/27/05)

Part 1. ULDC, Table 6.A.1.B-1, Minimum Off Street Parking and Loading Requirements (page 8 of 34), is hereby amended as follows:

Reason for amendment: To indicate parking requirements for new greenhouses, as a new subcategory of Art. 4.B.1.A.121, Shadehouse. Industry, indicates that commercial greenhouses generally require two employees per acre; however, most employees in this industry arrive by van or bus, thus reducing needed parking.

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

Use Type: Agriculture	Parking ¹	Loading²
Agriculture, bona fide	1 space per 1,000 sq. ft.	B
Agriculture, light manufacturing	1 space per 1,000 sq. ft.	B
Agriculture, research/development	1 space per 1,000 sq. ft.	B
Agriculture, sales and service	1 space per 250 sq. ft.	A
Agriculture, storage	1 space per 1,000 sq. ft.	A
Agriculture use, accessory	5 spaces or 1 space per employee, whichever is greater	N/A
Agriculture, transshipment	1 space per 2,000 sq. ft.	A
Aviculture	1 space per 200 sq. ft.	E
Community vegetable garden	4 spaces per garden	N/A
Equestrian arena, commercial	1 space per 3 seats	N/A
Grooms Quarters	1 space per unit	N/A
Farrier	1 space per 1,000 sq. ft.	N/A
Kennel, commercial or private	1 space per 500 sq. ft. of cage and retail area	N/A
Nursery, retail	1 space per 500 sq. ft. of indoor or covered retail and office areas plus 1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres.	B
Nursery, wholesale	1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres. ^{4,5}	B
Packing plant	1 space per 2,000 sq. ft.	A
Potting soil manufacturing	2 spaces per acre; minimum of 5 spaces	A
Produce stand, permanent	1 space per 200 sq. ft. including outdoor sales display area	N/A
Produce stand, temporary	2 spaces per 200 sq. ft. including outdoor sales display area	N/A
Shadehouse	N/A	N/A
<u>Commercial Greenhouse</u>	<u>1 space per acre of greenhouse</u>	<u>C</u>
Stable, commercial or private	1 space per 500 sq. ft.; plus 1 space per 4 animal stalls	N/A
Sugar mill or refinery	1 space per 2,000 sq. ft.; plus 1 space per 200 sq. ft. of office space	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]

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\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

(Updated 12/27/05)

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

Part 1. ULDC, Art. 7.D.12.C, Detention/Retention Areas, Swales, Drainage Easements, and Lake Maintenance Easements (page 26 of 52), is hereby amended as follows:

Reason for amendment: Request from Land Development Division to correct text - lake maintenance easements have to be in Water Management Tracts, which are outside of required buffer areas/tracts. Thus, as all required landscaping has to be planted in a landscape buffer and you cannot have a lake maintenance easement in a landscape buffer, the language, as written, did not make sense. The proposed changes will have no impact on planting in lake maintenance easements.

CHAPTER D GENERAL STANDARDS

Section 12 Landscape in Easements

C. Detention/Retention Areas, Swales, and Drainage Easements, ~~and Lake Maintenance Easements~~

Detention/retention areas, drainage easements, ~~lake maintenance easements~~, and sloped, directional swales greater than one foot below finished grade, shall not be located in or overlap required landscape buffers unless otherwise approved in writing by the Land Development Division.

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\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

ARTICLE 11 – SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS

(Updated 12/27/05)

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

Part 1. ULDC, Art. 11.A.8.B.2, Decision by County Engineer, (page 13 of 45), is hereby amended as follows:

Reason for amendment: Land Development Division indicates that both the Building Division and PREM have asked to be taken out of the review process for Plat Waivers.

CHAPTER A GENERAL REQUIREMENTS

Section 8 Exceptions to General Requirements

B. Plat Waiver with Certified Survey

2. Decision by County Engineer

In determining if platting may be waived, the County Engineer shall distribute each application to, and consider recommendations received from the following agencies regarding conformance with requirements of their respective regulations and program responsibilities:

- a. The Directors of the Land Development and Traffic Divisions, and Survey Section of the Engineering Department;
- b. The Directors of the Planning, *and* Zoning, ~~and Building~~ Divisions;
- c. The Director of Environmental Resources Management;
- d. The County Health Director;
- e. The Director of Water Utilities;
- f. The Chief of Fire-Rescue;
- g. The Director of Parks and Recreation; *and*,
- h. The County Attorney; ~~and~~
- ~~i. The Director of Property and Real Estate Management~~

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\EXHIBIT H - Article 11.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 I

ARTICLE 17 – DECISION MAKING BODIES

(Updated 12/27/05)

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

Part 1. ULDC, Art. 17.B.1.D (page 6 of 96), is hereby amended as follows:

Reason for amendment: Glitch – Delete reference to outdated/repealed BCC Resolution No. 1991-1003.

CHAPTER B GENERAL PROVISIONS

Section 1 Board Membership

D. Maximum Number of Boards

The maximum number of boards a person may serve on at one time shall be three. ~~Members affected by this provision shall be governed by PBC Resolution No. 91-1003.~~

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\EXHIBIT I - Article 17.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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)

Part 1 ULDC Art. 1.1.2, Definitions, is hereby amended as follows:

Reason for amendment: 1) To add a definition for gallery; 2) To clarify that arcades in the WCRAO may require usable floor area above; 3) To add a definition to clarify mixed use as it applies to Article 13 and Article 3.B.15 WCRAO Westgate Community Redevelopment Agency Overlay; and, 4) To add a new definition to simplify the reference of the Westgate/Belvedere Homes Community Redevelopment Plan.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced in this Article shall have the following meanings:

73. **Arcaded Sidewalk** - a covered pedestrian walkway contiguous to a street, plaza or square that is open to the public.
For the purposes of Art. 3.B.15, WCRAO, Westgate Community Redevelopment Agency Overlay, an arcaded sidewalk shall require usable floor area above the roof of the arcade.

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

50. **Lot Frontage** –
a. ~~‡~~ That side of the property line abutting a legally accessible street. On a corner lot, the frontage may be designated by the owner, subject to the approval by the Zoning Division who will determine whether it is consistent with the orientation of the other lots and improvements on the same side of the accessible street.
b. For the purposes of buildings in a TDD or in the WCRAO where a build to line is required, and vehicular access may be from the side or rear of the property, the property line used to meet the build to line requirements shall be the lot frontage.

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

1. **Gallery** – a covered promenade over a pedestrian walkway, contiguous to a street, plaza or square that is open to the public, with no usable floor area above.
[Renumber accordingly.]

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

20. **Integration** – For the purposes of Art. 3.B.15.E.1, Mixed Use and determining consistency with FLUE Policy 2.4-b and the vertical integration provision of FLUE Policy 2.2.2-f of the Plan, functional or vertical integration shall mean the combination of residential and non-residential uses that forms a single project providing for connectivity between uses, parking areas and public spaces, while adequately buffering incompatible uses.
[Renumber accordingly.]

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

39. **Mixed Use** – for the purposes of Art. 13, means a group of different uses of land within a tract of land or a building for which applications for development permits are sought.
For the purposes of Art. 3.B.15, WCRAO, Westgate Community Redevelopment Agency Overlay, also means the combination of residential and one or more non-residential uses that are functionally integrated.

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

56. **Sky Exposure Plane** – an imaginary inclined plane beginning at a specified height of a building façade and rising over the building at a ratio of vertical distance to horizontal distance.
[Renumber Accordingly.]

111. **Stoop** – A small porch or platform.
[Renumber Accordingly.]

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

17. **WCRA Plan** - The Westgate/Belvedere Homes Community Redevelopment Plan adopted by the BCC on January 11, 2005, as may be periodically amended.
[Renumber accordingly.]

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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)

Part 2. Repealing ULDC, Art. 3.B.15, WCRAO, Westgate Community Redevelopment Area, (page 28-34 of 125) and adopting in its place a new Art. 3.B.15, WCRAO Westgate Community Redevelopment Area Overlay, as follows:

Reason for amendment: Amend WCRAO provisions to implement the Westgate/Belvedere Homes Redevelopment Plan.

Section 15 WCRAO, Westgate Community Redevelopment Area Overlay

A. Purpose and Intent

The Westgate/Belvedere Homes Community Redevelopment Agency (WCRA) was created pursuant to F. S. §163 Part III, Community Redevelopment, to remove blighted conditions, enhance the PBC's tax base, improve living conditions, and preserve areas of low and moderate cost housing in the Westgate/Belvedere Homes area of unincorporated PBC.

The use of community redevelopment powers enables the BCC and the WCRA to make public improvements that encourage and enhance investment while providing neighborhood stability, prevent continuation of inefficient and incompatible land use patterns, and assist revitalization and rehabilitation of older commercial and residential areas in the Westgate/Belvedere Homes area. The WCRAO is established with the purpose and intent of encouraging development and redevelopment of the Westgate/Belvedere Homes area through regulatory incentives; arresting deterioration of property values; preserving and protecting existing, viable affordable housing; providing opportunity for the future development of affordable housing; implementing the 2004 Westgate/Belvedere Homes Community Redevelopment Plan (WCRA Plan); providing for mixed use development; and providing for increased residential densities and commercial intensities, without amendment to the Plan.

The WCRA Plan proposes to use smart growth and form based code principles that incorporates urban design and mixed use development to achieve infill, residential and commercial redevelopment. Mixed use development is required to implement the goals of the WCRA Plan to allow for a pedestrian friendly environment, the vertical integration of uses, and higher intensity and density.

B. General Development Standards

1. Nonconformities

Nonconforming uses, structures and lots shall be allowed to continue subject to the provisions of Art. 1.F., Nonconformities.

a. Expansion of Existing Non-conforming Parking

The addition of parking that does not meet the location requirements of this Section, that is included in the expansion of a non-conforming structure shall be permitted subject to BCC approval of a Class A Conditional Use.

2. Exemptions

All properties in the PO district or any publicly owned properties developed to serve a public use shall be exempt from the requirements of Art. 3.B.15, WCRAO.

C. Boundaries

1. WCRAO Boundaries

The WCRAO consists of those lands within unincorporated PBC bounded by Okeechobee Boulevard on the north, Belvedere Road on the south, Florida Mango Road on the east, and Military Trail on the west. See Figure 3.B.15.C-1 – Map of WCRAO Boundaries and Sub-areas.

(This space intentionally left blank.)

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.

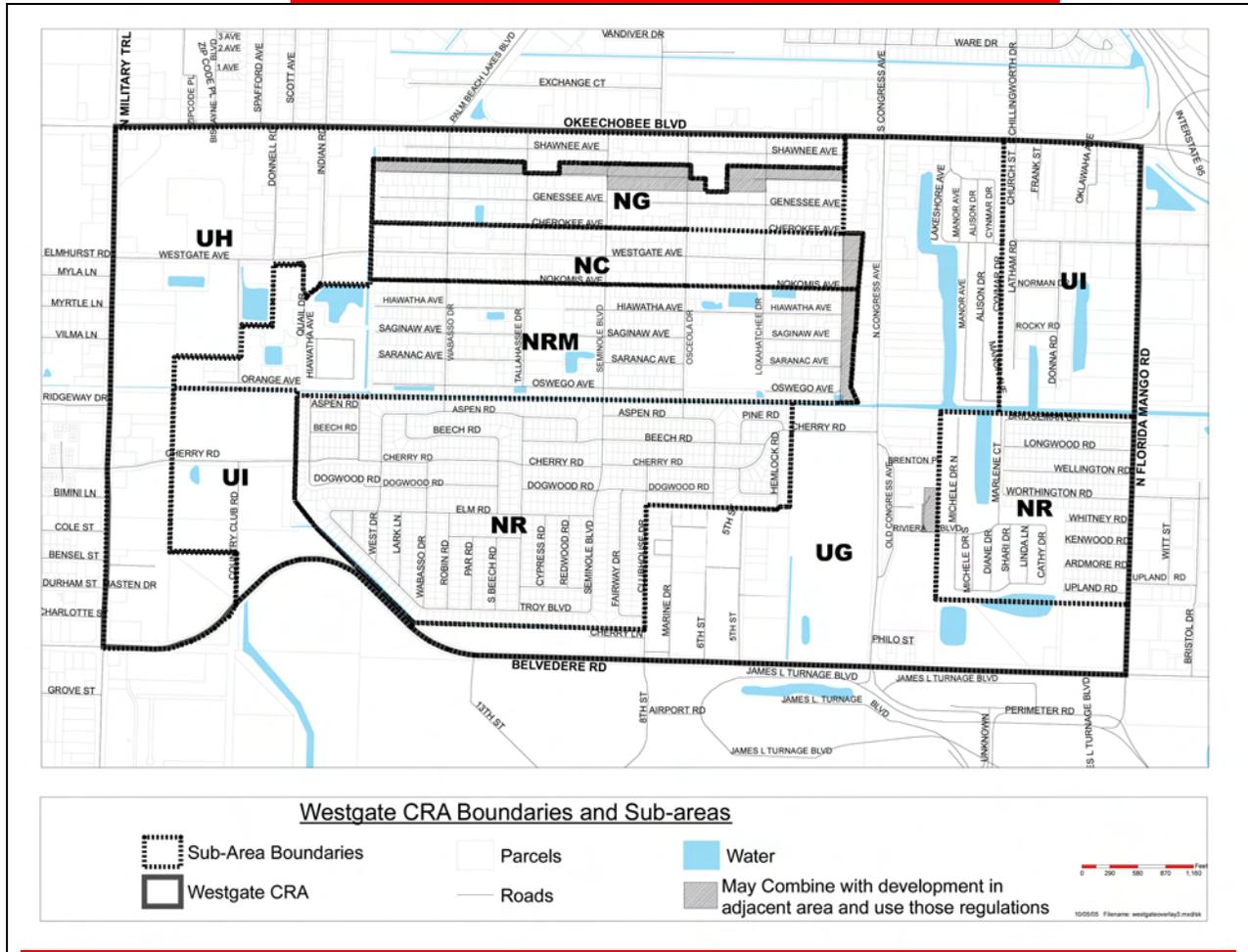
Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)

1

Figure 3.B.15.C-1 – Map of WCRAO Boundaries and Sub-areas



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

2. Sub-area Boundaries and Descriptions

To implement the WCRAO Plan, Sub-areas are hereby established to identify additional use regulations, PDRs, and supplemental standards that may differentiate from related requirements of the ULDC. Unless expressly stated herein, development shall comply with the requirements of a site's zoning district and FLU designation. Sub-area boundaries are based on the WCRAO Plan and the need for special protective measures, additional design standards, and redevelopment incentives within specific geographic areas. See Figure 3.B.15.C-1 – Map of WCRAO Boundaries and Sub-areas, for the location of each Sub-area.

a. NR, Neighborhood Residential

Intended to maintain and encourage the redevelopment of existing single-family residential dwellings.

b. NRM, Neighborhood Residential – Medium Density

Intended to encourage mixed use development based on CL neighborhood based uses and single-family, townhouse and multi-family dwelling units.

c. NG, Neighborhood General

Intended to encourage mixed use development, including more intense commercial uses, and townhouse and multi-family dwelling units.

d. NC, Neighborhood Commercial

Intended to be the key focal point of the redevelopment area, with provisions allowing for or requiring mixed use development with more intense commercial uses.

e. UG, Urban General

Additional redevelopment area allowing for mixed use development with more intense commercial and residential uses, including multi-story towers where feasible.

f. UH, Urban Highway

Existing commercially developed corridors with little or no changes proposed to current Zoning PDRs or use regulations.

g. UI, Urban Industrial

Existing commercial and industrial areas that will be encouraged to be redeveloped by the recent adoption of FLU amendments allowing CH or IND development.

3. Redevelopment or Expansion in the UH and UG Sub-areas

Redevelopment projects or the expansion of an existing project in the UH and UG Sub-areas that include parcels in the NG, NC or NRM sub-areas that are shaded in Figure 3.B.15.C-1,

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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)

Map of WCRAO Boundaries and Sub-areas, may elect to develop in accordance with the requirements of the majority Sub-area.

D. Development Review Procedures

1. WCRA Recommendation

Applicants must obtain a recommendation from the WCRA, prior to submittal of any application outlined under Art. 2, Development Review Procedures, for the following: Official Zoning Map Amendments, Conditional Uses, Requested Uses, Development Order Amendments, Plan Amendments, Density Bonuses, Variances and projects requiring DRO approval. An application for a WCRA recommendation must be made in accordance with the following:

a. Application Requirements

The form and application requirements for a WCRA recommendation shall be submitted as specified by the WCRA; however, in no case shall supporting documents required by the WCRA exceed the requirements of the Development Review Procedures listed above.

b. Timeframe for Response

WCRA staff shall determine whether or not the application is sufficient or insufficient within ten working days. Any amendment to an application shall require the timeframe for response to restart.

1. Sufficiency and Recommendation

If the application is determined to be sufficient, a recommendation shall be mailed to the applicant within 30 days of application submittal. If a recommendation is not made within this timeframe, the application shall be considered to have received a recommendation for approval, and the WCRA shall provide a letter indicating such.

2. Insufficiency

If an application is determined to be insufficient, WCRA staff shall provide a written notice specifying the deficiencies to the applicant, to be mailed within ten days of receipt of the application. No further action shall be taken until the applicant remedies the deficiencies. If the deficiencies are not remedied within 20 days of the date of the written notice, the application shall be considered to have a recommendation for denial. If amended and determined to be sufficient, the application shall be processed in accordance with Art. 3.B.15.D.b.1, Sufficiency and Recommendation.

2. Public Hearing Procedures

In addition to the requirements of Art. 2, Development Review Procedures, the following shall apply:

a. Official Zoning Map Amendments

All Official Zoning Map Amendment requests shall comply with the following standards:

1) Industrial Districts

Any request to rezone lots located in the flight path of the PBI to an industrial district shall not require a Plan Amendment, in accordance with Policy 1.2-4.d of the Plan.

2) Commercial Districts

Any request to rezone lots to a commercial district or PDD that were not designated commercial on the FLUA as of the Plan's August 31, 1989 adoption shall not require a FLUA amendment, in accordance with Policy 1.2-4.c of the Plan, subject to the following:

a) Purpose

The rezoning advances the purpose and intent of the WCRA Plan, and does not have an adverse impact on surrounding uses.

b) 20 Percent Limitation

The rezoning must not cause the total amount of acreage in the WCRAO shown as commercial on the FLUA as of the August 31, 1989 adoption of the Plan to be increased by more than 20 percent.

c) WCRA Approval

The applicant receives a recommendation for approval from the WCRA in accordance with Art. 3.B.15.D.1, WCRA Recommendation.

b. Class A Conditional Uses on Lots Two Acres or Less

A DOA or new application for a Class A Conditional Use, with a Gross Land Area of two acres or less, may be approved as a Class B Conditional Use.

E. Use Regulations

1. Mixed Use

In the WCRAO, mixed use means the combination of residential and one or more non-residential uses that are functionally integrated. Mixed use may be required or permitted in commercial districts that have a commercial with underlying residential FLU designation, as indicated in Table 3.B.15.E-1, WCRA Mixed Use.

(This space intentionally left blank.)

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 J

**WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)**

Table 3.B.15.E-1 – WCRAO Mixed Use

<u>Sub-areas</u>	<u>NR</u>	<u>NRM</u>	<u>NG</u>	<u>NC</u>	<u>UG</u>	<u>UH</u>	<u>UI</u>
<u>Mixed Use</u>	<u>Prohibited</u>	<u>Required¹</u>	<u>Required¹</u>	<u>Required^{2 5}</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Prohibited</u>
<u>Minimum Residential Use⁴</u>	<u>N/A</u>	<u>50%</u>	<u>50%</u>	<u>25%</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Maximum Residential Use</u>	<u>N/A</u>	<u>100%</u>	<u>100%</u>	<u>75%³</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Minimum Non-residential Use</u>	<u>N/A</u>	<u>0%</u>	<u>0%</u>	<u>25%³</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Maximum Non-residential Use⁴</u>	<u>N/A</u>	<u>50%</u>	<u>50%</u>	<u>75%</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

Notes for Table 3.B.15.E-1:

- Non-residential zoned lots with a commercial with underlying residential FLU designation, approved as part of Plan Amendment Round 2005-01, shall be subject to the requirements of Art. 3.B.15.E.1.a, Required Mixed Use in NRM, NG and NC Sub-areas.
- Required only on Westgate between Loxahatchee Drive and Wabasso Drive in accordance with Art. 3.B.15.E.1.a, Required Mixed Use in the NRM, NG and NC Sub-areas.
- Maximum residential use may be increased to 100% and minimum non-residential uses may be reduced to 0%, east of Loxahatchee Drive, and West of Wabasso Drive.
- Minimum and maximum percentages for residential and non-residential uses are calculated by dividing the total GFA for either use (residential OR non-residential) type by the total GFA (residential AND non-residential).
- Minimum residential and maximum non-residential percentages may be waived once all permitted residential density has been utilized, if no Density Bonus Pool units are available.

a. Required Mixed Use in NRM, NG, and NC Sub-areas

In the NRM, NG and NC Sub-areas, non-residential uses shall only be permitted if all permitted residential density is utilized, but in no case shall it be less than one unit. Density shall be calculated as standard density, or maximum density for PDDs, TDDs, and projects meeting the requirements of FLUE Policy 1.2.2-a of the Plan, which ever is greater. Regardless of mix of uses, non-residential FAR shall not exceed the maximum FAR permitted by the Plan.

b. Vertical Integration

Projects that vertically integrate a minimum of 20 percent of a site's approved (includes allowed density and any density bonus units) residential density with commercial uses may be allowed to utilize up to 100 percent of both the site's commercial intensity and residential density.

2. Sub-area Use Regulations

a. Use Regulations

In addition to the requirements of Table 3.E.1.B-10, Table 3.F.I-32, and Table 4.A.3.A-1 the following uses shall be prohibited or permitted in the WCRAO Sub-areas:

Table 3.B.15.E-2 – WCRAO Sub-area Use Regulations

<u>Sub-areas</u>	<u>NR</u>	<u>NRM</u>	<u>NG</u>	<u>NC</u>	<u>UG</u>	<u>UH</u>	<u>UI</u>	<u>NOTE²</u>
Residential Uses								
<u>Multi-family</u>	X	-	-	-	-	-	-	87
Commercial Uses								
<u>Adult entertainment</u>	X	X	X	X	X	X	X	2
<u>Auto Service Station</u>	X	X	X	-	-	-	-	18
<u>Convenience Store with Gas Sales</u>	X	X	X	-	-	-	-	37
<u>Day Labor Employment Serv.</u>	X	X	X	X	X	X	X	41
<u>Repair and Maintenance, General</u>	X	X	X	-	-	-	-	107
<u>Self-service Storage</u>	X	X	X	X	-	-	-	120
<u>Vehicle Sales and Rental</u>	X	X	X	-	-	-	-	135
<u>Office Warehouse</u>	X	X	X	X	A ¹	A ¹	A ¹	138
Key								
X	<u>Prohibited in Sub-area.</u>							
-	<u>Subject to Use Regulations of zoning district.</u>							
A	<u>Class A Conditional or Requested Use</u>							
Notes for Table 3.B.15.E-2:								
1. <u>Limited to lots with a CH or IND FLU Designation and corresponding zoning district.</u>								
2. <u>A number in the NOTE column refers to Art 4.B, Supplementary Use Standards, which are applicable to the use.</u>								

b. Table for Allowable Uses by Floor

Where permitted by the existing zoning district, uses shall be further regulated by floor, as indicated in Table 3.B.15.E-3, WCRA Sub-area Uses Permitted by Floor, and Figure 3.B.15.F-3, WCRAO Sub-area Building Configurations and Lot Placements.

(This space intentionally left blank.)

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 J

**WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)**

Table 3.B.15.E-3 – WCRAO Sub-area Uses Permitted by Floor¹

<u>Sub-areas</u>	<u>NR</u>	<u>NRM</u>	<u>NG</u>	<u>NC</u>	<u>UG</u>	<u>UH</u>	<u>UI</u>
<u>1st Floor</u>	<u>R,Cv, Rc</u>	<u>All</u>	<u>All</u>	<u>C, O, CV, Rc²</u>	<u>All</u>	<u>All</u>	<u>C, I, O</u>
<u>2nd Floor</u>	<u>R,Cv, Rc</u>	<u>R,Cv,Rc,O</u>	<u>R,Cv,Rc,O</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>
<u>3rd Floor</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R,O</u>	<u>All</u>	<u>All</u>	<u>All</u>
<u>4th Floor</u>	<u>NA</u>	<u>NA</u>	<u>R</u>	<u>R,O</u>	<u>All</u>	<u>All</u>	<u>All</u>
<u>5th Floor and above</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>R</u>	<u>All</u>	<u>All</u>	<u>All</u>
Key							
<u>All</u>	<u>Residential, Civic, Recreation, Office, Commercial, and Industrial</u>			<u>R</u>	<u>Residential</u>		
<u>C</u>	<u>Commercial, other than office</u>			<u>CV</u>	<u>Civic</u>		
<u>I</u>	<u>Industrial</u>			<u>Rc</u>	<u>Recreation</u>		
<u>NA</u>	<u>Not Applicable</u>			<u>O</u>	<u>Office</u>		
Notes for Table 3.B.15.E-3:							
1. <u>Use allowed by floor only where permitted by existing zoning district, and the mixed use provisions of Table 3.B.15.E-1, WCRAO Mixed Use.</u>							
2. <u>All uses are permitted East of Loxahatchee Drive and West of Wabasso Drive.</u>							

F. Property Development Regulations (PDRs)

1. Sub-area PDRs

In order to implement the form based code build to lines outlined in the WCRA Plan, additional PDRs are established for the seven Sub-areas. Development in the WCRAO shall be in compliance with all standard, PDD or TDD PDRs, unless specified otherwise in Table 3.B.15.F-4, WCRAO Sub-area PDRs, and Figure 3.B.15.F-3, WCRAO Sub-area Building Configuration and Lot Placement.

a. NRM, NG and NC Side Setback Reduction

A building in the NRM, NG and NC sub-areas may be built along the interior side property line with a zero setback, subject to the following for the façade built with a zero setback:

- 1) No windows, doors or other openings are permitted. No portion of building, including roof eaves, gutters and soffits may encroach onto adjacent property.
- 2) No form of opening, attachment, or any item or method of construction requiring maintenance other than cleaning and painting when visible, shall be permitted.
- 3) A maintenance easement is granted allowing for a minimum of two feet for access to any portion of a structure left exposed and requiring limited maintenance, such as cleaning and painting.
- 4) Height shall be limited to two stories and a maximum of 25 feet. Additional height may be permitted subject to the standard setback and any other setback requirements.

This space intentionally left blank.

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 J

**WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)**

1
2

Table 3.B.15.F-4 – WCRAO Sub-area PDRs

<u>Sub-areas</u>	<u>NR</u>	<u>NRM</u>	<u>NG</u>	<u>NC</u>	<u>UG</u>	<u>UH</u>	<u>UI</u>
Lot Dimensions:							
<u>Minimum Lot Depth</u>	90'	-	-	-	-	-	-
<u>Maximum Building Coverage</u>	-	40%	40%	40% ²	40% ²	40% ²	45% ²
Setbacks:							
<u>Front</u> ^{1,3}	-	<u>Build to Line</u>	<u>Build to Line</u>	<u>Build to Line</u>	<u>Build to Line</u>	-	<u>Build to Line</u>
<u>Side</u> ¹	-	10' ⁴	10' ⁴	10' ⁴	15'	15'	20'
<u>Side Street</u> ^{1,3}	-	<u>Build to Line</u>	<u>Build to Line</u>	<u>Build to Line</u>	<u>Build to Line</u>	-	<u>Build to Line</u>
<u>Rear</u> ^{1,4}	-	25'	25'	25'	25'	25'	25'
Build to Line³:							
<u>Frontage</u> ¹	-	15'	15'	10'	C/MU: 10-25'	-	C 10' - 25'
Minimum Building Frontage							
<u>Frontage</u> ¹	-	60%	60%	80%	60%	-	C: 60%
Plazas and Squares							
<u>Build to Line Exception</u> ¹	-	25% of frontage, up to a depth of 20'				-	-
<u>Min Width</u> ¹	-	20'	20'	20'	20'	-	-
<u>Minimum Length</u> ¹	-	20'	20'	20'	20'	-	-
Maximum Height							
<u>Stories</u> ¹	-	3	4	6	20	10	15
<u>Feet</u> ¹	-	36'	48'	72'	240'	120'	180'
<u>Accessory dwellings</u>	-	2 stories and 25'		-	-	-	-
Other							
<u>Maximum Building Length</u> ¹	-	300'	300'	300'	300'	-	-
Key							
-	PDRs not specified in this table shall be subject to the PDRs of the lot's zoning district.						
C	For Commercial Uses						
MU	For Mixed Uses						
NOTES for Table 3.B.15.F-4:							
1. Single-family dwellings are not subject to Sub-area provisions.							
2. Building coverage may be increased to 60% if all parking is provided offsite or in a parking structure.							
3. Additional setbacks may apply per Art. 3.B.15.F.3, Sky Plane Exposure.							
4. Side setbacks may be reduced to zero in accordance with Art. 3.B.15.F.1.a, NRM, NG and NC Side Setback Reduction.							
5. Width may be reduced by 50 percent for buildings less than 80 feet in length.							
6. Mid-block separation a minimum of 20 feet in width is required at the first floor level for building length in exceeding 200 feet, and must be 50 feet or more from either end of the building.							

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

2. Build to Line and Frontages

a) Build to Line

The build to line may be adjusted by the DRO to accommodate requirements such as, increased R-O-W buffers due to location of existing utility easements, or required corner clips. Where a build to line is required by Table 3.B.15.F-4, WCRAO Sub-area PDRs, the first three floors of all main structures, excluding parking garages, shall be built to the build to line, unless specified otherwise. An additional ten or 12 foot setback is permitted where a gallery is used in lieu of an arcade. Up to 25 percent may be setback to accommodate requirements for balconies, and recesses and projections up to a maximum of three feet.

b) Building Frontage

Building frontage shall be in accordance with the requirements for each Sub-area and Figure 3.B.15.F-3, WCRAO Sub-area Building Configurations and Lot Placements, and Figure 3.B.15.F-4, Required Building Orientation. Frontage requirements may be reduced for lots with no rear access to required parking to accommodate a drive isle to the rear of the lot and required landscaping.

3. Sky Exposure Plane

In the NC, UG, UH and UI Sub-areas, the maximum height of a structure at the build to line, shall be in accordance with Table 3.B.15.F-5, Sky Exposure Plan, and Figure 3.B.15.F-2, Sky Exposure Plane.

Table 3.B.15.F-5 – Sky Exposure Plane

<u>Sub-area</u>	<u>NC</u>	<u>UG and UH</u>	<u>UI</u>
<u>s Initial Setback</u>	20	20	20
<u>Distance</u>	15	15	15
<u>h Maximum Height of Sky Exposure Plane at Build to Setback Line.</u>	48' or 4-stories, whichever is less	60' or 5-stories, whichever is less	72' or 6-stories, whichever is less
<u>On Narrow Street</u>			
<u>v Vertical Distance 1</u>	1	2.7	3.7
<u>a Horizontal Distance 2</u>	1	1	1
<u>On Wide Street</u>			
<u>v Vertical Distance 1</u>	1	5.6	7.6
<u>a Horizontal Distance 2</u>	1	1	1
<u>Notes for Table 3.B.15.F-5, Sky Exposure Plane</u>			
1. Slope is expressed as a ratio of vertical distance to horizontal distance.			
2. A narrow street has an R-O-W of 60' or less, and a wide street has a R-O-W of 60' or greater.			

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.

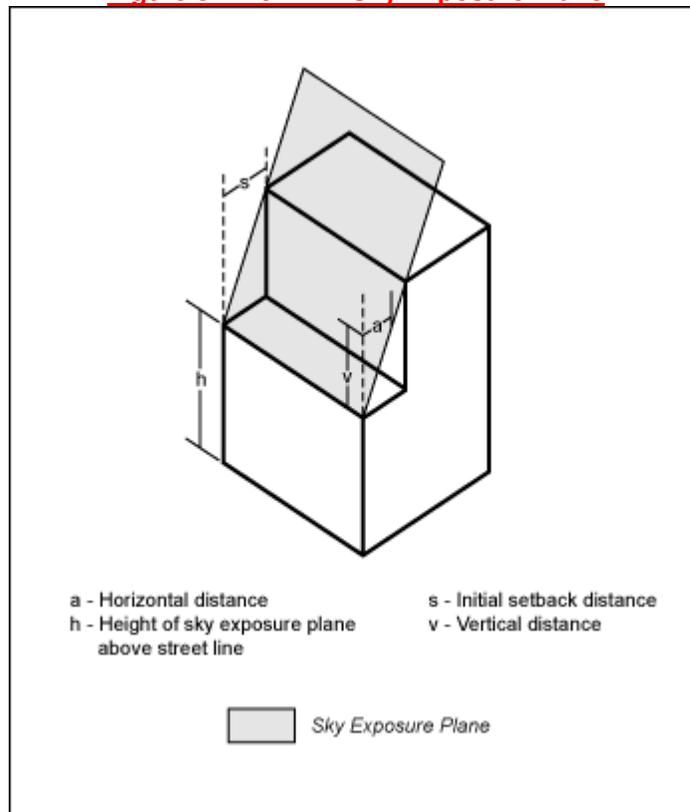
Relocated language is shown as *italicized* with reference in parenthesis.

EXHIBIT J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)

1

Figure 3.B.15.F-2 – Sky Exposure Plane



2
3
4
5
6
7
8
9
10
11
12
13
14

4. Base Building Line

The 40 foot wide visual buffer requirement of Article 3.D.1.D.1, Base Building Line, shall not apply to those lots abutting Westgate Avenue between Congress Avenue and Military Trail. The base building line for said lots shall be the existing R-O-W line of Westgate Avenue.

This space intentionally left blank

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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
 DRAFT (Updated 12/27/05)

1

Figure 3.B.15.F.3 - WCRAO Sub-area Building Configurations and Lot Placements

Sub-area	Maximum Height, Number of Floors, and Uses by Floor	PDRs - Setbacks, Building Area, and Maximum Building Coverage
NR		
NRM		
NG		
NC		

KEY for allowable uses by floor:
 R = Residential O = Office
 All = R, O, Commercial, Recreation, and Industrial

KEY for setbacks:
 f = Front Setback ss = Side Street Setback
 s = Side Setback r = Rear Setback
 ZD = Regulations of Applicable Zoning District

Buildable Area Building coverage

2

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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
 DRAFT (Updated 12/27/05)

Sub-area	Maximum Height, Number of Floors, and Uses by Floor	PDRs - Setbacks, Building Area, and Maximum Building Coverage
UG	240' 	
UH	120' 	
UI	180' 	

KEY for allowable uses by floor:
 R = Residential O = Office
 All = R, O, Commercial, Recreation, and Industrial

KEY for setbacks:
 f = Front Setback ss = Side Street Setback
 s = Side Setback r = Rear Setback
 ZD = Regulations of Applicable Zoning District

Buildable Area Building coverage

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

G. Supplementary Standards

In addition to the requirements of Art. 5 Supplemental Regulations, and Table 3.B.15.F-3, WCRAO Supplementary Standards, the following shall apply:

This space intentionally left blank

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 J

**WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)**

1

Table 3.B.15.G-5 – WCRAO Supplementary Standards by Sub-Area

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Minimum Enclosed Living Area							
Single Family Dwelling Unit	1,000 s.f.	1,000 s.f.	-	-	-	-	-
Accessory Dwelling	300 s.f.	300 s.f.	300 s.f.	-	-	-	-
Fences and Walls:							
Prohibited Materials	Chain link, wire mesh, barbed wire, wood basket weave, or corrugated metal panels						
Architectural Features:							
Arcades and Galleries¹	-	-	-	Required - Westgate Avenue	-	-	-
Minimum Building Depth	-	20'	20'	20'	30'	-	30'
Minimum 1st Floor Height	-	-	-	12'	-	-	-
Minimum Number of Floors	-	-	-	2 ²	-	-	-
Windows and Doors:							
Minimum Glazing of Frontage³	-	-	-	-	-	-	-
Porches, Balconies and Entrways							
Front Setback Maximum Encroachment	8'	6'	6'	-	-	-	-
Min/Max Porch Depth⁴	6'/10'						
Min/Max Porch Length⁴	8'/50% of building facade						
Min/Max Balcony Depth	3'/3'						
Min/Max Balcony Length	6'/50% total of building facade						
Parking:							
Location of Surface Parking	-	Rear	Rear	Rear	-	-	-
Driveways⁵	-	Rear	Rear	Rear	-	-	-
Location of Accessory Dwellings and Garages:							
Detached	Location	Back of rear facade of primary structures.					
	Setbacks	5' side or rear ⁶					
Attached	Location	Setback a min. of 20' from front facade					
Landscaping:							
See Article 7, Landscaping for provisions allowing for reduction in Perimeter and foundation planting requirements.							
Min. Pervious Surface Area	-	20%	20%	20%	-	-	-
Key							
-	Subject to the supplementary standards of the lot's zoning district						
NOTES for Table 3.B.15.G-5:							
1. See Art. 3.B.15.G.3.d. Arcades and Galleries, Figure 3.B.15.G-5, WCRAO Arcade and Gallery Standards.							
2. Required second floor shall meet minimum frontage and depth requirements.							
3. See Art. 3.B.15.G.3.c. Fenestration Details – Windows and Doors.							
4. Excludes stoops.							
5. Access from the front or side may be permitted for lots with no rear street frontage.							
6. Minimum 20 foot setback shall be required for garages fronting on a street or alley.							

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

1. Accessory and Prohibited Uses

a. Accessory Structures

Accessory structures shall be architecturally compatible with the principal building.

b. Accessory Dwellings and Garages

Accessory dwellings and garages shall meet the requirements of Table 3.B.15.G.5 and Figure 3.F.3.E-20, TND Garages.

c. Prohibited Uses in Front Yards

In the NR, NRM, NG Sub-areas, the following uses are prohibited in front yards or building facades:

- 1) Parking on unpaved surfaces.
- 2) Clotheslines and other clothes drying apparatus.
- 3) Electrical meters.
- 4) Air conditioning equipment, including window units on the building facade.
- 5) Antennas and satellite dishes.

2. Fences, Walls and Hedges

Interior fences and walls in the NRM, NG and NC Sub-areas shall be decorative in nature, and shall not obstruct views of pedestrian access-ways, courtyards, or parking entrances.

a. Mixed Use Development and NC Sub-area

Fences and walls shall be prohibited in the front or side street setbacks for mixed use development or any project in the NC Sub-area.

b. NRM and NG Sub-areas

Fencing for residential uses in front yard setbacks may be increased to six feet in height if limited to decorative wrought iron or other similar materials that do not obstruct vision.

3. Architectural Guidelines

a. Porches and Balconies

Notwithstanding the requirements of Art. 5.C.1.H.2.a, Balconies and Patios, a minimum of 20 percent of all townhouses or the total number of multi-family dwelling units on each floor shall have individual balconies or porches. A minimum of one balcony or porch shall be required for any project with less than five units.

b. Building Entrance Orientation

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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)

All uses in the NRM, NG, NC and UG Sub areas shall have a principal entrance on the first floor oriented towards the street used as the primary frontage for the building.

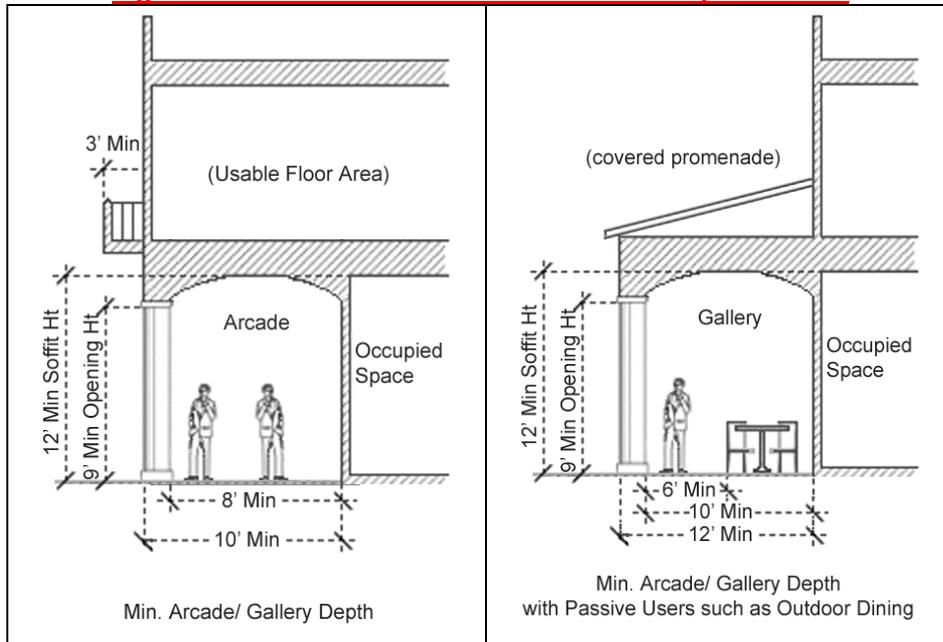
c. Fenestration Details - Windows and Doors

All mirrored or reflective glass, sliding glass doors and glass blocks shall be prohibited. Where required, glazing shall have a minimum 85 percent transparency. A minimum of six square feet of glazing per linear foot of façade shall be provided at a pedestrian scale, on the first floor frontage or side street frontage. A minimum of two square feet of glazing per linear foot facade shall be required per floor, for all floors on the frontage or side street frontage.

d. Arcades and Galleries

Arcade or gallery dimensions shall be in accordance with Figure 3.B.15.G-5, WCRAO Arcade and Gallery Standards. Where arcades and galleries are required, galleries shall not exceed 25 percent of the total building frontage.

Figure 3.B.15.G-5 – WCRAO Arcade and Gallery Standards



e. Drive Thrus and Gas Station Canopies

In the NRM, NG and NC Sub-areas, a drive thru, gas station canopy or fueling area shall be located to the rear of all buildings.

f. Mezzanines

Mezzanines shall be counted as a floor, but cannot be used to meet the NC Sub-area two-story requirement.

H. Density Bonus Programs

1. Density Bonus Pool

Notwithstanding the provisions of Art. 5.G, Density Bonus Programs, an additional 1,300 residential units are available in the WCRAO in accordance with Plan Policy 1.2.4-b, and the following:

Table 3.B.15.H-6 – WCRAO Density Bonus Pool Limits

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Max WCRAO Density Bonus Per Acre	n/a	20	30	50	150	150	n/a

Notes for Table 3.B.15.H-6:

1) Additional Density Bonus Pool Units are only permitted where a project utilizes all allowed density as indicated by FLU designation and the Plan.

a. WCRA Recommendation

Any proposed project that includes a request from the Density Bonus Pool shall obtain a recommendation from the WCRA in accordance with the standards of 3.B.15.D.1.b, Timeframe for Response. A project that meets four of the following six factors shall receive a recommendation for approval from the WCRA:

- 1) The proposed project meets the minimum building frontage requirements of Table 3.B.15.F-4, WCRAO Sub-area PDRs.
- 2) The proposed project includes sufficient land area to and a rear lot line abutting a R-O-W to ensure that vehicular access is limited to a rear, in accordance with Art. 3.B.15.I.1.a.1).

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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)

- 3) Where permitted, the proposed project includes mixed use with a minimum of ten percent and a maximum of 50 percent of the GFA dedicated to non-residential uses.
- 4) A minimum of five percent of the gross lot area is set aside for open space with a public amenity or a public plaza, with a minimum size of 800 square feet and 25 feet in width, including but not limited to public art (not depicting any advertising); fountains of at least eight feet in height and 16 feet in diameter; pergolas; bell or clock tower; and public seating areas (not in conjunction with any restaurant seating).
- 5) A minimum of 40 percent of the projects allowed density is reserved for affordable housing meeting the requirements of Art. 3.B.15.H.1.c, Affordability Standards.
- 6) Preferred uses:
 - a) NRM Sub-area: business or professional office, medical or dental office, personal services, and townhouses.
 - b) NG Sub-area: business or professional office, medical or dental office, personal services, printing and copying services, and TypeII restaurants.
 - c) NC, UG and UH Sub-areas: business or professional office, personal services, printing and copying services, Type I restaurants that meet the requirements of Art. 4.B.1.A.109.c.2), Permitted By Right, and Type II restaurants.

b. Approval Process

The review process for a WCRAO Density Bonus Pool approval is based on the density bonus requested in accordance with Table 3.B.15.H-6, WCRA Density Bonus Pool Approval. Notice of all proposed projects shall be forwarded to the BCC by the Division responsible for reviewing application.

Table 3.B.15.H-7 – WCRAO Density Bonus Pool Approval

<u>Approval Process Required¹</u>	<u>Range of Bonus Units per Acre</u>	<u>Min. % of Density Bonus Units Required to be Affordable³</u>
<u>Permitted by Right</u>	<u>0.1 – 1.99²</u>	<u>40%</u>
<u>DRO Approval</u>	<u>2 – 3.99</u>	
<u>BCC Approval</u>	<u>4 or more</u>	
Notes for Table 3.B.15.H-7:		
<u>1. The transfer of density to a PDD or TDD requires approval as a requested use.</u>		
<u>2. Up to one unit may be permitted by right for projects less than one acre in size.</u>		
<u>3. Affordable units shall include very low and low income households as required by the Plan.</u>		

c. Affordability Standards

Units required to be affordable shall comply with the standards for WHP units, as follows: Art. 5.G.1.G.1.b, Design Standards; Art. 5.G.1.G.2, Management Plan; Art. 5.G.1.G.4, Mix of Units; Art. 5.G.1.G.5, Assurance of Affordability; and, Art. 5.G.1.G.6, Limitation on Restrictions.

2. Other Density Bonus Programs

Requests for approval of other residential density through Art. 5.G., Density Bonus Programs may request to waive the compatibility and additional landscaping required, if consistent with the Plan, subject to a WCRA recommendation for approval and BCC approval of a Class A or Requested Use.

I. Parking and Streets

1. Parking

a. General

- 1) Parking in the NRM, NG, NC and UG Sub-areas shall be accessed from the rear of the lot from a street or alleyway, when available.
- 2) Reserved parking, including spaces reserved for valet parking, shall be prohibited except for parking provided above the minimum required, or for individual garages for residential units.

b. Parking Exemption in the NC Sub area

Projects on lots less than 10,000 square feet in size shall be exempt from on site parking requirements if fronting on a street with on-street parking.

c. Allowable Reductions in Required On-site Parking

The required amount of on-site parking may be reduced in accordance with any of the following provisions. These provisions may be applied cumulatively.

1) NRM, NG and NC Deviations

Deviations in the required parking specified in Table 6.A.1.B-1, Minimum Off Street Parking and Loading Requirements shall be permitted for mixed-use or residential projects in the NRM, NG or NC Sub-areas as specified in Table 3.B.15.I-7, WCRAO Mixed Use Parking Deviations

2) Curbside Parking

On street parking available along the frontage, side or rear lot lines that directly abuts the subject lot may be applied toward the parking requirements of the uses on the lot. Applicable spaces shall be calculated by taking the total linear distance of parking spaces and abutting the site's lot lines and dividing but the average length of spaces.

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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)

Table 3.B.15.I-7 – WCRAO Mixed Use Parking Deviations

Use		Parking
Multi-family Residential	1 Bedroom	1 per unit plus required guest parking
	2 Bedroom	1.5 per unit plus required guest parking
Hotel or Motel (other areas calculated separately)		1.25 per room
Office, Business or Professional and Medical or Dental		2.5 per 1,000 sq. ft.
Commercial Uses		2.5 per 1,000 sq. ft.
Commercial, General Retail Sales		3 per 1,000 sq. ft.
Restaurant, Bar		1 per 4 seats
Notes for Table 3.B.I-7		
1. Loading shall be in accordance with Table 6.A.1.B-1, Minimum Off Street Parking and Loading Requirements		

3. Connections to Adjacent Parking

Parking areas connecting to adjoining or future adjoining lots shall be granted a five percent reduction in the amount of required parking. This five percent reduction shall be deducted from the final calculated parking requirement, after all other eligible reductions are taken into consideration.

2. Access and Circulation System

a. Construction in Existing R-O-W

The County Engineer may approve alternatives to PBC standard design sections for local street construction, where streets are maintained by PBC, in order to accommodate construction or reconstruction of paving and drainage improvements to an existing public local street, or segment thereof. The eligible R-O-Ws shall have a width of less than 50 feet. The alternative design(s) shall provide for paved travel-way widths, structural sections, drainage, pedestrian access, dead-end turnarounds, and safe sight corners as prescribed by PBC standards for local streets, or as deemed equivalent by the County Engineer. All required treatment and discharge control of storm-water runoff to the street drainage system shall be provided by secondary storm-water management facilities located outside the street R-O-W, permitted and constructed in accordance with applicable regulations of all agencies having jurisdiction over the receiving waters at the point of legal positive outfall

b. Access to Residential Subdivision Lots

In lieu of minimum legal access requirements pursuant to Art. 11.E.1.A.1, Access and Circulation Systems, a local street improved pursuant to Art. 3.B.15.Q.1, Construction in Existing R-O-Ws, and having continuous paved access to at least one public street on the perimeter of the WCRAO, shall be deemed by the County Engineer to meet the requirement of local street access for residential lots created by subdivision of abutting property. Nothing herein shall prohibit the owner of abutting property from making application for and receiving appropriate approval of a final subdivision plan or waiver of platting prior to completion of the above-noted improvements; provided, however, that the applicable plat or affidavit of waiver shall not be approved for recordation until construction has commenced for said improvements.

c. Alleys

Removal of existing alleys is prohibited, unless approved by the WCRA.

d. Driveways

In the NRM, NG, NC, and UG Sub-areas, a maximum of one driveway is permitted for lots less than 100 feet wide, or for one driveway for each 100 linear feet of frontage (or rear property line for double frontage where applicable).

J. Drainage

1. Surface Water Management Permit

For subdivision of land where all of the land proposed to be subdivided, is included within an active Surface Water Management Permit issued by the SFWMD, where all water quality and water quantity requirements of the SFWMD have been met under said permit, the requirements for control of discharge pursuant to Art.11.E.4.F, Secondary Stormwater System Design and Performance, shall be deemed in compliance.

Part 3

Part 3.a ULDC Art 4.B.1.A.2.g, Location [Related to Adult Entertainment] (page 19 of 142), is hereby amended as follows:

Reason for amendment: Add use regulations for Adult Entertainment in the WCRAO.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY

DRAFT (Updated 12/27/05)

A. Definitions and Supplementary Standards for Specific Uses

2. Adult Entertainment

g. Location

1) General

2) Measurement of Distance

3) WCRA Overlay

Adult entertainment is prohibited within the boundaries of the WCRAO, as per Table 3.B.15.E-2, WCRAO Sub-area Use Regulations.

Part 3.b ULDC Art 4.B.1.A.18, Auto Service Station (page 31 of 142), is hereby amended as follows:

Reason for amendment: To add use regulations for auto service stations in the WCRAO.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

18. Auto Service Station

b. Location Criteria

6) WCRA Overlay

Auto Service Stations are prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.15.E-2 – WCRAO Sub-area Use Regulations.

Part 3.c ULDC Art 4.B.1.A.37, Convenience Store with Gas Sales (page 40 of 142), is hereby amended as follows:

Reason for amendment: To add use regulations for convenience stores with gas sales in the WCRAO.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

37. Convenience Store with Gas Sales

i. WCRA Overlay

Convenience stores with gas sales are prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.15.E-2 – WCRAO Sub-area Use Regulations.

Part 3.d ULDC Art 4.B.1.A.41, Day Labor (page 42 of 142), is hereby amended as follows:

Reason for amendment: To correct title and add use regulations for day labor employment services in the WCRAO.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

41. Day Labor Employment Service

An establishment engaged in providing temporary day or manual labor service for the construction, maintenance, agricultural, or industrial trades.

a. Location

Day labor employment services are prohibited within the boundaries of the WCRAO, as per Table 3.B.15.E-2 – WCRAO Sub-area Use Regulations. A day labor employment services shall be located within and totally surrounded by property with an industrial zoning designation. The minimum distance of all principal structures, accessory structures and outdoor activity areas shall be 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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY

DRAFT (Updated 12/27/05)

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

Part 3.e ULDC Art 4.B.1.A.87, Multi-family (page 56 of 142), is hereby amended as follows:

Reason for amendment: To add use regulations for multi-family in the WCRAO.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

87. Multi-family

The use of a structure designed for two or more dwelling units which are attached, or the use of a lot for two or more dwelling units excluding mobile homes. Typical uses include apartments and residential condominiums. Multi-family uses are also subject standards in Art 3, Overlays and Zoning Districts, and the prohibition in the NR Sub-area of the WCRAO, as outlined in Table 3.B.15.E-2, WCRAO Sub-area Use Regulations.

Part 3.f ULDC Art 4.B.1.A.107, Repair and Maintenance (page 67 of 142), General, is hereby amended as follows:

Reason for amendment: To add use regulations for repair and maintenance, general uses in the WCRAO.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

107. Repair and Maintenance, General

....
i. WCRA Overlay
Repair and maintenance, general uses are prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.15.E-2, WCRAO Sub-area Use Regulations.

Part 3.g ULDC Art 4.B.1.A.120, Self-Service Storage, is hereby amended as follows:

Reason for amendment: To add use regulations for self-service storage in the WCRAO.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

120. Self-service Storage

....
g. WCRA Overlay
Self-service storage is prohibited in the NR, NRM, and NG sub-areas, as outlined in Table 3.B.15.E-2, WCRAO Sub-area Use Regulations.

Part 3.h ULDC Art 4.B.1.A.135, Vehicle Sales and Rental, is hereby amended as follows:

Reason for amendment: To add use regulations for vehicle sales and rental in the WCRAO.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

135. Vehicle Sales and Rental

- c. District and Overlay Limitations
 - 1) CC, CG, IL, and MUPD Districts
 - 2) CG and MUPD Districts

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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY

DRAFT (Updated 12/27/05)

3) IL District

4) WCRA Overlay

Vehicle sales and rental is prohibited in the NR, NRM, and NG sub-areas, as per Table 3.B.15.E-2 – WCRAO Sub-area Use Regulations.

Part 3.i ULDC Art 4.B.1.A.138, Warehouse, is hereby amended as follows:

Reason for amendment: To add use regulations for warehouses in the WCRAO, and to include office/warehouse in the WCRAO.

138. Warehouse

....

d. WCRA Overlay

Warehouse and office/warehouse uses are prohibited in the NR, NRM, NG, and NC sub-areas, as outlined in Table 3.B.15.E-2, WCRAO Sub-area Use Regulations. Office and warehouse combinations, such as a construction office for special trade contractors, or a commercial wholesale trade establishment consisting of a mix of independent business offices each having a contiguous, accessory enclosed storage area which is internally accessible to the office, shall be permitted in the UG, UH, and UI sub-areas pursuant to a Class A Conditional or Requested Use, limited to lots with a CH or IND FLU Designation and corresponding zoning district. The office/warehouse development must have an office space a minimum of 25 percent of the gross floor area for each bay.

Part 4.

Part 4.a ULDC Art 5.C.1.B, Threshold [Related to Architectural Guidelines, and Design Standards] (page 29 of 63), is hereby amended as follows:

Reason for amendment: To require mixed use development in and all development in the NG Sub-area of the WCRAO to comply with Design Standards.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

B. Threshold

This Chapter shall apply to the following projects, buildings and related signs:

- 1. All nonresidential projects or buildings requiring approval by the BCC or ZC;
- 2. All nonresidential projects or buildings requiring approval by the DRO in accordance with Table 4.A.3.A-1, Use Matrix, and Table 3.D.1.A-5, Property Development Regulations, or those exceeding the thresholds in Table 4.A.3.A-2, Thresholds for Projects Requiring DRO Approval;
- 3. Multi-family buildings with more than 16 units;
- 4. Substantial renovations of existing built projects or buildings meeting the threshold of this Chapter; and
- 5. The following uses, regardless of building size:
 - a. Automotive paint or body shop;
 - b. Repair and maintenance, general; ~~and~~
 - c. Retail sales, automotive parts and accessories; and,
- 6. Any mixed use project in the WCRAO.

Part 4.b ULDC Art 5.C.1.C, Exemptions [Related to Architectural Guidelines, and Design Standards] (page 29 of 63), is hereby amended as follows:

Reason for amendment: To add an exemption for developments in the WCRAO that require a build to line.

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

C. Exemptions

....

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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)

- 4. Primary and secondary building frontages within a TMD, and buildings in the NRM, NG and NC Sub-areas of the WCRAO that have a side setback of less than 15 feet, shall be exempt from the requirements of Art.5.C.1.H.1.c.1)a), Recesses/Projections.

Part 5

Part 5.a ULDC Art 7.D.11, Foundation Plantings (page 20 of 48), is hereby amended as follows:

Reason for amendment: To add additional regulations as it applies to Article 3.B.15 WCRAO Westgate Community Redevelopment Agency Overlay.

CHAPTER D GENERAL STANDARDS

Section 11 Foundation Plantings

Foundation plantings shall be provided along façades as required by Table 7.C.3-1, Minimum Tier Guidelines, for non-residential structures unless specifically exempted by this Section. Along front and side facades with drive-through windows, plantings may be located within 30 feet of the foundation or the required plantings may be relocated to an adjacent façades. All required foundation plantings shall be planted with a minimum of one tree or palm for each 20 linear feet of building facade and appropriate shrubs or ground cover. Relocation of required foundation plantings may be approved by the Zoning Division if adjacent to a landscape buffer.

....

B. WCRAO Exemptions

1. Build to Line

Required foundation planting along any façade with a required build to line may be deleted.

2. Foundation Planting Deviations

The following deviations shall be permitted subject to DRO approval of an ALP:

a. The width of side foundation planting areas may be reduced from eight to five feet in width for buildings with a ten-foot side setback if the overall volume of reduced planting area is relocated on site.

b. Side foundation planting may be relocated on site for buildings using a zero side setback.

c. Side foundation planting may be relocated on site if the applicant can demonstrate that proposed building heights will adversely limit sunlight and viability of planting area.

[Renumber accordingly.]

Part 5.b ULDC Art 7.F.1, Buffer Types (page 29 of 48), is hereby amended as follows:

Reason for amendment: To add additional regulations as it applies to Article 3.B.15 WCRAO Westgate Community Redevelopment Agency Overlay.

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 10 WCRAO Exceptions

A. Perimeter Buffer Width Reductions

A required R-O-W or incompatibility buffer width may be reduced by up to 50 percent in the NRM, NG, NC, UG and UI Sub-areas for commercial or mixed use projects, provided that a minimum five foot wide planting areas is provided with no encroachments, and that all other code requirements are met, unless indicated otherwise. A side interior perimeter buffer shall not be required when a zero side setback is used.

B. R-O-W Planting Reductions

Shrubs and hedges shall not be required for any R-O-W buffer along the Westgate Avenue corridor from Congress Avenue to the L-10 Canal, provided that required trees are planted 20 feet on center. This provision may also be used along the frontage of any mixed use project in the NRM, NC, NG and UG Sub-areas.

C. Parking Lots

Side interior perimeter buffers are not required where adjacent to a surface parking lot that shares a common border with and is interconnected to an adjacent surface parking lot, subject to DRO approval.

Part 5.c ULDC Art 7.F.7.D, Clustering (page 32 of 48), 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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY

DRAFT (Updated 12/27/05)

Reason for amendment: To add additional regulations as it applies to Article 3.B.15 WCRAO Westgate Community Redevelopment Agency Overlay.

D. Clustering

Canopy trees and same species palms may be clustered in R-O-W buffers for non-residential development, subject to the following standards:

- 1. Clusters shall be spaced no more than 40 feet on center.
2. Clusters shall consist of trees of varied height, which when averaged, equal the minimum tree height requirements of Article 7.D.2.A, Canopy Trees.
3. Created windows shall only be permitted on properties with a minimum of 300 feet of lot frontage.
4. A maximum of two windows are allowed per lot frontage.
5. The minimum distance between open window areas created by clusters shall be 100 feet.
6. In the WCRAO, clustering is not permitted in conjunction with the R-O-W buffer in the NRM, NG, and NC Sub-areas.

Part 6

Part 6.a ULDC Art 8.D.1. Balloon Type Signs (page 15 of 39), is hereby amended as follows:

Reason for amendment: To prohibit balloon type signage in the WCRAO. This has been a code requirement for Westgate since 1992.

Section 1 Balloon Type Signs

Balloon type signs are allowed in the CG-General Commercial, PO-Public Ownership, CRE-Commercial Recreation, IL-Light Industrial, IG-General Industrial or PDD-Planned Development zoning districts, subject to the standards in Table 8.D.1-2, Balloon Type Sign Standards. Only cold air shall be used in the balloon. Balloons shall not be located within any required vehicular use area.

A. Permit Requirements

The following information shall be provided to the Zoning Division with the application for a special permit. No project shall be issued more than two balloon permits in any calendar year. The maximum duration of any permit shall be for ten days. There shall be a minimum of 30 days from the day the first balloon is removed before a second permit for a balloon may be issued.

- 1. Legal description, property control number (PCN) and address of location;
2. Written permission of property owner or owner's designated agent;
3. Cold air balloon installation occupational license;
4. Evidence of installer's liability and property damage insurance;
5. Site plan or survey showing location of balloon and centerline of adjacent R-O-W demonstrating compliance with these regulations; and
6. A photograph of the balloon.

B. Prohibitions in the WCRAO

Balloon type signs are prohibited in the WCRAO.

Part 6.b ULDC Art 8.G.3.B, Electronic Message Center Signs (30 of 39), is hereby amended as follows:

Reason for amendment: To prohibit electronic message center signs in the WCRAO. This has been a code requirement for Westgate since 1992.

B. Electronic Message Center Signs

Electronic message center signs are allowed only at regional facilities, facilities with serial performances, and, specialized attractions that, by their operating characteristics, have unique sign requirements. These signs require approval as a Class A conditional use/requested use unless exempt under Article 8.B, Exemptions.

1. Exemption

Electronic message center signs with a message unit less than 20 square feet in area that display the time and temperature only are exempt from the requirements of this Section.

2. Prohibited Elements

The following are prohibited:

- a. Electronic message center signs in windows and externally visible;
b. Message units that change copy, light, color, intensity, words or graphics more than once per two seconds;
c. Reflectorized lamps; and

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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY

DRAFT (Updated 12/27/05)

d. Electronic message center signs with lamps or bulbs over 30 watts.

3. Standards

Electronic message center signs are subject to the standards in Table 8.G.3.B-11, Electronic Message Center Sign Standards, and the height standards for freestanding signs in Table 8.G.A-8, Freestanding Signs: Maximum Heights.

4. Location

An electronic message center sign may be located in the following areas and subject to the following provision:

- a. In a CG, CRE, PO, or IL zoning district or in a non-residential planned development.
b. Electronic message center signs may not be located within 100 feet of a residential zoning district or residential use.
c. Adjacent to roadways classified as arterials or expressways, and a minimum of 1,000 feet from any signalized intersection and/or existing electronic message signs; and
d. No more than one electronic message center sign shall be permitted per project.
e. Electronic message center signs are prohibited in the WCRAO.

Part 6.c ULDC Art 8.F.1, Minimum Setbacks (page , is hereby amended as follows:

Reason for amendment: Relocate prior provision - to exclude developments on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road from the minimum five foot setback from the sidewalk for signs in the WCRAO.

CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

Section 1 Minimum Setbacks

Unless otherwise specified in this Section, signs shall be setback as follows:

A. Temporary Signs

Five feet from the property line.

B. Permanent Signs

Five feet from the base building line. If the PBC Engineer waives the requirement that the setback be measured from the base building line, the setback shall be measured from the property line.

C. WCRAO Exemption

Properties fronting on Okeechobee Boulevard, Military Trail, Congress Avenue and Belvedere Road are excluded from the five foot minimum setback, for properties that have been altered by eminent domain takings for R-O-W expansions.

Part 6.d Art. 8.F.5, Illumination

Reason for amendment: WCRA request to prohibit illuminated signage in specified sub-areas.

CHAPTER F GENERAL PROVISIONS FOR ALL SIGN TYPES

Section 5 Illumination

B. U/S Tier Requirements

- 1. Signs may be illuminated by silhouette, internal and external lighting, except where located in or oriented towards the NRM or NG Sub-areas of the WCRAO; and
2. Neon signs are allowed in the U/S Tier, except where located in or oriented towards the NRM or NG Sub-areas of the WCRAO, as part of a wall sign or window sign only. The sign area for a neon sign shall not exceed eight square feet.

Part 6.e. ULDC Art. 8.G.1.B, Awning and Canopy Signs (page 25 of 39), is hereby amended as follows:

Reason for amendment: To prohibit awning signs that conflict with the build to streetscape proposed for the WCRAO redevelopment area.

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 1 Building Mounted Signs

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 J

WCRAO, WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY
DRAFT (Updated 12/27/05)

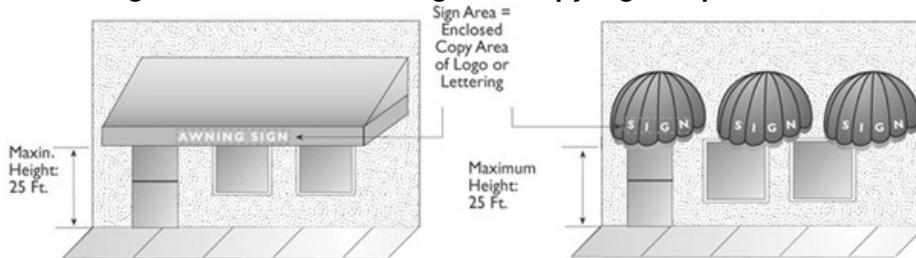
B. Awning and Canopy Signs

Awning and canopy signs are included in the maximum allowable signage area for wall signs. Awning and canopy signs are permitted on the ground floor of buildings and shall be made of durable, long-lasting fabric and designed to fit the ~~store-front~~ storefront. Awning and canopy signs shall be subject to the standards in Table 8.G.1.B-5, Awning and Canopy Signs.

Table 8.G.1.B-5 – Awning and Canopy Sign Standards

Maximum Sign Area	24 sq. ft.
Maximum Height	25 feet above grade

Figure 8.G.1.B-19 – Awning or Canopy Sign Requirements



1. WCRAO Overlay

Awning signs shall be prohibited in the NRM, NG and NC Sub-areas of the WCRAO.

42. Gas Station Canopies

No more than two canopy signs per station may be allowed in addition to the maximum allowable signage area for wall signs. Gas station canopy signs shall not exceed 18 inches in height.

Part 6.f. ULDC Art. 8.G.2.A, Freestanding Signs (page 27 of 39), is hereby amended as follows:

Reason for amendment: To prohibit ground mounted signs that conflict with the build to streetscape proposed for the WCRAO redevelopment area.

CHAPTER G STANDARDS FOR SPECIFIC SIGN TYPES

Section 2 Ground Mounted Signs

A. Freestanding Signs

1. Prohibitions

Freestanding signs shall be prohibited in the NRM, NG and NC Sub-areas of the WCRAO.

[Renumber accordingly.]

Part 6.g ULDC Art. 8.H.2, Billboards (page 34 of 39), is hereby amended as follows:

Reason for amendment: To relocate existing prohibition on billboard signs in the WCRAO.

CHAPTER H OFF-SITE SIGNS

Section 2 Billboards

A. Purpose and Intent

....

B. WCRAO Prohibitions

Billboard signs are prohibited in the WCRAO, unless existing at the time of this amendment and identified in the stipulated billboard settlement agreement, Art. 8.H.2, Billboards.

[Renumber accordingly.]

* Initial amendment request based on WCRAO consultant's draft of proposed amendments.
* Many concepts incorporated into this overlay were derived from SmartCode v. 7.5, Duany Plater-Zyberk & Company.

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 K

BCC THRESHOLDS AND RELATED PDD/TDD AMENDMENTS

(Updated 12/27/05)

Part 1. ULDC, Art. 3.E.2.C.1, Thresholds (page 71 of 134), is hereby amended as follows:

Reason for amendment: Establish minimum thresholds for projects seeking PUD approval and establish consistent use of terminology. Thresholds are based on a number of factors, including prior PBC Zoning Ordinances, requests for developers of projects that cannot qualify for PUD density under FLUE Policy 1.2.2-a of the Plan, and a need to allow for more flexible residential development options. The LDRAB Subcommittee determined that the benefits of a PUD to an applicant. The County has decreased over the years many incentives established in the earlier PUD ordinances (varied housing types, hierarchy roads, commercial pod, signage and landscape, etc.) have been codified since the original PUD ordinance of the 1960's. Therefore, it was agreed to establish a minimum threshold for a PUD and ensure adequate land are to support acreage/units to warrant a PUD.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

C. Thresholds

1. Thresholds

Projects that meet or exceed the acreage threshold indicated in Table 3.E.2.C.-14, PUD Thresholds may be submitted and reviewed as a PUD.

Table 3.E.2.C-14 –PUD Minimum Thresholds

	<u>AGR</u>	<u>RR</u>	<u>LR1</u>	<u>LR2</u>	<u>LR3</u>	<u>MR5</u>	<u>HR8</u>	<u>HR12</u>	<u>HR18</u>
<u>MIN</u>	<u>40 (80/20)</u> <u>250 (60/40)</u>	<u>100</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>3</u>	<u>3</u>	<u>3</u>

2. Land Use Mix

Table 3.E.2.C.15, PDD Land Use Mix, indicates the minimum and maximum percentage of each land use allowed in a PUD.

Table 3.E.2.C-15 - PUD Land Use Mix

	<u>Res.</u>	<u>Civic</u>	<u>Comm.</u>	<u>Rec.</u>	<u>OS¹</u>	<u>Preserve Area</u>	<u>Dev. Area</u>
<u>MIN</u>	60%	2%	-	.006 sf/unit	40%	80/20 AGR – 80% 60//40 AGR – 60%	-
<u>MAX</u>	-	65%	1%	-	-	-	80/20 AGR –25% ² 60/40 AGR – 40%

Notes for Table 3.E.2.C-15, PDD Land Use Mix

- Calculation of open space may include recreation pods, civic pod and open space areas within residential and civic_pods.
- See 80/20 option exception.

3. Land Use Calculation

The calculation for the mix of land uses shall based on the gross acreage of the PUD. Neighborhood parks, water management tracts and local roads, which are internal to a residential pod rather than a separate pod or tract may be credited toward the minimum residential land area requirement in Table 3.E.2.C-15, PUD Land Use Mix.

a. AGR Exceptions

1) ~~AGR~~

In the AGR FLU designations, the required land use mix shall be based on the gross acreage of the development portion of the PUD only.

4. Other Land Uses

The acreage for open space tracts, water management tracts, R-O-W, shall be provided on the master plan.

Part 2. ULDC, Art. 3.E.3.C, Thresholds [Related to MUPD] (page 84 of 134), is hereby amended as follows:

Reason for amendment: To clarify minimum square footage threshold requiring a project to apply as an MUPD and establish consistent use of terminology.

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 K

BCC THRESHOLDS AND RELATED PDD/TDD AMENDMENTS

(Updated 12/27/05)

1 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

2 Section 3 Multiple Use Planned Development (MUPD)

3 C. Thresholds

4 Projects ~~which~~ that meet or exceed the square footage threshold indicated in Table 3.E.3.C-19,
5 MUPD Thresholds, shall be submitted and reviewed as a MUPD.

6
7 Table 3.E.3.C-19 - MUPD Thresholds

	CL	CH	CLO	CHO	IND	CR	INST
Square Feet	30,000	50,000	30,000	50,000	100,000	100,000	50,000

8
9 1. Underlying Land Use

10 A MUPD with an underlying nonresidential FLU designation may utilize either land use, or a
11 combination of land uses, to satisfy the requirements of Table 3.E.3.D-20, MUPD Property
12 Development Regulations. Uses allowed shall correspond to the FLU designation in Table
13 3.E.1.B-10, PDD Use Matrix.

14
15
16 Part 3. ULDC, Art. 3.E.4.C.1, Thresholds [Related to MXPDP] (page 86 of 134), is hereby
17 amended as follows:
18

19 Reason for amendment: 1) To clarify minimum square footage threshold requiring a project to apply as
20 an MXPDP and establish consistent use of terminology; and 2) to correct glitch on CL FLU square footage
21 threshold to be consistent with CL threshold for MUPD.

22
23 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

24 Section 4 Mixed Use Planned Development (MXPDP)

25 C. Thresholds

26 1. Thresholds

27 Projects ~~which~~ that meet or exceed the square footage thresholds indicated in Table 3.E.4.C-
28 22, MXPDP Thresholds shall be submitted and reviewed as an MXPDP.
29

30 Table 3.E.4.C-22 - MXPDP Thresholds

	CL	CH	CLO	CHO
Square Feet	30,000 20,000	50,000	30,000 20,000	50,000

31
32 Part 4. ULDC, Art. 3.E.5.C.1.a, General [Related to Thresholds and PIPDP] (page 88 of 134), is
33 hereby amended as follows:
34

35 Reason for amendment: Establish consistent use of terminology.

36
37 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

38 Section 5 Planned Industrial Park Development (PIPD)

39 C. Thresholds

40 1. General

41 A PIPDP shall comply with Table 3.E.1.B-9, PDD Corresponding Land Use, and the following
42 thresholds:

43 a. Lot Size

44 The minimum gross land area required for a PIPDP ~~is shall be~~ 40 contiguous acres.

45 b. Land Use Mix

46 Land uses shall be grouped into pods which limit and define the types of uses within a
47 specific area of a PIPDP. Table 3.E.5.C-25, PIPDP Land Use Mix, indicates the range of
48 each pod required for a PIPDP.
49

Table 3.E.5.C-25 - PIPDP Land Use Mix

Pods	Minimum	Maximum
Industrial	60%	100%
Light	20%	100%
General	-	50%
Commercial	-	20%

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 K

BCC THRESHOLDS AND RELATED PDD/TDD AMENDMENTS
(Updated 12/27/05)

		(max. 15 ac) ¹
Residential	-	20%
Recreation	.006 sf/unit	20%

Notes for Table 3.E.5.C-25, PIPD Land Use Mix:

¹ The maximum commercial acreage shall not apply to an Economic Development Center (EDC).

c. Land Use Calculation

The calculation for the mix of land uses shall be based on the gross acreage of the PIPD. Neighborhood parks, water management tracts and local roads which are internal to a residential pod rather than a separate pod or tract shall be credited toward the maximum residential land area requirement in Table 3.E.5.C-25, PIPD Land Use Mix.

Part 5. ULDC, Art. 3.E.6.C, Thresholds [Related to MHPD] (page 92 of 134), is hereby amended as follows:

Reason for amendment: 1) Establish consistent use of terminology; and 2) Correct glitch in density calculations for MHPDs.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 6 Mobile Home Planned Development District (MHPD)

C. Thresholds

A MHPD shall comply with Table 3.E.1.B-9, PDD Corresponding Land Use, and the following:

1. Thresholds

The minimum gross land area required for a MHPD is ten contiguous acres.

2. Density

The density in a multiplier for mobile home units in a MHPD shall be consistent with Art. 3.E.1.B.5, Density, and by two times the maximum number of units allowed by Table 3.E.1.B-11, PUD Density.

3. Land Use Mix

A mix of land uses shall be provided in an MHPD by designating pods on the master plan as residential, civic, commercial, or recreation. The mix of uses shall be calculated based on the gross acreage of the MHPD and Table 3.E.6.C-27, MHPD Land Use Mix

Table 3.E.6.C-27-MHPD Land Use Mix

Pod	Minimum	Maximum
Residential	60 %	100 %
Civic	2 %	-
Commercial	-	1 %
Recreation	Apply PUD Recreation Pod regulations	-

a. Neighborhood parks internal to a residential pod may be credited toward the minimum residential land area requirement.

Part 6. ULDC, Art. 3.E.7.B, Threshold [Related to RVPD] (page 94 of 134), is hereby amended as follows:

Reason for amendment: Establish consistent use of terminology.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 7 Recreational Vehicle Planned Development District (RVPD)

B. Thresholds

A RVPD shall comply with Table 3.E.1.B-9, PDD Corresponding Land Use, and the following:

1. Acreage

The minimum gross land area required for a RVPD is ten contiguous acres.

2. Sites

The multiplier for RV sites is 12/acre. The multiplier for camp sites is 40/acre. Camp sites may be allowed in addition to RV sites.

This space intentionally left blank.

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 K

BCC THRESHOLDS AND RELATED PDD/TDD AMENDMENTS

(Updated 12/27/05)

Part 7. ULDC, Table 3.F.1.E-31, TDD Corresponding Land Use (page 97 of 134), is hereby amended as follows:

Reason for amendment: 1) Revised table to be consistent with the FLUE Policy 2.2.10-a, TTD; and 2) Clarify permitted locations for AGR TMDs.

Table 3.F.1.E-31 - TDD CORRESPONDING LAND USE

Zoning District	FLU Designation											
	AGR	RR	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU	EDC	TTD
TND			√	√	√	√	√	√	√	√	√	√
TTD			√	√	√	√	√	√	√	√	√	√ ¹
	AGR	RR	CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC	TTD
TMD ^{1, 2}			√	√	√	√			√	√	√	

Notes for Table 3.F.1.E-31, TDD Corresponding Land Use Legend:

Check (√) indicates the TDD corresponds to the FLU category.

1. For TTDs, the residential land use corresponds to the underlying land use in a TTD FLU designation.
2. TMD location shall also comply with Art. 3.F.4.E.7, Permitted Locations.

Part 8. ULDC, Art. 3.F.3, Traditional Neighborhood Development (page 117 of 134), is hereby amended as follows:

Reason for amendment: Establish consistent use of terminology.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 3 Traditional Neighborhood Development (TND)

C. Thresholds Minimum Size

A TND shall comply with Table 3.F.1.E-31, TDD Corresponding Land Use, and the following:

1. Minimum Size

The minimum gross land area required for a A TND ~~must contain a minimum of~~ is 40 contiguous acres. Within the U/S Tier, the minimum size may be reduced to 25 acres for infill projects that are adjacent to existing residential, civic, or commercial development on at least two sides.

2. Land Use Mix

TNDs shall provide residential, recreational, civic, and neighborhood commercial land uses, as provided in Table 3.F.3.D-37, TND Land Use. A TND developed as part of a TTD is subject to the minimum land use allocations provided in Table 3.F.3.D-40, Traditional Town Development Land Use Allocations.

Table 3.F.3.D-37 – TND Land Use

Land Use Mixes	Percent of Total Gross Area	
	Minimum	Maximum
<i>Residential</i>		
<i>Single Family</i>	25	70
<i>Zero Lot Line (ZLL)</i>	-	50
<i>Multi-Family/Townhouse</i>	20	50
<i>Neighborhood Centers</i>	2	10
<i>Civic¹</i>	2	25
<i>Open Space/ Recreation</i>	5	-

Notes for Table 3.F.3.D-37, TND Land Use:

1. *Civic uses may be collocated with the Neighborhood Centers.*
2. *Not required in the Rural and Exurban Tiers unless mandated by a sector plan pursuant to the provisions of the Plan.*

3. Minimum Development Threshold

Any TND or single project of TNDs with more than 320 acres shall be developed as a TTD.

D. General Standards

The following standards apply to all TND development:

1. Neighborhoods

The basic component of a TND is the neighborhood, organized in blocks around a neighborhood center. Each neighborhood within a TND shall not exceed 80 acres. No TND shall include more than four neighborhoods unless the TND is included within a TTD Refer to Art. 3.F.5, TTD.

~~2. Land Use Mix~~

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 K

BCC THRESHOLDS AND RELATED PDD/TDD AMENDMENTS
(Updated 12/27/05)

TND shall provide residential, recreational, civic, and neighborhood commercial land uses, as provided in Table 3.F.3.D-37, TND Land Use. A TND developed as part of a TTD is subject to the minimum land use allocations provided in Table 3.F.3.D-40, Traditional Town Development Land Use Allocations.

Table 3.F.3.D-37—TND Land Use

Land Use Mixes	Percent of Total Gross Area	
	Minimum	Maximum
Residential		
Single Family	25	70
Zero Lot Line (ZLL)	-	50
Multi-Family/Townhouse	20	50
Neighborhood Centers	2	10
Civic [†]	2	25
Open Space/ Recreation	5	-

Notes for Table 3.F.3.D-37, TND Land Use:

1. Civic uses may be collocated with the Neighborhood Centers.
2. Not required in the Rural and Exurban Tiers unless mandated by a sector plan pursuant to the provisions of the Plan.

23. Connections

All uses in a TND shall be connected by sidewalks or pedestrian paths, bicycle paths or bicycle lanes, and vehicular streets. A minimum of 80 percent of all streets shall connect at both ends to other streets at an intersection. All paths or trails, including bicycle paths or lanes, shall interconnect to form a continuous network throughout the TND and to paths or trails linked adjacent neighborhoods. Vehicular gates are prohibited on all streets, except alleys serving residential uses. Vehicular gates are not allowed on alleys serving commercial uses.

4. Minimum Development Threshold

Any TND or single project of TNDs with more than 320 acres shall be developed as a TTD.

Part 9. ULDC, Art. 3.F.4.D.1.a, Minimum Site Area [Related to TMD] (page 1123 of 134), is hereby amended as follows:

Reason for amendment: To clarify minimum thresholds required to be a TMD and establish consistent use of terminology and reorder provision.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 4 Traditional Marketplace Development (TMD) [Ord. 2005-002]

D. Development Standards for all TMDs

1. General Standards

a. Thresholds Minimum Site Area

A TMD shall comply with Table 3.F.1.E-31, TDD Corresponding Land Use, and the following:

1) Minimum Site Area

The minimum gross land area required for a TMD is ~~ten~~ ten contiguous gross acres. [Ord. 2005-002]

2) Minimum Total Floor Area

In the U/S Tier, 200,000 square feet is required, with a minimum of 125,000 square feet in the first phase. In the Exurban and Rural tiers, 125,000 square feet is required. See Art. 3.F.4.E, Standards Applicable to AGR Tier, for AGR Standards. Additional development may be phased but shall not exceed a total of 200,000 square feet for the Exurban and Rural Tiers. Civic and Institutional uses are not subject to these floor area limitations. The floor area standards for the Rural and Exurban Tiers are not applicable to the Central Western Communities Sector Plan area (Plan Map Series LU 3.1, Special Planning Areas Map), if governed by a Sector Plan pursuant to the provisions of the Plan. [Ord. 2005 – 002]

3) Minimum FAR

0.4 in the U/S Tier. [Ord. 2005 – 002]

b. Permitted Locations

1) Within the CL designations in Exurban, Rural and AGR Tiers. [Ord. 2005 – 002]

2) Within the CL/CH designations in the U/S Tier. [Ord. 2005 – 002]

3) A TMD must have at least 200 feet of frontage along an arterial or collector street. [Ord. 2005 – 002]

c. ~~Minimum Total Floor Area~~

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 K

BCC THRESHOLDS AND RELATED PDD/TDD AMENDMENTS
(Updated 12/27/05)

~~In the U/S Tier, 200,000 square feet is required, with a minimum of 125,000 square feet in the first phase. In the Exurban and Rural tiers, 125,000 square feet is required. See Art. 3.F.4.E, Standards Applicable to AGR Tier, for AGR Standards. Additional development may be phased but shall not exceed a total of 200,000 square feet for the Exurban and Rural Tiers. Civic and Institutional uses are not subject to these floor area limitations. [Ord. 2005-002]~~

~~The floor area standards for the Rural and Exurban Tiers are not applicable to the Central Western Communities Sector Plan area (Plan Map Series LU 3.1, Special Planning Areas Map), if governed by a Sector Plan pursuant to the provisions of the Plan. [Ord. 2005-002]~~

~~d. Minimum FAR~~

~~0.4 in the U/S Tier. [Ord. 2005-002]~~

....

[Re-number accordingly.]

Part 10. ULDC, Art. 3.F.5.D.1, Minimum Site Area [Related to TMD] (page 123 of 134), is hereby amended as follows:

Reason for amendment: To clarify minimum thresholds required to be a TTD and establish consistent use of terminology.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICTS (TDDS)

Section 5 Traditional Town Development (TTD)

D. General Requirements

1. ~~Thresholds Minimum Site Area~~

The minimum gross land area required for a TTD is 200 contiguous acres.

Part 11. ULDC, Art. 4.A, Use Classification (page 18 of 142), is hereby amended as follows:

Reason for amendment: To add or clarify minimum thresholds for projects requiring BCC approval as a PDD, TDD, or Requested/Conditional Use; and, to incorporate prior residential thresholds, with minor change to number of units. The methodology for residential thresholds is as follows: DU – Using average FLU designation within U/S Tier, MR-5- standard density 4 units x 50 acres =200 du. Properties with higher density FLU designations are typically developed at max density; and, Acreage – 50 acres x minimum 2% PUD requirement for civic pod yields a 1 acre civic site oftentimes requested by PREM.

CHAPTER A USE CLASSIFICATION

Section 4 Development Thresholds

A. General

Any amendment to an existing development, or new construction of residential, commercial or industrial projects that meets or exceeds either the maximum square footage or units, or maximum acreage of Table 4.A.3.A-2, Thresholds for Projects Requiring Board of County Commission Approval, shall be reviewed and approved as a PDD or TDD in accordance with Art. 2.B.1, Official Zoning Map Amendment (Rezoning). Projects that meet or exceed the thresholds of this table that do not meet the access and dimension requirements of a PDD or TDD; are not allowed to be a PDD or TDD by the Plan; or for non-residential projects, consist of only one use, shall be approved as a Class A Conditional Use.

(This space intentionally left blank)

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 K

BCC THRESHOLDS AND RELATED PDD/TDD AMENDMENTS
 (Updated 12/27/05)

1

Table 4.A.3.A.2 - Thresholds for Projects Requiring Board of County Commission Approval ¹		
<u>FLU Designation</u> ²	<u>Number of Square Footage or Units</u> ³	<u>Acreage</u>
Residential (Excluding RR FLU)	200 du	50 acres
AGR (Residential Only)	-	250 acres
<u>CLO</u>	<u>30,000</u>	-
<u>CHO</u>	<u>50,000</u>	-
<u>CL</u>	<u>30,000</u>	-
<u>CH</u>	<u>50,000</u>	-
<u>IND</u>	<u>100,000</u>	-
<u>INST</u>	<u>50,000</u>	-
<u>CR</u>	<u>100,000</u>	-
<u>MLU</u>	<u>50,000</u>	-
<u>EDC</u>	<u>100,000</u>	-
NOTES for Table 4.A.3.A-2:		
1. <u>Land area devoted to retention pursuant to the requirements of the C-51 drainage basin, or land area devoted to vegetation preservation pursuant to the Environmentally Sensitive Lands Ordinance, excluding AGR or Sector Plan preserve areas, shall not be counted toward the maximum acreage threshold.</u>		
2. <u>PDDs or TDDs in the AGR Tier are limited to the 80/20 PUD, 60/40 PUD or AGR TMD (FLUE Policy 1.5.1-a).</u>		
3. <u>Dwelling units shall include any density awarded as part of a density bonus program.</u>		

[Renumber following Tables Accordingly.]

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

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\EXHIBIT K - BCC Thresholds.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 L

GOLF COURSE CONVERSIONS

(Updated 12/27/05)

Part 1. ULDC, Art. 3.E.1.E, Modifications, (page 67 of 134), is hereby amended as follows:

Reason for amendment: On March 29, 2005 at the BCC Workshop the board discussed issues related to Golf Course Conversion. The Board directed staff to amend the Planned Unit Development provisions to include standards for golf course conversion, to include: 1) Verification that no reduction in required open space will result from a reconfiguration or reduction of the golf course; 2) That homeowners within the affected development have been notified of proposed changes via certified mail prior to the submittal of a Zoning application; and, 3) A Visual Analysis be submitted to demonstrate the impact the reduction or reconfiguration of the golf course will have on existing residents. LDRAB/LDRC: Wednesday, December 14, 2005 meeting – Recommendation to approve 14 – 0.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

E. Modifications

Modifications to a planned development with a valid development order shall comply with Art. 2.D.1, Development Review Officer.

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

....

2. Modifications by the BCC

....

3. Modification to Reduce or Reconfigure Existing Golf Course

Any modifications to reduce the acreage or reconfigure the boundaries of the golf course previously approved on the Master Plan shall meet the following criteria:

a. Notice to Homeowners

At the time of submitting the zoning application to amend the Master Plan, the applicant shall provide documentation that the residents of the PUD, as outlined in the latest PBC Property Appraisal list, were notified by registered mail, and shall post notice as may be allowed at appropriate common areas within the PUD. The notice mailed and posted shall describe the applicant's request to reconfigure the boundaries of the golf course. The applicant shall provide a copy of this notice to the Zoning Division and shall verify that the notice was provided as required by this section. The applicant shall further provide documentation of all additional efforts to inform association membership of the proposed golf course reconfiguration. Minutes of any association membership meeting, including the results of any vote concerning the applicant's request, as may be required by the Association, shall also be provided to the Zoning Division for inclusion in ZC and BCC staff reports.

b. Reduction of Open Space or Recreation

The applicant shall provide justification and documentation that the golf course land areas to be reduced in acreage or the reconfiguration of boundaries will not result in a reduction in required open space for the development. If a previously approved development was subject to zoning regulations for open space or recreation that have since been amended, the applicant shall outline how the affected area for the proposed development complies with current ULDC requirements, while demonstrating that the unaffected area is consistent with the requirements in place at the time of the original or amended approval.

c. Visual Impact Analysis Standards

The requirements of this Subsection shall be required for any application to reconfigure an existing golf course:

1. Visual Analysis

To assess the compatibility and impact of a proposed reconfiguration of the golf course on adjacent properties, the applicant shall submit a Visual Impact Analysis.

2. Methodology

The Visual Impact Analysis shall be prepared and sealed by an architect, engineer, landscape architect, or surveyor registered in the State of Florida. Digital imaging technology may be utilized to prepare the analysis, in a manner acceptable to the Zoning Director. In addition, non-digital methods may be required by the Zoning Director in order to implement the intent and purpose of this Section. The non-digital method shall, at a minimum, provide or include the information listed below.

a. The location of the proposed structures/buildings illustrated upon an aerial photograph at a scale of not more than one inch equals 300 feet (1"=300'). All adjacent structures/buildings located within a 1,000-foot radius of all property lines of the proposed site shall be indicated.

b. A line of site analysis, which shall include the following information:

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 L

GOLF COURSE CONVERSIONS

(Updated 12/27/05)

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
67

- 1) Identification of all significant existing natural and manmade features within 1,000 feet of the boundary of the affected area and identification of features that may provide buffering and screening for adjacent properties;
- 2) Identification of at least three specific points within a 1,000 foot radius of the proposed site, subject to approval by the Zoning Director, for conducting the Visual Impact Analysis;
- 3) Copies of all calculations and description of the methodology used in selecting the points of view and collection of data submitted in the analysis;
- 4) Graphic illustration of the visual impact of the proposed structure(s)/building(s) on surrounding development, at a scale that does not exceed five degrees of horizontal distance, presented from the specific identified points; and,
- 5) Identification of all screening and buffering materials within a designated planting area under the permanent control of the applicant (only screening and buffering materials located within the boundaries of the proposed site shall be considered for the Visual Impact Analysis.)
- 6) Any other graphic illustrations, such as perspectives, cross sections, or elevations, shall be at a scale consistent with the master/site plan. The Zoning Director may request a scale that is necessary to clearly depict the detail of what the visual analysis is trying to convey to the BCC.

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\EXHIBIT L - Golf Course.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 M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS

(Updated 12/28/05)

Fast Food Restaurant Location Criteria
White Paper

Introduction:

A request to amend the prohibition on the 1,000 foot separation requirement for fast food restaurants was received from an agent representing a fast food restaurant client. In addition, other industry representatives requested that staff also review the location criteria applicable to intersections, and the criteria for defining fast food restaurants.

September 22, 2005, BCC Zoning Hearing:

Given the history of BCC comments regarding location criteria of these uses, and public input provided during numerous BCC Zoning Hearings to approve said uses, Zoning staff discussed the topic with the BCC at the September 22, 2005 BCC Zoning Hearing. During the discussion, industry representatives requested a review of the definition for a fast food restaurant. The BCC directed staff to clarify the definitions for restaurant uses, and ensure that location criteria measurements were made from the outside wall of the use, not the subject property.

Background and Summary: The intersection and separation criteria for fast food restaurants was first adopted in early 2001, and was amended as part of the 2003 code rewrite (Ord. 2003-067). The criteria serves to mitigate adverse impacts created by excessive concentrations of specific uses at intersections and along roadways that adversely impact traffic flow, pedestrian circulation and visual impacts related to site layout. In conclusion, while traffic volume and circulation, including assurances that sufficient vehicle stacking, circulation, access, and area for turning movements, need to be addressed, the secondary benefit of the location criteria is to restrict the undue concentration of these uses, improving the overall aesthetic appearance of Palm Beach County's commercial corridors. See History of Location and Separation Criteria below for detail.

Recommendations:

Zoning Staff: The following table summarizes recommended major amendments:

Table with 2 columns: Existing ULDC Requirements and Proposed Amendments. Rows include restaurant definitions, intersection criteria, and separation criteria.

In addition to the identified major amendments, several minor related amendments were required to accommodate changes, or correct existing glitches and scrivener's errors.

LDRAB General Subcommittee: Wednesday, November 9, 2005 meeting – Recommendation to approve as recommended by Zoning staff and subject to minor revisions to address

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.
Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS

(Updated 12/28/05)

recommended exception criteria. The recommendation also specified that no reduction should be permitted in the current limitation of 2 uses per intersection.

LDRAB/LDRC: Wednesday, December 14, 2005 meeting – Recommendation to approve as amended 14 – 0.

Zoning Staff Backup - History of Location and Separation Criteria:

Ordinance 2001-01 (effective January 18, 2001), established location criteria for automotive service stations, convenience stores with gas sales, car washes, and fast foot restaurants by limiting those uses to major intersections, as defined by Art. 7.8.C, Major Intersection Criteria. This did not limit the number of such uses at a major intersection. To be considered a major intersection each roadway at the intersection shall met at least one of the following standards:

- 1) Four Lanes – The roadway link currently exists at 4 lanes or more, link to link, and is shown on the thoroughfare R-O-W protection map;
2) Five Year Road Plan – The roadway appears in the Five Year Road Plan to be constructed as a major arterial of at least four lanes;
3) Traffic Volume – The average traffic volume on the roadway is greater than 10,000 trips per day as shown on the MPO Traffic Volume Map;
4) R-O-W – The roadway is shown on the thoroughfare plan as a 120 foot R-0-W or greater; or
5) Upgrade Agreement – The applicant agrees to improve the roadway system to meet the standards as a condition of approval.

Ordinance 2001-029 (effective August 3, 2001) amended the previously adopted location criteria for automotive service stations, and by default convenience stores with gas sales (Note: Previous "Location Criteria" requirements were re-titled as "Approval Criteria."). The amendments limited the previous major intersection limitations to parcels in the U/S Tier with a CL Future Land Use designation. No changes were made to the major intersection limitations for fast food restaurants.

In summary:

- 1) No more than two of these uses in any combination would be permitted within 1,000 feet of any intersection;
2) No new auto service stations or convenience stores with gas sales would be permitted within 1,000 feet of another, unless within 1,000 feet of an intersection;
3) Required compliance with major intersection criteria for CL properties in the Urban/Suburban Tier, unless located within a PDD;
4) Rural, Exurban, Glades and Rural Tiers – Limited types of intersections; and
5) Exempted existing or approved auto service stations and convenience stores with gas sales from the location criteria.

Ord. 2003-067 (effective January 1, 2004) made both a Car Wash and Fast Food Restaurant subject to the location criteria referenced above; however, the uses were not specified as being combined with any other use. A review of prior Ordinances, indicates that a Car Wash was originally subject to the re-titled Approval Criteria (Ord. 92-20), then the Major Intersection Criteria (Ord. 01-029), and finally the current Location Criteria (Ord. 2003-067).

AMENDMENTS

Part 1. ULDC, Art. 1.1.2.R.34-37, Restaurant, Fast Food; Restaurant, High Turnover Sit-Down; Restaurant, Quality; Restaurant, Specialty (page 73 of 96), is hereby amended as follows:

Reason for amendment: Definitions revised to be consistent with changes to Supplementary Use Standards.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

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

- 34. Restaurant, Type I Fast Food - for the purposes of Art. 4, An establishment where 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; countertop sales where payment is

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.
Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS

(Updated 12/28/05)

~~made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments are primarily pre-cooked, prepackaged, served in disposable wrapping and containers and where orders are taken at a counter or drive-thru. Traffic generation rates are normally in the range of 600 to 800 trips per day, per 1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and Engineering.~~

~~35. **Restaurant, High Turnover Sit-Down** – for the purposes of Art. 4, an establishment where food and beverages are prepared, served, and consumed primarily on the premises. The restaurant may be open 24 hours and serve food cafeteria or buffet style and orders may be taken at a drive-thru. Traffic generation rates are normally in the range of 200-300 trips per day per 1,000 square feet of floor area, or as otherwise identified by the Institute of Traffic and Engineering.~~

36. **Restaurant, Type II Quality** - for the purposes of Art. 4, An establishment with no drive through, equipped to sell ~~where~~ food and beverages, ~~are prepared,~~ 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 100 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering.

~~37. **Restaurant, Specialty** – for the purposes of Art. 4, an establishment where a limited variety of food and beverages such as baked goods, coffee, or ice cream may be prepared and consumed on or off the site. Traffic generation rates are normally below 100 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering.~~

Part 2. **ULDC, Art. 2.A.1.D.1.c, Board of Adjustment (BA) (page 7 of 49), is hereby amended as follows:**

Reason for amendment: Staff recommends prohibition on variance relief from location criteria, due to partial relocation to Art. 5, which would allow applicant to seek variances.

CHAPTER A GENERAL

Section 1 Applicability

D. Authority

1. Processes

c. Board of Adjustment

The BA shall consider applications for appeals and variances. The BA is not granted the authority to hear and take action and decide variances from only the following:

- 1) Art. 1, General Provisions;
- 2) Art. 2, Development Review Procedures;

....

3) Art. 5.E.2.B, Location Criteria

[Renumber accordingly.]

Part 3. **ULDC, Table 3.E.1.B-10, PDD Use Matrix (page 56 of 134), is hereby amended as follows:**

Reason for amendment: 1) To incorporate revised restaurant definitions; 2) Consolidate deleted Specialty Restaurant into Type I Restaurant and deleted High Turnover Sit Down Restaurant into Type II Restaurant; 3) Raise approval process for Type II Restaurant for CL, CLO, CHO and CR to be consistent with new Supplementary Standards (i.e. Matrix is most restrictive, while supplementary standards may allow for streamlined review – Matrix must be most restrictive in case the public fails to read Supplementary 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.

Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS
(Updated 12/28/05)

1

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	D	P	D	
S	M	C	V	R			O	O		D	S	O	O			D	M	D	D	D	E	
				P							T					L	G					
Commercial Uses																						
....																						
Restaurant, <u>Type I Fast Food</u>		R					R		R				R		R			<u>RP</u>				109
Restaurant, High Turnover, Sit-down		D					D	D	D	D	D		D	D	D	D		D				110
Restaurant, <u>Type II Quality</u>		<u>DP</u>					<u>RP</u>	<u>DP</u>	<u>RR</u>	<u>RP</u>	<u>RP</u>		<u>RP</u>	<u>DP</u>	<u>RR</u>	<u>RP</u>		<u>RP</u>		<u>P</u>	<u>P</u>	<u>110.1</u>
Restaurant, Specialty		P	P				P	P	P	P	P		P	P	P	P		P		P	P	112
....																						
[Ord. 2005 – 002] [Ord. 2004-040]																						
Notes to Table 3.E.1.B-10, PDD Use Matrix:																						
P Permitted by right																						
D Permitted subject to approval by the DRO																						
S Permitted in the district only if approved by Special Permit																						
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																						

2
3
4
5
6
7
8
9
10
11
12
13

Part 4. ULDC, Table 3.F.1.F-32, Traditional Development Permitted Use Schedule (page 100 of 134), is hereby amended as follows:

Reason for amendment: 1) To incorporate revised restaurant definitions; 2) Consolidate deleted Specialty Restaurant into Type I Restaurant and deleted High Turnover Sit Down Restaurant into Type II Restaurant; and, 3) Raise approval process for Type II Restaurant for Type II Restaurant in N/C Zones, and Exurban/Rural and AGR Tiers to be consistent with new supplementary standards (i.e. Matrix is most restrictive, while Supplementary Standards may allow for streamlined review – Matrix must be most restrictive in case the public fails to read Supplementary Standards).

Table 3.F.1.I-32 - Traditional Development Permitted Use Schedule

District Tier ² Land Use Zone ³	TND ¹						TMD ¹				N O T E S
	U/S			Ex/Rural			U/S	Ex/Rural	AGR		
	Res	N/C	OS/Rec	Res	N/C	OS/Rec			Dev	Preserve	
Commercial Uses											
...											
Restaurant, <u>Type I Fast Food</u>							R	R	R		109
Restaurant, High Turnover, Sit-down							D	D	D		110
Restaurant, <u>Type II Quality</u>		<u>RP</u>					<u>DP</u>	<u>DP</u>	<u>DP</u>		<u>110.1</u>
Restaurant, Specialty		P					P	P	P		112
...											
[Ord. 2005 – 002]											
Notes Table 3.F.1.I-32, Traditional Development Permitted Use Schedule:											
P Permitted by right											
D Permitted subject to approval by the DRO											
S Permitted in the district only if approved by Special Permit											
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.											

14
15
16
17

Part 5. ULDC, Table 4.A.3.A-1, Use Matrix (page 13 of 142), 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.
- Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS

(Updated 12/28/05)

1 Reason for amendment: 1) To incorporate revised restaurant definitions; 2) Consolidate deleted
 2 Specialty Restaurant into Type I Restaurant and deleted High Turnover Sit Down Restaurant into Type II
 3 Restaurant; 3) Raise approval process for Type II Restaurant for CL, CLO, CHO and CRE to be
 4 consistent with new Supplementary Standards (i.e. Matrix is most restrictive, while supplementary
 5 standards may allow for streamlined review – Matrix must be most restrictive in case the public fails to
 6 read Supplementary Standards).
 7

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	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	
...																					
Restaurant, <u>Type I</u> Fast Food												A	A	A	A	A					
Restaurant, High Turnover, Sit-down											A	D	A	D	A	D					
Restaurant, <u>Type II</u> Quality										A	D	A	D	A	P	P					
Restaurant, Specialty										P	P	P	P	P	P	P					
...																					
[Ord. 2005 – 002] Key:																					
	P	Permitted by right																			
	D	Permitted subject to approval by the DRO																			
	S	Permitted in the district only if approved by Special Permit																			
	B	Permitted in the district only if approved by the Zoning Commission (ZC)																			
	A	Permitted in the district only if approved by the Board of County Commissioners (BCC)																			

8
 9
 10 **Part 6. ULDC, Art. 4.B.1.A.18, Auto Service Station (page 31 of 142), is hereby amended as**
 11 **follows:**
 12

13 Reason for amendment: 1) Relocate standards referenced by other uses to Art. 5, Supplementary
 14 Standards; 2) Correct glitch to ensure that Auto Service Stations and Convenience Stores with Gas Sales
 15 are clearly reviewed interchangeably; 3) Relocate or add term to clarify that additional standards apply in
 16 U/S Tier and Rural, Exurban and Glades Tiers; 4) Add limits to Agriculture Reserve Tier to be consistent
 17 with Convenience Store with Gas Sales Limitations; 5) Delete provisions for accessory use due to
 18 existing definition (Art. 1.1.2.U.19, Use, Accessory), redundancy of stated approval processes, and
 19 loophole that would allow use to avoid other supplementary standards for use; and 6) Delete redundant
 20 parking requirements.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

18. Auto Service Station

An establishment primarily engaged in the retail sale of gasoline or motor fuels. An auto service station may include accessory activities such as the sale of vehicle accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, the sale of convenience food items, or an accessory restaurant.

a. Approval Criteria

Prior to approving a conditional or requested use for an auto service station, the BCC shall make a finding that the use is appropriately located. In making the determination that the use is appropriately located, the BCC shall consider whether or not:

- 1) Adequate ingress and egress ~~has~~ **have** been provided.

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.
 Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS

(Updated 12/28/05)

- 2) Adequate buffering and setbacks from residential areas ~~has~~ have been provided.
- 3) Sufficient vehicle stacking, circulation, access, and area for turning movements ~~has~~ have been provided.
- 4) The number of fueling ~~positions~~ stations proposed is excessive.
- 5) There ~~are is~~ an excessive number of similar stations in the vicinity.

b. Location Criteria

1) Intersection Criteria

A maximum of two auto service stations ~~convenience stores with gas sales, or any combination thereof,~~ shall be permitted ~~within 1,000 feet of any intersection, measured from the intersection of the centerline of each street at an intersection~~ pursuant to Art. 5.E.2.B, Intersection Criteria.

2) Separation Criteria Number of Service Stations

An auto service station shall ~~not~~ be ~~separated from any other auto service station or convenience store with gas sales pursuant to Art. 5.E.2.C.1. Located within 1,000 feet of an existing or approved auto service station or convenience store with gas sales, measured by drawing a straight line between the nearest point on the perimeter of the exterior wall of the proposed auto service station to the nearest point on the existing or approved auto service station or convenience store with gas sales. An auto service station within 1,000 feet of an intersection in accordance with the location criteria in paragraph above shall be exempt from this requirement.~~

3) U/S Tier

An auto service station ~~with a in the~~ CL FLU designation ~~also~~ shall ~~also~~ comply with the Major Intersection Criteria in Article 5.E.1, Major Intersection Criteria, ~~unless located in a PDD.~~

4) Rural, Exurban, Glades and Agriculture Reserve Tiers

An auto service station shall also be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the Florida Department of Transportation (FDOT) PBC Federal Functional Classification Table.

~~5) Existing Auto Service Stations~~

~~The location criteria in this section shall have no affect on an auto service station that is a conforming use as of the effective date of this Code.~~

c. Accessory Collocated Restaurant

~~A~~ An accessory restaurant may be collocated with an auto service station shall be limited to 30 percent of the total GFA and subject to the use regulations applicable to the restaurant. of the principal use and may be permitted subject to the following:

1) ~~With a Drive-thru~~

~~Subject to approval of a Class A conditional use or requested use.~~

2) ~~Without a Drive-thru~~

~~Subject to approval by the DRO.~~

d. Parking for Accessory Automatic Car Wash

~~Parking for each use shall be calculated separately to determine the total amount of required parking.~~ Parking for an accessory automatic car wash may be exempt from this parking requirements of Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements, subject to DRO approval.

e. Standards

1) Enclosed Repair

All accessory repair activities shall be conducted within an enclosed structure. No outdoor storage of disassembled vehicles, or parts thereof, shall be permitted on site.

2) Delivery Vehicles

Parking of delivery vehicles shall be permitted only within a designated loading space. Overnight parking of delivery vehicles on-site shall be prohibited.

3) Vehicle Testing

Vehicles shall not be tested off-site on residential streets.

4) Loudspeakers

No outdoor speaker or public address systems audible off-site shall be permitted.

f. TMD District

Automotive service stations shall be permitted only on sites that are within 500 feet of the perimeter of a TMD district but shall not be located on a Main Street. The maximum site area is 10,000 square feet. A maximum of two gasoline pumps or four fueling positions shall be permitted.

Part 7. ULDC, Art. 4.B.1.A.25, Car Wash (page 34 of 142), 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.

Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS

(Updated 12/28/05)

Reason for amendment: 1) Relocate location criteria standards to Art. 5, Supplementary Standards; 2) Delete glitch reference to DRO approval for IL District (already D per Table 4.A.3.A-1, Use Matrix, page 12 of 142) Create separate heading for Auto Detailing, as it is not related to location criteria.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

25. Car Wash

A permanent establishment engaged in washing or detailing motor vehicles which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor. Detailing includes hand washing and waxing, striping, and interior cleaning.

a. Location Criteria

1) Intersection Criteria

A maximum of two car washes shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria ~~A car wash or detailing use in the CC district shall be subject to the same location criteria as an Auto Service Station Art. 4.B.1.A, Supplementary Use Standards.~~

2) Separation Criteria

A car wash shall be separated from any other car wash pursuant to Art. 5.E.2.C.1.

~~b.2) Auto Detailing~~

~~Auto detailing limited to hand washing/waxing shall be subject to approval by the DRO in the CG, IL districts or a PDD with a CH FLU designation.~~

~~cb. Accessory Use~~

~~An automatic car wash shall be allowed as an accessory use to an auto service station or convenience store with gas sales when it is located on the same lot.~~

~~de. Loudspeakers~~

~~No outdoor speaker or public address systems audible off-site shall be permitted.~~

Part 8. ULDC, Art. 4.B.1.A.37, Convenience Store with Gas Sales (page 40 of 142), is hereby amended as follows:

Reason for amendment: 1) Require Convenience Store with Gas Sales to comply with same approval criteria as an Auto Service Station; 2) Relocate location criteria standards to Art. 5, Supplementary Standards; 3) Delete provisions for accessory use due to existing definition (Art. 1.1.2.U.19, Use, Accessory), redundancy of stated approval processes, and loophole that would allow use to avoid other supplementary standards for use; and 4) Clarify parking requirements.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

37. Convenience Store with Gas Sales

A convenience store which includes accessory gasoline retail sales to the general public.

a. Floor Area

A maximum of 5,000 square feet.

b. Approval Criteria

A convenience store with gas sales shall be subject to the approval criteria of Art. 4.B.1.A.18.a, Approval Criteria.

~~1) Shall be subject to the same location criteria as an Auto Service Station, Art. 4.B.1.A, Supplementary Standards.~~

~~2) The location criteria required above shall not affect an existing convenience store with gas sales that is a conforming use as of the effective date of this Code.~~

c. Location Criteria

1) Intersection Criteria

A maximum of two auto service stations and convenience stores with gas sales, or any combination thereof, shall be permitted at an intersection pursuant to Art. 5.E.2.B, Intersection Criteria.

2) Separation Criteria

A convenience store with gas sales shall be separated from any other auto service station or convenience store with gas sales pursuant to Art. 5.E.2.C.1.

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.

Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS

(Updated 12/28/05)

3)c. U/S Tier

A convenience store with gas sales with a ~~In the Commercial Low (CL)~~ FLU designation shall also comply with Article 5.E.1, Major Intersection Criteria, ~~unless located within a PDD.~~

4)d. Rural, Exurban, Glades and Agricultural Reserve Tiers (AGR)

A convenience store with gas sales shall ~~shall~~ be located at the intersection of one collector and arterial street, or two arterial streets, as listed in the FDOT PBC Federal Functional Classification Table.

de. Water

Evidence of the protection of drinking water sources shall be provided to the Health Department prior to certification by the DRO.

ef. Parking

1) Location

A convenience store with gas sales greater than 3,000 square feet in GFA shall provide one half of the required parking spaces directly adjacent to the store.

2) Parking for Accessory Automatic Car Wash

Parking for an accessory automatic car wash may be exempt from the parking requirements of Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements, subject to DRO approval.

fg. Accessory Collocated Restaurant

A Type I or II restaurant ~~accessory to~~ may be collocated with a convenience store with gas sales ~~shall be~~ subject to the use regulations applicable to the same criteria as a restaurant use, accessory to an auto service station Article 4.B.1.A.18, Auto Service Station, and the following:

1) Drive-thru

~~A restaurant without a drive-thru may be permitted as an accessory use subject to DRO approval. A restaurant with a drive-thru may be permitted subject to Class A conditional use or requested use approval;~~

2) Floor Area

~~An accessory restaurant shall not exceed 30 percent of the GFA of the convenience store; and~~

3) Parking

~~Parking for the restaurant shall be calculated separately to determine the total amount of required parking.~~

gh. TMD Districts

Islands for gasoline pumps shall be located in the rear of a building with access from an alley, interior parking area, or a street not designated as a main street.

Part 9. ULDC, Art. 4.B.1.A.109, Fast Food Restaurant, (page 68 of 142), is hereby amended as follows:

Reason for amendment: 1) To incorporate revised restaurant headings and definitions to clarify operation and function and consolidate deleted Specialty Restaurant into Type I Restaurant; 2) Update traffic trip generation rates to match current ITE standards; 3) Clarify intersection and separation criteria, and relocate location standards to Article 5 [Note: Separation distance reduced from 1,000 feet to 500 feet; 4) Add exception to location criteria subject to pedestrian and architectural improvements; 5) Glitch – correct reference to CN to CC [Type I not permitted in CN]; 6) Expand DRO approval exception to include all applicable PDDs and straight zoned parcels; 7) Clarify permitted by right for specialty related uses; and 8) To clarify MUPD, MXPD and TMD exceptions or requirements.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

109. Restaurant, Type I Fast Food

An establishment ~~where~~ 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; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self service or prepackaged condiments are primarily pre-cooked, prepackaged, served in disposable wrapping and containers and where orders are taken at a counter or drive-thru. Traffic generation rates are normally in the range of ~~600-130~~ to 800 500 trips per day, per

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.
- Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS

(Updated 12/28/05)

1,000 square feet of GFA, or as otherwise identified by the Institute of Traffic and Engineering.

a. ~~Location Criteria CG, CH/MUPD, CC, CL/MUPD and Commercial Pod in PUD~~

~~A Type I restaurant with a drive through, or where the total GFA, including outdoor dining areas, for such use or uses is greater than 20 percent of overall building GFA, unless approved under Art. 4.B.1.A109.c.2), Permitted by Right, shall be subject to the following:~~

~~1) Intersection Criteria~~

~~A maximum of two Type I restaurants shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. A fast food restaurant in these districts shall comply with the same locational criteria as in Article 4.B.1.A.18, Auto Service Station.~~

~~2) Separation Criteria~~

~~A Type I restaurant shall be separated from any other Type I subject to these standards, in accordance with Art. 5.E.2.C.2.~~

~~3) Exception~~

~~A Type I restaurant that is designed to enhance pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design and architectural treatment that incorporates the following, may be exempt from intersection and separation criteria:~~

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

b. ~~U/S Tier CN-District~~

~~A Type I restaurant with a CL FLU designation shall shall comply with Article 5.E.1, Major Intersection Criteria, unless the restaurant meets the requirements of Art. 4.B.1.A.109.c.2), Permitted by Right.~~

c. ~~Approval Process Exceptions MUPD and MXPB Districts~~

~~1) DRO Approval~~

~~A Type I restaurant without a drive-through may be approved by the DRO in a district where the use is permitted by Table 3.B.1.B-10, PDD Use Matrix, or Table 4.A.3.A-1, Use Matrix, provided GFA including outdoor dining areas does not exceed 3,000 square feet; and the use is not located in an out parcel or freestanding building.~~

~~A fast food restaurant less than 3,000 square feet or GFA shall require DRO approval and shall not:~~

- ~~1) be located in an out parcel of free standing building; or~~
- ~~2) have a drive thru.~~

~~2) Permitted by Right~~

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

- ~~a) GFA including outdoor dining areas does not exceed 1,500 square feet;~~
- ~~b) All district specific requirements are addressed;~~
- ~~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~~

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.
Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS

(Updated 12/28/05)

d) The restaurant is not located in a freestanding building, unless it is the sole use of the property.

d. TMD District

A ~~fast food restaurant~~ Type I Restaurant shall not: [Ord. 2005 – 002]

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.* [Ord. 2005-002]

a) ~~An additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 4,500 square feet of GFA.~~

2) Be located in an outparcel or freestanding building; or [Ord. 2005 – 002]

3) Have a drive-thru, unless it is located in the rear of a building, with ~~an~~ 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 10. ULDC, Art. 4.B.1.A.110, High Turnover Sit Down Restaurant, (page 68 of 142), is hereby deleted:

Reason for amendment: Use deleted and incorporated into Art. 4.B.1.A.111, Quality Restaurant.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

~~110. Restaurant, High Turnover Sit Down~~

~~An establishment where food and beverages are prepared, served, and consumed primarily on the premises. The restaurant may be open 24 hours and serve food cafeteria or buffet style and orders may be taken at a drive-thru. Traffic generation rates are normally in the range of 200-300 trips per day per 1,000 square feet of floor area, or as otherwise identified by the Institute of Traffic and Engineering.~~

~~a. TMD District~~

~~DRD approval is required and the restaurant shall not: [Ord. 2005 – 002]~~

~~1) Exceed 5,000 square feet of GFA. [Ord. 2005 – 002]~~

~~a) An additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 6,500 square feet of GFA. [Ord. 2005 – 002]~~

~~2) Have a drive-thru, unless it is located in the rear of a building, with an 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]~~

~~b. Outdoor Dining Areas~~

~~Outdoor dining areas under a solid roof shall be considered the GFA; and comply with principal structure setbacks.~~

Part 11. ULDC, Art. 4.B.1.A.111, Quality Restaurant, (page 68 of 142), is hereby amended as follows:

Reason for amendment: 1) To incorporate revised restaurant headings and definitions [includes consolidation of High Turnover Sit Down Restaurant]; 2) Update traffic trip generation rates to match current ITE standards; and, 3) Clarify use limitations and approval processes, including take out windows.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

~~1101. Restaurant, Type II Quality~~

An establishment with no drive-through, equipped to sell where food and beverages, are prepared, 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 ~~400~~ 130 trips per

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.

Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS

(Updated 12/28/05)

day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering.

a. Alcohol Sales

A ~~quality restaurant~~ Type II Restaurant may include the on-premise sale, service and consumption of alcoholic beverages as an accessory use. A ~~quality restaurant~~ 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:

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.

2) Kitchen

The restaurant shall have a full kitchen which shall remain open and serving full course meals while alcohol is being served.

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.

4) Special Permit Renewal

The Special Permit shall be renewed annually.

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

1) CN and CLO Districts and CLO PDDs

~~A Type II Restaurant less than 3,000 square feet of GFA per establishment shall not exceed 3,000 square feet of GFA per establishment unless including outdoor dining areas may be approved by the DRO as a requested or Class A conditional use.~~

2) CRE, and CL and CR PDDs

~~A Type II Restaurant less than 5,000 square feet of GFA per establishment, including outdoor dining areas, may be approved by the DRO.~~

23) CHO District and CHO/PDDs

~~If shall be~~ contained in an office, hotel or motel structure ~~and shall~~ 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 unless approved as a requested or Class A conditional use.~~

34) Catering Service

Catering may be permitted as an accessory use to a restaurant. Except in the IL district, the use of three or more delivery or service vehicles shall require DRO approval.

5) Take Out Service

~~Take out service is permitted as an accessory use provided there are no vehicle take out windows that include exterior menu boards, queuing lanes or order service.~~

6) TNDs and TMDs

~~A Type II Restaurant less than 3,000 square feet of GFA per establishment in a TND, may be approved by the DRO. A Type II Restaurant shall not exceed 5,000 square feet of GFA, except that an additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 6,500 square feet of GFA. Take out windows designed for vehicular use are prohibited unless located in the rear of a building, with access from an alley or the interior of a parking area, and covered by a canopy or the second story of a building.~~

Part 12. ULDC, Art. 4.B.1.A.112, Specialty Restaurant, (page 68 of 142), is hereby deleted:

Reason for amendment: Consolidated with Article 4.B.1.A.109, Type I restaurant.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

~~112. Restaurant, Specialty~~

~~An establishment where a limited variety of food and beverages such as baked goods, coffee, or ice cream may be prepared and consumed on or off the site. Traffic generation rates are normally below 100 trips per day, per 1,000 square feet of GFA or as otherwise identified by the Institute of Traffic and Engineering.~~

~~a. CN, CLO and CHO Districts and CLO or CHO PDDs~~

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.

Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS

(Updated 12/28/05)

- ~~Shall be limited to a maximum of 3,000 square feet of GFA.~~
- ~~**b. CC District and CL/PDDs**~~
~~Shall not exceed 5,000 square feet, unless approved as a requested or Class B conditional use.~~
- ~~**c. MUPD District with IND FLU Designation**~~
~~Shall not exceed 3,000 square feet of GFA.~~
- ~~**d. TMD District**~~
~~Shall not exceed 3,000 square feet of GFA per establishment.~~
~~1) An additional 1,500 square feet shall be permitted for outdoor dining areas, for a maximum of 4,500 square feet of GFA. [Ord. 2005-002]~~
- ~~**e. Outdoor Dining Areas**~~
~~Outdoor dining areas under a solid roof shall be considered GFA, and comply with the principal structure setbacks.~~
- ~~**f. LOSTO**~~
~~Shall be limited to a maximum of 3,000 square feet of total floor area and subject to approval of a Special Permit.~~

Part 13. ULDC, Art. 5.E, Performance Standards (page 39 of 63), is hereby amended as follows:

Reason for amendment: 1) Relocate Location Criteria to Art. 5, Performance Standards; and 2) Ensure that method of measurement is to nearest outside wall or canopy of establishment.

CHAPTER E PERFORMANCE STANDARDS

Section 1 Major Intersection Criteria

As specified in this Code, certain specific uses shall be located at major intersections or internal to a PDD that is located at a major intersection. For the purpose of this Chapter, to be considered a major intersection each roadway at the intersection, shall meet at least one of the following standards:

- A. Four Lanes**
The roadway currently exists at four lanes or more, link to link, and is shown on the Thoroughfare R-O-W Protection Map. Dedication of R-O-W or construction of additional lanes solely in front of a property shall not satisfy this standard;
- B. Five Year Road Plan**
The roadway appears in the Five Year Road Plan to be constructed as a major arterial of at least four lanes;
- C. Traffic Volume**
The average traffic volume on the roadway is greater than ten thousand trips per day as shown on the Metropolitan Planning Organization (MPO) Traffic Volume Map;
- D. R-O-W**
The roadway is shown on the Thoroughfare Plan as 120-foot R-O-W or greater; or
- E. Upgrade Agreement**
The applicant agrees to improve the roadway system to meet the standards in this Chapter as a condition of approval.

Section 2 Location Criteria

- A. Purpose and Intent**
To mitigate the adverse impacts created by excessive concentrations of specific uses at intersections and along roadways that adversely impact traffic flow, pedestrian circulation and visual impacts related to site layout.
- B. Intersection Criteria**
Applicable uses shall be limited within 1,000 feet of any intersection, measured from the intersection of the centerlines of each street to the nearest exterior wall or outdoor dining area of the use.
- C. Separation Criteria**
Any use within 1,000 feet of an intersection pursuant to the location criteria above shall be exempt from this requirement. A use shall meet the following separation criteria of any other same and existing or approved use, measured by drawing a straight line between the nearest point of the exterior wall or outdoor dining area of the proposed use to the same for an existing or approved use:
 - 1. 1000-feet; or
 - 2. 500-feet

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.
Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT M

RESTAURANT AND LOCATION CRITERIA AMENDMENTS

(Updated 12/28/05)

D. Existing Uses

The locational and separation criteria in this Section shall have no effect on any existing uses that are conforming uses as of the effective date of this Code. Where applicable, any DOA to an existing use shall comply with Art. 4.B.1.A.109.a.3), Exception, to the greatest extent feasible.

Part 14. ULDC, Table 6.A.1.B-1, Minimum Off-Street Parking Loading Requirements (page 5 of 34), is hereby amended as follows:

Reason for amendment: To incorporate revised restaurant headings and definitions.

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

Use Type: Commercial	Parking ¹	Loading ²
...		
Restaurant, <u>Type I fast food</u>	1 space per 3 seats including outdoor seating area	C
Restaurant, high turnover sit-down		C
Restaurant, <u>Type II quality</u>		C
Restaurant, Specialty		C
...		
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:

- 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.
- Text in blue indicates amendments previously approved by LDRAB.

EXHIBIT N

PLACES OF ASSEMBLY

(Updated 12/28/05)

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

Places of Assembly
White Paper

Amended December 28, 2005

Introduction: In response to recent trends in the scope, scale, size and use of “places of worship,” Zoning staff has identified a need to reassess use regulations and other site development standards, to ensure that all places of assembly, and related uses do not adversely impact surrounding communities.

Background and Summary: A review of national, state and local trends as well as applications for places of worship indicates that “places of assembly” are transforming from the traditional role of providing a limited number of worship services (e.g. one or two days per week) and community support activities, to providing multiple services several days per week and providing space for an increasing variety of community services, some of which may or may not be related to the practice of religion.

The following ULDC regulations outline the location of Zoning districts where places of assembly are permitted, and any related supplementary use regulations:

1. Table 3.E.1.B-10, PDD Use Matrix
2. Table 3.F.1.F-32, Traditional Development Permitted Use Schedule
3. Table 4.A.3.A-1, Use Matrix
4. Art. 4.B.1.A.14, Nonprofit Institutional Assembly
5. Art. 4.B.1.A.15, Nonprofit Membership Assembly
6. Art. 4.B.1.A.29, Church or Place of Worship

Places of worship require BCC approval, and review by the Public Hearing Section. Public Hearing staff have noted problems in the review of applications for places of worship due to an increasing trend in the use of accessory facilities such as meeting halls, multi-purpose rooms and other uses not generally defined as collocated facilities. The potential for adverse impacts to surrounding areas includes but is not limited to insufficient parking and additional uses that create higher levels of traffic and noise than traditional places of worship.

Research: Staff has researched other governmental ordinances both locally and nationally to seek out alternative methods to addressing potential adverse impacts from larger or more intense places of worship. Staff reviewed existing churches approved in PBC since 1973 in order to develop these amendments.

Legal: Given constitutional, Federal and other protections associated with Freedom of Worship, staff worked with the County Attorney’s Office, to ensure that any new regulations are equally applicable to all places of assembly.

Recommendations:

Zoning Staff (Summary): The primary focus of the proposed amendments is to 1) address parking and development review requirements for accessory uses associated with places of assembly, and 2) establish location thresholds by FLU designation (e.g. Tier) to ensure that places of assembly in residential districts are appropriately sized to serve the surrounding community. The location criteria would not apply to places of assembly where allowed in Commercial, Institutional or Civic FLU designations, providing the opportunity for larger facilities to locate in all Tiers subject to the designation of the appropriate land use. Amendments also include corrections to the PDD, TDD and Standard Use Matrixes and Article 4, Use Regulations, to ensure that all places of assembly are reviewed consistently.

General Sub-committee: Friday, August 19, 2005 meeting – Recommendation to approve as recommended by Zoning staff and subject to minor revisions.

LDRAB/LDRC: Wednesday, December 14, 2005 meeting – Recommendation to approve as amended 14 – 0.

Amendments

Part 1. ULDC, Art 1.1.2, Definitions (page 37 of 96), is hereby amended as follows:

Reason for amendment: 1) Clarify difference between accessory and collocated – due to use of term with Places of Worship; 2) Add definition for Places of Assembly; and, 3) Relocate and amend definition for Place of Worship.

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 N

PLACES OF ASSEMBLY
(Updated 12/28/05)

1
2 **CHAPTER I DEFINITIONS & ACRONYMS**
3 **Section 2 Definitions**

4
5 **C. Terms defined herein or referenced Article shall have the following meanings:**

6
7 ~~30. **Church or Place of Worship** – a premise or site owned, operated, or leased by a tax-exempt religious group which is used periodically, primarily or exclusively for religious worship, activities and related services. A church or place of worship may include collocated facilities. Collocated facilities which require additional approval, except as provided below by F.S., include a day care, school, cemetery, CLF, or other bed based use such as a convent, seminary, dormitory, or retreat.~~

8
9
10
11
12
13
14 41. **Collocated Use** - Development in a standard zoning district with two or more uses classified with the definition of a use listed in Art. 4.B.1, Uses.
15
16 **[Renumber accordingly.]**

17
18 **P. Terms defined herein or referenced Article shall have the following meanings:**

19
20 41. **Places of Assembly** - Includes Nonprofit Institutional Assembly, Nonprofit Membership Assembly, and Places of Worship.
21
22 42. **Place of Worship** - A sanctuary which may include a retreat, convent, seminary or other similar use, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities that may require additional approval, such as a day care, school, cemetery, or CLF.

23
24
25
26
27 **[Renumber Accordingly.]**

28
29
30
31 **Part 2. ULDC, Table 3.E.1.B-10, PDD Use Matrix (page 58 of 134), is hereby amended as follows:**

Reason for amendment: Amended to ensure that permitted districts for Places of Worship are consistent with other places of assembly. The PDD Use Matrix indicates that most restrictive approval, which may be less in specific instances subject to specific thresholds, as indicated in the Use Regulations.

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			
E	O	E	I	G	L	H	L	H	R	N	N	L	H	L	H	N	O	N	D	P	D
S	M	C	V	R			O	O			T			O	O	/	/		D	D	E
				P																	
Public and Civic Uses																					
.....																					
Assembly, Nonprofit Institutional		<u>RP</u>		R		R	<u>RP</u>			<u>RP</u>	P	<u>RP</u>	R	P	R	<u>RP</u>		<u>RP</u>	P		14
Assembly, Nonprofit Membership				R		R	<u>RP</u>	R	R	<u>RP</u>	P	<u>RP</u>	R	P	R	<u>RP</u>		<u>RP</u>	P		15
Place Of Worship		R		R		R	R	<u>R</u>	<u>R</u>	R		R	R	R	<u>R</u>	<u>R</u>		R		R	29
.....																					

[Ord. 2005 – 002]

Notes to Table 3.E.1.B-10, PDD Use Matrix:

- P Permitted by right
- D Permitted subject to approval by the DRO
- S Permitted in the district only if approved by Special Permit
- R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.

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 N

PLACES OF ASSEMBLY

(Updated 12/28/05)

Part 3. ULDC, Table 3.F.1.I-32, Traditional Development Permitted Use Schedule (page 102 of 134), is hereby amended as follows:

Reason for amendment: Amended to ensure that permitted districts for Places of Worship are consistent with other places of assembly. The TDD Use Schedule indicates that most restrictive approval, which may be less in specific instances subject to specific thresholds, as indicated in the Use Regulations.

Table 3.F.1.I-32 - Traditional Development Permitted Use Schedule

District	TND ¹						TMD ¹				NOTES
	U/S			Ex/Rural			U/S	Ex/Rural	AGR		
	Res	N/C	OS/Rec	Res	N/C	OS/Rec			Dev	Preserve	
Public and Civic Uses											
Assembly, nonprofit institutional		<u>RP</u>			<u>RP</u>		<u>RP</u>	<u>RP</u>	<u>RP</u>		14
Assembly, nonprofit membership		<u>RP</u>			<u>RP</u>		<u>RP</u>	<u>RP</u>	<u>RP</u>		15
Place of worship		R			R		R	R	R		29
....											

[Ord. 2005 – 002]

Notes Table 3.F.1.I-32, Traditional Development Permitted Use Schedule:

- P Permitted by right
- D Permitted subject to approval by the DRO
- S Permitted in the district only if approved by Special Permit
- R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.

Part 4. ULDC, Table 4.A.3.A-1, Use Matrix (page 14 of 142), is hereby amended as follows:

Reason for amendment: Amended to ensure that permitted districts for Places of Worship are consistent with other places of assembly. The Use Matrix indicates that most restrictive approval, which may be less in specific instances subject to specific thresholds, as indicated in the Use Regulations.

Table 4.A.3.A-1 – Use Matrix

Use Type	Zoning District/Overlay														NOTE				
	Agriculture/Conservation			Residential				Commercial				Industry/ Public							
	P	A	A	AR		R	R	R	R	C	C	C	C	C		C	I	I	P
	C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L	G	O	P
		R		S	S						O		O	E				F	
				A	A														
....																			
Assembly, Nonprofit Institutional		<u>AD</u>		A				A	A	A		<u>AB</u>		<u>AP</u>		P		P	B
Assembly, Nonprofit Membership					A						A	<u>AB</u>	A	<u>AP</u>		P			B
Place of Worship		A		A	A	A	A	A	A	A	A	<u>AB</u>	<u>AB</u>	<u>AB</u>					B
....																			

[Ord. 2005 – 002]
Key:

P	Permitted by right
D	Permitted subject to approval by the DRO
S	Permitted in the district only if approved by Special Permit
B	Permitted in the district only if approved by the Zoning Commission (ZC)
A	Permitted in the district only if approved by the Board of County Commissioners (BCC)

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 N

PLACES OF ASSEMBLY

(Updated 12/28/05)

Part 5. ULDC, Art 4.B.1.A.14, Assembly Nonprofit Institutional (page 30 of 142), is hereby amended as follows:

Reason for amendment: To establish thresholds for places of assembly were permitted in residential districts to ensure compatibility with surrounding uses. Where permitted by zoning district, there are no thresholds in the commercial, institutional and civic FLU designations.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

14. Assembly, Nonprofit Institutional

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

a. Frontage and Access

1) General

The use shall front a collector, arterial or local commercial street. A place of assembly with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street.

2)b. Redevelopment and Revitalization Overlay

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

- 1) Approval of a Special Permit;
2) Limited to a maximum of 3,000 square feet of GFA, unless approved as a Class A conditional use;
3) A maximum of two acres, unless approved as a Class A conditional use;
4) Landscaping in accordance with Art. 7, Landscaping.
5) A minimum of one parking space per employee and two visitor parking spaces shall be provided;
6) No outdoor activities after 10:00 pm;
7) PBC or a CCRT approved neighborhood group shall own or operate the property and facility;
8) Prior to the issuance of an occupational license, the building shall comply with all applicable Health and Building Code requirements; and
9) The following accessory uses shall be permitted: limited day care, day camp, neighborhood association office, police and fire rescue substations, and special events.

c. TND District

Nonprofit institutional assembly shall be limited to a maximum of 10,000 square feet of GFA.

d. AR District

A Type 3 incompatibility buffer shall be provided adjacent to residentially-occupied or zoned property.

de. AGR District

The use shall be limited to that which serves the needs of farmworkers or residents of the AGR tier supports the agriculture industry or provides service to farm workers and shall not be located west of SR7.

e. PO District

Nonprofit institutional assembly shall be government owned and operated.

f. Location Criteria

Places of assembly shall not exceed the maximum GFA or seating capacity limits of Table 4.B.1.A-4, Size Limits for Places of Assembly. Places of assembly that are existing or have a valid development order that is in excess of the GFA or seating capacity limits shall not be considered non-conforming. A place of assembly in the AGR district shall not be located west of SR 7/US 441.

(This space intentionally left blank.)

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 N

PLACES OF ASSEMBLY
(Updated 12/28/05)

Table 4.B.1.A-4 – Size Limits for Places of Assembly

FLU Designation	Max. GFA	Max. Seating Capacity
RR 2.5 – RR 10 and AGR	25,000 sf	250
LR-1, LR2, LR-3 and MR-5	50,000 sf	500
HR-8, HR-12 and HR-18	75,000 sf	750
Commercial, Institutional and Civic	N/A	N/A

Notes for Table 4.B.1.A-4, Size Limits for Places of Assembly

- GFA shall include all accessory and collocated uses.
- Seating capacity shall include seating for the principal place of worship combined with any daycare capacity or other accessory or collocated uses, unless the two uses are not operated at the same times.

[Renumber all following tables accordingly.]

Part 6. ULDC, Art 4.B.1.A.15, Assembly Nonprofit Membership (page 30 of 142), is hereby amended as follows:

Reason for amendment: To establish thresholds for assembly uses to ensure compatibility with surrounding uses.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

15. Assembly, Nonprofit Membership

A site or facility owned or operated by a not-for-profit organization for social, education or recreational purposes where paid membership is required. Typical uses include fraternal or cultural organizations and union halls.

a. Frontage and Access

The use shall front a collector, arterial or local commercial street. A place of assembly with collocated uses, or more than 15,000 square feet of GFA or 350 seats, including accessory uses, shall have frontage on and access from a collector or arterial street.

b. AR/RSA

May be permitted in the AR/RSA with a SA FLU, subject to a Class A conditional use approval. [Ord. 2005 – 002]

c. TND District

Nonprofit membership assembly shall be limited to a maximum of 10,000 square feet of GFA.

d. PO District

A nonprofit membership assembly shall be government owned and operated.

e. Location Criteria

Places of assembly shall be located in accordance with Art. 4.B.1.A.14.d, AGR district and Art. 4.B.1.A.14.f, Location Criteria.

Part 7. ULDC, Art 4.B.1.A.29, Place of Worship (page 35 of 142), is hereby amended as follows:

Reason for amendment: 1) To update definition to be consistent with Ord. 2005-041 (approved on August 25, 2005) changes to Art. 4.B.1.A.29, Place of Worship; 2) Clarify frontage and access limitations; 3) Clarify DRO approval; and 4) Establish thresholds for assembly uses to ensure compatibility with surrounding uses.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

29. Place of Worship [2005-041]

Means a ~~premise or site sanctuary including which may include~~ a retreat, convent, seminary or other similar use facility, owned or operated by a tax-exempt religious group that is used periodically, primarily or exclusively for religious worship, activities and related services. A place of worship may include collocated facilities ~~—Collocated facilities~~ that may require additional approval, ~~such as except as provided below by F.S., include~~ a day care, school, cemetery, or CLF. [2005-041]

a. Frontage and Access

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 N

PLACES OF ASSEMBLY

(Updated 12/28/05)

A place of worship with collocated accessory facilities uses such as a day care, school, CLF, or cemetery; or, in excess of 15,000 square feet of GFA or 350 seats, including accessory uses, ~~community center, rectory, convent or seminary~~, shall have frontage on and access from a collector or an arterial street.

1) **Access**

~~A church or place of worship in excess of 15,000 square feet of GFA or 350 seats, including collocated facilities and accessory uses, shall have legal access to a collector or arterial street. The County Engineer or PZB may, as a condition of approval, recommend that a church or place of worship below this threshold have access to a collector or arterial street. [Some text Relocated above.]~~

2) **AGR**

~~A church or place of worship in the AGR district shall not be located west of SR 7/US 441. [Relocated to location criteria for places of assembly.]~~

b. **Use Limitations**

1) **DRO Approval Permitted Use**

A ~~church or~~ place of worship not exceeding 3,000 square feet of GFA or 150 seats, including collocated and accessory uses, shall be permitted in the CN, CC, CG, MUPD, MXPD, TMD districts, and a commercial pod in a PDD or TDD subject to DRO approval. [Ord. 2005 – 002]

2) **Accessory/Collocated Use**

A ~~church or~~ place of worship not exceeding 3,000 square feet of GFA or 150 seats shall be permitted as an accessory use to an assembly, civic, educational or recreational use in any non-residential district, except IL, IG or a PDD with an IND FLU designation, subject to approval by the DRO.

3) **Temporary Sales**

Temporary sales, such as rummage, bake, or seasonal sales, shall be permitted as an accessory use. Temporary sales greater than three consecutive days shall obtain a Special Permit for Temporary Retail Sales.

4) **Limited Day Care**

A limited day care shall be permitted as a collocated an-accessory use to a ~~church or~~ place of worship with a minimum of 3,000 square feet of GFA or 150 seats subject to ~~approval by the~~ DRO approval. [Ord. 2005 – 002]

5) **INST**

In the INST FLU designation, affordable housing shall be permitted as an accessory use to a ~~church or~~ place of worship, subject to approval of a Class A conditional use. Such housing shall be requested and under the direct supervision of a sponsoring nonprofit organization or community based group, provided at below market rental rates, and not for resale. The number of units allowed shall be determined by the Planning Director based on a land use compatibility analysis of the surrounding area.

6) **TND District**

A Place of worship shall be limited to a maximum of 10,000 square feet of GFA.

c. **Location Criteria**

Places of assembly shall be located in accordance with Art. 4.B.1.A.14.d, AGR district and Art. 4.B.1.A.14.f, Location Criteria.

Part 8. **ULDC, Table 6.A.1.B-1, Minimum Off-Street Parking and Loading Requirements (page 6 of 34), is hereby amended as follows:**

Reason for amendment: 1) To update title to be consistent with Ord. 2005-041 (approved on August 25, 2005) changes to Art. 4.B.1.A.29, Place of Worship; 2) to clarify parking requirements for principal places or worship, other places of assembly, and collocated uses classified with the definition of another listed use (Art. 4.A.3, Use Matrix); and, 3) to ensure that requirements are consistent with all places of assembly; whereas, recent development trends for places of assembly or worship oftentimes include additional accessory facilities such as: meeting rooms, fellowship halls, gymnasiums, office space, large kitchen facilities and dining rooms or other similar uses, which require additional parking calculations (i.e. 1 per 200 sq. ft.) in addition to the traditional calculations for seating only. Note that where an applicant can demonstrate that principal and accessory facilities are not utilized at the same time, would be eligible for shared parking in accordance with Art. 6.A.1.D.10, Shared Parking.

(This space intentionally left blank.)

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 N

PLACES OF ASSEMBLY
(Updated 12/28/05)

1

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

Use Type: Public/Civic	Parking ¹	Loading ²
<p>.... Assembly, nonprofit institutional or membership</p>	<p>1 space per 3 seats or 1/ 200 sq. ft. for the principal place of assembly, whichever is greater. <u>1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses.</u> <u>Collocated uses classified with the definition of a use listed in Art. 4.B.1, Uses, calculated separately</u></p>	<p align="center">A</p>
<p>.... Church or place <u>Place</u> of worship</p>	<p>1 space per 3 seats or 200 sq. ft. for the principal place of worship, whichever is greater. (schools, auditoriums, day care centers, and other principal uses calculated separately) <u>1 space per 200 sq. ft. for permitted accessory uses not otherwise classified as collocated uses.</u> <u>Uses such as retreats, rectories, convents or seminaries shall use CLF parking and loading.</u> <u>Collocated uses classified with the definition of a use listed in Art. 4.B.1, Uses, calculated separately</u></p>	<p align="center">A N/A</p>
<p>....</p>		
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]

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

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\EXHIBIT N - Places of Assembly.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 O

PARKS AND RECREATION

(Updated 12/28/05)

Part 1. ULDC, Art. 4.B.1.A.92, Park, Neighborhood Infill (page 59 of 142), is hereby amended as follows:

Reason for amendment: The intent of this provision was to apply it strictly to County owned CCRT neighborhood parks. This change will correct prior language that extends the coverage of this provision outside of BCC designated CCRT Areas and also to private development which was never its intent.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

92. Park, Neighborhood Infill

PBC public parks facilities Facilities usually less than two and one half acres located in the Revitalization and Redevelopment Overlay as designated by the BCC or in any residential neighborhood. Infill neighborhood parks, including includes passive and active recreational facilities, are generally few in number due to size constraints and are developed according to the demands and character of the specific neighborhoods that they serve. Access is primarily pedestrian oriented with no support facilities such as parking lots or restrooms provided.

Part 2. ULDC, Art. 4.B.1.A.93, Park Passive, (page 60 of 142), is hereby amended as follows:

Reason for amendment: Passive parks by definition provide for a broader range of recreational uses that is implied in this definition. A park preserve more appropriately defines the types of uses contemplated in this paragraph. This change from passive park to park preserve is there for a more consistent with Comprehensive Plan definitions.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

93. Park, Passive

A public or private outdoor recreation area relying on a natural or man-made resource base and developed with a low intensity of impact on the land. Typical uses include trail systems, wildlife management and demonstration areas for historical, cultural, scientific, educational or other purposes that relate to the natural qualities of the area, and support facilities for such activities.

a. PC District

In the PC district, a passive park use shall generally include but not be limited to nature and foot trails; canoe trails; wildlife management performed by official game, fish and wildlife commissions; public hunting and fishing camps; the use of boats, airboats and wheeled and tracked vehicles under policies and regulations prescribed by the appropriate government agencies; hunting and fishing camps on private property under policies prescribed by official game, fish and wildlife commissions; exploration, observation and archeological studies supervised by recognized authorities or persons granted permission to proceed by the State of Florida; publicly operated passive parks preserves and passive recreation areas; and residences for preservation management officers or substantially similar recreational conservation accessory uses.

Part 3. ULDC, Art. 5.D.2.A.1, Countywide Parks (page 33 of 56), is hereby amended as follows:

Reason for amendment: Additional language has been added to reflect Comprehensive Plan LOS and CIE funding for Countywide parks.

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 2 Types of Parks

A. Countywide Parks and Preservation/Conservation Areas

1. Countywide Parks

The PBC Parks and Recreation Department supplies a countywide system of public park and recreational facilities for which Level of Service (LOS) standards are established in the

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 O

PARKS AND RECREATION

(Updated 12/28/05)

Recreation and Open Space Element of the Plan. For purposes of park concurrency, Regional, Beach and District Park LOS are established and Park Impact Fees assessed on new residential development to maintain the countywide park systems LOS concurrent with growth. The CIE is updated annually to include projects needed to meet countywide Comprehensive Plan LOS that will be funded through the Parks and Recreational Department's ongoing Capital Improvement Program.

Part 4 ULDC, Art.5.D.2.B, Community and Neighborhood Park and Recreation Standards (page 34 of 56), is hereby amended as follows:

Reason for amendment: 1) This proposed change will clarify the intent and rules by which a reduction in the minimum required recreation area will be permitted. 2) This proposed change will eliminate the provision that allows private non-homeowner controlled recreational facilities to count towards minimum required recreation areas. In practice these types of private facilities are difficult or impossible to reserve for use by residents in perpetuity, and are better suited as commercial recreation or private civic uses that should no longer be credited towards meeting required recreation areas for homeowners needs. 3) This revision moves the "Minimum recreation area parcel dimensions" to its proper location under Recreation Areas" and will clarify the intent and rules by which an administrative reduction in the minimum required recreation area will be permitted.

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 2 Types of Parks

B Community and Neighborhood Park Recreation Standards

4. Reduction in Recreation Area Land Requirement

The Parks and Recreation Department may allow reduction of the recreation land area requirement by not more than up to 25 percent when other open space tracts are platted and made available to residents for recreational purpose and the combined value of the recreation facilities to be constructed and the resulting reduced land area exceeds the total value of the recreation land area and facilities requirement of Article 5.D.2.B.2, Calculation of Required Recreation, by a minimum of 25 percent.

9. ~~Other Credits~~ *Minimum Recreation Area Parcel Dimensions*

~~Where private or equity membership clubs, golf courses, and other recreational related facilities exclusive of a property owners association are provided in conjunction with the development, credit of 50 percent of the requirement of Article 5.D.2.B.2, Calculation of Required Recreation, for recreation areas on a plat by plat basis for the entire development may be applied for those facilities which are available in perpetuity for the use of the residents of the development.~~

Any parcel used to satisfy Parks and Recreation Standards shall meet the following requirements:

a. Minimum Parcel Size

Minimum parcel size shall be 7,500 square feet exclusive of easements and landscape buffers.

b. Minimum Parcel Width

Minimum parcel width shall average 75 feet with no dimension less than 50 feet.

c. Minimum Parcel Depth

Minimum parcel depth shall average 100 feet with no dimension less than 75 feet.

d. Waiver of Minimum Parcel Dimensions

The Parks and Recreation Department may reduce the minimum recreation parcel dimensions by not more than ten percent when considering location, abutting land uses, accessibility, recreation facilities to be offered and the parcels function in the overall recreation and open space network of the development.

Part 5. ULDC, Art.5.D.2.F, Minimum Recreation Area Parcel Dimensions (page 34 of 56), is hereby amended as follows:

Reason for amendment: This paragraph has been deleted here and relocated to Art. 5.D.2.B.9.

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 2 Types of Parks

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 O

PARKS AND RECREATION

(Updated 12/28/05)

~~F. Minimum Recreation Area Parcel Dimensions~~

~~Any parcel used to satisfy Park and Recreation Standards shall meet the following requirements:~~

~~a. Minimum Parcel Size~~

~~Minimum parcel size shall be 7,500 square feet exclusive of easements.~~

~~b. Minimum Parcel Width~~

~~Minimum parcel width shall average 75 feet with no dimension less than 50 feet.~~

~~c. Minimum Parcel Depth~~

~~Minimum parcel depth shall average 100 feet with no dimensions less than 75 feet.~~

~~d. Waiver of Minimum Parcel Dimensions~~

~~The Park and Recreation Department may reduce the minimum recreation parcel dimensions when considering location, abutting land uses, accessibility, recreation facilities to be offered and the parcel function in the overall recreation and open space network of the development.~~

Part 6. ULDC, Art.5.D.2.G, Phasing (page 35 of 56), is hereby amended as follows:

Reason for amendment: This proposed change will clarify the intent and rules by which an administrative phasing plan will be permitted to extend the number of permits issued prior to the minimum required recreation area being completed and opened for homeowners use. At times the 40 percent of building permits measure doesn't allow for the orderly continuation of a project especially where it is building out a rapid pace. This rule will now also apply to single-phased projects.

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 2 Types of Parks

G. Phasing

Any development required to provide recreation shall follow one of the following phasing plans:

1. Single Phasing

When the development is to be constructed in a single phase, or where each phase will provide recreational facilities specifically for the residents of that phase, then the recreational site(s) for that phase shall be site planned, or platted, concurrent with that phase of construction. No more than 40 percent of the building permits for residential units shall be issued for the phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, or unless a phasing plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department.

2. Multiple Phasing

When the development is to be constructed in multiple phases or plats and one or more required recreational site(s) is/are intended to serve the residents of two or more phases of the development, then the following sequence shall be adhered to:

- a. The recreation site(s) shall be site planned concurrent with the site plan for the first phase of residential development for which the recreational site will serve.
- b. The recreation site(s) shall be platted concurrent with the plat for the residential development phase they will serve. No more than 40 percent of the building permits for residential units shall be issued for any phase until the recreational improvements have been completed in their entirety and open for use and accessible to the residents, residents, or unless ~~otherwise agreed to~~ a phasing plan for completion of the required recreation area is agreed to and approved by the Parks and Recreation Department.

Part 7. ULDC, Art.5.D.2, Types of Parks (page 35 of 56), is hereby amended as follows:

Reason for amendment: This new section provides for County Park Landscaping Standards that are consistent with traditional public park and open space projects and that aids the health safety and welfare of the public through Community Policing Through Environmental Design (CPTED) principles. This proposed change is needed to recognize the unique character, design considerations, and community benefits provided by significant public parks as important open space element in the County. Extensive buffering, screening, and landscape requirements now placed on public park projects is counterproductive and contrary to design and aesthetic principles of CPTED and open space that are needed to create the vistas and views that add visual continuity promoted by the Parks and Recreation Department.

CHAPTER D PARKS & RECREATION – RULES AND RECREATION STANDARDS

Section 2 Types of Parks

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 O

PARKS AND RECREATION

(Updated 12/28/05)

H. County Park Landscape Standards

This section recognizes that public parks require landscaping flexibility to address unique circumstances and design requirements. Deviations for PBC owned and operated public parks from the landscaping requirements of Art. 7, Landscaping, are as follows:

1. General Standards

a. Minimum Tree Quantities

A minimum of one tree is required per 1,000 sq. ft. overall area, excluding lakes and organized recreation areas.

b. Minimum Shrub Quantities

A minimum of one shrub is required per 1,250 sq. ft. overall area, excluding lakes and organized recreation areas.

c. Interior and Perimeter Buffer Trees

A minimum of 75 percent of required trees shall be canopy trees. Palms or pines may be counted as one canopy tree, not to exceed 25 percent of the total number of required trees.

d. Foundation Planting

1) Exemption

Open air pavilions, bathrooms, scoreboxes, mechanical vaults, and similar park structures less than 2,000 sq. ft. are exempt from foundation planting requirements.

2) Dimensions

Foundation planting shall be provided along a minimum of 50 percent of front and side facades, and the rear facade if oriented towards any public use area. Width shall be a minimum of five feet along front and rear facades, where required, and eight feet along side facades.

2. Perimeter Buffer Landscape Requirements

a. R-O-W Buffers

R-O-W buffer widths shall be 25 feet for passive recreation uses and 50 feet for active recreation uses. Buffers shall be exempt from the shrub and hedge planting requirements of Table 7.C.3-1, Minimum Tier Requirements and Art. 7.F.2.B, Shrubs, unless adjacent to parking lots and loading areas. Required trees may be planted in a natural pattern.

b. Compatibility Buffer

Compatibility buffers shall be a minimum of 15 feet in width. Buffers shall be exempt from the shrub and hedge planting requirements of Table 7.C.3-1, Minimum Tier Requirements and Art. 7.F.8, Compatibility Buffer. Required trees may be planted in a natural pattern.

c. Incompatibility Buffer

Incompatibility buffers shall be a minimum of 25 feet in width. The minimum number of layers of shrubs indicated in Table 7.C.3-1, Minimum Tier Requirements may be reduced to two in all Tiers.

d. Pathways in Buffers

Pedestrian pathways, exercise trails and other related recreational trails may be allowed to meander in required R-O-W and compatibility buffers.

e. Berms

Berms shall be permitted in any perimeter buffer in all Tiers.

f. Fences and Walls

Walls and fences may be located along the property line, and may be exempt from the tree, shrub and hedge requirements of Art. 7.F.3, Walls and Fences. Vinyl coated chain link fences are permitted in any perimeter buffer in any Tier, and may be exempt from the requirements of Art. 7.F.3.C, Chain Link Fences.

3. Off Street Parking Requirements

a. Interior Islands

One interior island a minimum of ten feet in width shall be required per ten spaces, in all Tiers (maximum 100 feet apart).

Part 8. ULDC, Art. 7.A.1.C, Applicability, Effect on Previously Permitted Projects (page 11 of 48), is hereby amended as follows:

Reason for amendment: Clarification in support of amendments for County Park Landscape Standards and correction to title.

CHAPTER A GENERAL

Section 1 Landscape and Buffering

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 O

PARKS AND RECREATION

(Updated 12/28/05)

C. ~~Applicability, Effect on Previously Permitted Projects~~

The provisions of this Article shall be considered minimum standards and shall apply to all new development except development exempted in ~~Article Art.~~ 7.A.1.E, Exemptions, and deviations allowed by Art. 7.A.1.E, Deviations. For previously approved development orders, refer to Art. 1.F, Nonconformities.

Part 9. ULDC, Art. 7.A.1, Landscape and Buffering (page 11 of 48), is hereby amended as follows:

Reason for amendment: Clarification in support of amendments for County Park Landscape Standards, to ensure that proposed deviations requested by Parks and Recreation and clearly referenced in Article 7, Landscaping.

CHAPTER A GENERAL

Section 1 Landscape and Buffering

....

F. Deviations

Deviations to the minimum standards of this Article may be permitted for PBC parks, as specified in Art. 5.D.2.H, County Park Landscape Standards.

Part 10. ULDC, Table 7.C.3-1, Minimum Tier Requirements (page 13 of 48), is hereby amended as follows:

Reason for amendment: Correct glitch to reference for note #5, and add note referencing Art. 5 deviations for parks.

(This space intentionally left blank.)

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 O

PARKS AND RECREATION

(Updated 12/28/05)

1

Table 7.C.3-1 – Minimum Tier Requirements

Code Requirements	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
Landscape Buffers⁶			
Design	Linear design, formal arrangement of elements, traversing sidewalks	Meandering, more naturalistic with shrub cluster and varying heights	Increased depth, buffers often adjacent to interior open space, unimproved pathway surfaces
Berms	Optional	Optional	No ¹
Fences/Walls	Optional ²	Optional ²	Optional ^{2,3}
Layers of Shrubs and Ground Cover ⁴	3	4	3
Interior Landscaping⁶			
Minimum Tree Quantities ⁵ – Residential Lot	1 per 1,250 sq. ft. (max. 15)	1 per 1,000 sq. ft. (max. 30)	1 per 800 sq. ft. (max. 30)
Minimum Tree Quantities ⁵ – Non-Residential Lot	1 per 2,000 sq. ft.	1 per 1,500 sq. ft.	1 per 1,200 sq. ft.
Minimum Medium Shrub Quantities ⁵ – Residential Lot	3 per 1,250 sq. ft. (max. 45)	3 per 1,000 sq. ft. (max. 90)	3 per 800 sq. ft. (max. 90)
Minimum Medium Shrub Quantities ⁵ – Non-Residential Lot	3 per 2,000 sq. ft.	3 per 1,500 sq. ft.	3 per 1,200 sq. ft.
Pervious Surface Area (Overall Lot)	30 percent	40 percent	50 percent
Interior Islands	1 per 10 spaces	1 per 8 spaces	1 per 6 spaces
Interior Islands Landscape Width	8 ft.	10 ft.	12 ft.
Protective Curbing	Yes	Yes	Optional
Plant Standards⁶			
Minimum Tree Height (Perimeter)	12 ft.	12 ft.	12 ft.
Minimum Tree Height (Interior)	12 ft.	12 ft. (average)	12 ft. (average)
Palms Substitute (3 palms for 1)	Yes	Yes – Native clusters only	Yes – Native clusters only
Foundation Planting^{6,8}			
Foundation Planting Width	5 ft. along front façades 8 ft. along side façades	10 ft. all sides	12 ft. all sides
Façades to be Planted	Front & Sides	Front, Sides & Rear	Front, Sides & Rear
Percentage of Façade	40 percent	50 percent	60 percent
[Ord. 2005 – 002]			

Notes

1. May be allowed with an approved ALP.
2. Unless required by Art. 7.F.9, Incompatibility Buffer.
3. Walls and fences shall be built from natural materials, such as wood, stone, etc.
4. Refer to Shrub Hierarchy requirements in Table 7.F.7.B-6, R-O-W Buffer Shrub Type. Minimum interior quantities required in addition to perimeter buffer landscape requirements. Shall be calculated based on gross lot area, excluding preservation areas and lake tracts.
5. ~~Traditional Development Districts (TDDs)~~ are exempt from foundation planting requirements for primary and secondary building frontages, buildings along an alleyway or accessway to a parking area, or where buildings front on a plaza or square. [Ord. 2005 – 002]
6. Deviations shall be permitted for PBC owned and operated public parks in accordance with Art. 5.D.2.H, County Park Landscape Standards.

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

Part 11. ULDC, Table 7.G.E.2, Wheel Stops (page 39 of 48), is hereby amended as follows:

Reason for amendment: Parks and Recreation Department request.

CHAPTER G OFF-STREET PARKING REQUIREMENTS

Section 2 Landscape Islands

E. Landscape Protection Measures

2. Wheel Stops

Wheel stops shall have a minimum height of six inches above the finished grade of the parking area, properly anchored, and continuously maintained in good condition. The space between the wheel stop and the front end of the parking space may be paved for anchoring and maintenance purposes. Wheel stop anchor rods shall be set through the wheelstop and the pavement. The bottom of the wheel stop must rest fully on the pavement to prevent rocking. Public parks in the PO District that are exempt from curbing requirements shall also be exempt from wheel stop requirements.

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\EXHIBIT O - Parks and Rec.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 P

ENVIRONMENTAL RESOURCES MANAGEMENT (ERM)

(Updated 12/28/05)

Part 1. ULDC, Art. 1.I.3, Abbreviations and Acronyms (page 94 of 96), is hereby amended as follows:

Reason for amendment: 1) Additional acronym needed for existing code language; and, 2) correction to existing acronym for USACE.

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

GNRPB Groundwater and Natural Resources Protection Board

USACE United States Army Corps of Agriculture-Engineers

Part 2. ULDC, Art. 3.E.2.F.3.c, Uses (page 77 of 125), is hereby amended as follows:

Reason for amendment: ERM specified uses permitted by the Code in the Preserve Management Plan.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS

Section 2 Planned Unit Development (PUD)

F. AGR PUD

3. Preservation Area

c. Uses

Uses allowed in a Preservation Area are indicted in Table 3.E.1.B-10, PDD Use Matrix, and specified by the Preserve Management Plan as approved by ERM.

Part 3. ULDC, Art. 4.D.2.A, Conflicting Provisions (page 118 of 142), is hereby amended as follows:

Reason for amendment: ERM added the US Army Corps of Engineers as one of wetland permitting agencies.

CHAPTER D EXCAVATION

Section 2 Applicability

A. Conflicting Provisions

To the extent provisions of this Section conflict with regulations of other applicable regulatory agencies, the more restrictive regulations shall apply. Other permitting agencies include but are not limited to SFWMD, Florida Game and Fresh Water Fish Commission, USACE, DEP, and ERM.

Part 4. ULDC, Art. 4.D.4.B.10, Wetlands (page 120 of 142), is hereby amended as follows:

Reason for amendment: ERM added the US Army Corps of Engineers as one of wetland permitting agencies.

CHAPTER D EXCAVATION

Section 4 Prohibitions and Exemptions

B. Exemptions

10. Wetlands

Excavation activities within jurisdictional wetlands that have been issued permits pursuant to Wetlands Protection requirements or have been issued a permit for wetland impacts through the Environmental Resource Permit (ERP) process by DEP, USACE, SFWMD, or any other agency with ERP delegation for PBC.

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 P

ENVIRONMENTAL RESOURCES MANAGEMENT (ERM)

(Updated 12/28/05)

Part 5. ULDC, Art. 4.D.4.B.13, Canals of Conveyance (page 120 of 142), is hereby amended as follows:

Reason for amendment: ERM added the US Army Corps of Engineers as one of wetland permitting agencies.

CHAPTER D EXCAVATION

Section 4 Prohibitions and Exemptions

B. Exemptions

13. Canals of Conveyance

Canals of conveyance that require permits from SFWMD, USACE, DEP, or ERM pursuant to Wetlands Protection requirements.

Part 6. ULDC, Art. 4.D.8.C.3, Littoral Planting Reclamation Standard (page 135 of 142), is hereby amended as follows:

Reason for amendment: 1) ERM added a requirement for littoral zones in excavated lakes in an area of the County that was exempt (West County Agricultural Area) if the use of the property is changed from agricultural to more intensive uses. The purpose of this amendment is consistency, this area has only been used for agricultural purposes which has been traditionally exempted from littoral zones. ERM shall regulate more intensive uses consistently with other areas of the County; and, 2) This amendment prevents credit for planting that has been required as mitigation for previous enforcement actions.

CHAPTER D EXCAVATION

Section 8 Technical Standards

C. Reclamation Standards

3. Littoral Planting Reclamation Standard

All Agricultural (excluding WCAA), Type II and Type III Excavations, excluding ponds, shall comply with the following littoral zone standards. Exempted excavations within the WCAA shall provide a littoral zone if the land use ceases to be agricultural.

a. Planted Littoral Zones

Planted littoral zones shall be provided which comprise, at a minimum, an area equivalent to eight square feet per linear foot of shoreline. Creativity in design in the placement of the planted littoral zone is strongly encouraged, such as extended areas in one portion of the lake or at the discharge point. For basins with multiple lakes that are interconnected, littoral zones may be concentrated within one or more lakes so long as the basin as a whole contains the total required littoral area. The planted littoral zone area shall be limited to the area between one foot above OWL and two feet below OWL. If the applicant demonstrates to ERM that the planted littoral area elevations should differ from this requirement based on site specific conditions and based on fluctuations around the OWL, ERM may approve planted littoral area elevations other than those elevations stated above. Requirements for littoral zone planting shall be in addition to any planting for wetland mitigation required by DEP, SFWMD, USACE, ERM or any other agency with wetland jurisdiction.

Part 7. ULDC, Art. 10.C, Groundwater and Natural Resources Protection Board (page 6 of 11), is hereby amended as follows:

Reason for amendment: ERM request to clarify existing authority.

CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD

ERM may refer alleged violations of Article 14, Environmental Standards, or Article 4.D, Excavation, of this Code and Ord. 2003-020, Petroleum Storage Systems, Ord. 2003-021, Petroleum Contamination Clean-up criteria, Ord. 2004-050, Stormwater Pollution and Prevention, and Ord. 1993-003, Water and Irrigation Conservation as amended to the GNRPB for prosecution pursuant to the following standards and 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 P

ENVIRONMENTAL RESOURCES MANAGEMENT (ERM)

(Updated 12/28/05)

Part 8. ULDC, Art. 14.C.11.B.1, Removal of Prohibited Invasive Non-Native Vegetation (page 36 of 56), is hereby amended as follows:

Reason for amendment: ERM clarified what parcels are included under the requirement to remove prohibited vegetation.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 11 Standard Permit

B. Technical Requirements for a Standard Permit

1. Removal of Prohibited Invasive Non-Native Vegetation

Removal or eradication of prohibited and invasive non-native vegetation identified in Appendix 6, Prohibited Invasive Non-Native Vegetation, and Appendix 7, Invasive Non-Native Vegetation, shall be completed for the entire parcel or parcels of the Development Order concurrent with the permitted vegetation alteration and prior to receipt of the first CO, if applicable, unless a phasing plan has been approved in writing by ERM. The parcel owner shall thereafter maintain the parcel free of this prohibited invasive non-native vegetation. No additional permit for such maintenance of vegetation shall be required.

Part 9. ULDC, Art. 14.D, Prohibited Invasive Non-Native Vegetation Removal Ordinance (page 50 of 56), is hereby amended as follows:

Reason for amendment: ERM added other Lygodium species found in the County.

APPENDIX 6 PROHIBITED INVASIVE NON-NATIVE VEGETATION

COMMON NAME	SCIENTIFIC NAME	TYPE
Melaleuca, punk tree or paper tree	<i>Melaleuca quinquenervia</i>	Tree
Brazilian pepper	<i>Schinus teribinthifolius</i>	Tree
Australian pine	<i>Casuarina</i> spp.	Tree
Earleaf acacia	<i>Acacia auriculiformis</i>	Tree
Kudzu	<i>Pueraria montana (P. Lobata)</i>	Vine
Old-world climbing fern	<u><i>Lygodium microphyllum</i> spp.</u>	Vine
Air potato vine	<i>Dioscorea bulbifera</i>	Vine
Carrotwood	<i>Cupaniopsis anacardioides</i>	Tree
Schefflera	<i>Schefflera actinophylla</i>	Tree

Part 10. ULDC, Art. 14.D, Prohibited Invasive Non-Native Vegetation Removal Ordinance (page 54 of 56), is hereby amended as follows:

Reason for amendment: ERM added other Lygodium species found in the County.

APPENDIX 11 PROHIBITED VEGETATION REMOVAL SCHEDULE

Common Name	Scientific Name	Year
Old-world climbing fern (<u>non-native</u>)	<u><i>Lygodium microphyllum</i> spp.</u>	
Air Potato vine	<i>Dioscorea bulbifera</i>	2004
Melaleuca, Punk Tree	<i>Melaleuca quinquenervia</i>	2006
Bralian pepper	<i>Schinus terebinthifolius</i>	
Carrotwood	<i>Cupaniopsis anacardioides</i>	2008
Earleaf acacia	<i>Acacia auriculiformis</i>	
Schefflera	<i>Schefflera actinophylla</i>	2010
Australian pine	<i>Casuarina</i> spp.	
Kudzu	<i>Pueraria montana var. lobata</i>	2012

Part 11. ULDC, Art. 17.C.7.B.1, [Related to Powers and Duties] (page 13 of 25), is hereby amended as follows:

Reason for amendment: ERM clarified the authority under which their cases are referred to the Groundwater and Natural Resources Protection 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 P

ENVIRONMENTAL RESOURCES MANAGEMENT (ERM)

(Updated 12/28/05)

1 CHAPTER C APPOINTED BODIES

2 Section 7 Groundwater and Natural Resources Protection Board

3 B. Powers and Duties

4 The GNRPB shall have the following powers and duties:

- 5 1. to hold hearings as necessary to enforce Article 14, Environmental Standards. ERM may
- 6 refer alleged violations of Art. 14 Environmental Standards, and Art. 4.D, Excavation, Ord.
- 7 2003-020, Petroleum Storage Systems, Ord. 2003-021, Petroleum Contamination Clean-up
- 8 criteria, Ord. 2004-050, Stormwater Pollution and Prevention, and Ord. 1993-003, Water and
- 9 Irrigation Conservation as amended to the GNRPB, if there has been a failure to correct a
- 10 violation within the time specified by the Code Inspector, if the violation has been repeated, or
- 11 is of such a nature that it cannot be corrected;

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

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\EXHIBIT P - ERM.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 Q

HEALTH DEPARTMENT (AIR CURTAIN INCINERATOR)

(Updated 12/28/05)

AIR CURTAIN INCINERATOR WHITE PAPER PREPARED BY THE PALM BEACH COUNTY HEALTH DEPARTMENT

The Palm Beach County Health Department regulates air curtain incinerators (ACI) as air pollution sources. ACI generally fall under two categories. The first category is a temporary ACI used for the open burning of land clearing debris generated on site as part of development. In accordance with rules of the Department of Environmental Protection (DEP), a temporary ACI is not required to get a state air permit provided it operates less than six months. The second category is a permanent ACI that operates as a commercial device and is allowed to burn vegetative debris generated off site and brought in by another party. A permanent ACI is required to have a state air permit.

On August 16, 2005, the BCC adopted the Palm Beach County Open Burning Ordinance. The Ordinance was adopted in response to recent changes to DEP open burning regulations that would have allowed more open burning in the County, and reduced the ability of the Health Department to regulate open burning. The new Ordinance provides for continued or new open burning restrictions and broader regulatory authority for the Health Department. However, the Ordinance only addressed the temporary ACI. An ACI with a state air permit is exempt from the requirements of this Ordinance.

Presently, there is only one permitted ACI operating in Palm Beach County (located in the unincorporated area). The DEP air rules regulating permitted ACI are effective in controlling air pollution emissions. However, the DEP air rules generally do not address the potential for creating nuisance conditions to neighboring communities.

While the PBC Open Burning Ordinance was in the process of undergoing review, the Health Department had to address numerous air pollution complaints from the public regarding open burning at a development site (G.L. Homes, Boynton Beach). The developer was unable to get authorization for a temporary ACI because the material intended to be burned was vegetative debris mulched on-site but originated off-site. Therefore, the developer obtained a regular state air permit. However, the developer operated the ACI as a temporary unit under the ULDC.

This ACI generally met the permitted emission (i.e., smoke) standards. However, the permit conditions allowed earlier start times and later shut down times compared to temporary ACI. Also, as a state permitted ACI, the operations did not have to abide by the no burn days issued by the PBC Fire-Rescue Department.

The Health Department confronted the site developer and operators with the complaints and sought their cooperation in remedying the situation regarding the ACI operation. In response, they agreed to abide by the more restrictive conditions that apply to the temporary ACI. As a result, the complaints dramatically fell off.

Based on the recent experiences with this particular ACI, and previous experiences with other ACI operations, the Health Department is recommending the following revisions to the ULDC as a means to minimize the potential for creating nuisance conditions.

- Exempt the temporary ACI from ULDC requirements. The new PBC Open Burning Ordinance adequately controls this open burning.
- Further limit the actual ACI operating hours. DEP rules allow the operation to begin at sunrise, and allow the burning to continue after sunset. We are proposing the ACI operation be limited to 9:00 am and one hour before sunset. {Weather phenomena called thermal inversions can set up in the early morning or early evening hours. The inversions hinder dispersion and tend to trap smoke and ash near the ground level.}
- Require the ACI to abide by the "no burn days" issued by the PBC Fire-Rescue. The no burn days are based on wind and drought conditions. High winds tend to keep the smoke closer to the ground and prevent vertical dispersion. Open burning during drought conditions increase the likelihood of creating an accidental wild fire.
- Increase the setback from the current ULDC requirement of 500 ft from an abutting residential property line to 1,200 ft. For reference, the maximum setback requirement for a temporary ACI under the PBC Open Burning Ordinance is 1,500 feet from an occupied building. Considering the year round operation and the nature of the operation, large setback distances are recommended to minimize potential smoke and odor impacts to surrounding residential areas.

Health Department staff indicates that all ACI's are regulated by the Florida Department of Environmental Protection: Florida Administrative Code Rules, Chapters 62-296 for permitted ACI, Chapter 62-210 for conditionally exempt ACI, and Chapter 62-296 which allows exceptions for burning of animal carcasses curing emergencies as declared by the Department of Agriculture and Consumer Services. Temporary ACI exempted under the ULDC will be regulated by the PBC Open Burning Ordinance or will be operated

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 Q

HEALTH DEPARTMENT (AIR CURTAIN INCINERATOR)

(Updated 12/28/05)

1 under agricultural usage. All other ACI (temporary and permanent) will be required to obtain a state air
2 permit or Zoning approval. ACI are limited to burning only vegetative debris and untreated wood.

3
4 **Part 1. ULDC, Table 4.A.3.A-1, Use Matrix (pages 16 of 142), is hereby amended as follows:**

Table 4.A.3.A-1 - Use Matrix Continued

Use Type	Zoning District/Overlay																NOTE						
	Agriculture/Conservation			Residential				Commercial					Industry/ Public										
	P C	A G R	A P	AR R U S A		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				
Utilities & Excavation																							
Air Curtain Incinerator		A	A	A	A	A	A	A	A	A	A	A	A	A	B	<u>B</u>	<u>A</u>	<u>B</u>	<u>A</u>	<u>D</u>	<u>A</u>	B	9
....																							

6
7
8 **Part 2. ULDC, Art. 4.B.1.A.9, Air Curtain Incinerator (pages 28 and 29 of 142), is hereby**
9 **amended as follows:**

10 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

11 **Section 1 Uses**

12 **9. Air Curtain Incinerator**

13 A combustion device used to burn trees, brush and untreated wood.

14 **a. Standards**

15 **1) Exemptions**

16 The following temporary air curtain incinerators are exempt from the requirements of
17 this section: Incinerators operating under written approval from the PBC Health
18 Department in accordance with the PBC Open Burning Ord. 2005-020; and
19 incinerators used for the emergency burning of storm generated debris by a local
20 government.

21 **2) Storage**

22 Except in the AP district, on site outdoor storage of unprocessed material shall be
23 limited to 45 days. Pile height shall be limited to 15 feet. Outdoor storage shall be
24 setback a minimum of 25 feet from any property line or 50 feet from any property line
25 adjacent to a residential district or use. Storage areas shall be screened from view
26 pursuant to Art. 5.B, Accessory and Temporary Uses.

27 **3) Hours of Operation**

28 Hours of operation are limited to 8:00 a.m. to 5:00 p.m., Monday through Friday. The
29 incinerator shall not be charged before 9:00 a.m. and shall be completely
30 extinguished one hour before sunset. ~~within 1000 feet of a residentially zoned~~
31 property.

32 **4) No Burn Days**

33 The incinerator shall not operate on "no burn days" as designated by the PBC Fire-
34 Rescue Department.

35 **5) Setback**

36 The incinerator shall be set back a minimum of ~~500~~ 1,200 feet from any property line
37 abutting a residential district or use.

38 **b. Supplemental Application Requirements**

39 **1) Site Plan**

40 A site plan illustrating how the operation functions, circulation routes, square footage,
41 height and location of buildings, incinerator and storage piles.

42 **2) Waste**

43 An explanation of the quantity of waste to be received expressed in cubic yards per
44 day or tons per day.

45 **3) Dust Control**

46 A plan which addresses dust control in traffic, storage and processing areas. Dust
47 control measures may include: additional setbacks, full or partial enclosure of air
48 curtain incinerator and watering or enclosing storage piles. If facility with an air
49

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 Q

HEALTH DEPARTMENT (AIR CURTAIN INCINERATOR)

(Updated 12/28/05)

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
67

curtain incinerator also includes chipping, mulching or composting, adherence to the supplementary use standards applicable to such use shall also be required.

c. Permanent Incinerator

~~A permanent air curtain incinerator shall be permitted only in the AP, IL, IG and PO zoning districts subject to a Class A conditional use.~~

d. Temporary Incinerator

1) Duration

~~The use shall be permitted as a temporary accessory use for a maximum period of six months.~~

2) Setback

~~All PDRs, including setbacks, shall be met. If the applicant is unable to meet the PDRs, the Zoning Division shall be authorized to determine the location of the incinerator and set necessary conditions for landscaping and screening in lieu of a variance.~~

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\EXHIBIT Q - HD-Air Curtain Incinerator.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 R

HEALTH REGULATIONS (FIRE HYDRANT)

(Updated 12/28/05)

Note: The League of Cities Environmental Committee meeting for the review of fire hydrant amendments was held on Wednesday, July 13th. The League of Cities meeting for the approval of fire hydrant amendments was held on Wednesday, August 10th.

Part 1. ULDC, Art. 1.1.2, Definitions (page 39, 45, 84 of 96), is hereby amended as follows:

Reason for amendment: 1) Deleted limitation to minimum amount of days per year for water service to 25 year round residents; 2) Glitch – Reinserted previously omitted text; and 3) Clarified applicability.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

C. Terms defined herein or referenced Article shall have the following meanings:
84. Consecutive Water System - for the purposes of Art. 15, a water supply system which purchases all or some of its water supply from one or more public water systems, and which provides water to at least 15 service connections used by year round residents or which regularly serves an average of at least 25 individuals daily at least 60 days out of the year serves at least 15 service connections used by year round residents or which serves at least 25 year round residents which receives its water from a community water system. [Ord. 2005-003]

E. Terms defined herein or referenced Article shall have the following meanings:
26. Environmental Appeal Board (EAB) - for the purposes of Art. 15, is the five member board appointed by the Environmental Control Board (ECB) to hear appeals under this Article.

S. Terms defined herein or referenced Article shall have the following meanings:
122. Surface Water - water upon the surface of the earth whether contained within natural or artificial boundaries or diffused.
a. For the purposes of Art. 15.A, a recognizable body of water, including swamp or marsh areas, bayheads, cypress ponds, sloughs and natural or constructed ponds contained within a recognizable boundary. This does not include storm water retention or detention areas designed to contain standing or flowing water for less than 72 hours after a rainfall.
b. For the purposes of Art. 15.B, a source of water existing above the surface of the ground and exposed to the atmosphere. [Ord. 2005-003]

Part 2. ULDC, Art. 15.B.8.A.21.a [Related to Distribution] (page 13 of 24), is hereby amended as follows:

Reason for amendment: Incorporates the existing reference to the system pressure requirement being deleted in part 3 below. The minimum fire flow determination for a specific structure will be the responsibility of the fire authority having jurisdiction. This is the approach that has been in place for several years. This process applies to all structures, including residential, commercial, institutional and industrial developments, mobile home parks and recreational vehicle parks; therefore, it is not necessary to list each one individually.

CHAPTER B ENVIRONMENTAL CONTROL RULE II DRINKING WATER SUPPLY SYSTEMS

Section 8 Construction and Design Requirements

A. Design Criteria
21. Distribution
a. The sizing of the distribution lines shall be adequate to provide the maximum day demand plus fire flow without the development of distribution pressures lower than 20 pounds per square inch (20 p.s.i.). The minimum required fire flow shall be established by the fire department having jurisdiction.

Part 3. ULDC, Art. 15.B.8.A.21.e [Related to Distribution] (page 13 of 24), 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 R

HEALTH REGULATIONS (FIRE HYDRANT)

(Updated 12/28/05)

Reason for amendment: This paragraph will be deleted from Section 8 - Construction and Design Requirements. The first sentence is moved to Section 13 - Operation & Maintenance because it involves operation and maintenance of existing fire hydrants. The first sentence will become a new 13-I and the remainder of the paragraph will be deleted as it is no longer is pertinent.

CHAPTER B ENVIRONMENTAL CONTROL RULE II DRINKING WATER SUPPLY SYSTEMS

Section 8 Construction and Design Requirements

A. Design Criteria

21. Distribution

~~e.—Fire hydrants shall be maintained by the owner in accordance with standards established by the "Standards of the American Water Works Association." If a fire hydrant is located downstream of a water meter, the meter shall be designed to provide an adequate flow without excessive pressure drop. Private fire hydrant owners shall be required to request a dedicated private fire line, separate from any drinking water line, where an excessive drop through a metered source exists.~~

[Renumber accordingly.]

Part 4. ULDC, Art. 15.B.8.A.21.f [Related to Design Criteria] (pages 13 and 14 of 24), is hereby amended as follows:

Reason for amendment: Delete the existing 8 – 21.f: in its entirety and replace with new language which will be combined with the existing 8-21.a. The remainder of Section 8 will be re-designated as e., f., and g. instead of g., h., and i.

CHAPTER B ENVIRONMENTAL CONTROL RULE II DRINKING WATER SUPPLY SYSTEMS

Section 8 Construction and Design Requirements

A. Design Criteria

21. Distribution

~~f.—The required fire flow from fire hydrants approved for installation prior to the effective date of this Article shall be a minimum of 500 G.P.M. for two hours. Those approved after the effective date of this Article shall meet the following requirements:~~

- ~~1) Residential Subdivisions. In one or two family dwellings not exceeding two stories in height, the system shall provide capability for fire flow of at least 500 gallons per minute.~~
- ~~2) Family dwellings of three or more units, Commercial, Institutional, or Industrial Subdivisions, or other high daytime or nighttime population density developments; in new subdivisions which include these developments, fire hydrants in the areas of such developments shall provide a minimum fire flow of 1,500 gallons per minute. However, a lower or higher flow may be required by the Fire Marshall or by the appropriate Fire Department official according to the Insurance Services Office recommendations.~~
- ~~3) All systems shall have sufficient storage or other facilities so that the minimum fire flow will be maintained for at least four hours or the current recommendations of the Insurance Services Office, whichever is greater.~~

[Renumber accordingly.]

Part 5. ULDC, Art. 15.B.13, Operation and Maintenance (page 16 of 24), is hereby amended as follows:

Reason for amendment: "Transient" and "Consecutive" are added to the opening paragraph of this section in order to clarify the types of water systems included under this rule.

CHAPTER B ENVIRONMENTAL CONTROL RULE II DRINKING WATER SUPPLY SYSTEMS

Section 13 Operation and Maintenance

The following operation and maintenance requirements shall apply to community, transient non-community, ~~and~~ non-transient non-community, and consecutive water systems, except ~~for only~~ Art. 15.B.13.A, Art. 15.B.13.D, Art. 15.B.13.E, Art. 15.B.13.F, Art. 15.B.13.G and Art. 15.B.13.I shall also apply when applicable to limited use water systems:

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 R

HEALTH REGULATIONS (FIRE HYDRANT)

(Updated 12/28/05)

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

Part 6. ULDC, Art. 15.B.13.I [Related to Operation and Maintenance] (page 16 of 24), is hereby amended as follows:

Reason for amendment: 1) Begins with a modified original first sentence of 8-21.e. with the addition of "fire flow tested" to clarify the type of testing that is needed for reporting. Fire flow testing will give quantified results for water pressure and the water flow available in case of a fire; 2) Reporting of fire flow test results has always been required by the ordinance, however, the rule was not specific as to who the information is reported to, and when it is due. This is now defined. Originally, the ordinance required annual testing, but now allows for a three year cycle which has typically been the practice throughout the County; and, 3) The minimum fire flow for existing systems is referenced back to Section 8, Design and Construction Requirements.

CHAPTER B ENVIRONMENTAL CONTROL RULE II DRINKING WATER SUPPLY SYSTEMS

Section 13 Operation and Maintenance

- I. Fire hydrant maintenance and fire flow testing shall be the responsibility of the owner of the fire hydrant. Maintenance and fire flow testing shall be performed in accordance with the "Standards of the American Water Works Association Manual M-17" and as indicated below:
 - ~~1. The supplier of water shall establish~~ A routine testing and maintenance program shall be established for ~~on each fire hydrant connected to its system. The frequency of testing shall be a minimum of once per year or other schedule recommended by the manufacturer and approved by the Department.~~
 - 2. Fire flow testing of hydrants shall be performed on a three year cycle, such that all hydrants in a system are fire flow tested at least once every three years unless recommended by the manufacturer or the Department to be more frequent. Owners of fire hydrants which do not utilize local fire departments or water utility departments to perform or oversee the fire flow testing shall report all available results of testing to the Department by January 1st of each year with all hydrants accounted for within the required cycle.
 - 3. The minimum required fire flow from fire hydrants shall be determined as per Art. 15.B.8.21.a.

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\EXHIBIT R - HD-Fire Hydrant.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 S

COMMERCIAL COMMUNICATION TOWER

(Updated 12/28/05)

Part 1. ULDC, Art. 1.1.2, Definitions, (pages 37, 41 and 70 of 96), is hereby amended as follows:

Reason for Amendment: Amendments required to ensure consistency with recently adopted in 2005 Florida State House Bill H305 and Senate Bill S620.

CHAPTER I DEFINITIONS AND ACRONYMS

Section 2 Definitions

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

41. Collocation - the placement of more than one service providers' antenna on an existing commercial communication tower or structure. The term collocation also includes the ground-mounted, structure-mounted or roof-mounted installation of the accessory equipment and structures needed for the functioning of the wireless facility.

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

12. Defined Search Area - the geographic area in which an antenna is proposed to be located to provide the carrier's designed service.

[ReNUMBER accordingly.]

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

84. Propagation Study - for the purposes of Art. 4, a method utilized by radio-frequency (RF) engineers for site placement. The study indicates signal strength as it relates to adjacent sites to ensure quality calls and handoffs, including the potential for towers or tall structures within the study area to be utilized for collocation and the avoidance of additional towers.

Part 2. ULDC, Art. 4.C, Communication Tower, Commercial, (page 88 of 142), is hereby amended as follows:

Reason for amendment: Amendments required to ensure consistency with recently adopted in 2005 Florida State House Bill H305 and Senate Bill S620.

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 2 States of Emergency

The PZ&B Executive Director may request a waiver to the review timeframes for each case of a declared emergency that directly affects the permitting activities of the local Government.

[ReNUMBER Accordingly.]

Part 3. ULDC, Art. 4.C.3, Standards, (page 110 of 142), is hereby amended as follows:

Reason for amendment: Amendments required to ensure consistency with recently adopted in 2005 Florida State House Bill H305 and Senate Bill S620.

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 3 Standards

L. Location of Existing Towers

At the time of any tower application submittal to the appropriate reviewing body, the applicant shall comply with the following:

1. Provide or update previously submitted data indicating the location of their towers; latitude and longitude; tower height; and tower type.

2. Submit a search ring an alternative structure map with a minimum of one mile radius around the proposed site. The ring alternative structure map shall include the location of all existing towers located within the search one mile radius area. Search rings An alternative structural map shall not be required for television towers.

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 S

COMMERCIAL COMMUNICATION TOWER
(Updated 12/28/05)

M. Propagation Study

At the time of application submittal to the appropriate reviewing body for a new commercial communications tower, the provider shall submit a propagation study prepared by a professional engineer, licensed in the State of Florida, to justify the need to construct a new tower. Propagation studies shall not be required for television towers.

1. Required Information

Propagation studies shall include the following information:

- a. the location of other sites considered, including potential options for collocation and alternative sites or properties;
b. desired signal strength in the area to be served; and
c. current RF coverage and predicted RF coverage following installation and use of the new tower facility; and
d. the number of existing users within the area to be served denied access due to lack of capacity.

....

Q. Additional Standards and Requirements

1. Aircraft Hazard

- a. Towers shall not be a hazard to air navigation as determined by the FAA.
b. Prior to the issuance of a building permit for a tower, proof of compliance with applicable requirements of the FAA and Art. 16, Airport Regulations; of the Code, shall be provided in a manner acceptable to the Zoning Director.

2. Lighting

The least intensive nighttime method of illumination acceptable to the FAA shall be utilized. To the extent possible, strobe lighting or similar types of lighting shall not be utilized. All required lighting shall be maintained on an as needed basis by the owner of the tower.

3. Inspections

All towers shall be inspected in compliance with FCC regulations or as required by the Building Division.

....

Part 4. ULDC, Art.4.C.4.A, Replacement [Related to Tower Replacement and Height Increases] (page 113 of 142), is hereby amended as follows:

Reason for amendment: Amendments required to incorporate Florida State House Bill H305 and Senate Bill S620.

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 4 Tower Replacement and Height Increases

A. Replacement

1. Conforming Towers

An existing conforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement tower shall comply with the siting siting requirements of this Section.

- a. The replacement tower shall accommodate a minimum of two providers.
b. The replacement tower shall be of the same or lesser impact than the existing structure pursuant to the defined tower hierarchy.
c. The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
d. The replacement tower shall be subject to review by the Zoning Division through the DRO, Art. 2.D.1, Development Review Officer, administrative amendment process.

e. The tower may be structurally modified to allow collocation.

2. Nonconforming Towers

An existing nonconforming tower may be replaced subject to the criteria below. If the criteria is not met, the replacement shall comply with the siting siting requirements of this Section.

- a. The replacement tower shall accommodate a minimum of two providers.
b. The replacement tower shall be of equal the same or lesser impact than the existing structure pursuant to the defined tower hierarchy.
c. The tower may be required to be relocated on site to lessen the impact on adjacent parcels.
d. The replacement tower shall be subject to review by the DRO.
e. The tower may be structurally modified to allow collocation.

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 S

COMMERCIAL COMMUNICATION TOWER
(Updated 12/28/05)

Part 5. ULDC, Art. 4.C.5, Shared Use/Collocation (page 114 of 142), is hereby amended as follows:

Reason for amendment: Amendments required to incorporate Florida State House Bill H305 and Senate Bill S620.

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 5 Shared Use/Collocation

C. Review Process

1. Collocations on Commercial Communication Towers Including Non-conforming Towers

Collocation of antennas on commercial communication towers that meet the following requirements shall be exempt from all other requirements of this Section of the ULDC and shall only be subject to a Building Permit Review:

- a. The collocation does not increase the height of the existing tower, as measured to the highest point of any part of the tower or any existing antenna attached to the tower;
b. The collocation does not increase the area of the approved ground compound for accessory equipment and structures;
c. The collocation shall be consistent with all of the applicable design and aesthetic regulations, or conditions, if any, applied to the first antenna placement onto the tower itself.

2. Collocations on Structure Other Than Commercial Communication Towers

Collocation of antennas, on a structure other than a commercial communication tower that meets the following requirements shall be subject to final DRO review. Collocation that does not meet the requirement below shall be subject to Art. 4.C.6, Communication Panel Antennas, Commercial.

- a. Does not increase the height of the existing structure, as measured to the highest point of any part of the structure or any existing antenna attached to the structure;
b. Does not increase the area of the approved ground compound shall be the accessory equipment and structures; and
c. The collocation are of a design and configuration consistent with all of the applicable design and aesthetic regulations, or conditions, if any, applied to the first antenna placement.

CD. Review Procedures

Prior to submittal of an application for approval of a proposed tower for Conditional use, development order amendment, original DRO, or building permit review, all applicants for communication towers shall comply with the procedures indicated below. An application for the appropriate review process must be submitted within one year of the notice mailing date.

Part 6. ULDC, Art.4.C.6, Communication Panel Antennas, Commercial, (page 115 of 142), is hereby amended as follows:

Reason for amendment: Amendments required to incorporate Florida State House Bill H305 and Senate Bill S620.

CHAPTER C COMMUNICATION TOWER, COMMERCIAL

Section 6 Communication Panel Antennas, Commercial

These standards shall apply to commercial communication panels and antennas mounted on roofs, or attached to buildings or legal billboards (collocations).

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 T

PERMANENT GENERATORS

(Updated 12/28/05)

Recommendations:

LDRAB General Subcommittee: September 14, 2005 meeting. The sub-committee generally approved the proposed amendments, but offered several comments and recommendations, as follows:-ULDC needs to make a reference to the Section of the Building Code, which discusses required locational criteria for generators.

Setbacks

- All agreed to the setbacks outlined during the discussion. Staff will amend the proposed language to reflect the subcommittee's recommendation.

CLFs, Club Houses and Nursing Homes Generators

- Subcommittee advised to add fuel storage requirement to supply enough fuel to operate the generator for a minimum of 72 hour period.

- Subcommittee recommends that HOA's be prohibited from allowing re-occupancy of club houses after a natural disaster until the building damage assessment is performed.

Height

- All agreed to increase the maximum height of residential generators located within required setbacks from 3 feet to 4 feet. Staff will amend the proposed language to reflect the subcommittee's recommendation.

LDRAB/LDRC: LDRAB - Wednesday, October 12, 2005 meeting - Motion to approve with the following recommendation: add the requirement for mandatory generators to be installed in Nursing Homes and CLF Type II, III and remove the proposed requirement to have generators installed in PUD clubhouses, by Marty Klein, seconded by Maurice Jacobson. The motion passed unanimously (10 - 0). LDRC - Wednesday, December 14, 2005 - Found to be consistent with the Plan 14 - 0.

Part 1. ULDC, Art. 3.E.1.C.2, Performance Standards (page 62 of 134), is hereby amended as follows:

Reason for amendment: BCC direction to require PDD clubhouses 2,500 square feet or greater to provide an emergency generator.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 1 General

C. Objectives and Standards

2. Performance Standards

Planned developments shall comply with the following standards:

....

i. Recreation Clubhouse Emergency Generators

A permanent emergency generator shall be required for all PDD clubhouses 2,500 square feet or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators.

Part 2. ULDC, Art.3.F.2.A, Applicability (page 105 of 134), is hereby amended as follows:

Reason for amendment: To require TDD clubhouses 2,500 square feet or greater to provide an emergency generator.

CHAPTER F TRADITIONAL DEVELOPMENT DISTRICT (TDDS)

Section 1 General Standards

A. Applicability

....

7. Recreation Clubhouse Emergency Generators

A permanent emergency generator shall be required for all TDD clubhouses 2,500 square feet or greater, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators.

Part 3. ULDC, Art. 4.B.1.A.34. Congregate Living Facility (page 37 of 142), 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 T

PERMANENT GENERATORS

(Updated 12/28/05)

Reason for amendment: To require Type II and Type III CLFs to provide an emergency generator.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

34. Congregate Living Facility

....

o. Emergency Generators

A permanent emergency generator shall be required for all Type II and Type III CLFs, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators.

Part 4. ULDC, Art. 4.B.1.A.90, Nursing or Convalescent Facility (page 58 of 142), is hereby amended as follows:

Reason for amendment: To require nursing or convalescent facilities to provide an emergency generator.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

90. Nursing or Convalescent Facility

....

e. Emergency Generators

A permanent emergency generator shall be required for all nursing or convalescent facilities, and shall meet the standards of Art. 5.B.1.A.18, Permanent Generators.

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

Reason for amendment: To add provisions governing permanent generators used during times of power outages associated with natural disasters or a BCC declared state of emergency.

CHAPTER B ACCESSORY AND TEMPORARY USES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

18. Permanent Generators

a. Applicability

1) Use of permanent generators shall be permitted during periods of electrical power outages in utility systems maintained by the utility service provider or when the BCC declares a state of emergency.

2) Type II and III CLF, Club Houses and Nursing or Convalescent Facility

A permanent emergency generator shall be required for all Type II and III CLFs, Nursing or Convalescent Facilities, and PDD or TDD clubhouses 2,500 square feet, or greater.

b. Standards

1) General

The following standards shall apply to all permanently installed generators.

a) Maximum Permissible Sound Level

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

b) Screening

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

c) Maintenance Cycle

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

d) Location and Setbacks

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 T

PERMANENT GENERATORS

(Updated 12/28/05)

Generators shall meet the setback requirements of the district for principal structures, but shall not be located between the front or side street façade of a building and a R-O-W or in an easement, unless expressly stated otherwise herein.

2) Residential

The following shall be applicable to SFD, ZLL, TH, and MF units.

a) Number

A maximum of one generator shall be allowed on a SFD, ZLL or TH lot. A maximum of one generator per structure shall be permitted for multi-family developments, with exception to condominiums, which shall be permitted one generator per unit.

b) Setback Exceptions

Generators less than four feet in height from finished grade may be allowed within the required side and rear setbacks in accordance with Table 5.B.1.A-6, Setbacks for Generators less than Four Feet in Height.

Table 5.B.1.A-6, Setbacks for Generators less than Four Feet in Height ¹

	<u>Side</u>	<u>Rear</u>
<u>SFD</u>	<u>3 feet</u>	<u>5 feet</u>
<u>ZLL</u>	<u>5 feet</u>	<u>5 feet</u>
<u>TH</u>	<u>NA</u>	<u>5 feet</u>
<u>Note:</u>		
¹	<u>Refer to FBC for additional location criteria.</u>	

3) Type II and III CLF, PUD Club Houses and Nursing Homes

Required generators shall have a minimum operating capacity to provide service for the following:

a) Essential Functions

Essential electrical systems within the building, including but not limited to, exit lighting, emergency lighting, elevators, fire alarm system, bathroom exhaust fans, and bathroom hot water heaters.

b) General Lighting

Lighting for a minimum of 30 percent of the building's GFA, including but not limited to, main meeting or gathering area, hallways, and bathrooms.

c) Multipurpose Room

Air conditioning for 30 percent of the building's GFA including the largest meeting or gathering room.

d) Fuel Storage

Sufficient to operate the generator for the minimum of 72 hours at the full load capacity.

4) Non-Residential

a) There is no limitation to the number of generators.

Part 6. ULDC, Table 5.E.3.C-12, Maximum Sound Levels (page 37 of 56), is hereby amended as follows:

Reason for amendment: To increase allowable sound levels for permanent generators used during the times of power outages associated with natural disasters or states of emergency.

Table 5.E.3.C-12- Maximum Sound Levels

Receiving Land Use Type	Sound Source	Time of Day	Maximum Sound Level	
			USA	RSA
Residential	Fixed mechanical equipment	Any time	60 dB	60 dB
<u>Residential</u>	<u>Permanent Generator</u>	<u>See Art. 5.B.1.A.18</u>	<u>75 dB</u>	<u>75 dB</u>
Residential	All other sources	7 AM to 8 PM	60 dB	55 dB
		8 PM to 10 PM	55 dB	50 dB
		10 PM to 7 AM	50 dB	50 dB
Commercial Nonresidential	All sources	Any time	70 dB	70 dB
<u>Non-Residential</u>	<u>Permanent Generator</u>	<u>See Art. 5.B.1.A.18</u>	<u>75 dB</u>	<u>75 dB</u>

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\EXHIBIT T - Permanent Generators.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 U

ROOFTOP SCREENING OF MECHANICAL EQUIPMENT

(Updated 12/28/05)

WHITE PAPER:

Reason for Amendment:

Clarify existing ULDC language and interpretation to ensure adequate screening of rooftop mechanical equipment is implemented. The main function of the screening requirement is to promote aesthetically pleasing visual impacts of structures within PBC.

Background and Summary:

Screening provisions outlined in the current code have been difficult to enforce through plan review, construction and code enforcement. The following are several references to rooftop screening in both the previous and current ULDC.

Request for Amendment:

A request along with proposed text amendments pertaining to screening of rooftop mechanical equipment requirement was received from Industry on August 16, 2005. An LDRAB Architectural subcommittee meeting was held on August 19, 2005 as an introduction to the topic. A follow-up meeting was scheduled for September 12, 2005 to present staff's recommendations and draft amendments based on input received during the previous meeting.

Recommendations:

Zoning Staff: Staff is proposing to amend the existing ULDC language, which requires screening of rooftop mechanical equipment on all sides. That screening shall be of equal height to that of the equipment. Moreover, exemptions for screening of mechanical equipment (see Part 1 and Part 4) are being proposed.

LDRAB Architectural Sub-committee: September 12, 2005 meeting. The sub-committee generally approved the proposed amendments, but offered several comments and recommendations, as follows:

- Mr. Scott Worley requested a financial analysis, which would demonstrate the actual impact of costs associated with screening on development. Mr. McCraney volunteered to prepare this analysis.
- LDRAB members stated that the industry representatives did not provide any viable recommendations or justification as to why screening should not be a requirement. Rejecting the proposed screening solely on the financial grounds is not sufficient.
- The subcommittee disagreed that the required screening for rooftop mechanical equipment would deter future industrial or commercial development in the County. They also objected to industries statement that this requirement would lower the quality of architectural design of structures.
- The LDRAB members stated that staff did revise the current requirements which will provide an exemption to screening requirements for industrial properties unless visible from a R-O-W or non-industrial property or use. The LDRAB members agreed that the distance requirement as utilized in prior code was unsatisfactory.
- Mr. Buscemi, stated that the distance requirement outlined in the prior Code was changed because it was very ineffective and difficult to implement and enforce.

LDRAB/LDRC: LDRAB - Wednesday, October 12, 2005 meeting – Recommendation to approve as amended 9 – 1. LDRC – Wednesday, December 14, 2005 meeting – Found to be consistent with the Plan 14 – 0.

Part 1. ULDC, Art. 3.D.1.E.4.a (page 88 of 125), is hereby amended as follows:

Reason for amendment: See white paper.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 4 Mixed Use Planned Development (MXPB)

4. Height Exceptions

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

a. Uses Exempted from Height Restrictions

....

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 U

ROOFTOP SCREENING OF MECHANICAL EQUIPMENT

(Updated 12/28/05)

22) Mechanical equipment, less than five feet in height and any required screening, measured from the roof deck.

Part 2. ULDC, Art. 3.E.4.E.2.d [Related to MXPDP Commercial Uses] (page 88 of 125), is hereby deleted as follows:

Reason for amendment: Redundant provision, see new Art. 5.C.1.H.1.b, Mechanical equipment screening.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 4 Mixed Use Planned Development (MXPDP)

~~All roof-top mounted mechanical and electrical equipment shall be screened so as not to be visible from adjacent land uses. The screen shall be opaque and extend from the roof of the building to a minimum of six inches above the height of the object intended for screening.~~

Part 3. ULDC, Art. 5.C.1.H.1.a.3 [Related to General and Non-residential Design Elements], (page 27 of 56), is hereby amended as follows:

Reason for amendment: See white paper

CHAPTER C DESIGN STANDARDS

Section 1 Architectural Guidelines

H. Guidelines

1. Nonresidential Design Elements

The following guidelines shall apply to all nonresidential projects or buildings that meet the threshold in Art. 5.C.1.B and are not exempt in Art. 5.C.1.C: [Ord. 2005 – 002]

a. General

....

~~3) All electrical, air conditioning, and fixed mechanical equipment, such as satellite dishes, shall be screened from view on all sides by an opaque barrier constructed of compatible materials, color, and character the building or equivalent landscaping.~~

b. Mechanical Equipment Screening

All electrical, air conditioning, and fixed mechanical equipment, including satellite dishes, shall be screened on all sides by an opaque barrier constructed of compatible materials, and color of the building or equivalent landscaping, to a minimum height equal to the highest point of the equipment.

1) Exemption

The following shall be exempt from screening requirements:

a) Mechanical equipment less than one foot in height, measured from the roof deck, provided it is painted to match the color of the structure it is attached to or servicing.

b) Mechanical equipment adjacent to properties with an Industrial FLU or use, unless visible, from a R-O-W or non-industrial property or use.

[ReNUMBER Accordingly.]

U:\zoning\CODEREV\2005\BCC Hearings\Round 02\01-05-06 - RPA\EXHIBIT U - Rooftop Screening.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.