



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
DECEMBER 22, 2020**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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AMEND Agenda Page 8, OTHER DEPARTMENT ITEMS, C. ENGINEERING ITEM, to add new Agenda Item #9, as follows:

9. (159 – 180) Engineering and Public Works Department

Motion and Title: Staff recommends motion to:

- A) Determine that Palm Beach County (County) has adhered to and implemented its Five Year Road Program (Road Program) based on substantial evidence that the funding for the current fiscal year and the addition of the new fifth year are as contemplated in the Comprehensive Plan and that fewer than 20% of the Fiscal Year 2019 construction projects are more than 12 months behind schedule as defined in Attachment "1";**
- B) Adopt an Ordinance amending Chapter 23, Article I, Section 23-1 of the Palm Beach County Code (Ordinance No. R2020-012) pertaining to the Road Program; amending Section 23-1(C) (Adoption of revised Five-Year Road Program); providing for repeal of laws in conflict; providing for a savings clause; providing for severability; providing for inclusion in the Code of Laws and Ordinances; and providing for an effective date; and**
- C) Approve the hiring of professionals to design, appraise and assist in the acquisition of lands, rights-of-way, and easements necessary to undertake the projects identified in the Road Program, as approved herein, including but not limited to the employment of real estate appraisers, engineers, certified public accountants, business damage consultants and experts, and other professionals deemed necessary.**

REGULAR AGENDA

L. ULDC AMENDMENTS

8. (103 - 158) REQUEST FOR PERMISSION TO ADVERTISE UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2020-02

DELETE AN AMENDMENT, Exhibit J – Art. 1, 2, 7, and 14, Vegetation Preservation and Protection (pages 138-147), Tabled by LDRAB

ADD AN AMENDMENT, Exhibit K – Art. 3 and 5, Recreation Areas and Amenities (page 150), to clarify separations and setbacks for Recreation Pods, Tracts, or Areas, correct terminology from “Townhome” to “Townhouse,” clarify Cottage

Notes:

Underlined indicates **new** text; Double underline indicates revised added text; ~~Stricken~~ indicates text to be **deleted**; Double stricken indicates revised deleted text; ~~Stricken and italicized~~ means text to be totally or partially relocated; If being relocated destination is noted in bolded brackets [**Relocated to:**]; *Italicized* indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**]; A series of four bolded ellipses indicates language omitted to save space.

Home setbacks only apply to a single unit on a single lot, and correct Table formatting style and strikeout/underline

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2) **Residential Lot Recreation Equipment**

Recreation equipment located on a residential lot with a Single Family, ZLL, TownhomeTownhouse, Cottage Home, or Mobile Home Dwelling, which require issuance of a Building Permit shall comply with the setbacks in Table 5.B.1.A, Setbacks – General. [Ord. 2014-001]

Table 5.B.1.A – Setbacks, General

Zoning	Setbacks (4)			
	Front	Side	Side Street	Rear
Residential Lot <u>with a Residential Use</u>	25'	7.5' (3)	15'	7.5' (3)
Other (1)(2)	50' setback or separation to the nearest residential lot line			
<u>Recreation Pod, Tract, or Area ≥ 1 ac. (1)(2)</u>	<u>25'</u>	<u>50' (R)</u> <u>15' (C)</u>	<u>25'</u>	<u>50' (R)</u> <u>15' (C)</u>
<u>Recreation Pod, Tract, or Area ≥ 7,500 sq. ft. < 1 ac.</u>	<u>25'</u>	<u>25' (R)</u> <u>15' (C)</u>	<u>25'</u>	<u>25' (R)</u> <u>15' (C)</u>
<u>Recreation Pod, Tract, or Area < 7,500 sq. ft.</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>
[Ord. 2011-001] [Ord. 2013-001] [Ord. 2014-001]				
Notes:				
C	<i>Indicates the setback if the lot is adjacent to a parcel with a non-residential zoning district, FLU, or pod, and does not support a residential use.</i>			
R	<i>Indicates the setback if the lot is adjacent to the residential use.</i>			
1.	Tennis courts with a valid Development Order approved prior to the adoption of setbacks for tennis courts permitted on other than residential lots shall be considered legally-conforming. [Ord. 2011-001]			
2.	Golf course greens, excluding driving ranges, shall be exempt from these setbacks.			
3.	Setbacks for recreational amenities and equipment may be reduced to five feet on a residential lot <u>with a Single Family, ZLL, TownhomeTownhouse, Cottage Home (Single Unit on a Single Lot), or Mobile Home Dwelling</u> , excluding the AR Zoning dDistrict. [Ord. 2014-001]			
4.	Recreation Amenities located within a Multifamily or Congregate Living Facility Development, shall provide a minimum separation of 50 feet between the amenity and the residential structure. The minimum separation between a Recreation Amenity to a Multifamily or CLF structure, or to the property line of an adjacent residential unit, shall correspond to the setback dimensions described above based on the size of the Recreation Pod, Tract, or Area.			
Key:				
C	Indicates the setback if the lot is adjacent to a parcel with a non-residential zoning district, FLU, or pod, and does not support a residential use.			
R	Indicates the setback if the lot is adjacent to the residential use.			

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ADD AN AMENDMENT, Exhibit L – Art. 4, Commercial Communication Tower Collocation Procedures (page 151 and 152), to correct a typographical error and grammatical error reintroducing language inadvertently stricken out

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2. **Shared-Use Applicant's Collocation Application**

Potential communication tower users shall respond to the Applicant's nNotice within 20 days of receipt of certified mailing. Response shall be submitted utilizing a shared-use formthe Applicant's ACollocation Application. A completed shared-use formCollocation Application shall be sent to the owner of the proposed communication tower or authorized aAgent. The tower Applicant shall not be responsible for a lack of response or responses received after the 20-day period. The Zoning Division Applicant shall provide the shared-use formresponses to the Collocation Application as part of the zoning application request for the new tower.

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5. **Acceptance with No Dispute**

If the Applicant did not reject any requests for shared-use collocation or if rejected requests for tower space are not disputed by any potential tower lessee(s), consultant review is not necessary.

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**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

TUESDAY, DECEMBER 22, 2020

9:30 A.M.

**BCC Chambers 6th Floor, Jane Thompson Memorial Chambers
301 N Olive Ave, West Palm Beach, 33401**

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Notice
- D. Proof of Publication
- E. Swearing In
- F. Amendments to the Agenda
- G. Motion to Adopt the Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

OTHER DEPARTMENT ITEMS

COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.



**AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

DECEMBER 22, 2020

CALL TO ORDER

- A. Roll Call - 9:30 A.M.
- B. Opening Prayer and Pledge of Allegiance
- C. Notice:

Zoning hearings are quasi-judicial in nature and must be conducted to afford all parties due process. The Board of County Commissioners has adopted Procedures for conduct of Quasi-Judicial Hearings to govern the conduct of such proceedings. The Procedures include the following requirements:

Any communication with commissioners, which occurs outside the public hearing, must be fully disclosed at the hearing.

Applicants and persons attending the hearing may question commissioners regarding their disclosures. Such questions shall be limited solely to the disclosures made at the hearing or the written communications made a part of the record at the hearing.

Any person representing a group or organization must provide documentation that the person representing the group has the actual authority to do so regarding the matter before the Commission.

Any person who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

The Applicant and County staff may cross-examine witnesses. Any other persons attending the hearing may submit cross-examination questions, including follow up questions, to the Mayor, who will conduct the examination. The scope of cross-examination is limited to the facts alleged by the witness in relation to the application.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- D. Proof of Publication - Motion to receive and file
- E. Swearing In - County Attorney
- F. Amendments to the Agenda
- G. Motion to Adopt the Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. [EAC-2020-01693](#) Title: a Development Order Amendment Expedited Application Consideration application of Cobblestone Creek Homeowner's Association, Inc. - by JMorton Planning & Landscape Architecture, Agent. Request: to delete a Condition of Approval.

General Location: On the east side of Lyons Road, approximately 563 feet north of Boynton Beach Boulevard. (**Countryside Meadows PUD**) (Control 2003-00035)

Pages: 1 - 1

Project Manager: Timothy Haynes

Size: 250.1 acres ±

BCC District: 5

(affected area 100.00 acres ±)

Staff Recommendation: Staff recommends a postponement to Thursday, January 28, 2021.

MOTION: To postpone to Thursday, January 28, 2021.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

- 2. [CA-2020-01026](#) Title: a Class A Conditional Use application of Duke Realty by Schmidt Nichols, Agent. Request: to allow a project that exceeds 100,000 square feet, on a parcel with an Industrial Future Land Use designation.
General Location: West side of Benoist Farms Road, approximately 0.12 miles south of Belvedere Road. **(Brown Landholding, Inc)** (Control 1988-00019)

Pages: 3 - 21

Conditions of Approval (9 - 10)

Project Manager: Timothy Haynes

Size: 10.00 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 7-0-0.

MOTION: To adopt a Resolution approving a Class A Conditional Use to allow a project that exceeds 100,000 square feet, on a parcel with an Industrial Future Land Use designation, subject to the Conditions of Approval as indicated in Exhibit C.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

- 3. [ABN-2020-00797](#) Title: a Development Order Abandonment application of Iglesia De Adoracion Familiar Inc by CRH Design, Agent. Request: to abandon a Special Exception to allow a Church, as amended by Resolution R-1989-1057.

General Location: North side of Indiantown Road, approximately 900 feet east of Mellen Road. **(Iglesia De Oracion Familiar)** (Control 1984-00046)

Pages: 23 - 26

Project Manager: Brenya Martinez

Size: 1.98 acres ±

BCC District: 1

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a Resolution approving a Development Order Abandonment to abandon a Special Exception to allow a Church, as amended by Resolution R-1989-1057.

- 4. [ABN-2020-01529](#) Title: a Development Order Abandonment application of 23233, LLC by Insite Studio, Agent. Request: to abandon a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through.

General Location: West side of State Road 7/US 441, approximately 170 feet south of Southwest 18th Street. **(Kentucky Fried Chicken)** (Control 2018-00130)

Pages: 27 - 30

Project Manager: Brenya Martinez

Size: 1.02 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a Resolution approving a Development Order Abandonment to abandon a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-through.

- 5. [ABN-2020-01716](#) Title: a Development Order Abandonment application of Southern Gunite, Inc., GFM Florida, LLC by Cotleur & Hearing Inc., Agent. Request: to abandon a Special Exception to allow bulk storage of gas and oil, as amended by Resolution R-1992-1586.

General Location: North side of Weisman Way, approximately 0.5 miles east of State Road 7. **(Southern Gunite)** (Control 1991-00044)

Pages: 31 - 34

Project Manager: Travis Goodson

Size: 3.91 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a Resolution approving a Development Order Abandonment to abandon a Special Exception to allow bulk storage of gas and oil, as amended by Resolution R-1992-1586.

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS

D. PREVIOUSLY POSTPONED STATUS REPORTS

E. STATUS REPORTS - NEW

F. LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 6. [SCA-2020-00014](#) Title: The Quartet-Medical Office, Small Scale Future Land Use Amendment application of 8475lwr Llc by Insite Studio, Agent. Request: To change a future land use designation from Low Residential, 2 units per acre (LR-2) to Commercial Low-Office with an underlying 2 units per acre (CL-O/2).
General Location: Northeast corner of Lake Worth Road and Blanchette Trail. **(The Quartet-Medical Office)** (Control 2005-00001)

Pages: 35 - 62

Project Manager: Carolina Valera

Size: 1.61 acres ±

BCC District: 6

Planning Commission Recommendation: PLC Recommendation pending Friday, December 11, 2020 Planning Commission Hearing.

MOTION: To change a future land use designation from Low Residential, 2 units per acre (LR-2) to Commercial Low-Office with an underlying 2 units per acre (CL-O/2).

7. [ABN/PDD/W-2020-00433](#) Title: a Development Order Abandonment application of 8475 LWR LLC by Insite Studio, Agent. Request: to abandon a Class A Conditional use to allow a General Day Care.
Title: an Official Zoning Map Amendment of 8475 LWR LLC by Insite Studio, Agent. Request: to allow a rezoning from the Single Family Residential (RS) Zoning District to the Multiple Use Planned Development (MUPD) District.
Title: a Type 2 Waiver of 8475 LWR LLC by Insite Studio, Agent. Request: substitute a six foot high opaque wall with a six foot high fence within a Type Incompatibility Buffer.
General Location: Northeast corner of Lake Worth Road and Blanchette Trail. **(The Quartet MUPD)** (Control 2005-00001)

Pages: 63 - 102

Conditions of Approval (71 - 74)

Project Manager: Ryan Vandenburg

Size: 1.61 acres \pm

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 6-0-0.

Zoning Commission Recommendation: Recommended Approval of a Type 2 Waiver by a vote of 6-0-0.

MOTION: To adopt a Resolution approving a Development Order Abandonment to abandon a Class A Conditional use to allow a General Day Care.

MOTION: To adopt a Resolution approving an Official Zoning Map Amendment to allow a rezoning from the Single Family Residential (RS) Zoning District to the Multiple Use Planned Development (MUPD) District, subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a Resolution approving a Type 2 Waiver to substitute a six foot high opaque wall with a six foot high fence within a Type 3 Incompatibility Buffer, subject to the Conditions of Approval as indicated in Exhibit C-2.

J. ZONING APPLICATIONS - NEW

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. ULDC AMENDMENTS

8. [Title: REQUEST FOR PERMISSION TO ADVERTISE UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2020-02](#)

The proposed Ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications, as well as several specific amendments, as follows:

Ordinance Title

Exhibit A - Art. 2, Waiver Summary Tables Consolidation

Exhibit B - Art. 1 and 2, Release of Unity of Title

Exhibit C - Art. 2, Monitoring Development Phases

Exhibit D - Art. 2, Removal of the Building Division from DRO Agency Review

Exhibit E - Art. 1, 2, 3, and 4, Property Development and Density Bonus Regulations, and Review Procedures for the WCRAO

Exhibit F - Art. 2, 3, and 5, Unity of Control

Exhibit G - Art. 3 and 4, Multiple Use Planned Development Freestanding Buildings

Exhibit H - Art. 4, Planning Determination for Infill Density Exemption

Exhibit I - Art. 5, WCRAO Workforce Housing Program Exemption

Exhibit J - Art. 1, 2, 7, and 14, Vegetation Preservation and Protection

Exhibit K - Art. 3 and 5, Recreation Areas and Amenities

Exhibit L - Art. 4, Commercial Communication Tower Collocation Procedures

Exhibit M - Art. 1 and 4, Minimum Frontage, Access, and Roads

Pages: 103 - 158

Project Manager: Wendy Hernandez

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for First Reading of the ULDC Amendment Round 2020-02 for January 28, 2021.

Land Development Regulation Advisory Board (LDRAB): On August 26, 2020, September 23, 2020, and October 28, 2020, the LDRAB recommended approval of the proposed amendments with multiple votes. The LDRAB will meet on December 16, 2020 for recommendations on Exhibits J, K, L, and M. Staff will provide the update at the BCC hearing.

Land Development Regulation Commission (LDRC) Determination: On October 28, 2020, the LDRC found the proposed ULDC amendments, Exhibits A-I to be consistent with the Comprehensive Plan with a vote of 15-0. The LDRC will meet on December 16, 2020 for a determination on Exhibits J, K, L, and M. Staff will provide the update at the BCC hearing.

MOTION: To approve the Request for Permission to Advertise for First Reading of the ULDC Amendment Round 2020-02, for January 28, 2021: ARTICLE 1 - GENERAL PROVISIONS: CHAPTER H, DEFINITIONS AND ACRONYMS; ARTICLE 2 - APPLICATION PROCESSES AND PROCEDURES: CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESSES; CHAPTER C, ADMINISTRATIVE PROCESSES; CHAPTER E, MONITORING OF DEVELOPMENT ORDERS (DOs) AND CONDITIONS OF APPROVAL; CHAPTER G, DECISION MAKING BODIES; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS: CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); ARTICLE 4 - USE REGULATIONS: CHAPTER A, USER GUIDE AND GENERAL PROVISIONS; CHAPTER B, USE CLASSIFICATION; ARTICLE 5 - SUPPLEMENTARY STANDARDS: CHAPTER B, ACCESSORY USES AND STRUCTURES; CHAPTER F, LEGAL DOCUMENTS; CHAPTER G, DENSITY BONUS PROGRAMS; ARTICLE 7 - LANDSCAPING: CHAPTER E, EXISTING NATIVE VEGETATION, PROHIBITED, AND CONTROLLED PLANT SPECIES; ARTICLE 14 - ENVIRONMENTAL STANDARDS: CHAPTER C, VEGETATION PRESERVATION AND PROTECTION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

M. OTHER ITEMS

OTHER DEPARTMENT ITEMS

A. PURCHASING CONTRACT

B. DEPARTMENT UPDATE

C. ENGINEERING ITEM

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT

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