

19. (369-370) Place of Worship Unified Land Development code (ULDC) Proposed Amendments

BCC Directions:

Option 1: To direct staff to advertise the amendments as proposed on October 22, 2009, for 1st Reading on January 7, 2010, and 2nd Reading on January 28, 2010.

OR

Option 2: To direct staff to establish a Code Subcommittee of interested parties to convene in January 2010 to discuss how to resolve issues with existing regulations by expanding on regulations so Places of Worship can be approved as permitted uses.

OR

Option 3: To direct staff to leave the existing ULDC provision related to Places of Worship as is.

ADD TO AGENDA

COUNTY ATTORNEY COMMENTS

21. Memorandum to BCC related to Pain Management Clinics



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**Palm Beach County
Board of County
Commissioners**

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- Karen T. Marcus, Vice Chair
- Jeff Koons
- Shelley Vana
- Steven L. Abrams
- Jess R. Santamaria
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County Administrator

Robert Weisman

*"An Equal Opportunity
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MEMORANDUM

TO: Burt Aaronson, Chair, and Members of the Board of County Commissioners

FROM:  Bob Banks, Assistant County Attorney

RE: County Attorney Comments at December 8, 2009 BCC Zoning Meeting: Zoning in Progress and Moratorium-Pain Management Clinics

DATE: December 7, 2009

At the Board of County Commissioners meeting on December 1, 2009, the Board asked staff to prepare a moratorium ordinance on new pain management clinics in the unincorporated area. Staff will bring a moratorium ordinance to the Board for permission to advertise at the January 28, 2010 BCC Zoning Meeting. It is recommended that the Board impose Zoning in Progress pending adoption of the moratorium.

1. Process – The moratorium would be enacted as an amendment to the Unified Land Development Code. This would require review by the Land Development Regulation Advisory Board (LDRAB) and consideration of the ordinance by the Board of County Commissioners at two public hearings. The LDRAB Meeting would be January 27, 2010.
2. Scope and Duration of Moratorium – The moratorium would be a one year moratorium on zoning approvals for Pain Management Clinics in the unincorporated area of Palm Beach County.
3. ULDC Language - The following definition of Pain Management Clinics is proposed to be added to the ULDC based on the registration requirements contained in Sections 3 and 4 of Chapter 2009-198, Laws of Florida: Pain Management Clinic: All privately owned pain-management

Memo to Burt Aaronson, Chair, and Members of the Board of County Commissioners
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clinics, facilities, or offices, which advertise in any medium for any type of pain-management services, or employ a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, and are required to register with the Florida Department of Health pursuant to Sec. 458.309 or Sec. 459.005, Fla. Stat. (2009). A physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain or more than 90 days after surgery.

4. Zoning in Progress - Staff requests the Board invoke zoning in progress beginning immediately regarding zoning approvals for new pain management clinics in the Unincorporated Area.

If you have any questions regarding this matter, please don't hesitate to contact me.

cc: Denise Nieman, County Attorney
Robert Weisman, County Administrator
Verdenia Baker, Assistant County Administrator
Barbara Alterman, Executive Director, PZ&B
Jon MacGillis, Director, Zoning Division
Dawn Wynn, Assistant County Attorney
Lenny Berger, Assistant County Attorney



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

TUESDAY DECEMBER 8, 2009

9:30 A.M. 6TH FLOOR

JANE M. THOMPSON MEMORIAL CHAMBERS

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication
- D. Swearing In
- E. Adoption of Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

DIRECTOR COMMENTS

COMMISSIONER 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 8, 2009

CALL TO ORDER

- A. Roll Call - 9:30 A.M.
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication - Motion to receive and file
- D. Swearing In - County Attorney
- E. Motion to Adopt Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. **ZV/W/DOA-2008-01900** Title: a Waiver from Traditional Development District parking structures in the Agricultural Reserve Tier application of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to allow surface parking in excess of 1 space per 250 square feet of non-residential floor area.

Title: a Development Order Amendment of KRG Atlantic Delray Beach LLC by Urban Design Kilday Studios, Agent. Request: to reconfigure the site plan, reduce the number of dwelling units and commercial square footage, restart the commencement clock, and modify and delete Conditions of Approval (Building and Site Design, Planning).

General Location: Northwest corner of West Atlantic Avenue and future Lyons Road. **(Delray Marketplace)** (Control 2004-00616)

Pages: 1 - 1

Project Manager: Carol Glasser

Size: 88.33 acres ±

BCC District: 5

(affected area 32.82 acres ±)

Staff Recommendation: Staff recommends postponement of the application to January 7, 2010.

Zoning Commission Recommendation: Approval: 7-0

MOTION: To postpone the application to January 7, 2010.

B. REMANDS

2. **PDD/TDR-2008-01907** Title: an Official Zoning Map Amendment to a Planned Development District application of Anthony House, Anthony Lasala by Popper and Associates, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Transfer of Development Rights of Anthony House, Anthony Lasala by Popper and Associates, Agent. Request: to allow the Transfer of Development Rights for 89 units, approve the reduced cost of \$1.00 per unit, and designate the subject property as the receiving area.

General Location: Approximately 1000 feet north of Hypoluxo Road, on the east side of Military Trail. **(Southern Trails PUD)** (Control 2003-00501)

Pages:

Project Manager: Ora Owensby

Size: 21.80 acres ±

BCC District: 3

Staff Recommendation: To remand to the Development Review Officer.

MOTION: To remand to the Development Review Officer.

C. WITHDRAWALS

3. **STR-2001-00032-1** Status Report for Resolution R-2006-0276 (Control # 2001-032). Property Owner: Folke Peterson Center for Wildlife. General Location: Approximately 4,500 feet west of State Road 7/US 441 on the south side of Acme Road. Current Zoning: Agricultural Residential (AR). (**Folke Peterson Center for Animal Welfare.**)

Pages:

Size: 28.02 acres ±

BCC District: 6

MOTION: None required. Withdrawn by staff.

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

- 4. **CR-2001-00075-1** Status Report for Resolution R-2002-0503 (Control # 2001-075).
Property Owner: U.S. Postal Service General Location: SE corner of Coconut Boulevard and Northlake Boulevard Current Zoning: Public Ownership (PO)
(Northlake Blvd Post Office)

Pages: 2 - 7

Size: 11.25 acres ±

BCC District: 6

MOTION: To adopt a resolution to amend conditions of approval for Resolution 2002-0503.

- 5. **CR-2000-00061-1** Status Report for Resolution R-2002-1470 (Control # 2000-061)
Property Owner: Marjorie A. Meloche Trust, Marjorie A. Meloche, Tr., Paul J. Meloche Trust, Paul J. Meloche, Tr., Ra General Location: 600 feet west of Haverhill Road, south side of Nash Trail Current Zoning: Residential Transitional Urban (RTU) **(Able's Residence)**

Pages: 8 - 11

Size: 1.78 acres ±

BCC District: 3

MOTION: To adopt a resolution to amend condition number E.1. of Resolution No. R-2002-1470

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

6. **DOA/CA-2008-01358** Title: a Development Order Amendment application of BDG Delray LLC by Jon E Schmidt & Associates, Agent. Request: to add square footage, reconfigure site plan and to modify and delete conditions of approval
Title: a Class A Conditional Use of BDG Delray LLC by Jon E Schmidt & Associates, Agent. Request: to allow for the expansion of the previously approved Convenience Store with Gas Sales
General Location: Southwest corner of US 441 and Atlantic Avenue. **(Stop and Shop)** (Control 1999-00029)

Pages: 12 - 51

Conditions of Approval (33 - 42)

Project Manager: Wendy Hernandez

Size: 5.10 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the requests subject to 43 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 7-0

MOTION: To adopt a resolution approving a Development Order Amendment to add square footage, reconfigure the site plan, and to modify and delete Conditions of Approval (Architectural Review, Building and Site Design, Use Limitations, Engineering, Landscape, Health, and Sign) subject to the Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow for the expansion of the previously approved Convenience Store with Gas Sales within the Agricultural Reserve (AGR) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

7. **ABN/DOA/EAC-2008-01892** Title: a Development Order Abandonment application of Rick and Andrea Fulcher by Land Design South Inc., Agent. Request: to abandon the daycare, general granted under Resolution R-2005-0379
Title: a Development Order Amendment of Rick and Andrea Fulcher by Land Design South Inc., Agent. Request: to amend Preliminary Master Plan
General Location: Approximately .5 miles east of the intersection of Okeechobee Blvd. and Jog Road **(Vista Center Parcel 23 - Subparcel 5)** (Control 1984-00130)

Pages: 52 - 81

Conditions of Approval (62 - 76)

Project Manager: Douglas Robinson

Size: 1.14 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of a Development Order Abandonment to abandon the daycare general granted under Resolution R-2005-0379 and a Development Order Amendment to amend the Preliminary Master Plan of the request subject to 66 Conditions of Approval.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon the daycare, general granted under Resolution R-2005-0379.

MOTION: To adopt a resolution approving a Development Order Amendment to amend the Preliminary Master Plan subject to the Conditions of Approval as indicated in Exhibit C.

8. **DOA-2009-02672** Title: a Development Order Amendment application of Southland Centers Trust by Land Design South Inc., Agent. Request: to amend a Condition of Approval (Use Limitation)
General Location: Northeast corner of Jog Road and Lake Ida Road, Delray Beach, Florida. **(Spalding Property)** (Control 1999-00092)

Pages: 82 - 119

Conditions of Approval (101 - 113)

Project Manager: Ora Owensby

Size: 25.82 acres ±

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to 66 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 7-0

MOTION: To adopt a resolution approving a Development Order Amendment to modify a Condition of Approval (Use Limitation) subject to the Conditions of Approval indicated in Exhibit C.

E. ZONING APPLICATIONS - NEW

9. **DOA/R-2009-03288** Title: a Development Order Amendment application of Jeffrey Josephson by Covelli Design Associates Inc., Agent. Request: to add a Requested Use to the Master Plan
Title: a Requested Use of Jeffrey Josephson by Covelli Design Associates Inc., Agent. Request: to allow a Pawnshop
General Location: Southwest corner of Palmetto Park Road and Powerline Road **(Raymond Lee Jewelers)** (Control 1981-00115)

Pages: 120 - 153

Conditions of Approval (134 - 141)

Project Manager: Carol Glasser

Size: 5.76 acres ±

BCC District: 4

(affected area 1.00 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 47 Conditions of Approval indicated in Exhibit C-1 and 4 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approved 7-0

MOTION: To adopt a resolution approving a Development Order Amendment to add a Requested Use to the Master Plan subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Requested Use to allow a Pawnshop subject to the Conditions of Approval as indicated in Exhibit C-2.

10. **ZV/W-2008-01516** Title: a Waiver of Dimensional Criteria application of dba Verizon Wireless by SBA Network Services Inc., Agent. Request: to allow a reduction of setbacks from the north and east property lines for a communication tower.

General Location: West side of SR7/US441 approximately 1.25 miles north of Clint Moore Road. (**Verizon/FPL Pinewood Substation**) (Control 2001-00019)

Pages: 154 - 184

Conditions of Approval (169 - 169)

Project Manager: Carol Glasser

Size: 4.39 acres ±

BCC District: 5

(affected area 0.03 acres ±)

Staff Recommendation: Staff recommends approval of the request subject to 4 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approved 6-0

MOTION: To adopt a resolution approving a Waiver of Dimensional Criteria to allow a reduction of setbacks from the north and east property lines for a communication tower subject to the Conditions of Approval indicated in Exhibit C-2.

11. **DOA/EAC-2009-03647** Title: a Development Order Amendment application of Home Dynamics Sequoia Llc by Home Dyanmics, Agent. Request: to modify Condition of Approval (Landscape).

General Location: Southeast corner of Benoist Farms Road and Southern Blvd. (**The Mounts PUD**) (Control 2003-00021)

Pages: 185 - 211

Conditions of Approval (199 - 207)

Project Manager: Andrea Harper

Size: 5.37 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the request, subject to 43 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Development Order Amendment to modify a Condition of Approval (Landscape).

12. **DOA-2008-01360** Title: a Development Order Amendment application of Beach Delray by Andrew Pizey, Agent. Request: to add square footage and reconfigure the site plan

General Location: Approximately 200 feet north of Ridgewood Road East the west side of Barwick Road **(Kingdom Hall of Jehovah Witnesses)** (Control 1987-00054)

Pages: 212 - 230

Conditions of Approval (224 - 226)

Project Manager: Andrea Harper

Size: 2.00 acres ±

BCC District: 4

Staff Recommendation: Staff recommends approval of the request subject to 13 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Approved 7-0

MOTION: To adopt a resolution approving of Development Order Amendment to add square footage and reconfigure the site plan subject to the Conditions of Approval as indicated in Exhibit C.

F. CORRECTIVE RESOLUTIONS

13. **To correct the references** to resolutions abandoned in the Resolution No. R-2009-0173. (Control 1983-045)

Pages: 231 - 232

MOTION: To adopt a resolution correcting the references to resolutions abandoned in Resolution R-2009-173.

14. **To correct the legal description** contained in Exhibit A and to correct the NOW THEREFORE clause to reference also the Light Industrial (IL) Zoning District of Resolution R-2008-1132 for an Official Zoning Map Amendment to a Planned Development District. (Control 2007-236)

Pages: 233 - 237

MOTION: To adopt a resolution to correcting the legal description contained in Exhibit A and correcting the NOW THEREFORE clause to reference also the Light Industrial (IL) Zoning District of Resolution R-2008-1132 for an Official Zoning Map Amendment to a Planned Development District.

15. To correct the legal description contained in Exhibit A of Resolution R-2008-1133 for the Development Order Abandonment ZV/PDD/ABN2007-728. (Control 2007-236)

Pages: 238 - 239

MOTION: To adopt a resolution correcting the legal description contained in Exhibit A of Resolution R-2008-1133 for the Development Order Abandonment ZV/PDD/ABN2007-728.

G. TDR CONTRACT AMENDMENTS

H. TDR CONTRACT, ESCROW AGREEMENT AND DEED

I. ABANDONMENTS

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

16. **STR-2003-00093-2** Status Report for Resolution R-2004-1650 (Control # 2003-093) Property Owner: TPK Land, LLC General Location: 250 feet north of Purdy Lane of the west side of Haverhill Road Current Zoning: Multi-family Residential (RM) (**Savannah Square (fka Haverhill Palms)**)

Pages: 240 - 243

Size: 3.28 acres ±

BCC District: 2

DISCLOSURE

MOTION: To approve a three-year time extension, from July 22, 2009 to July 22, 2011, to record a plat.

F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

I. ZONING APPLICATIONS - NEW

J. ULDC AMENDMENTS**17. ADOPTION HEARING - TDR MORATORIUM**

Staff Recommendation: Staff recommends a motion to adopt.

Pages: 250 - 252

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: ARTICLE 5, SUPPLEMENTARY STANDARDS; CHAPTER G, DENSITY BONUS PROGRAMS, SECTION 2, TRANSFER OF DEVELOPMENT RIGHTS (TDRS) - SPECIAL DENSITY PROGRAM, CREATING SUBSECTION O, MORATORIUM ON ACCEPTANCE OF DEVELOPMENT APPLICATIONS SEEKING TO INCREASE DENSITY UTILIZING THE TDR PROGRAM, EXPIRING AT THE EARLIER OF THE FOLLOWING: ONE YEAR FROM THE EFFECTIVE DATE OF THIS ORDINANCE OR UPON THE EFFECTIVE DATE OF AMENDMENTS TO THE COMPREHENSIVE PLAN REGARDING TRANSFER OF DEVELOPMENT RIGHTS TO BE CONSIDERED IN AMENDMENT ROUND 10-1; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

18. REQUEST FOR PERMISSION TO ADVERTISE - AMENDMENT ROUND 2009-02

Staff Recommendation: Staff recommends a motion to approve on Preliminary Reading and to advertise for First Reading on January 7, 2010 at 9:30 a.m.

Pages: 253 - 368

MOTION: To approve on preliminary reading and advertise for First Reading on January 7, 2010 at 9:30 A.M.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: ARTICLE 1- GENERAL PROVISIONS; CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER E, PRIOR APPROVALS; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 2- DEVELOPMENT REVIEW PROCESS; CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCEDURES; CHAPTER D, ADMINISTRATIVE PROCESS; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS; ARTICLE 4- USE REGULATIONS; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; ARTICLE 5, SUPPLEMENTARY STANDARDS; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER G, DENSITY BONUS PROGRAMS; ARTICLE 6- PARKING; CHAPTER A, PARKING; ARTICLE 7, LANDSCAPING; CHAPTER A, GENERAL; CHAPTER C, MGTS TIER COMPLIANCE; ARTICLE 12- TRAFFIC PERFORMANCE STANDARDS; CHAPTER G, AFFORDABLE HOUSING; 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.

19. [Places of Worship](#) Unified Land Development Code (ULDC) Proposed Code Amendments

Pages: 369 - 370

MOTION:

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. OTHER ITEMS

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. EXECUTIVE DIRECTOR

B. COUNTY ATTORNEY

C. PLANNING DIRECTOR

D. ZONING DIRECTOR

20. [Update on 2009-01](#) ULDC Amendment related to Bona Fide AG Uses

Pages: 371 - 373

COMMISSIONER COMMENTS

ADJOURNMENT