



PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

AUGUST 28, 2019

BOARD MEMBERS

**Wesley Blackman, AICP, Chair (PBC Planning Congress)
Dr. Lori Vinikoor, Vice-Chair (District 5)**

Joanne Davis (District 1)

Drew Martin (District 2)

Philip L. Barlage (District 3)

Jim Knight (District 4)

Myles Basore (District 6)

Robert J. Harvey (District 7)

**Daniel J. Walesky (Gold Coast Builders
Association)**

Anna Yeskey (Palm Beach League of Cities)

Terrence Bailey (Florida Engineering Society)

Jaime M. Plana (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)

**Frank Gulisano (Realtors Association of the Palm
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**Derek G. Zeman (Florida Surveying and Mapping
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**Mack Bernard
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**David Kerner
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Commissioner, District 4

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Commissioner, District 2

Melissa McKinlay
Commissioner, District 5

County Administrator

Verdenia C. Baker



"An Equal Opportunity – Affirmative Action Employer"
2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200

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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, AUGUST 28, 2019 AGENDA

2300 NORTH JOG ROAD

ROOM VC-1E 47, VISTA CENTER

2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
 - a. Staff
 - b. Board Member
3. Motion to Adopt Agenda
4. Adoption of May 22, 2019 Minutes (Exhibit A)
5. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

B. ROUND 2019-01 SUMMARY AND ROUND 2019-02 INITIATION

1. Exhibit B

C. ULDC AMENDMENTS-NEW

PAGES

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| 1. Exhibit C Art. 2 Small Scale Site Plan | 1 – 1 |
| 2. Exhibit D Art. 3 CRE Consistency and RR-10 FLU | 2 – 3 |
| 3. Exhibit E Art. 3 PDD Setback Measurement | 4 – 6 |
| 4. Exhibit F Art. 4 CLF Distance to Fire Rescue | 7 – 7 |
| 5. Exhibit G Art. 4 Industrial Uses in the CH FLU | 8 – 11 |
| 6. Exhibit H Art. 11 Code Reference for Applicability and Article 2 | 12 – 12 |

D. PRIVATELY INITIATED AMENDMENTS

E. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

F. ADJOURN AS LDRC AND RECONVENE AS LDRAB

G. STAFF COMMENTS

H. BOARD MEMBER COMMENTS

1. FOLLOW UP TO MAY 22, 2019 HEARING

- a. Mr. Walesky: Parking of Equipment, Vehicles, or Marine Vessels and Trailers in Residential Districts and parking for Cottage Homes
- b. Mr. Martin: Lighting for Natural Areas

I. ADJOURN

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EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 08/19/19)

Minutes of May 22, 2019 LDRAB/LDRC Meeting

On Wednesday, May 22, 2019, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:03 p.m. Mrs. Jan Rodriguez, Code Revision Senior Site Planner, introduced Mr. Jaime M. Plana representing the American Institute of Architects and Mrs. Susan A. Kennedy representing the Environmental Organizations to the Board. Mr. Alexander Biray, Code Revision Zoning Technician, called the roll.

Members Present: 15

Joanne Davis (District 1, Commissioner Valeche)**
Drew Martin (District 2, Commissioner Weiss)

Philip L. Barlage (District 3, Commissioner Kerner)
Jim Knight (District 4, Commissioner Weinroth)
Lori Vinikoor (District 5, Commissioner Berger)

Myles Basore (District 6, Commissioner McKinlay)
Robert J. Harvey (District 7, Commissioner Bernard)

Daniel J. Walesky (Gold Coast Builders Association)

Anna Yeskey (League of Cities)
Jaime M. Plana (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)
Derek G. Zeman (Florida Surveying and Mapping Society)

Charles D. Drawdy (Assoc. General Contractors of America)
Wesley Blackman (PBC Planning Congress)
Abraham Wien (Alternate At-Large #2)

Vacancies: 1

Alternate At-Large #1

Members Absent: 2

Terrence Bailey (Florida Engineering Society)
Frank Gulisano (Realtors Association of the Palm Beaches)

County Staff Present: 15

Ramsay J. Bulkeley, Planning, Zoning and Building Executive Director

Jon MacGillis, Zoning Director

Maryann Kwok, Deputy Zoning Director

Jan Rodriguez, Senior Site Planner

Lorraine Fuster, Senior Site Planner

Alexander Biray, Zoning Technician

Leonard Berger, Chief Assistant County Attorney

Scott A. Stone, Assistant County Attorney I

Bob Banks, Chief Land Use County Attorney

Bryan Davis, Principal Planner

Melissa Michael, Principal Planner

Robert Santos-Alborna, Code Enforcement Director

Arthur Kirstein, Agricultural Economic Development Coordinator*

Danna Ackerman-White, Senior County Commission Administrative Assistant (Commissioner Kerner)*

Kelley A. Burke, Senior County Commission Administrative Assistant (Commissioner McKinlay)*

* County Staff in audience.

** Joanne Davis arrived at 2:06 p.m.

2. Additions, Substitutions, and Deletions

Mr. Blackman noted Additions, Substitutions, and Deletions as indicated from the Add/Delete sheet, and Mrs. Rodriguez affirmed nothing else beyond the Add/Delete sheet.

3. Motion to Adopt Agenda

Motion to adopt the Agenda with the Add/Delete sheet by Dr. Vinikoor, seconded by Mr. Knight. Motion passed (14-0).

4. Adoption of April 24, 2019 Minutes (Exhibit A)

Mr. Blackman indicated typos, whereas "size" should be "site" on page iv, second paragraph, and deletion of a repeated "and" on the same page under b. Discussion. Motion to adopt the Minutes with the changes by Dr. Vinikoor, seconded by Mr. Martin. Motion passed (14-0).

5. Public Comments

Mr. Blackman reminded members of the public of time reserved if they wish to speak on something unrelated to items on the Agenda, and to fill out a comment card for any items they wish to speak about and will be given three minutes.

** Mrs. Davis arrived at 2:06 p.m.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 08/19/19)

Minutes of May 22, 2019 LDRAB/LDRC Meeting

B. ULDC AMENDMENTS – NEW

1. Exhibit B Article 2 – Development Order Abandonment

Mrs. Rodriguez explained the changes to remove the requirement that Development Orders (DOs) be advertised in a newspaper because approval is administrative, expand the purpose and intent, address partially and fully implemented DOs, and clarify which body makes the abandonment decision.

a. Discussion

Mr. Blackman said he was familiar with some dated Development Orders and was concerned with how they could be affected, and if the Monitoring Section is to expedite the process. Mr. MacGillis responded that Monitoring only applies to DOs following the adoption of the 1989 Comprehensive Plan, and anything prior would be up to the property owner to come in with a subsequent DO to abandon it. Mrs. Kwok added that many DOs come with many conditions which can be costly, and abandoning would allow a restart to a clean slate.

Mrs. Yeskey asked if the same development can be done without old conditions. Mr. MacGillis responded that an application would abandon the BCC approval and be subject to the new rules.

Motion to approve by Mr. Walesky, seconded by Dr. Vinikoor.

Discussion: Mr. Martin asked for further clarification on whether previous conditions would still apply. Mr. MacGillis responded they would not if they were BCC conditions, and new conditions may be added if necessary under DRO review.

The Motion passed (15-0).

2. Exhibit C Article 4 – Electric Vehicle Charging Facility

Mrs. Rodriguez explained the changes to clarify the use as a commercial electric vehicle charging station, and where it should be an accessory use for residential.

a. Discussion

A discussion among the Board ensued about technological changes, enforcement, and charging times. Mr. Bulkeley noted it varies by company based on charge length. Mrs. Kwok affirmed installation of facilities would require a permit.

Motion to approve by Dr. Vinikoor, seconded by Mr. Martin. Motion passed (15-0).

3. Exhibit D Article 6 – Parking, On-Street and Improvement Material

Mrs. Rodriguez explained the changed stemmed from Code Enforcement issues of parking all over yards, and clarification that on-street parking is allowed in excess of the required parking and zoning districts like TMDs.

a. Discussion

Mr. Martin asked if landscape companies could take advantage of the provisions in residential areas. Mr. MacGillis noted the parking spaces in question are designated spaces, and it is to the Engineering Department's discretion. Mrs. Kennedy asked what the largest lots are in the Urban/Suburban Tier, and if this will create a burden requiring older properties to have improved surfaces for parking. Mrs. Davis asked for clarification on what constitutes an improved surface. Mr. MacGillis responded it is based on criteria set forth by the Land Development Division.

Mr. Walesky asked for clarification regarding existing language on what vehicles are prohibited. Mr. MacGillis responded that Staff will look at the language further.

Motion to approve by Dr. Vinikoor with direction for Staff to look at language, seconded by Mr. Knight.

4. Exhibit E Article 5 – Lighting, Nuisances

Mrs. Fuster presented the changes.

a. Discussion

Mr. Martin expressed concern about how lighting affects the environment and wildlife, and if it is regulated elsewhere in the Code. Mrs. Kwok said any restrictions on lighting for wildlife would be in Art. 14, Environmental Standards. Mr. MacGillis explained the amendment is to exempt Single Family residential from submitting a photometrics plan.

Motion to approve by Dr. Vinikoor, seconded by Mr. Zeman. Motion passed (15-0).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 08/19/19)

Minutes of May 22, 2019 LDRAB/LDRC Meeting

5. Exhibit F Articles 3 and 4 – Cottage Homes

Mrs. Kwok gave a PowerPoint presentation on the history of Cottage Homes as it relates to the Code for new LDRAB members, and updates to those who might have not been continually present.

a. Discussion

Mr. Plana asked if there are any height limitations and if a four-story home is permitted. Mrs. Kwok responded there are no restrictions as long as the setbacks are met. Mrs. Davis asked if they are permitted anywhere. Mrs. Kwok responded they are subject to the Residential Use Matrix

Motion to approve by Dr. Vinikoor, seconded by Mr. Martin. Motion passed (15-0).

6. Exhibit G Article 4, 5, and 6 – Landscape Service

Mr. Blackman reiterated the three-minute comment rule and procedure, as well as overview of the amendment.

Mr. MacGillis explained amendment's history starting in 2016, and after over 40 meetings with stakeholders, narrowed it down to area percentages.

Mrs. Kwok gave a PowerPoint presentation on existing conditions, findings, and proposals, including: to replace accessory with collocated and establish different rules for residential and nonresidential districts; establish a process based on intensity of Landscape Service and process of agency review, Code requirements, and definitions of each use and activity; detailed site plans delineating boundaries of each use, including nursery, Landscape Service, and common area; and, allow a case-by-case program. The current amendment is recommended to be adopted under a pilot program.

Mr. Davis expressed concern in regards to rules for the Agricultural Reserve (AGR) regarding principal and accessory use percentages at the 30-percent threshold.

Reviewing on a page-by-page basis, Mr. Blackman questioned the effectiveness of the photos on page. Mr. MacGillis noted they dated from the original 2003 Code rewrite. Dr. Vinikoor noted at typo on page 32 (collocatedd). Mr. Martin asked if Staff had a preference for the permeable surface used. Mr. MacGillis responded it is not up to them, rather Engineering. Mr. Blackman reaffirmed Staff will not be reviewing the receipts, but will still need to get a BTR to operate. Mrs. Davis expressed concern about the calculated parking ratio. Mr. Martin brought up that residential exists in the Agricultural Reserve. Mrs. Kwok affirmed the AGR-PUD has residential. He asked if same ownership is required. Mr. MacGillis and Mrs. Kwok said it does, and while they can sub-lease, would still be responsible for the property. Mr. Blackman explained about how a site plan might be more enforceable than receipts. Mr. Santos-Alborna clarified the difference between "receipts" and Business Tax Receipts, as required by Sec. 17-17. - Business tax receipt required. of the PBC Code. Mr. Barlage questioned acreage thresholds. Mrs. Kwok said whichever is less. Mrs. Davis wanted to know how many trucks and trailers can fit on an acre and a half. A discussion ensued about how many trucks would fit.

a. Public Comments

Mr. Hank Tanzer, 7309 Park Lane Road, reflected on the changes of what residential and commercial development entail, and they services they require from landscape and irrigation companies. He further argued his business has been in Heritage Farms for at least 15 years, and residents only moved into the area within the last five years. He had been looking for twelve months and cannot find a piece of land to accommodate his business, and disagreed with the requirement being on an Arterial/Collector.

Mr. Mike Glynn of Snapper Creek Tree Farm and Dixie Landscape, 8564 East Park Lane, concurred with Mr. Tanzer, and argued businesses should be vested per County approval 20 years ago.

Mr. Jeff McDougald, 14068 Smith Sundry Road, who operates a 100% nursery business in the Agricultural Reserve, expressed regret about the businesses at stakes, and questioned the Comprehensive Plan's 30-percent maximum as opposed to one and a half acres, and change the cap to per five acres in the AGR or stick with the 30 percent.

Mr. Mark Rynar of Forever Green Lawncare, 10100 92nd Place South, expressed frustration for the past three years to solve the problem.

Mr. Todd Grande of Maximum Services, 9732 Happy Hollow Road, provided satellite imagery of his property and said not all properties look like or are run like the ones under Code Violation, and agreed with Mr. Bradley Miller's 70-30 ratio. He further contented that the Heritage Farms controversy is extrapolated.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC) (Updated 08/19/19)

Minutes of May 22, 2019 LDRAB/LDRC Meeting

Mr. Beril Kruger, on behalf of three nurseries approved in 2016, two of which under violation, argued that the County's decline in nurseries is based on increased difficulty from Code language. He questioned what constitutes the "growing area," and doesn't want nurseries to be on a Collector road in the AR Zoning District, or to go through a full DRO review.

Mr. Brain Duffy of Duffy's Total Care Lawn Service, 10190 52nd Place South, contended that residential neighbors were aware of the businesses in the area and are being unfairly cited while other areas of the County like Jupiter Farms should be reviewed. He also expressed concern over hurricane contracts.

Mr. Scott Bolling, on behalf of the industry, argued Landscape Services are a necessary infrastructure and believes the bigger picture should be looked at.

Mr. Bradley Miller, on behalf of the industry, 508 E. Boynton Beach Boulevard, provided revised satellite imagery showing a color-coded 50-30-20 ratio, and based on restrictions from easement encroachment, recommends for a 50-percent minimum for nurseries of area for nursery, 40 percent maximum for Landscape Services, and the remainder for a common area.

Mr. Mark Perry, on behalf of MDL Bet Holding, 88 E NE 5th Ave, Delray Beach, proposed a cap at 1.5 acres per parcel to per five-acre parcel to plan for future growth. While supporting the amendment as is specifically in the AGR, he still had concerns about full DRO approval for Agricultural Residential language and Arterial/Collector requirements.

Dean Turney, on behalf of M&P, was involved in the AGR rules, and argued the proposed amendments would make business difficult. He asked for a definition of on-site activities related to Landscape Services.

Mr. Richard "Chip" Carlson, on behalf of Carly Landco, 2377 Crawford Court, agreed some adjustments to the language are warranted, but is against parking and a pilot program believing it to be cost-prohibitive, and program should just be tweaked instead. He was not aware of conflict with the Comprehensive Plan, and believes consistency can be created as a hybrid use. Furthermore, he wants to be sure to get recommendation to the Board with the staff language for the definition of Landscape Services.

Mrs. Risa McCarahager, on behalf of Heritage Farms residents and one herself, provided two Palm Beach Post articles received into file to be included in the Minutes, and contended Landscape Services are industrial and is against increases in parking.

b. Discussion

Dr. Vinikoor alluded to Mr. Gulisano's suggestion of raising 35 percent to 45 percent, and questioned the increase, but believes the percentage should be higher at 55 percent to keep it agricultural.

Mr. Blackman suggested removing the easement in calculation of the total area.

Mr. Knight compared Landscape Services to living in an Airport Zone and idea of which came first, but contended more Landscape Service is needed as the County grows and how industrial land has appreciated in value.

Mrs. Kennedy cautioned on the common operations easement issue, and be opposed to change the cap to per five acres because it would change the agriculture nature. She further reflected on the necessity of Landscape Services being a "hidden cost" of development.

Mr. Martin expressed the inconvenience of making businesses going back to full DRO, and the amount of Landscape Services in the back of Heritage Farms creating a cumulative impact on traffic coming in and out of the community at certain times of day, and is localized rather than looking at the County as a whole.

Mr. Barlage suggested there being no need of percent if a cap by acreage is required.

Mr. Drawdy announced his intention to abstain. Various members disclosed contact with attorneys. Mr. Berger noted disclosure is not necessary as it is not a quasi-judicial hearing.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 08/19/19)

Minutes of May 22, 2019 LDRAB/LDRC Meeting

c. Staff Comments

Mr. MacGillis wanted clarification from Mr. Kruger over his question on percentages as it relates to parking. He further explained easements can be signed off on if they are not drainage or as long as encroachments are not encumbering the purposes of the easement. Staff is not set on a pilot program.

Motion to approve with the changes on the Add/Delete sheet and minimum of 55 percent retail wholesale nursery and let Staff and industry continue to discuss other percentages, and up to the BCC to make the final decision by Dr. Vinikoor, seconded by Mrs. Kennedy. Motion failed (3-11-1), with Mrs. Davis, Mr. Martin, Mr. Barlage, Mr. Knight, Mr. Basore, Mr. Harvey, Mr. Walesky, Mrs. Yeskey, Mr. Plana, Mr. Zemen, and Mr. Wein dissenting. Mr. Drawdy abstained due to conflict.

Motion to approve as recommended by Mr. Walesky, seconded by Mr. Knight. Motion passed (10-4-1), with Mrs. Davis, Mr. Martin, Mr. Plana, and Mr. Wien dissenting. Mr. Drawdy abstained due to conflict.

C. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

1. Proof of Publication

The Chair acknowledged Proof of Publication and Mr. MacGillis and Mrs. Kwok also confirmed the publication.

Motion to accept Proof of Publication by Dr. Vinikoor, seconded by Mr. Barlage. Motion passed (15-0).

2. Consistency Determination for Exhibits B through F

Mr. MacGillis noted a correction to include Exhibit G. Mrs. Davis noted the Consistency Letter.

Motion to determine Exhibits B through G consistent with the Comprehensive Plan by Mrs. Kennedy, seconded by Dr. Vinikoor. Motion passed (14-0-1). Mr. Drawdy abstained due to conflict.

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. STAFF COMMENTS

Mr. Berger introduced Mr. Stone as the County attorney for next month (sic).

F. BOARD MEMBER COMMENTS

Mr. Martin wanted to know if Staff could get back to him after looking into lighting as it relates to environmental issues. He also wanted HB 7103 addressed to the BCC, believing it to have a negative impact on planning by limiting staff to respond to applicants by 180 days and creating an undue burden.

Mr. Knight thanked Staff for their dedication, and Mr. Blackman thanked everybody who maintaining quorum.

Mr. Plana reflected on the historical premise of zoning as it relates to Landscape Services based on his dissenting votes, and that they failed at the concept of zoning to keep it in industrial or agricultural districts and not residential.

G. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 4:45 p.m.

Recordings of all LDRAB meetings are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5243.

EXHIBIT A

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Drowdy Charles Duane</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>LDRAB</i>
MAILING ADDRESS <i>5960 Michlar Dr Palm Beach</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Lake Worth</i>	COUNTY	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <i>5/22/19</i>		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

EXHIBIT A

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Charles Duane Drawdy, hereby disclose that on May 22, 20 19 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

*Landscape services located in residual areas
 I own 3.8 ac residential adjacent to landscape services.
 I also own 7.3 ac light industrial property where
 I have an office and equipment yard. Both are
 affected.*

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

May 22, 2019
Date Filed

Charles Duane Drawdy
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

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EXHIBIT B



MEMORANDUM

**Department of Planning,
Zoning & Building**
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb

TO: Mack Bernard, Mayor, and
Members of the Board of County Commissioners

FROM: Jon MacGillis, ASLA, Zoning Director

DATE: August 8, 2019

RE: **Initiation of Unified Land Development Code (ULDC)
Amendment Round 2019-02**

This memo serves to solicit feedback from the Board of County Commissioners (BCC) on the scheduling of ULDC amendments that have been prioritized for inclusion in Round 2019-02.

This memo will be presented at the August 22, 2019 BCC Zoning Hearing for discussion under "ULDC Amendments". In addition, Staff has scheduled briefings with each Commissioner in advance of the Hearing to discuss the proposed amendments.

If you should have any questions or require additional information, please contact me at (561) 233-5234.

JM/wh

Attachment 1 - Initiation of ULDC Amendment Round 2019-02

C: Digital Copy:
Amendment Round 2019-02

Email Copy:
Verdenia C. Baker, County Administrator
Patrick W. Rutter, Assistant County Administrator
Ramsay J. Bulkeley, PZ&B Executive Director
Wes Blackman, Chair and Members of the LDRAB
Robert Banks, Chief Land Use County Attorney
Scott A. Stone, Assistant County Attorney I
Patricia Behn, Planning Director
Maryann Kwok, AICP, Deputy Director, Zoning
Wendy Hernandez, Principal Site Planner
Zoning Division Staff

■
**Palm Beach County
Board of County
Commissioners**

Mack Bernard Mayor

Dave Kerner, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Robert S. Weinroth

Mary Lou Berger

Melissa McKinlay,

County Administrator

Verdenia C. Baker

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Official Electronic Letterhead

U:\Zoning\CODEREV\Code Amendments\2019\1 - Memos\ULDC Round 2019-02 Memo B August 22,
2019_REV.doc

**ATTACHMENT 1
INITIATION – ULDC AMENDMENT ROUND 2019-02**
(Updated 08/19/2019)

Summary of Key Meetings and Public Hearings	
Land Development Regulation Advisory Board (LDRAB) Meetings:	BCC Zoning Hearings:
<ul style="list-style-type: none"> July 24, 2019-CANCELED August 28, 2019 September 25, 2019 [Land Development Regulation Commission (LDRC)] October 23, 2019 [Land Development Regulation Commission (LDRC)] 	<ul style="list-style-type: none"> November 25, 2019: Request for Permission to Advertise December 19, 2019: 1st Reading January 30, 2020, Final Adoption

Amendment / Task	Lead Agency	Summary of Task Requirements
Article 1 General Provisions		
2.F Nonconformities	Zoning	<ul style="list-style-type: none"> Identify a minimum percentage that allows mostly non-residential properties to deviate from property development regulations without becoming non-conforming.
Article 2 Application Processes and Procedures		
2.A General	Zoning	<ul style="list-style-type: none"> Codification of HB 2019-7103, legislature to modify timeline for the review of Development Orders
2.B Public Hearing		<ul style="list-style-type: none"> Modifications to Site Plan requirements for Zoning Applications with a Small Scale Amendment
2.C Administrative Processes		<ul style="list-style-type: none"> To review the requirements for administrative modifications for uses that are "Single Entities" To review the current DRO and ZAR standards and thresholds for process review
2.D ULDC Privately initiated amendment (PIA)	Zoning	<ul style="list-style-type: none"> Establish a limited number of month in which a PIA application can remain in the system without any progress; Modify the Standards for review of a PIA;
2.E Monitoring	Planning	<ul style="list-style-type: none"> Modify the entire Chapter to be consistent with the Statutes, Plan and implementation practices.
2.H FLU Plan Amendment	Planning	<ul style="list-style-type: none"> Modify requirements for Planning Commission attendance, and sign posting and courtesy notifications for County Initiated amendments to future land use map; Modify the requirements for Historic Resource Board attendance
Article 3, Overlays and Zoning Districts		
3.B Overlays	Westgate CRA	<ul style="list-style-type: none"> Modify residential housing PDR's within the Overlay Modify requirements for Special Events within the Overlay Modify the requirement for a letter from the WCRA for ZAR applications
3.B Overlays	Zoning/ Planning	<ul style="list-style-type: none"> Modify requirements of the URA to streamline and clarify the property development regulations and supplemental standards.
3.D Property Development Regulations	Zoning	<ul style="list-style-type: none"> Modify PDR's and supplemental standards Zero Lot line homes and codify PPM's. Modify Building coverage for residential housing Modify PDR's for parcels with the RR-2.5 FLU and AR Zoning Codification of Planning ORD 2018-031 for Residential and Agricultural uses in residential FLU, PDRs for Residential Districts and AR Zoning. Modify FLU/Zoning Consistency Chart for CRE Zoning with RR-10 FLU

ATTACHMENT 1
INITIATION – ULDC AMENDMENT ROUND 2019-02
 (Updated 08/19/2019)

EXHIBIT B

Summary of Task Requirements	
Amendment / Task	Lead Agency
3.E Planned Development Districts	Zoning
Article 4 Use Regulations	
4.B Use Classification - Congregate Living with the CLR FLU:	Zoning
4.B Use Classification	Zoning
4.B Use Classification	Planning
Article. 5, Supplementary Standards	
5.D. Parks and Recreation Rules and Recreation Standards-	Parks and Rec
Article 6, Parking and Loading	
6.A Parking; 6.B Loading Standards (Phase 2)	Zoning/ Land Development / Code Enforcement
Article 7 Landscaping	
7.A-G	Zoning
Article 11, Subdivision, Platting, and Required Improvements	
11.A General Requirements	Zoning/Land Development
Article 12 Traffic Performance Standards	
12.B Standard	Planning
Other	
2019 Comprehensive Plan Text Amendments	Zoning/ Planning

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EXHIBIT C

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

CR-2019-006
(Updated 8/19/19)

Part 1. ULDC Art 2.A.4, Concurrent or Separate Applications (page 15 of 101, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify requirements for small scale land use amendment that require rezoning as part of the zoning application(s).
2. Eliminate the requirement of submittal of a master or site plan under Art.2.A... to reduce redundancy since the Plan requirement is already repeated in Art. 2.H.1.F

1 **CHAPTER A GENERAL**

2 Applications may be submitted to the applicable Division concurrently or separately subject to the following:

3 **A. Land Use Amendments**

4 If a small scale land use amendment requires a Rezoning, Conditional Use, DOA or ABN
5 application, the applications shall be reviewed and considered by the BCC concurrently. ~~The~~
6 ~~Applicant shall submit a master plan and/or site plan as part of the zoning application.~~ The zoning
7 application shall be submitted on the date indicated on the Annual Zoning Calendar within 45
8 calendar days of receipt of the land use amendment application. If a complete zoning application
9 is not submitted, the land use amendment shall be administratively withdrawn. [Ord. 2006-036]
10 [Ord. 2009-040] [Ord. 2017-007] [Ord. 2018-002]

Part 2 ULDC Art 2.H.1.F, Application Procedures (page 97, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify requirements for small scale land use amendment that require rezoning as part of the zoning application(s).

11 **CHAPTER H FLU PLAN AMENDMENTS**

12

13 **F. Application Procedures**

14 An application for a site specific amendment shall be submitted to the Planning Director along with
15 application fees established by the BCC. [Ord. 2012-027] [Ord. 2018-002]

16 **1. Concurrent Small Scale Amendments**

17 If a small scale land use amendment requires a rezoning, conditional use, development order
18 amendment or abandonment application(s), all applications shall be reviewed concurrently and
19 considered by the BCC at the same public hearing. If a master plan, site plan, or subdivision
20 plan is not required to be submitted as part of the concurrent zoning application, then the ~~The~~
21 ~~applicant shall submit a site plan or conceptual site plan as part of the future land use~~
22 ~~amendment zoning application(s) with the depicted features to be determined through the~~
23 ~~amendment process.~~ The complete zoning application must be submitted at a scheduled
24 zoning application intake within 45 calendar days of receipt of the small scale land use
25 amendment application. If a complete zoning application is not timely submitted, the small scale
26 land use amendment shall be administratively withdrawn immediately. [Ord. 2009-040] [Ord.
27 2018-002]

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EXHIBIT D

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS CRE CONSISTENCY

CR-2019-019
(Updated 08/09/2019)

Part 1. ULDC Art. 3.A.3.B. Overlays and Zoning Districts, General, Zoning District Consistency with the Future Land Use Atlas (FLUA), Standard Districts, Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (pages 16-17 of 211, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Commercial Recreation (CRE) was depicted in the table, along with the footnote, consistent with the Rural Residential 10 units/acre (RR-10) Future Land Use (FLU) to address existing parcels in the County that had RR-10 FLU and CRE Zoning. These existing parcels have been annexed into municipalities or rezoned. Removal of CRE in the table will be consistent with the Plan, as no new parcels can rezone to CRE with the FLU is RR-10.

1 **CHAPTER A GENERAL**

2

3 **Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)**

4 **A. Purpose and Intent**

5 A parcel's Zoning District shall be consistent with its Future Land Use (FLU) designation. Any
6 request for a Development Order shall be reviewed to determine consistency with the requirements
7 of this Section. Unless exempted otherwise, all applications for a Development Order shall be in a
8 zoning district corresponding to the FLU designations indicated in the following tables: **[Ord. 2011-**
9 **016]**

- 10 1. Standard Districts: Table 3.A.3.B, Future Land Use Designations and Corresponding Standard
11 Zoning Districts; or
12 2. Planned Development Districts: Table 3.A.3.C, FLU Designation and Corresponding Planned
13 Development Districts; or
14 3. Traditional Development Districts: Table 3.A.3.D, TDD Corresponding Land Use.

15 **B. Standard Districts**

16 Any application for a rezoning to a Standard Zoning District shall correspond to a FLU designation
17 indicated in the table below.
18

Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1)(3)

FLU Designation	Zoning District					
Agriculture/Conservation						
AP	AP					
AGR	AGR					
CON	PC					
SA	AR	AGR				
Residential						
RR-20	AR					
RR-10	AR	CRE				
RR-5	AR					
RR-2.5	AR	RE				
LR-1	AR (2)	RE	RT	RS		
LR-2	AR (2)	RE	RT	RS		
LR-3	AR (2)	RE	RT	RS		
MR-5	AR (2)	RE	RT	RS	RM	
HR-8	AR (2)	RE	RT	RS	RM	
HR-12	AR (2)	RE	RT	RS	RM	
HR-18	AR (2)	RE	RT	RS	RM	
CLR					RM	
WCR	AR (4)					
Commercial						
CL-O	CLO	IR				
CL	CN	CC	CLO	IR		
CH-O	CLO	CHO	IR			
CH	CN	CC	CLO	CHO	CG	IR
CR	CRE					
UI	UI					
UC	UC					
Industrial						
IND	IL	IG	CRE			
Institutional/Public and Civic						
INST	IPF					
PARK	IPF					

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EXHIBIT D

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS CRE CONSISTENCY

CR-2019-019
(Updated 08/09/2019)

**Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts
(1)(3)**

U/T	PO	IPF	[Ord. 2010-005]	[Ord. 2010-022]	[Ord. 2011-016]	[Ord. 2014-025]	[Ord. 2016-042]
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2014-025] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005]							
Notes:							
1.	Unless exempted otherwise all applications for a Development Order shall require the subject site be rezoned to a shaded district.						
2.	Existing zoning districts by FLU designation that may qualify for SFD exemption in accordance with the exceptions listed below.						
3.	See Art. 3.A.3.B.1, Standard District Exceptions and Limitations below, for additional notes. [Ord. 2016-042]						
4.	The Zoning District is consistent as described in the Plan. [Ord. 2019-005]						
	Typical Example of a "shaded district."						

1. Standard District Exceptions and Limitations

The following list of exceptions shall be permitted:

- a. A rezoning shall not be required for an existing legal lot of record for the development of a SFD with accessory uses, provided the existing zoning is identified in Table 3.A.3.B, Future Land Use Designation and Corresponding Standard Zoning Districts. **[Ord. 2011-016]**
- b. The AR District is consistent with the SA FLU designation in the Rural and Exurban Tiers only.
- c. The AR Zoning District may be considered consistent with all FLU designations in the U/S Tier for existing agricultural uses or the purpose of permitting new agricultural uses, where in accordance with Art. 3.C.1.C.1.c, Agricultural Uses in the U/S Tier. **[Ord. 2011-016]**
- d. The PO District is consistent with all FLU designations.
- e. The AGR District is consistent with the SA FLU designation in the AGR Tier only. **[Ord. 2011-016]**
- ~~f.~~ ~~The CRE District is consistent with the RR-10 designation only for those uses identified in FLUE Section III.C.3 of the Plan. **[Ord. 2011-016]**~~
- fg. Within the Glades Tier, the AP District is consistent with all FLU designations, excluding Conservation. **[Ord. 2011-016] [Ord. 2016-042]**
- gh. The RM District is consistent with the MR-5 designation only for those areas already zoned RM or RH, prior to the Plan's August 31, 1989 adoption. **[Ord. 2011-016] [Ord. 2017-025]**
- hi. The RS district is consistent with the LR-1 designation only for those areas already zoned RS, RTU, RM, or RH on the Plan's August 31, 1989 adoption. **[Ord. 2016-042]**
- ij. Certain uses in the CRE District over three acres require rezoning to IL. See Supplementary Use Standards. **[Ord. 2011-016]**
- jk. Existing institutional or civic uses in the AR, RE, RT, RS or RM districts with an INST FLU designation shall not be considered non-conforming. However, a rezoning shall be required for any action exceeding DRO Authority. **[Ord. 2011-016]**
- kl. A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU designation provided that any subdivision or development is consistent with all development standards and use regulations for the PC district. **[Ord. 2011-016]**
- ~~lm.~~ A rezoning shall not be required for the installation or replacement of a SFWMD telemetry tower in accordance with Art. 5.B.1.A.13.c, Exceptions for SFWMD Telemetry Towers in the Glades Tier. **[Ord. 2014-025]**
- ~~m.~~ The UC or UI Zoning Districts may be permitted to utilize the FLU designation and zoning district in place prior to the adoption of the Urban Redevelopment Area Overlay (URAO), in accordance with Art. 3.B.16.B.5.b, Alternative Future Land Use and Zoning. **[Ord. 2017-002]**
- ne. The IPF District shall only be consistent with the U/T FLU Designation for the purposes of accommodating privately owned or operated utility uses, including those considered publically held utilities that are not owned or operated by the State of Florida or local PBC governmental entity. **[Ord. 2017-007]**

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EXHIBIT E

ARTICLE 3 – PDD SETBACK MEASUREMENT

CR-2017-017
(Updated 08/19/2019)

Part 1. ULDC Art. 3.E.2.D.1, Overlays and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), Property Development Regulations (PDRs), Table 3.E.2.D – PUD Property Development Regulations (page 144-147 of 211, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To modify the existing code language on how to measure setbacks for Multi-family residential an Type 3 CLF developments within a PUD. The measurement shall be taken from the property line, and not from the inside edge of the perimeter landscape buffer. The measurement from the inside edge of the buffer, is a requirement more applicable to developments with fee-simple ownership of land, ie Single Family, Zero Lot Line, single unit Cottage homes, and Townhouse, when previous approvals had perimeter landscape buffers as easements, dedicated to the HOA, located within the fee-simple lots. This measurement was to ensure no structures would encroach into the perimeter buffers. The ULDC requires these perimeter buffers to be located in separate tracts, rather than easements now.

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

2

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

4

5 **D. Property Development Regulations (PDRs)**

6 The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum setbacks in each pod are indicated in Table 3.E.2.D, PUD Property Development Regulations, unless otherwise stated.

7 **1. Setbacks**

8 For residential development, except MF and Type 3 CLF, building setbacks shall be measured from the inside edge of the perimeter landscape buffers. For MF, Type 3 CLF, and non-residential development, building setbacks shall be measured from the property line, provided the structures do not encroach the landscape buffer. Rear or side setbacks may be reduced pursuant to Art. 3.D.1.D,4, Setback Reductions.

Table 3.E.2.D – PUD Property Development Regulations

POD	Lot Dimensions			Density	FAR (2)	Building Coverage	Setbacks			
	Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
Residential										
SF and Cottage Homes	Apply the RS district regulations in Table 3.D.1.A, Property Development Regulations. Refer to Art. 3.D.2.E, Cottage Home Property Development Regulations. [Ord. 2018-018]									
ZLL	Refer to Art. 3.D.2.C, Zero Lot Line (ZLL).									
TH	Refer to Art. 3.D.2.A, Townhouse.									
MF	Apply the RM district regulations in Table 3.D.1.A, Property Development Regulations.									
Civic										
Private	0.5 ac	100	100	-	-	30 percent	25	20	25	20
Public	1.5 ac.	100	200	-	-	30 percent	25	20	25	20
Commercial										
Commercial	Apply CC district regulations in Table 3.D.1.A, Property Development Regulations									
Recreation										
Recreation Pod (3)	-	65	75	-	-	30 percent	25	15	25	15
Neighborhood Park	0.1	45	75	-	-	15 percent	15	15	15	15
Preservation (1)										

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EXHIBIT E

ARTICLE 3 – PDD SETBACK MEASUREMENT

CR-2017-017
(Updated 08/19/2019)

Table 3.E.2.D – PUD Property Development Regulations

Preservation	Apply the AGR district regulations in Table 3.D.1.A, Property Development Regulations
[Ord. 2005-002] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2016-042] [Ord. 2018-018]	
Notes:	
1.	Preservation includes the Preservation Areas in a PUD allowed in the AGR FLU designations.
2.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. [Ord. 2007-001]
3.	Recreation pods required for multi-family units, CLFs, or other similar uses may be exempt from the following: a) Minimum frontage requirement, where internal street frontages are not available in the area required for recreation amenities, upon demonstration that access is provided by frontage on internal access ways, the pedestrian network other as may be approved by Parks and Recreation; and, [Ord. 2016-042] b) Minimum PDRs may be reduced proportionate to or in accordance with Art. 5.D.2.B.9, Exceptions. [Ord. 2016-042]

Part 2. ULDC Art. 3.E.6.D.1, Overlays and Zoning Districts, Planned Development Districts (PDDs), Mobile Home Planned Development District (MHPD), Property Development Regulations, Table 3.E.6.D MHPD Property Development Regulations (page 170-172 of 211, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Delete reference to flexible regulations that was inadvertently added into the Code under ORD 2005-002, when the flexible regulations were deleted under ORD 2003-067.

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

2

3 **Section 6 Mobile Home Planned Development District (MHPD)**

4

5 **D. Property Development Regulations (PDRs)**

6 The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum
7 setbacks in each pod are indicated in Table 3.E.6.D, MHPD Property Development Regulations,
8 unless otherwise stated.

Table 3.E.6.D – MHPD Property Development Regulations

Pods	Minimum Lot, Lease Lot or Condo Unit Dimensions				FAR	Maximum Building Coverage	Minimum Building Setbacks or Separations			
	Size	Width and Frontage	Depth	Corner			Front	Side Street	Side*	Rear* (1)
Mobile Home	4,200	40'	70'	55'	-	50%	20'	20'	5'	10'
Recreational	-	65'	75'	-	.35	30%	25'	25'	20' C 40' R	20' C 40' R
Private Civic	0.5 ac.	100'	100'	-	35	30%	25'	25'	20' C 40' R	20' C 40' R
Public Civic	1 ac.		200'							
Commercial	1 ac.	100'	200'	25'	.25	20%	25'	25'	20' C 40' R	20' C 40' R

[Ord. 2005-002] [Ord. 2007-013]

Notes:

C Indicates the required building setback for land uses abutting a non-residential zoning district, a civic, mixed-use commercial, or industrial pod. [Ord. 2005-002]

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

~~* (1)~~ ~~Indicates that the regulation is flexible and may be modified by complying with Art. 6.8.A.4, Regulating Plan. Land uses Pods that abut a lake, canal, or preserve area which that is greater than or equal to 40 feet in width along the boundary of the land use, may substitute a 20-foot side interior or rear setback if a 40-foot setback is required reduce the required 40 foot setback by 50 percent.~~ Setbacks shall be measured from the inside edge of perimeter landscape areas buffer and internal road R-O-Ws for recreation, civic and commercial uses. Setbacks shall be measured from individual lot lines, rental lines and from condominium lines. [Ord. 2005-002]

Part 3. ULDC Art. 3.E.7.E, Overlays and Zoning Districts, Planned Development Districts (PDDs), Recreational Vehicle Planned Development District (RVPD), Property Development Regulations, Table 3.E.7.E RVPD Property Development Regulations (page 173-174 of 211, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Modify setback measurements to be consistent with proposed language under PUD's.

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

11

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EXHIBIT E

ARTICLE 3 – PDD SETBACK MEASUREMENT

CR-2017-017
(Updated 08/19/2019)

Section 7 Recreational Vehicle Planned Development District (RVPD)

....

E. Property Development Regulations (PDR's)

The PDR's for a RVPD are indicated in Table 3.E.7.E, RVPD Property Development Regulations.

Table 3.E.7.E – RVPD Property Development Regulations

POD	Minimum Lot Dimensions			Maximum FAR	Max Height	Minimum Setbacks			
	Size	Width And Frontage	Depth			Front	Side	Side Street	Rear
Recreation RV space	1000 sf	20	40	-	25	25			
Recreation All Other	-	100	100	.35	35	50			
Commercial	1 acre max	100	100	.25	35	100			
Notes:									
1.	Setbacks shall be measured from the inside edge of the <u>required</u> landscape buffers.								
2.	All other recreation buildings include the clubhouse and accessory structures.								
3.	Lot dimensions are the minimum, except where noted.								

Part 4. ULDC Art. 3.E.1.J, Overlays and Zoning Districts, Planned Development Districts (PDDs), General, Phasing and Platting (page 144 of 211, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning]

1. Modify the requirements for platting and dedication of buffer tracts shall only apply to SF, ZLL, or Townhouse developments within a PDD, as they are fee simple subdivisions of Land. For Multi-family and CLF developments, these areas shall be dedicated as easements. Areas outside of the buildings will be dedicated to the common ownership or HOA for the overall development.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

....

J. Phasing and Platting

1. Phasing

PDDs shall be subject to the phasing, time limitations and review requirements of Art. 2.E, Monitoring, any conditions of approval, and shall proceed in a reasonably continuous and timely manner. If a PDD other than a PUD has 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. [Ord. 2005-002] [Ord. 2012-003]

2. Platting

All land in a PDD shall be platted in accordance with Art. 11, Subdivision, Platting And Required Improvements. [Ord. 2005-002] [Ord. 2011-001] [Ord. 2012-003]

a. Exemptions

The following shall be exempt from platting requirements: [Ord. 2012-003]

- 1) Right of way dedicated to a government agency when approved by the County Engineer; or, [Ord. 2012-003]
- 2) A DOA to a prior approval which includes a rezoning to a current PDD, where the proposed amendments do not involve any subdivision or other modifications which would require platting or a re-plat. [Ord. 2012-003]

b. Timing

All land within the PDD, including private civic tracts, golf courses and open space areas (including but not limited to recreation and water retention) shall be platted prior to Technical Compliance for the last residential, commercial, or industrial tract. [Ord. 2012-027]

c. Dedications

Required landscape buffers within or around residential pods, for the development of Single Family, Zero Lot Line, Townhouse, or Cottage Homes (when designed as a single unit on a lot), ~~of~~ within a Planned Developments, shall be platted and dedicated as separate tracts of land. [Ord. 2018-002]

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EXHIBIT F

ARTICLE 4 – USE REGULATIONS CLF DISTANCE TO FIRE-RESCUE

CR-2019-018
(Updated 07/29/2019)

Part 1. ULDC Art. 4.B.1.C.1, Use Regulations, Congregate Living Facility (page 15 of 198, Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning/Fire Rescue]
1. Ordinance 1987-032 required that a Congregate Living Facility, Type 2 or Type 3 be located within five (5) road miles of a full-service professional fire-rescue station, as determined by the Palm Beach County Fire-Rescue Department. In 1992, the location requirement was changed to “shall be located within five (5) road miles of a full service professional fire-rescue station.
2. The current ULDC requirement is that a Type 2 or Type 3 CLF be located within five miles of a full service fire-rescue station. Because the language does not indicate road miles the way to measure can be misinterpreted (eg. radius versus road miles).
3. Staff is proposing to amend the ULDC to add the word “road” to the ULDC the way it was written in prior ordinances. Thus, requiring a Congregate Living Facility Type 2 or Type 3 to be located within five (5) road miles of a full service fire-rescue station.
4. Fire Rescue staff confirmed that the five (5) mile distance is not a fire code requirement.

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 1 Residential Uses**

3

4 **C. Definitions and Supplementary Use Standards for Specific Uses**

5 **1. Congregate Living Facility (CLF)**

6

7 **h. Type 2 or Type 3 CLFs – Fire Rescue Station**

8 A Type 2 or Type 3 CLFs shall be located within five (5) road miles of a full service fire-
9 rescue station.

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EXHIBIT G

ARTICLE 4 – APPLICATION PROCESSES AND PROCEDURES

CR-2019-003
(Updated 08/19/19)

- 1 **B. General Industrial Standards**
2 Reserved for future use.
- 3 **C. Definitions and Supplementary Use Standards for Specific Uses**
4
- 5 **3. Distribution Facility**
6 **a. Definition**
7 An establishment for the loading, unloading, and interchange of freight or package express
8 between modes of transportation.
9 **b. Typical Uses**
10 Typical uses include truck terminals, railroad depots and yards (including temporary
11 storage), and major mail-processing centers.
12 **c. Zoning Districts with a CH FLU Designation**
13 A facility located in these Zoning Districts: CG, IRO, MUPD, MXPD or Commercial Pod of
14 a PIPD shall comply with the following additional requirements:
15 1) Outdoor Storage and activities shall be prohibited.
16 2) When this use is proposed to replace a previously approved use, the Net Trips and
17 Net Peak Hour Trips must be each to or less than the approved use.
18
- 19 **8. Manufacturing and Processing**
20 **a. Definition**
21 An establishment engaged in the manufacture, predominantly from previously prepared
22 materials, of finished products or parts, including processing, fabrication, assembly,
23 treatment and packaging of such products. This use also includes incidental storage, sales
24 and distribution of such products, but excludes heavy industrial processing.
25 **b. Typical Uses**
26 Typical uses include factories, large-scale production, wholesale distribution, publishing,
27 and food processing.
28 **c. Zoning Districts with a CH FLU Designation**
29 A facility located in these Zoning Districts: CG, IRO, MUPD, MXPD or Commercial Pod of
30 a PIPD shall comply with the following additional requirements:
31 1) Outdoor Storage and activities shall be prohibited.
32
- 33 **17. Warehouse**
34 **a. Definition**
35 An establishment used for the storage of raw materials, equipment, or products.
36 **b. Typical Uses**
37 Typical uses include moving companies, cold storage, and dead storage facilities, but
38 excludes self-service storage facilities.
39 **c. Overlay – WCRAO**
40 Office/warehouse uses shall be allowed as specified in [Table 3.B.14.E, WCRAO Sub-area](#)
41 [Use Regulations](#). The office/warehouse development shall have a minimum of 25 percent
42 office 2space per gross floor area for each bay.
43 **d. Zoning Districts with a CH FLU Designation**
44 A facility located in these Zoning Districts: CG, IRO, MUPD, MXPD or Commercial Pod of
45 a PIPD shall comply with the following additional requirements:
46 1) Outdoor Storage and activities shall be prohibited.
47 **e. Accessory Use**
48 **1) Office**
49 Unless approved as a Class A Conditional Use, or as specified in the Overlay –
50 WCRAO standard, office space in each warehouse bay shall be a maximum of 30
51 percent of the GFA of that bay.
52 **2) General Retail**
53 Sales shall be prohibited, except where allowed in conjunction with Flex Space.
54 **f. Freestanding Structures**
55 Freestanding structures for Warehouse developments located in an MUPD with an IND
56 FLU designation shall not be subject to the provisions of Table 3.E.3.B.2.a.3), Freestanding
57 Buildings. **[Ord. 2019-005]**
- 58 **18. Wholesaling**
59 **a. Definition**
60 An establishment engaged in: the maintenance and display of inventories of goods for
61 distribution and sale of goods to other firms for resale; or, the supplying of goods to various
62 trades such as landscapers, construction contractors, wholesale building supplies,
63 institutions, industries, or professional businesses. These establishments also sort and
64 grade goods from large to small lots, and engage in delivery. This use excludes vehicle
65 sales, and the wholesaling of nursery supplies, and gas and fuel.

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Manufacturing in CH Land Use-8-19-19.docx

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ARTICLE 4 – APPLICATION PROCESSES AND PROCEDURES

CR-2019-003
(Updated 08/19/19)

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b. Zoning Districts with a CH FLU Designation

A facility located in these Zoning Districts: CG, IRO, MUPD, MXPDP or Commercial Pod of a PIPD shall comply with the following additional requirements:

1) Outdoor Storage and activities shall be prohibited.

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EXHIBIT H

ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS, GENERAL REQUIREMENTS, APPLICATION OF ORDINANCE

CR-2019-005
(Updated 07/19/2019)

Part 1. ULDC Art. 11.A.4.A, General Requirements, Application of Ordinance, General Application (page 9 of 45, Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning/Land Development]
1. To delete an incorrect reference to Art. 2 Chapter H and correct with a general reference to Art. 2.

1 CHAPTER A GENERAL REQUIREMENTS

2

3 Section 4 Application of Ordinance

4 A. General Application

5 No person shall create a subdivision or develop any lot within a subdivision in unincorporated PBC
6 except in conformity with this Article. No Final Plat or certified boundary survey of any subdivision
7 shall be recorded unless such subdivision meets all applicable provisions of this Article, the
8 provisions of other applicable PBC ordinances, and the applicable laws of the State of Florida.
9 However, the subdivision of contiguous lands shall not be subject to compliance with the provisions
10 of this Article where the lands are under single ownership with none of the resulting lots being less
11 than 40 acres or where the remaining land is part of a development being platted in phases in
12 accordance with a Master Plan approved by the DRO, unless such compliance is required as a
13 specific condition of a development order for a conditional use or special use approved pursuant to
14 Art. 2.H, ~~FLU Plan Amendments, Application Processes and Procedures.~~

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