

INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING



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TO: The Honorable Steven L. Abrams, Mayor, and
Members of the Board of County Commissioners

THRU: Rebecca D. Caldwell, PZ&B Executive Director *RDC*

FROM: Jon MacGillis, ASLA, Zoning Director *JM*

DATE: March 7, 2013

RE: **Unified Land Development Code
Initiation of Amendment Round 2013-01**

This memo serves to solicit feedback from the Board of County Commissioners (BCC) on the initiation of key amendment topics that have been prioritized for inclusion in the Unified Land Development Code (ULDC) Amendment Round 2013-01.

This item will be on the March 28, 2013 BCC Zoning Hearing for discussion under "Zoning Director Comments".

Attachment 1, Initiation of ULDC Amendment Round 2013-01, includes the Use Regulations Project, Zoning and other County Department Round 2013-01 amendment priorities, and current Privately Initiated ULDC Amendments.

Use Regulations Project - Ongoing in 2013-2014

In 2012, Zoning Division staff discussed this project with the Board and indicated that subsequent updates would be provided on the tasks of reviewing and making recommendations on all the uses in the ULDC. As explained by staff, the last comprehensive review of the uses and associated definitions, supplemental standards and thresholds was in 2003. These last 10 years represent a much more dramatic change in the context of the development landscape than in most previous decades. Smaller parcels, infill lots, and encouraging redevelopment represent significant challenges in the development landscape. The project will also allow the creation of a more seamless and user-friendly set of regulations reflecting more sustainable development and increasing predictability. Code Revision staff has commenced this project and a Land Development Regulation Advisory Board (LDRAB) subcommittee has been created to provide input on the proposed amendments. Priorities have been evaluated to ensure this project continues to move forward within the 2012-2014 timeframe. Staff continues to ensure all interested parties are afforded the opportunity to participate and are also updated on the status of the project by: updates on the Zoning Web page, monthly ULDC newsletter, monthly Public Forum Meetings, ULDC Subcommittee Meetings, developing an interested party e-mail contact list, in addition to plans to coordinate with Channel 20 and Public Affairs for informational segments.

ATTACHMENT C



Round 2013-01 Amendment Priorities:

2013-01 priorities include amendments necessary to comply with State laws, Plan amendments or industry trends, and the following key topics:

- Enclosed or Open Gun Clubs and Private Gun Ranges: ensure compliance with State laws pre-empting local government regulation of weapons and firearms and provisions for sport shooting ranges; and,
- Wall Art Murals: collaboration between Facilities Development and Operations (FD&O), which oversees the Art in Public Places Advisory Board, PZ&B, and County Attorney.

Amendments by other County Departments will be limited to minor revisions submitted by Environmental Resources Management (ERM).

Privately Initiated ULDC Amendments:

Staff is currently processing two new Privately Initiated ULDC Amendments, including electrified fences and commercial parking lots, and is anticipating additional submittals in early 2013. While staff continues to field other inquiries regarding this new process, it is critical to note that this process is reserved as a last resort, and that staff makes every effort to work with customers to seek out alternative solutions within existing regulations.

Future Amendment Priorities:

Attachment 2, Summary of Pending ULDC Amendments includes a short list of amendment tasks that will likely need to be accommodated in 2013 or some point in the near future.

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

JMWJC

Attachments: Attachment 1 – Initiation of ULDC Amendment Round 2013-01
Attachment 2 – Summary of Pending ULDC Amendments

C: Verdenia Baker, Deputy County Administrator
Wes Blackman, Chair and Honorable LDRAB Members
Leonard Berger, Chief Assistant County Attorney
Robert Banks, Chief Land Use Assistant County Attorney
Lorenzo Aghemo, Planning Director
Maryann Kwok, AICP, Chief Planner, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Zoning Division Staff

ATTACHMENT 1
INITIATION - ULDC AMENDMENT ROUND 2013-01
 (Updated February 12, 2013)

ULDC AMENDMENT ROUND 2013-01 SUMMARY OF KEY MEETINGS AND PUBLIC HEARINGS	
BCC ZONING HEARINGS:	LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MEETINGS:
<ul style="list-style-type: none"> ▪ June 27, 2013: Request for Permission to Advertise ▪ July 26, 2013: 1st Reading ▪ August 22, 2013: 2nd Reading/Adoption 	<ul style="list-style-type: none"> ▪ February 27, 2013 ▪ March 27, 2013 ▪ April 24, 2013 ▪ May 22, 2013 (LDRC)

PRIORITIZATION AND STAFFING:
<p>On a scale of 1 to 3, staff has ranked both the priority and the level of staffing required for each of the proposed amendments, as follows:</p> <p>“Priority” Column:</p> <ol style="list-style-type: none"> 1 Indicates an issue required to ensure compliance with Federal or State law, or the Comprehensive Plan, or most in need of updating for relevancy or efficiency of operations. 2 Generally refers to an issue that is highly recommended for inclusion but not required. 3 Includes issues recommended for inclusion but may be postponed to a later Amendment Round. <p>“Staffing” Column:</p> <ol style="list-style-type: none"> 1 Will require a higher level of staff resources, including but not limited to: need for in depth research, public or industry outreach, LDRAB Subcommittee’s or other Task Force, coordination with IPARC or LOC, or other labor intensive process. 2 Generally requires a moderate level of staff resources, typically involving lower profile issues that still require public or industry outreach. 3 Routine updates requiring lower levels of staff resources or time.

AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS	PRIORITY	STAFFING
USE REGULATIONS PROJECT [Two Year Task – 2012-2014]	Zoning	Significant rewrite of ULDC standards for Use Regulations to simplify, streamline approval processes to maximum extent feasible, update to match current industry trends, and improve overall use, among others. Will entail: <ul style="list-style-type: none"> ▪ Update Definitions, Use Matrices (identifies where uses are permitted and approval process), Supplementary Standards and Thresholds. ▪ Cross referencing of County standards and terminology with technical and industry resources, including the American Planning Association, the North American Industrial Classification System (NAICS) and others as may be identified through input during process. 	1	1

ATTACHMENT C

ATTACHMENT 1
INITIATION - ULDC AMENDMENT ROUND 2013-01
(Updated February 12, 2013)

AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS	PRIORITY	STAFFING
USE REGULATIONS PROJECT [Two Year Task – 2012-14] <p style="text-align: center;">CONTINUED</p>		<ul style="list-style-type: none"> ▪ Expansive webpage outlining scope of project and providing opportunities for interested parties to complete surveys on specific uses classifications. ▪ Establishment of LDRAB Subcommittee, with extensive outreach to solicit additional interested parties to participate in subcommittee proceedings. ▪ Establishment of internal processes to coordinate with other Development Review agencies to solicit feedback on shortcomings and identify solutions or improvements. ▪ Cross referencing of County standards with a minimum of 8 large jurisdictions within PBC, other State or National jurisdictions for emerging trends, etc. ▪ Assessment of compliance with applicable Policies of the Plan. ▪ Amend Art. 2.B.1.I.1, General, to clarify procedures for “permitted uses allowed in conjunction or in place of Conditional or Requested Uses.” 	1	1
Coastal High Hazard Area Definition	Zoning	Update existing definitions and applicability for consistency with Planning Text Amendment.	1	2
Florida Fish and Wildlife Conservation Commission	Zoning	Minor revisions to respond to renaming of State Agency (FKA Florida Game and Freshwater Fish Commission).	1	3
Development Review Officer (DRO) – Update Administrative Approval Processes	Zoning	Consolidate and simplify DRO Agency Review, Zoning Review and Administrative Amendment processes for ease of use.	1	1
Rezoning Requirements for Non-conforming Legal Lots of Record	Zoning	Codify policy regarding non-conforming lots and eligibility to rezone to a more intense district when the current district is consistent with the underlying FLU designation (without requiring Variance approval to address non-conformities).	1	2
F.S. for Weapons and Firearms, and Sport Shooting Ranges	Zoning	Amend Open and Enclosed Gun Clubs and Private Gun Range for consistency with F.S. 790.33, State Pre-emption of local regulation for weapons and firearms, and F.S. 823.16, Sport shooting ranges.	1	1
Equestrian, Livestock or Other Waste Application Prohibitions and Requirements	PZ&B	Clarify when the use of equestrian, livestock or other similar waste matter shall be prohibited, and development of best management practices where permitted.	1	1
Art. 8, Signage [Murals as Wall Art]	PZB/ FDO/	Wall Art Murals: Collaboration between Facilities Development and Operations (FD&O), which oversees the Art in Public Places	1	1

ATTACHMENT C

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INITIATION - ULDC AMENDMENT ROUND 2013-01
 (Updated February 12, 2013)

AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS	PRIORITY	STAFFING
	Co. Atty.	Advisory Board, PZ&B, and County Attorney.		
Art. 14, Environmental Standards	ERM	Vegetation and Preservation and Protection Code: Review of County Code Enforcement Activities in Art. 14.C and Art. 10, Enforcement.	1	1
2013 Legislative Session	Zoning	PENDING: Review of all new laws adopted in 2013 Session to determine if any ULDC amendments are required for consistency.	1	PENDING
Public Requests for ULDC Amendments				
Financial Institutions – Standalone ATM Facilities	Zoning	<u>Application Pending</u> - Request: Allow for freestanding standalone ATM facilities.	1	1
Commercial Parking Lots	Zoning	Request: Amend to allow Commercial Parking Lot facilities within 250 feet of non-residential uses or districts. Current language prohibits use when adjacent, which does not accommodate larger parcels that could meet reasonable separation distances. <u>Application received February 4, 2013.</u>	1	1
Type I Private Kennel – Limited Commercial Boarding	Zoning	Request: Amend to allow limited commercial boarding of dogs or other pets within residential zoning districts as accessory to a residential use. <u>Application received February 5, 2013.</u>	1	1

ATTACHMENT C

ATTACHMENT 2
SUMMARY OF PENDING ULDC AMENDMENTS
(Updated March 5, 2013)

PRIORITIZATION AND STAFFING:

On a scale of **1 to 3**, staff has ranked both the priority and the level of staffing required for each of the proposed amendments, as follows:

“Priority” Column:

- 1** Indicates an issue required to ensure compliance with Federal or State law, or the Comprehensive Plan, or most in need of updating for relevancy or efficiency of operations.
- 2** Generally refers to an issue that is highly recommended for inclusion but not required.
- 3** Includes issues recommended for inclusion but may be postponed to a later Amendment Round.

“Staffing” Column:

- 1** Will require a higher level of staff resources, including but not limited to: need for in depth research, public or industry outreach, LDRAB Subcommittee’s or other Task Force, coordination with IPARC or LOC, or other labor intensive process.
- 2** Generally requires a moderate level of staff resources, typically involving lower profile issues that still require public or industry outreach.
- 3** Routine updates requiring lower levels of staff resources or time.

AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS	PRIORITY	STAFFING
Green Development	Zoning	Adopt Green Development Programs as may be required by industry trends or feedback, etc.	2	1
Rooftop Solar	Zoning	Clarify when certain rooftop solar equipment will be exempt from Art. 5.B.1.A.19.a.2), Screening Requirements (Mechanical Equipment)..	2	3
Glades Area Projects	PBC Dept. of Economic Sustain-ability (DES)	<ul style="list-style-type: none"> ▪ Glades Region Master Plan: DES coordinated HUD Grant to develop a road map for planned development/redevelopment that incorporates the six (6) “Livability Principles” developed by the U.S. Departments of HUD, DOT and EPA. ▪ Glades Area Overlay: Update to address several critical glitches to terminology for expedited approval processes, and to ensure consistency with the Plan. These changes will likely be incorporated into the above Glades Region Master Plan effort. 	2	1
Art. 7, Landscaping	Zoning	<p>Multiple updates and revisions to Landscaping requirements, as follows:</p> <ul style="list-style-type: none"> ▪ Determine if any additional flexibility can be permitted for overlapping of drainage swales, easements or detention areas and landscape buffers (note: drainage areas typically prohibit most types of landscaping). 	2	1

ATTACHMENT 2
SUMMARY OF PENDING ULDC AMENDMENTS
(Updated March 5, 2013)

AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS	PRIORITY	STAFFING
Art. 7, Landscaping (Continued)		<ul style="list-style-type: none"> ▪ General updates to clarify requirements for shade trees, standards for wall and hedge measurements, and general clean up of Article. ▪ Determine feasibility of permitting Bio-swales in urbanized areas. ▪ Update Alternative Landscape Plan (ALP) to include updates to Appeal procedures, consider simplifying by switching to Type II Variance process, among other minor revisions. ▪ Clarify minimum landscaping requirements for certain multi-family developments. ▪ Correct glitch in Art. 7.F.9.B, Determining Compatibility Buffer for Minor Utilities. ▪ Water Conservation: Determine feasibility of implementing water conservation updates. ▪ Signed and Sealed Documents: Determine if requirements for signed and sealed Landscape documentation can be specified in the Zoning Technical Manual, or whether such must be codified. 	2	1
2010 SB 550, State to Expedite Renewable Energy Projects	Zoning	Review existing ULDC provisions for Renewable Energy Facilities and amend if necessary for compliance with F.S.	2	2
2011 Commercial Communication Tower (aka: Cell Towers)	Zoning	Review existing ULDC Commercial Communication Tower (Cell Tower) requirements to correct minor glitches and amend if necessary for compliance with HB 3630, Public Safety Spectrum and Wireless Innovation Act of 2011; and, clarify applicability to other non-commercial uses such as SFWMD Everglades Water Management control towers.	2	2
HB 7207 – Growth Management Act Revisions	Planning/ Zoning	Pending final confirmation from Planning on analysis of impacts from HB 7207 on current Development Review processes and requirements.	2	1
Freestanding Buildings	Zoning	Update Art. 3.E.3.B.2.a, Freestanding Buildings, to address ratio of permitted freestanding buildings to be commensurate with the overall size or acreage of a development.	2	1
Commercial Low – Neighborhood Commercial (CN), Community Commercial (CC) and CL Pods of PDDs	Zoning	Ascertain feasibility of limiting certain uses and other site development or operational limitations necessary to implement the CL “Neighborhood Oriented” requirements of the Plan.	2	1

ATTACHMENT C

ATTACHMENT 2
SUMMARY OF PENDING ULDC AMENDMENTS

(Updated March 5, 2013)

AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS	PRIORITY	STAFFING
Accessory Daycare in Industrial Pod	Zoning	Ascertain feasibility of allowing use to be permitted by right instead of requiring BCC approval – provided use is limited to workers within specific project or development (included within Use Regulations Project).	2	3
Art. 2.G.3.A.3.b, LDRAB Member Expertise	Zoning	Clarify number of Land Development Regulation Advisory Board (LDRAB) members permitted from similar professions.	2	2
Art. 3.C.1.A.2.b, Previously Approved and Non-conforming Uses [AGR Tier]	Zoning/ Planning	Clarify standards for expansion or approval of uses or developments existing prior to creation of the AGR Tier.	2	1
Art. 5.E.4.E, Outdoor Lighting	Zoning	Updates to County Dark Sky based Lighting Ordinance.	3	2
Shipping Containers	Zoning/ Building	Clarify when shipping containers may be used as principal structures, accessory structures, and applicability or need to apply architectural standards.	2	1
Boarding House	Zoning	Removal of rooming and boarding house language from Hotel or Motel use for consistency with F.S. (included within Use Regulations Project).	2	1
Agricultural Tourism (Winery)	Zoning	Establish standards for agricultural tourism to accommodate uses such as Florida Certified Wineries which are required to be open to public for tours, and sale of wine (made from agricultural products grown on site). Currently scheduled with Use Regulations Project.	2	1
Special Events in Residential Zoning Districts	Zoning	Respond to recent requests from Places of Worship located in residential districts that are requested Special Events. Address issues with parking, traffic, noise, hours of operation, etc. Currently scheduled with Use Regulations Project.	2	1
Art. 6.C.1.B, Double Frontage Lots	Zoning	Address limitation precluding multiple driveways to homes built on double frontage or corner lots (e.g. current provisions limit access to frontage and would not allow a side or rear load garage).	1	2
Art. 4.B.1.A.3.a, Determination [Related to Bona-fide Agriculture]	Zoning/ Co. Atty.	Delete references and requirements for agricultural determination criteria superseded by F.S. 823.14 Right to Farm Act and F.S. 193.461, which assigns authority for agricultural classification to the local property appraiser.	1	1

ATTACHMENT C