



**BOARD OF COUNTY COMMISSION
ZONING HEARING**

**AMENDMENTS TO THE AGENDA
JANUARY 4, 2018**

AGENDA

<u>ITEM #</u>	<u>PAGE #</u>	<u>APPLICATION AND CONTROL #S</u>	<u>APPLICATION NAME</u>
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REGULAR AGENDA

K. ULDC Amendments

- | | | |
|----|----------|---|
| 6. | (95-326) | Unified Land Development Code (ULDC) Amendment Round 2017-02
First Reading and Request to Advertise for Adoption |
|----|----------|---|

(See attachment)

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(1/3/18)

1 AGENDA ITEM # 6 APPLICATION/CHANGE
2 PAGES 95- 326

UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS ROUND 2017-02: FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING

7 #1 Exhibit B, Art. 2, Development Review Procedures, Part 2, Art. 2.B.7.E.3.a, Zoning Type
8 2 Variance (ZV) (Lines 43-47 of 153)

Reason for amendments: [Zoning]	
1.	Type 2 Variance, delete the threshold of five or more variances since any Variance that exceeds the threshold of a Type 1 Variance shall be subject to the Type 2 Variance process.
2.	Remove repetition of the words "any application" since it is clarified this applies to any application in the beginning sentence of "The ZV shall only apply to the following applications:"

11 **Section 3.E. Type II 2 Variance**

14 **3. Type 2 Variance Applications**

Type 2 Variance applications include those that are processed by the Zoning Division and the Land Development Division. Variance applications may be submitted concurrently or separately with a request for a DO unless determined by the DRO that the Variance is subject to a Standalone application, and must be approved prior to the submittal of the DO application. ~~[Ord. 2011-001] [Ord. 2012-003]~~

a. Zoning Type 2 Variance (ZV)

The ZV shall only apply to the following applications:

~~2.4 any application requesting five or more variances;~~ [Ord. 2009-040] [Ord. 2011-001]

~~3.21 any application~~ requesting variances that exceed 15 percent of a required standard or Property Development Regulations for residential lots of three units or less; [Ord. 2009-040] [Ord. 2011-001] [Ord. 2012-003]

~~4.32 any application~~ requesting variances that exceed the standards of Art. 2.D.3.D.2, Non Residential Projects; [Ord. 2012-003] [Ord. 2012-027]

29 #2 Exhibit B, Art. 2, Development Review Procedures, Part 4, Table 2.C.3, DRO –
30 Administrative Processes, (Line 1 of 163)

Reason for amendments: [Zoning]	
1.	Limited Contractor Storage Yard is allowed as an accessory use to a residential use, and is considered as a Home Occupation pursuant to Art. 4.B.1.E.10, Accessory Residential Use Standards. In addition, because of the nature of this use, it is also subject to requirements of the Contractor Storage Yard under Art. 4.B.5.C.1, Contractor Storage Yard.
2.	Since the Special Permit process is proposed to be replaced by the Zoning Agency Review process, the proposed amendment is to clarify that Special Permits remain as a valid process for the Limited Contractor Storage Yard under a Home Occupation situation and for Billboards.

32 **Section 3 General**

33 The DRO shall coordinate the review of applications with all the applicable Agencies based on the
34 request(s), and in accordance with the Table below. The application(s) shall be assigned by the DRO to be
35 reviewed either through the Full DRO, which consists of all applicable County Agencies, or Zoning Agency
36 Review (ZAR), which consists of one to a maximum of five Agencies. An Applicant may also request
37 Sequential or Concurrent Review by the DRO.

Table 2.C.3, DRO - Administrative Processes

Requests	Processes	
	Full DRO	ZAR
Finalization of BCC or ZC DOs		
Finalize the BCC or ZC DOs and Plans	√	
Administrative Approval		
A Use subject to Art. 4.A.7.C.2, Administrative Approvals. (1)	√	√(2)
Administrative Modifications to Prior DO in accordance with Table 2.C.5.B	√	√(2)
Subdivision Plan pursuant to Art. 11, Subdivision, Platting and Required Improvements (3)	√	
Type 1 Waiver (4)	√	
Type 1 Variance		√
Temporary Use pursuant to Art. 4.B.11, Temporary Uses		√
Special Permit pursuant to Art. 4.B.5.C.1.c, Home Occupation in AR/RSA related to Limited Contractor Storage Yard and Art. 8.H.2, Billboards		√(6)
Reasonable Accommodation		√
Zoning Confirmation Letter (Formal and Non-Site Specific Formal) (5)		√
Zoning Confirmation Letter (Informal) (5)		√
Release of Unity of Title (5)		√
Notes		

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(1)	Includes where it specifies the process is subject to the DRO in Art. 4.B, Use Classifications or in Art. 3.B, Overlays, Table 5.G.1.E, Review Process for WHP, Table 5.G.2.D, Review Process for AHP, and Art. 5.G.3.K.3, TDR Review Process.
(2)	There shall be an approved Zoning Plan (Site or Subdivision) for those requests to add a new use or replacement of a use through the ZAR process.
(3)	May be reviewed and approved concurrent with a Final Master Plan that was approved by the BCC.
(4)	Includes Type 1 Waiver for Landscaping
(5)	This type of request will not issue a DO for the subject property.
(6)	May process under a Special Permit.

#3 Exhibit B, Art. 2, Development Review Procedures, Part 5, Art. 2.D.3.D.3, Variance Request Limitations (Lines 43 of 173)

Reason for amendments: [Zoning]	
1.	Clarify that Type 1 Variances are bound by the limitations as listed in the Code. Any variance that exceeds these limitation threshold will have to proceed through the Type 2 (Public Hearing) Variance process.

~~Section 3D. Type 1 Administrative Variances~~

~~....~~
~~**D3. Type 1B Administrative Variances Variance Request Limitations**~~
~~Request that exceeds more than five variances or the following limitations shall be subject to a Type 2 Variance. Variance requests for density or intensity beyond the stated limits of the Plan shall be prohibited. Type 1B variances may be considered for the following: [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003] [Relocated from Art. 2.D.3.D, Type 1B Administrative Variances]~~

~~**4.a. Residential Lots of Three Units or Less**~~

~~A variance may be requested for the following: [Ord. 2006-036] [Ord. 2008-003]~~

~~a.1) Reductions or increases of Property Development Regulations PDRs greater than five percent of the minimum or maximum requirement. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003]~~

~~b.2) Relief from Article 5.B.1.A, Accessory Uses and Structures as follows: General; Fences, Walls and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities; Screen Enclosures; and Permanent Generators. [Ord. 2008-003] [Ord. 2013-001]~~

~~c.3) Relief from Art. 7.D.4.A.3-B.2, Residential Hedge Height. [Ord. 2015-006]~~

~~d.4) Relief from Excavation Standards in Art. 4.B.10.C.2, Type 1A Excavation and Art. 4.B.10.C.3, Type 1B Excavation. [Ord. 2008-003] [Ord. 2017-007] [Relocated from Art. 2.D.3.D.1, Residential Lots of Three Units or Less as it related to Type 1B Administrative Variance]~~

#4 Exhibit B, Art. 2, Development Review Procedures, Part 29, Art. 5.B.1.B, Temporary Structures (Lines 38-43 of 216)

Reason for amendments: [Zoning]	
1.	Reword (grammatical corrections) to clarify the intent of temporary structures.

~~B. Temporary Structures Emergency or Temporary Government or Utility Structures~~

~~1. Emergency or Temporary Government Structures and Uses~~

~~This Section is intended to allow facilitate the placement or construction of structures or facilities that are temporary. These structures or facilities are utilized to government uses, facilities, and infrastructure improvements that address an immediate public need and ensure the health, safety and welfare of the public concerns for the State of Emergency resulting from natural or pending disasters; or Construction staging activities for infrastructure improvements, which includes but not limited to a R-O-W construction staging area that is utilized for the temporary overnight storage of materials used during infrastructure improvement. [Partially relocated from Art. 5.B.1.B.3.e, Construction Staging Areas for Right of Ways (R-O-W)]~~

#5 Exhibit J, Art. 7, Landscaping, Part 3, Table 7.B.4.A, Type 1 Waivers for Landscaping (page 245)

Reason for amendments: [Zoning]	
1.	Clarify that 50% of the required foundation planting may be relocated to an expanded sidewalk that is located within 30 feet of the building. This will provide more options for an applicant to relocate the required foundation planting.

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Table 7.B.4.A, Type 1 Waivers for Landscaping

Foundation Planting		
<p><u>Table 7.C.3.B, Foundation Planting and Dimensional Requirements – Facades to be Planted</u></p>	<p><u>Allow a 50 percent relocation of required foundation planting.</u></p>	<ul style="list-style-type: none"> • <u>The foundation planting shall be relocated to another façade of the same building or structure; or to an expanded sidewalk that is located within 30 feet of the same building or structure;</u> • <u>The relocated foundation planting shall have the minimum planting width; and</u> • <u>The overall total square feet for the foundation planting meets or exceeds the required foundation planting.</u>

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#6 Exhibit J, Art. 7, Landscaping, Part 3, Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements (Line 5 of 258)

Reason for amendments: [Zoning]	
1.	The current Code only addresses increase of width for landscape islands when the islands are overlapped by utility easements. The additional Code requirement will address the limitations of how much an utility easement can overlap the length of a landscape island. The intent is to ensure there is sufficient room for healthy tree growth in an island.

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Table 7.C.4, Landscape Island and Divider Median - Planting and Dimensional Requirements (4)

	U/S Tier	AGR and Glades Tiers	Exurban and Rural Tiers
Landscape Island (4) and Divider Median Minimum Dimensions			
....			
<u>Landscape Island Min. Length (3)(6)</u>			<u>15 ft.</u>
....			
Notes:			
(1)	<u>Min. Minimum width of islands shall exclude curbs, sidewalks and utilities utility easements. The width must be increased by the minimum amount necessary to meet the needs of the utility providers or to accommodate a sidewalk.</u>		
(2)	<u>A minimum of 75 percent of all trees required in the interior of vehicular use areas shall be canopy trees. Palms may count as one required tree, not to exceed 25 percent of the total required trees. [Relocated from Art. 7.G.1, Trees]</u>		
(3)	<u>Apply to Non-residential Planned Development only – Landscape islands facing major internal driveways shall provide a two-foot high continuous hedge for a minimum of 60 percent of the island length. Hedge shall be maintained with a maximum height of 30 inches.</u>		
....			
(6)	<u>Minimum length of islands shall exclude curbs, sidewalks and utility easements.</u>		

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#7 Exhibit J, Art. 7, Landscaping, Part 6, Table 7.F.2, Installation (Line 56-57 of 284)

Reason for amendments: [Zoning]	
1.	Add language to reflect current practice of submitting civil, lighting and sign plans to ensure the proposed infrastructure would not conflict with the proposed landscaping.

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CHAPTER ~~E~~ F REVIEW, INSTALLATION AND MAINTENANCE

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Section ~~4~~ 2 Installation

All landscaping shall be installed according to acceptable nursery practices in a manner designed to encourage vigorous growth. Soil improvement measures may be required to ensure healthy plant growth. Before planting, a plant or tree's growth characteristics shall be considered to prevent conflicts with views, lighting, infrastructure, utilities, or signage. Proposed infrastructure, lighting, and signage plans shall be submitted concurrent with landscape plans prior to issuance of a building permit.

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#8 Exhibit J, Art. 7, Landscaping, Part 6, Art.7.F.1.A, Exception [Related to Plant Quality] (lines 47 – 50 of 284)

Reason for amendments: [Zoning]	
1.	Eliminate redundant requirement since Art. 7.F.2.A, Trees already allows an applicant to utilize the Average Height to make up the required total tree height. In addition, under current practice, if there is a shortage of trees, whether it is related to species or size, the industry will notify the Zoning

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Director, and a determination/decision via a memo or a meeting discussion with the industry will be made to address the situation.
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1 **CHAPTER ~~E F~~ REVIEW, INSTALLATION AND MAINTENANCE**

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3 **Section ~~3 1~~ Plant Quality**

4 Plants installed pursuant to this Article shall conform to or exceed the minimum standards for Florida
5 Number 1, as provided in the most current edition of "~~Grades and Standards for Nursery Plants, Parts I and~~
6 ~~II~~", Florida Grades and Standards for Nursery Plants, as amended, prepared by the State of Florida
7 Department of Agriculture and Consumer Services. ~~see Appendix B for Examples of Florida Number 1~~
8 ~~Quality Plants. A different minimum standard may be approved for native plants installed in accordance~~
9 ~~with an approved ALP if an applicant demonstrates that sufficient quantities of commercial stock meeting~~
10 ~~the Florida Number 1 standard are not available.~~ All plants shall be clean and free of noxious pests and/or
11 diseases. **[Partially relocated to Art. 7.F.1.A, below]**

12 **A. Exception**

13 ~~A different minimum standard may be approved for native plants installed subject to a Type 1~~
14 ~~Waiver for Landscaping if an applicant demonstrates that sufficient quantities of commercial stock~~
15 ~~meeting the Florida Number 1 standard are not available. [Relocated from Art. 7.E.3, Plant~~
16 ~~Quality]~~

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19 **#9 Exhibit J, Art. 7, Landscaping, Part 6, Art.7.F.5, Maintenance (Lines 36-64, 1-65, 1-49 of**
20 **pages 285-286)**
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Reason for amendments: [Zoning]	
1.	Clarify that maintenance of landscaping that are required to be installed or preserved under a Development Order remains in Art. 7.
2.	Maintenance of single family lots that are subject to a demolition permit or a pending building permit.

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23 **CHAPTER ~~E F~~ REVIEW, INSTALLATION AND MAINTENANCE**

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26 **Section ~~5 4~~ Maintenance**

27 **A. General**

28 ~~PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned~~
29 ~~property, unless provided for otherwise by DO condition of approval. For all other properties, which~~
30 ~~includes vegetation required to be installed under a DO, or existing preserved vegetation, the~~
31 ~~property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally~~
32 ~~responsible for the following requirements of this Section. [Relocated to Art. 5.L, Property and~~
33 ~~Vegetation Maintenance] Maintenance of the properties Premises shall also be subject to the~~
34 ~~requirements of Art. 5.L, Property and Vegetation Maintenance and the PBC's Palm Beach County~~
35 ~~Code, Chapter 14, Article 1, Property Maintenance Code.~~

36 ~~21.~~ Regular maintenance of all landscaping is required. All landscaping shall be free from disease,
37 pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning,
38 mowing, edging, mulching, or any other actions needed, consistent with acceptable
39 horticultural practices.

40 ~~32.~~ Regular maintenance, repair, or replacement of landscape barriers and focal points, including
41 landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a
42 structurally sound condition.

43 ~~43.~~ Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive
44 species within landscape and preservation areas.

45 ~~54.~~ Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that
46 present a hazard. All trees and palms shall be allowed to grow to their natural mature height
47 and to full canopy. ~~No canopy tree shall be pruned until it has reached the minimum 20 foot~~
48 ~~required height and canopy spread, unless required to address damage by natural causes,~~
49 ~~such as hurricanes.~~

50 ~~65.~~ Landscape areas which are required to be created or preserved by this Article shall not be used
51 for temporary parking or the storage/display of materials or sale of products or services.

52 **B. Maintenance of Vegetation**

53 ~~Required or preserved vegetation that becomes damaged, diseased, removed or is dead shall be~~
54 ~~immediately replaced with plant material to comply with the approved standards and height~~
55 ~~requirements of this Article or conditions of approval, whichever is greater. Vegetation that are is~~
56 ~~removed or damaged, shall be replaced in accordance with Table 7.E.3.C, Tree Credit and~~
57 ~~Replacement. Landscape trees planted or preserved to meet the minimum landscape code~~
58 ~~requirements may be removed provided a Tree Removal Permit is approved. [Ord. 2005-002]~~
59 **[Partially relocated from Art. 7.E.8, Restoration and Maintenance]**

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BC. Maintenance of Vacant Lots

1. Affected Parties

~~Any owner of a vacant lot in a residential neighborhood upon which a home has been demolished to the extent that it no longer qualifies for a certificate of occupancy must follow the maintenance requirements of Art. 7.E.5.B.5, Vacant Lot Maintenance and Planting Requirements, if the vacant lot, by itself or in combination with other vacant lots resulting from the demolition of a home or homes, results in significant degradation of the surrounding neighborhood as defined in Art. 1.I, Definitions and Acronyms (Significant Degradation). In the event significant degradation occurs, all contiguous vacant lots that contribute to the significant degradation will be subject to Art. 7.E.5.B.5, Vacant Lot Maintenance and Planting Requirements. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

Vacant Lots and Vacant Residential Parcels shall be maintained by the property owner, and shall be subject to the requirements as listed below.

1. Vacant Lots or Parcels with Demolition Permits

a. Demolition Permits

Demolition Permits for Vacant Lots or Parcels shall be subject to the review and sign off by the Zoning Division. The Building Division shall not issue the demolition permit until a Planting Plan is approved by the Zoning Division unless the property owner signs an affidavit in accordance with the requirements below. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.5.f.2), Demolition Permit - Related to Vacant Lot Planting Plan Application and Approval, below]

1) Planting Plan

The property owner shall submit a Planting Plan indicating the proposed method of ground treatment, preservation of existing native trees and if applicable replacement of trees; and irrigation simultaneously with the application for a demolition permit. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.5.f.1), Planting Plan related to Vacant Lot Planting Plan Application and Approval]

a) Review of Planting Plan

The DRO shall determine if the Planting Plan is sufficient and includes the information necessary to evaluate the plan within five days of receipt. The DRO shall approve, approve with conditions, or deny the Plan within ten days of the determination of sufficiency. If necessary, the DRO or Environmental Resources Management Department shall conduct a site visit as part of the Plan Review. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.5.f.3), Review of Planting Plan related to Vacant Lot Planting Plan Application and Approval]

b) Standards

The DRO shall consider the following criteria in reviewing the Planting Plan: whether or not the ground treatment and other landscape materials are consistent with the established character of the neighborhood; and, Whether or not alternative or temporary irrigation methods such as hand-watering are acceptable. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated from Art. 7.E.5.B.5.f.4), Standards related to Vacant Lot Planting Plan Application and Approval]

c) Plant Installation, Maintenance, Pruning and Irrigation

The Vacant Lot shall be subject to the requirements or Conditions of Approval as indicated in the Planting Plan related to installation and maintenance. Native vegetation, or ground treatment shall be installed, maintained, pruned and irrigated in accordance with the requirements of this Section. Temporary irrigation methods may be approved for native vegetation only, subject to a maintenance/replacement agreement. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated from Art. 7.E.5.B.5.g), Vacant Lot Plant Installation, Maintenance, Pruning and Irrigation]

2) Vacant Lot Maintenance and Planting Requirements

Native vegetation shall be preserved if required by ERM and ground treatment shall be installed and maintained, pruned and irrigated in accordance with the requirements of this Section. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated from Art. 7.E.5.B.5.g), Vacant Lot Plant Installation, Maintenance, Pruning and Irrigation]

a) Ground Treatment

Vacant Lots or Parcels shall be cleared of construction materials and debris, and must be planted with sufficient ground treatment to cover the entire Lot or Parcel in accordance with one of the choices pursuant to Art. 7.D.7, Ground Treatment. Existing ground treatment may be used to meet the requirements of this Section. The clearing and installation of ground treatment must be completed within 120 days of the completion of demolition, within 120 days of the effective date of this Section, or within 30 days of approval of a Planting Plan, whichever is later. Slab foundations or other structural features remaining from demolished houses, or from other demolished structures, must also be removed from Vacant Lots and Parcels. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.5.g), Ground Treatment related to Vacant Lot Maintenance and Planting Requirements]

b) Existing Vegetation

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All existing native vegetation shall be preserved, and Prohibited and Controlled Species shall be eliminated pursuant to Art. 7.E, Existing Native Vegetation, Prohibited and Controlled Plant Species.

c) Irrigation

Temporary irrigation methods may be approved for native vegetation only, subject to a maintenance or replacement agreement.

2. Vacant Lots or Parcels with Pending Redevelopment Permits

A property owner shall initiate redevelopment of a Vacant Lot or Parcel within 120 days of demolition, or shall actively proceed in good faith to redevelop based on submittal of a building permit application or other applicable development permit application. The applicant shall submit evidence demonstrating good faith efforts to redevelop within 120 days of completion of the demolition, or shall submit a Planting Plan within 30 days of the expiration of the 120-day period. The property owner shall execute an affidavit in conjunction with the demolition permit on a form established by the Zoning Division. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.3.b, related to Vacant Lot Exemption]

~~002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

2. Applicability

Art. 7.E.5.B, Vacant Lot, shall apply to the Urban/Suburban Tier in the unincorporated areas of Palm Beach County, as defined in the Plan. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]

3. Vacant Lot Exemptions

The following vacant lots shall be exempt from the requirements of Art. 7.E.5.B, Vacant Lots. [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]

~~a. Vacant lots resulting from the demolition of a home based on a declaration by the building official that the home is unsafe. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

~~b. When an owner initiates redevelopment of a vacant lot within 120 days of demolition, as evidenced by submittal of a building permit application for site plan approval, or other applicable development permit application or good faith effort to redevelop the lot, for so long as the permit or good faith effort is active. In order to receive an exemption at the time of a demolition permit application, the applicant must submit an affidavit stating that the applicant expects to meet the above requirements. The affidavit shall be made on a form established by the Zoning Director. If an exemption is granted based on an affidavit, the property owner shall submit evidence as required above within 120 days of completion of the demolition, or shall submit a planting plan within 30 days of the expiration of the 120-day period. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated to Art. 5.L, Property and Vegetation Maintenance] [Partially relocated to Art. 7.F.5.C.2, Vacant Lots or Parcels with Pending Development Permits]~~

~~c. Vacant lots where the home was demolished prior to April 23, 1996. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

~~d. Vacant lots resulting from eminent domain proceedings. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

~~e. Vacant lots resulting from demolition of a home using funding from a demolition program of the Department of Housing and Community Development. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

4. Vacant Lot Variance

A property owner may apply for a Type 1A Administrative Variance subject to Art. 2.D.3.C.4, Vacant Lots, as may be amended. [Ord. 2005-002] [Ord. 2008-037] [Ord. 2010-022] [Relocated to Art. 5.L, Property and Vegetation Maintenance]

5. Vacant Lot Maintenance and Planting Requirements

a. Ground Treatment

~~Vacant lots regulated by this Section must be cleared of construction materials and debris, and must be planted with sufficient ground treatment to cover the entire lot in accordance with Art. 7.D.4, Ground Treatment. Existing ground treatment may be used to meet the requirements of this Section. The clearing and planting must be completed within 120 days of the completion of demolition, within 120 days of the effective date of this section, or within thirty days of Department approval of a planting plan, whichever is later. Slab foundations or other structural features remaining from demolished houses, or from other demolished structures, must be removed from vacant lots regulated by this section. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance] [Relocated to Art. 7.F.5.C.1.a.2)a), Ground Treatment]~~

b. Trees

~~Trees shall be planted or preserved in accordance with the requirements of Table 7.C.3, Minimum Tier Requirements, and Art. 7.D.2, Trees. Trees shall be native or drought tolerant. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

c. Existing Trees

~~Preservation of existing native trees is encouraged and credit shall be given towards the above requirements. If existing native trees are removed, they shall be replaced in accordance with the standards in Table 7.D.2.D, Tree Credit and Replacement, or Article 7.E.5.C.5.b, Trees, whichever is greater. The size of replacement trees shall be in~~

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1 ~~accordance with Art. 7.D.2, Trees. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art.~~
2 ~~5.L, Property and Vegetation Maintenance]~~

3 ~~d. Prohibited Plant Species~~

4 ~~Existing prohibited plant species must be removed and trees replaced on a one-to-one~~
5 ~~basis with a native tree. Replacement trees for removed prohibited plant species shall be~~
6 ~~consistent with the interior landscape requirements of Art. 7.D.2, Trees. [Ord. 2005-002]~~
7 ~~[Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation Maintenance]~~

8 ~~e. Removal~~

9 ~~Removal shall be consistent with the provisions of Article 14.C, VEGETATION~~
10 ~~PRESERVATION AND PROTECTION. [Ord. 2005-002] [Ord. 2008-037] [Relocated to~~
11 ~~Art. 5.L, Property and Vegetation Maintenance]~~

12 ~~f. Vacant Lot Planting Plan Application and Approval~~

13 ~~1) Planting Plan~~

14 ~~The owner shall submit a planting plan indicating the proposed method of ground~~
15 ~~treatment, existing and replacement trees; and irrigation simultaneously with the~~
16 ~~application for a demolition permit. [Ord. 2005-002] [Ord. 2008-037] [Relocated to~~
17 ~~Art. 5.L, Property and Vegetation Maintenance] [Relocated to Art. 7.F.5.C.1.a.1),~~
18 ~~Planting Plan, above]~~

19 ~~2) Demolition Permit~~

20 ~~The Building Division shall not issue the demolition permit until a planting plan is~~
21 ~~approved by the Zoning Division unless the applicant signs an affidavit in accordance~~
22 ~~with Art. 7.E.5.G.3.b. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L,~~
23 ~~Property and Vegetation Maintenance] [Relocated to Art. 7.F.5.C.1.a, Demolition~~
24 ~~Permits, above]~~

25 ~~3) Review of Planting Plan~~

26 ~~The Zoning Division shall determine if the planting plan is sufficient and includes the~~
27 ~~information necessary to evaluate the plan within five days of receipt. The Zoning~~
28 ~~Division shall approve, approve with conditions, or deny the plan within ten days of the~~
29 ~~determination of sufficiency. If necessary, the Zoning Division or Environmental~~
30 ~~Resources Management Department shall conduct a site visit as part of the plan~~
31 ~~review. [Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and~~
32 ~~Vegetation Maintenance] [Relocated to Art. 7.F.5.C.1.a.1).a), Review of Planting~~
33 ~~Plan, above]~~

34 ~~4) Standards~~

35 ~~The Zoning Division shall consider the following criteria in reviewing the planting~~
36 ~~plan: 1) whether or not the ground treatment and other landscape materials are~~
37 ~~consistent with the established character of the neighborhood; 2) Whether or not~~
38 ~~alternative or temporary irrigation methods such as hand watering are acceptable.~~
39 ~~[Ord. 2005-002] [Ord. 2008-037] [Relocated to Art. 5.L, Property and Vegetation~~
40 ~~Maintenance] [Relocated to Art. 7.F.5.C.1.a.1).b), Standards, above]~~

41 ~~g. Vacant Lot Plant Installation, Maintenance, Pruning and Irrigation~~

42 ~~Native vegetation, drought tolerant vegetation, or ground treatment shall be installed,~~
43 ~~maintained, pruned and irrigated in accordance with the requirements of Art. 7.F,~~
44 ~~Installation, Maintenance, as may be amended from time to time, and conditions of~~
45 ~~approval for the planting plan in Art. 7.E.5.C.5.f.1), above. [Partially relocated to Art.~~
46 ~~7.F.5.C.1.a.2), Plant Installation, Maintenance, Pruning and Irrigation,~~
47 ~~above] Temporary irrigation methods may be approved for native vegetation only, subject~~
48 ~~to a maintenance/replacement agreement. [Ord. 2005-002] [Ord. 2008-037] [Relocated~~
49 ~~to Art. 5.L, Property and Vegetation Maintenance] [Partially relocated to Art.~~
50 ~~7.F.5.C.1.a.1).c), Vacant Lot Maintenance and Pruning Requirements, above]~~

JANUARY 4, 2018 BCC ZONING HEARING
CODE REVISION ADD/DELETE

(1/3/18)

#9 Exhibit J, Art. 7, Landscaping, Part 7, Art. 7.H.2, Enforcement, (Line 31 to 33 of page 305)

Reason for amendments: [Zoning] Delete the triple permit fees to avoid conflict with the State Statutes.

A. Fines

- Violations of the provisions of this Section shall be subject to the following fines or requirements:
1. Such fines, site improvements and replacement landscaping as may be required by Article 10, ~~Code~~ Enforcement, or the PBC Code Enforcement Citation Ordinance; or [Ord. 2005 – 002]
 2. Such fines and imprisonment as provided for in F.S. §125.69; or
 3. ~~A triple permit fee for removal of trees without a valid tree removal and replacement permit.~~

#10 Exhibit J, Art. 7, Landscaping, Part 15, Art. 5.L, Property and Vegetation Maintenance (Line 6 of pages 313-314)

Reason for amendments: [Zoning] Maintenance of required landscaping required by Code or by Conditions of Approval was proposed to be relocated to the new Art.5.L, and includes the portion of the County's Maintenance Code. However, after further discussion with County Attorney Staff and Code Enforcement Staff after the November 30th BCC Permission to Advertise Hearing, Staff concluded that it is best to relocate the maintenance pertinent to required landscaping that is affiliated with a Development Order, which includes Demolition and Building Permit, to Article 7. The County Attorney Staff will present updates to the Property Maintenance Code to the BCC in early 2018.

~~Part 15. ULDC Art. 5.L, Property and Vegetation Maintenance (page 107 of 107), is hereby established as follows:~~

~~CHAPTER L PROPERTY AND VEGETATION MAINTENANCE~~

~~Section 1 Purpose~~

~~To establish procedures for maintenance of vegetation and landscaping requirements that are existing on vacant premises.~~

~~A. Applicability~~

~~All landscaping shall be maintained. PBC is responsible for the care and maintenance of the vegetation on PBC owned property, unless provided for otherwise by DO condition(s) of approval. For all other properties, the property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally responsible for the maintenance of the property. [Partially relocated from Art. 7.E.5.A.1, General]~~

~~B. Exemptions for Single Family Residential Vacant Premises~~

~~Single family residential premises shall be exempt from the requirements of this Section under the following circumstances:~~

1. ~~Demolition of a home based on a declaration by the building official that the home is unsafe. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.3.a, Vacant Lot Exemptions]~~
2. ~~Initiation of redevelopment within 120 days of demolition, as evidenced by submittal of a building permit application, or other applicable development permit application or good faith effort to redevelop the premises, for so long as the permit or good faith effort is active. In order to receive an exemption at the time of a demolition permit application, the applicant must submit an affidavit, on a form established by the Zoning Director, stating that the above requirements will be met. The property owner shall submit evidence as required above within 120 days of completion of the demolition, or shall submit a planting plan within 30 days of the expiration of the 120-day period. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated from Art. 7.E.5.B.3.b, related to Vacant Lot Exemptions]~~
3. ~~Demolition of the home was prior to April 23, 1996. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.3.c, Vacant Lot Exemptions]~~
4. ~~Vacant premises resulting from eminent domain proceedings. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.3.d, Vacant Lot Exemptions]~~
5. ~~Vacant premises resulting from demolition funded by the Department of Housing and Community Development. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.3.e, Vacant Lot Exemptions]~~

~~C. Single Family Residential~~

~~A property owner may apply for a Type 1 Waiver requesting modifications of required planting.~~

~~Section 2 Maintenance for Developed Premises~~

~~Premises that are either partially or fully developed shall be maintained on a regular and perpetual basis, as follows:~~

~~A. Regular Maintenance~~

~~Maintenance shall include, but not limited to:~~

1. ~~Free from disease, pests, weeds, and litter;~~
2. ~~Weeding, watering, fertilizing, pruning, mowing, edging, mulching, or any other actions needed, consistent with acceptable horticultural practices. [Partially relocated from Art. 7.E.5.A.2, General]~~

JANUARY 4, 2018 BCC ZONING HEARING
CODE REVISION ADD/DELETE

(1/3/18)

- ~~3. Removal of diseased, damaged limbs, or foliage that present a hazard. All trees and palms shall be allowed to grow to their natural mature height and to full canopy. [Partially relocated from Art. 7.E.5.A.5, related to Maintenance]~~
- ~~4. No canopy tree shall be pruned until it has reached the minimum 20-foot required height and canopy spread, unless required to address damage by natural causes, such as hurricanes. [Partially relocated from Art. 7.D.5.A.5, General]~~
- ~~5. Repair or replacement of landscape barriers and focal points, including but not limited to: fences, walls, fountains, benches, in order to keep them in a structurally sound condition.~~

A. Perpetual Maintenance

- ~~1. Perpetual maintenance to prohibit the re-establishment of prohibited and non-native invasive species within landscape and preservation areas. [Relocated from Art. 7.D.5.A.4, General]~~
- ~~2. Landscape areas which are required to be created or preserved by this Article 7, Landscaping shall not be used for temporary parking or the storage/display of materials or sale of products or services. [Relocated from Art. 7.D.5.A.6, General]~~

Section 3 Maintenance for Vacant Premises

~~Premises that are vacant shall be maintained on a regular basis until the premises are ready for redevelopment:~~

A. Regular Maintenance

~~Maintenance shall include, but not limited to:~~

- ~~1. Removal of construction materials and debris from the premise;~~
- ~~2. The premise shall be planted with sufficient ground treatment to cover the entire premise or the affected area of the premise. All newly planted or existing ground treatment shall comply with Art. 7.D.7, Ground Treatment. [Partially relocated from Art. 7.E.5.B.5.a, Vacant Lot Maintenance and Planting Requirements - Ground Treatment]~~
- ~~3. Ground Treatment shall be maintained in accordance with the following maximum height:
 - ~~a. For premises that are one acre or less seven inches;~~
 - ~~b. For premises that exceed one acre in size seven inches for the first 25 feet measuring from the property line, tract line or ped line pursuant to Art. 1.C.4.M, Measurement Maintenance of Vacant Premises; and 18 inches thereafter.~~~~
- ~~4. The clearing and if applicable, planting must be completed within 120 days of the completion of demolition, within 120 days of the effective date of this section, or within thirty days of Department approval of a planting plan, whichever is later. Slab foundations or other structural features remaining from demolished houses, or from other demolished structures, must be removed from vacant lots regulated by this Chapter. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated from Art. 7.E.5.B.a Vacant Lot Maintenance and Planting Requirements - Ground Treatment]~~

B. Existing Vegetation

~~Existing Vegetation, whether they are subject to preservation, elimination of prohibited plant species and reduction of controlled species shall be in compliance with Art. 7.E, Existing Native Vegetation, Prohibited and Controlled Plant Species, and Art. 14.C, Vegetation Preservation and Protection.~~

1. Protection of Existing Vegetation

~~All existing vegetation that is required to be preserved by the Zoning Division or by ERM shall be subject to the Vegetation Barricade Permit process pursuant to Art. 7.E.2.5, Vegetation Barricade Permit.~~

2. Existing Vegetation Replacement

~~Preserved vegetation that is damaged or removed during the demolition activities shall be replaced in accordance with Art. 7.E.3, Tree Credit and Replacement.~~

B. Optional Planting of Vacant Lot

~~The property owner may submit a Planting Plan to the DRO indicating the following:~~

- ~~1. The method of ground treatment, existing and replacement trees, and irrigation simultaneously with the application for a demolition permit. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.f.1), Planting Plan, page 29]~~
- ~~2. The Building Division shall not issue the demolition permit until a planting plan is approved by the Zoning Division unless the applicant signs an affidavit in accordance with Art. 7.E.5.G.3.b. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.f.2), Demolition Permit]~~
- ~~3. The DRO shall determine if the planting plan is sufficient and includes the information necessary to evaluate the plan within five days of receipt. The DRO shall approve, approve with conditions, or deny the plan within ten days of the determination of sufficiency. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.f.3), Review of Planting Plan]~~

a. Standards

~~The DRO shall consider the following criteria in reviewing the Planting Plan:~~

- ~~1) whether or not the ground treatment and other landscape materials are consistent with the established character of the neighborhood; and~~
- ~~2) whether or not the proposed planting is consistent with the applicable Crime Prevention Through Environmental Design principles contained in Art. 3.B.7.E.2.C, Crime Prevention Through Environmental Design (CPTED). Whether or not alternative or temporary irrigation methods such as hand watering are acceptable. [Ord. 2005-002] [Ord. 2008-037] [Partially relocated from Art. 7.E.5.B.5.f.4), Standards]~~

**JANUARY 4, 2018 BCC ZONING HEARING
CODE REVISION ADD/DELETE**

(1/3/18)

~~D. Plant Installation, Maintenance and Irrigation~~

~~Native vegetation, drought tolerant vegetation, or ground treatment shall be installed, maintained, pruned and irrigated in accordance with the requirements of Art. 7.F. Installation and Maintenance, and conditions of approval for the Planting Plan. Temporary irrigation methods may be approved for native vegetation only, subject to a Maintenance and Replacement Agreement. [Ord. 2005-002] [Ord. 2008-037] [Relocated from Art. 7.E.5.B.5.g, Vacant Lot Plant Installation, Maintenance, Pruning and Irrigation]~~

#8 Exhibit K, Art. 4.B.5.C.1.c, Home Occupation – AR/RSA related to Contractor Storage Yard

Reason for amendments: [Zoning]	
1.	Limited Contractor Storage Yard is allowed as an accessory use to a residential use, and is considered as a Home Occupation pursuant to Art. 4.B.1.E.10, Accessory Residential Use Standards. In addition because of the nature of this use, it is also subject to requirements of the Contractor Storage Yard under Art. 4.B.5.C.1, Contractor Storage Yard. Since the Special Permit process is proposed to be replaced by the Zoning Agency Review process, the proposed amendment is to address the proposed change in the process.
2.	Clarify that the Applicant must complete a Certificate of Compliance acknowledging that they have full comprehension of the limitations associated with this accessory use.
3.	Add submittal requirements under the ZAR process, the Applicant must submit a plan or a survey demarcating the boundary of the proposed outdoor storage area, equipment, etc. for the purpose of enforcement of these restrictions by Staff.

....

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**JANUARY 4, 2018 BCC ZONING HEARING
CODE REVISION ADD/DELETE
(1/3/18)**



**BOARD OF COUNTY COMMISSIONERS
ZONING HEARING**

THURSDAY JANUARY 4, 2018

9:30 A.M.

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

CALL TO ORDER

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

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

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**

JANUARY 4, 2018

CALL TO ORDER

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

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

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

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

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

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

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

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

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

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. [ZV/ABN/Z/CA-2017-00810](#) Title: a Type II Variance application of KidSanctuary Campus, Inc. by Cotleur & Hearing Inc., Agent. Request: to eliminate a Right-of-Way (R-O-W) Buffer, and an Incompatibility Buffer.
Title: a Development Order Abandonment of KidSanctuary Campus, Inc. by Cotleur & Hearing Inc., Agent. Request: to abandon a Class A Conditional Use to allow a Type III Congregate Living Facility.
Title: an Official Zoning Map Amendment of KidSanctuary Campus, Inc. by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Residential Estate (RE) Zoning District and the Single Family Residential (RS) Zoning District to the Institutional and Public Facilities (IPF) Zoning District.
Title: a Class A Conditional Use of KidSanctuary Campus, Inc. by Cotleur & Hearing Inc., Agent. Request: to allow a Type 3 Congregate Living Facility.

General Location: Southeast corner of Pioneer Road and Safe Haven Drive. **(Kid Sanctuary)** (Control 2007-00238)

Pages: 1 - 1

Project Manager: Meredith Leigh

Size: 10.27 acres ±

BCC District: 2

Staff Recommendation: Staff recommends a postponement to Thursday, January 25, 2018.

Zoning Commission Recommendation: Postponed to January 5, 2018 by a vote of 7-0-0.

MOTION: To postpone to Thursday, January 25, 2018.

- 2. [ZV/ABN/DOA/CA-2017-00354](#) Title: Type II Variances application of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to allow 24 hour operation within 250 feet of a Residential Future Land Use designation and use; a reduction in the required Right-of-Way (ROW) Landscape Buffer width, and side street setback; and, to eliminate the queuing space for a gasoline pump island.
Title: a Development Order Abandonment of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to abandon a resolution for a Development Order Amendment to reconfigure the Site Plan and add square footage.
Title: a Development Order Amendment of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to reconfigure the Site Plan; delete square footage, modify uses; and add an access point.
Title: a Class A Conditional Use of Regions Bank by Gunster Yoakley & Stewart PA, Agent. Request: to allow Retail Gas and Fuel Sales with a Convenience Store.
General Location: Southwest corner of Via Flora and West Atlantic Avenue. **(7-Eleven Delray Beach)** (Control 1984-00058)

Pages: 2 - 2

Project Manager: Carrie Rechenmacher

Size: 8.66 acres ±

BCC District: 5

(affected area 1.06 acres ±)

Staff Recommendation: Staff recommends a postponement to Thursday, February 22, 2018.

Zoning Commission Recommendation: Postponed to February 1, 2018 by a vote of 8-0-0.

MOTION: To postpone to Thursday, February 22, 2018.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

- 3. [DOA-2017-01430](#) Title: a Development Order Amendment application of Meloche Rick J Trust &, Paul Meloche by Wantman Group Inc., Agent. Request: to modify and delete Conditions of Approval (Engineering, ERM, Planning).
General Location: Approximately 180 feet west of Haverhill Road on the north side of Lantana Road. **(Able Lawnmower Sales and Service)** (Control 1982-00053)

Pages: 3 - 37

Conditions of Approval (10 - 15)

Project Manager: Carrie Rechenmacher

Size: 20.13 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the requests subject to 34 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 7-0-1.

MOTION: To adopt a resolution approving a Development Order Amendment to modify and delete Conditions of Approval (Engineering, ERM, Planning) subject to the Conditions of Approval as indicated in Exhibit C.

F. CORRECTIVE RESOLUTIONS

4. **CRB-2017-02401** Title: a Corrective Resolution application of Kings Academy Inc by Urban Design Kilday Studios, Agent. Request: to correct errors within Resolution R-2017-1638 for Lighting Condition 7; and Use Limitation Condition 8 as indicated in Exhibit C-3 of application SV/Z/DOA-2017-00576.

General Location: Approximately 0.5 mile north of the intersection of Sansbury's Way and Belvedere Road (**The King's Academy and PBC Park Site at Sansbury's Way**) (Control 2002-00018)

Pages: 38 - 39

Project Manager: Lorraine Fuster

Size: 68.74 acres ±

BCC District: 2

Staff Recommendation: Staff recommends approval of the request.

MOTION: To adopt a resolution approving a Corrective Resolution to correct errors within Resolution R-2017-1638 for Lighting Condition 7; and Use Limitation Condition 8 as indicated in Exhibit C-3 of application SV/Z/DOA-2017-00576.

G. 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

F. LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

I. PREVIOUSLY POSTPONED ZONING APPLICATIONS

5. [PDD/R/TDR-2017-00345](#) Title: an Official Zoning Map Amendment application of Blanca Moreda, Mignano Maria Trust, Mignano Maria Rev Trust by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Requested Use of Blanca Moreda, Mignano Maria Trust, Mignano Maria Rev Trust by Jon E Schmidt & Associates, Agent. Request: to allow a Type III Congregate Living Facility (CLF) and Transfer of Development Rights (TDR).

Title: a Transfer of Development Rights of Blanca Moreda, Mignano Maria Trust, Mignano Maria Rev Trust by Jon E Schmidt & Associates, Agent. Request: to designate the site as a receiving area and to allow TDR's of more than two dwelling units per acre (du/ac).

General Location: Approximately 0.25 miles south of Golf Road on the east side of Military Trail. (**Boynton Atrium CLF**) (Control 2012-00433)

Pages: 40 - 94

Conditions of Approval (50 - 56)

Project Manager: Carlos Torres

Size: 4.32 acres \pm

BCC District: 4

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 12 Conditions of Approval as indicated in Exhibit C-1, 19 Conditions of Approval as indicated in Exhibit C-2, and 7 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 7-1-0.

Zoning Commission Recommendation: Recommended Approval of a Transfer of Development Rights by a vote of 6-2-0.

Zoning Commission Recommendation: Recommended Approval of a Requested Use by a vote of 7-1-0.

Zoning Commission Recommendation: Recommended Approval of a Requested Use by a vote of 6-2-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Requested Use to allow a Type III Congregate Living Facility (CLF) subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Requested Use to allow a Transfer of Development Rights (TDR), to designate the site as a receiving area, and to allow TDR's of more than two dwelling units per acre (du/ac) subject to the Conditions of Approval as indicated in Exhibit C-3.

J. ZONING APPLICATIONS - NEW**K. ULDC AMENDMENTS**

6. Title: UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2017-02
FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION

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

- Exhibit A - Art.1.C.4, Measurement [Related to Rules of Construction]
- Exhibit B - Art. 2, Development Review Procedures
- Exhibit C - Art. 3.B.14, Westgate Community Redevelopment Area Overlay (WCRAO)
- Exhibit D - Art. 3.E.1.E.1.c, Housing Classification Type
- Exhibit E - Art. 3, Overlays and Zoning Districts [Related to Requested Uses]
- Exhibit F - Art. 4, Use Regulations [Related to SSSF and Gas and Fuel Wholesale]
- Exhibit G - Art. 5.B.1.A.8, Dumpsters
- Exhibit H - Art. 5.B.1.A, Accessory Uses and Structures [Related to Government Owned Towers]
- Exhibit I - Art. 5.C.1.H Guidelines Related to Architectural Guidelines
- Exhibit J - Art. 7, Landscaping
- Exhibit K - Art. 8, Signage [Related to Temporary Signs]
- Exhibit L - Art. 8.G.3.B, Electronic Message Signs

Pages: 95 - 326

Project Manager: Monica Cantor

Staff Recommendation: Staff recommends approval of First Reading and to Advertise for Adoption Hearing of ULDC Amendment Round 2017-02 on January 25, 2018.

Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulation Commission (LDRC) Determination: Recommended approval of the proposed amendments by multiple votes on October 25. Sitting as the LDRC on October 25, 2017, all proposed ULDC amendments were found to be consistent with the Comprehensive Plan.

BCC Public Hearings: Approved (7-0) on November 30, 2017, Request for Permission to Advertise for First Reading on January 4, 2018.

MOTION: To approve on First Reading and to Advertise for Adoption Hearing of ULDC Amendment Round 2017-02 on January 25, 2018: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: ARTICLE 1- GENERAL PROVISIONS: CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER F, NONCONFORMITIES; CHAPTER G, EMINENT DOMAIN; CHAPTER I, DEFINITIONS & ACRONYMS; ARTICLE 2- DEVELOPMENT REVIEW PROCEDURES: CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER C, FLU PLAN AMENDMENTS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER F, CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD); CHAPTER G, DECISION MAKING BODIES; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS: CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); ARTICLE 4- USE REGULATIONS: CHAPTER A, USER GUIDE AND GENERAL PROVISIONS; CHAPTER B, SUPPLEMENTARY USE STANDARDS; ARTICLE 5- SUPPLEMENTARY STANDARDS: CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER D, PARKS AND RECREATION - RULES AND RECREATION STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; ARTICLE 6 - PARKING: CHAPTER A, PARKING; ARTICLE 7- LANDSCAPING: CHAPTER A: GENERAL; CHAPTER B, APPROVAL PROCESS AND APPLICABILITY; CHAPTER C, MGTS TIER COMPLIANCE; CHAPTER D, GENERAL STANDARDS; CHAPTER E, REVIEW, INSTALLATION AND MAINTENANCE; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; CHAPTER G, OFF-STREET PARKING REQUIREMENTS; CHAPTER H, ENFORCEMENT; ARTICLE 8- SIGNAGE: CHAPTER A, GENERAL; CHAPTER B, EXEMPTIONS; CHAPTER C, PROHIBITIONS; CHAPTER D, TEMPORARY SIGNS REQUIRING SPECIAL PERMIT; CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES; CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; CHAPTER H, OFF-SITE SIGNS; 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.

L. COMPREHENSIVE PLAN TEXT AMENDMENTS

M. OTHER ITEMS

END OF REGULAR AGENDA

COMMENTS

A. COUNTY ATTORNEY

B. ZONING DIRECTOR

C. PLANNING DIRECTOR

D. EXECUTIVE DIRECTOR

E. ASSISTANT COUNTY ADMINISTRATOR

F. COMMISSIONERS

ADJOURNMENT