



## **PALM BEACH COUNTY**

### **LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

**FEBRUARY 26, 2020**

#### **BOARD MEMBERS**

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

**Joanne Davis (District 1)**

**Drew Martin (District 2)**

**Ari Tokar (District 3)**

**Glenn E. Gromann (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  
Beaches)**

**Jim Sullivan (Florida Surveying and Mapping  
Society)**

**Charles Drawdy (Assoc. General Contractors of  
America)**

**Tommy B. Strowd (Alternate At-Large #1)**

**Abraham Wein (Alternate At-Large #2)**

#### **Board of County Commissioners**

**Dave Kerner  
Mayor, District 3**

**Robert S. Weinroth  
Vice Mayor, District 4**

**Hal R. Valeche  
Commissioner, District 1**

**Mary Lou Berger  
Commissioner, District 5**

**Mack Bernard  
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**County Administrator  
Verdenia C. Baker**



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**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

**WEDNESDAY, FEBRUARY 26, 2020 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 November 13, 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. ULDC AMENDMENTS – NEW**

- |   | <u>PAGES</u> |
|---|--------------|
| 1. Exhibit B Art. 2, Residential Type 1 Variances                                       | 1 – 2        |
| 2. Exhibit C Art. 2, 4, and 11, Landscape Service in the AR/RSA and Access Requirements | 3 – 6        |

**C. PRIVATELY INITIATED AMENDMENTS – NO ITEMS**

**D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

1. Proof of Publication
2. Consistency Determination for Exhibit C – Art. 2, 4, and 11, Landscape Service in the AR/RSA and Access Requirements 7 – 7

**E. ADJOURN AS LDRC AND RECONVENE AS LDRAB**

**F. ANNUAL ORGANIZATION DISCUSSION**

1. Election of Chair and Vice Chair
2. Attachment 1 Useful Internet Links for LDRAB/LDRC Members 8 – 8
3. Attachment 2 2019 LDRAB Attendance 9 – 9
4. 2019 Amendment Rounds
  - a. Attachment 3 2019-01 10 – 13
  - b. Attachment 4 2019-02 14 – 18
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  - a. Attachment 7 Deadlines/Scheduling for 2020 Amendments 21 – 23
  - b. Attachment 8 Initiation of the 2020-01 Round of Code Amendments 24 – 27
  - c. Attachment 9 2020 Subcommittee 28 – 28
7. Attachment 10 Sunshine Law Primer 29 – 30

**G. STAFF COMMENTS**

1. Office of Resilience Update – Electric Vehicle Charging Station (EVCS) Requirement

**H. BOARD MEMBER COMMENTS**

**I. ADJOURN**

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## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 02/14/20)

#### Minutes of November 13, 2019 LDRAB Meeting

On Wednesday, November 13, 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 2:00 p.m. Mr. Alexander Biray, Code Revision Zoning Technician, called the roll.

##### **Members Present: 14**

Joanne Davis (District 1, Commissioner Valeche)

Drew Martin (District 2, Commissioner Weiss)

Ari Tokar (District 3, Commissioner Kerner)

Glenn E. Gromann (District 4, Commissioner Weinroth)

Dr. Lori Vinikoor (District 5, Commissioner Berger)

Myles Basore (District 6, Commissioner McKinlay)

Anna Yeskey (League of Cities)

Jaime M. Plana (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)\*\*

Frank Gulisano (Realtors Association of the Palm Beaches)

Jim Sullivan, Florida Surveying and Mapping Society

Charles D. Drawdy (Assoc. General Contractors of America)\*\*\*

Wesley Blackman (PBC Planning Congress)

Tommy B. Strowd (Alternate At-Large #1)

##### **Members Absent: 4**

Robert J. Harvey (District 7, Commissioner Bernard)

Terrence Bailey (Florida Engineering Society)

Daniel J. Walesky (Gold Coast Builders Association)

Abraham Wien (Alternate At-Large #2)

##### **County Staff Present: 14**

Jon MacGillis, Zoning Director

Wendy N. Hernández, Principal Site Planner

Jan Rodriguez, Senior Site Planner

Lorraine Fuster, Senior Site Planner

Alexander Biray, Zoning Technician

Mercy Trujillo, Student Paraprofessional

Scott A. Stone, Assistant County Attorney I

Bryan Davis, Principal Planner

Melissa Michael, Senior Planner

Elizee Michel, WCRA Executive Director\*

Denise Pennell, Senior Planner\*

Melissa Matos, Principal Planner\*

Marissa Da Breo-Latchman, Zoning Technician\*

David T Derita, Assistant Fire Marshal\*

Joanne Keller, Land Development Director\*

##### **Vacancies: 0**

\* County Staff in audience.

\*\* Mr. Drawdy arrived at 2:03 p.m..

\*\*\* Mrs. Kennedy arrived at 2:05 p.m

##### 2. Introductions

Mr. Blackman introduced Mr. Sullivan of the Florida Surveying and Mapping Society as a new Board member, who gave a brief introduction.

##### 3. Additions, Substitutions, and Deletions

Mr. Blackman noted an Add/Delete sent to the Board in advance and available to the public.

##### 4. Motion to Adopt Agenda

Motion to adopt the Agenda as amended, by Mr. Gulisano, seconded by Mr. Martin. Motion passed (12-0).

##### 5. Adoption of September 25, 2019 Minutes (Exhibit A)

###### a. Discussion

Mr. Martin asked for clarification if Exhibit D reduces park space. Mrs. Hernández responded it does not, and per Reasons for Amendment, just be proportionate to the number of residential units in smaller infill development.

\*\* Mr. Drawdy arrived at 2:03 p.m.

\*\*\* Mrs. Kennedy arrived at 2:05 p.m.

Motion to adopt the Minutes with change to correct date of previously-adopted Minutes, by Dr. Vinikoor, seconded by Mr. Gromann. Motion passed (14-0).

##### 6. Public Comments

No public comments.

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 02/14/20)

#### Minutes of November 13, 2019 LDRAB Meeting

##### B. ULDC AMENDMENTS – NEW

###### 1. Exhibit B – Art. 2, ULDC Privately Initiated Amendment

Mrs. Hernández explained the amendment modifies and clarifies language and to be consistent with House Bill (H.B.) 7103 regarding time, Pre-Application Appointments, and clarifies processes and procedures regarding phases and Board of County Commissioner (BCC) direction to determine if an amendment be included in an Amendment Round or standalone with two phases.

###### a. Discussion

Mr. Blackman asked if it clarifies existing vague language. Mrs. Hernández responded it does.

Motion to approve, by Mr. Martin, seconded by Mr. Gulisano. Motion passed (14-0).

###### 2. Exhibit C – Art. 3 Zero Lot Line Homes and Residential Building Coverage

Mrs. Fuster clarified Parts 1 through 7 were removed per Add/Delete, and Part 8 re-codifies flexible regulations to allow greater maximum building coverage for single-story Zero Lot Line (ZLL) homes instead of applying for a Variance. Mrs. Hernández explained further discussion and analysis by Staff is required for the removed Parts.

###### a. Discussion

Mr. Ratterree of GL Homes spoke in support of pulling Parts 1 to 7, and the changes proposed per Part 8. Mr. Martin asked if required landscaping would be less with increased coverage. Mrs. Hernández responded requirements are based on lot size, so it would not have an impact.

Motion to approve as amended, by Mr. Gromann, seconded by Mr. Plana. Motion passed (14-0).

###### 3. Exhibit D – Art. 3, Westgate Redevelopment Area Overlay – Residential Uses

Mrs. Hernández noted representatives from the Westgate/Belvedere Homes Community Redevelopment Agency (CRA) present, and explained the amendment clarifies where residential is allowed by Sub-area. Mrs. Dodi Buckmaster Glas, representing the CRA, gave an overview of the CRA, its evolution to warrant changes necessary as the Code changes, and provided examples.

###### a. Discussion

Mr. Martin expressed concerns about flooding. Mrs. Glass responded that there are other measures specific to mitigate flooding. Mr. Gromann asked when the CRA expires. Mr. Michel responded 2047 following the County upholding a thirty-year extension in 2017. Mr. Gromann further asked if overhangs are taken into consideration. Mrs. Glass responded designated easements alleviate any encroachments. Mr. Blackman commended the consolidation of language. Mr. Martin asked about green infrastructure. Mrs. Glas responded it was not economically feasible, and measures like pervious pavement would be commensurate. Mrs. Hernández added that references to Art. 5.C, Design Standards in the Chapter's entirety should be changed to the specific criteria for residential.

Motion to approve including changes to the Art. 5.C references on page 24 for height increase, by Dr. Vinikoor, seconded by Mr. Martin. Motion passed (14-0).

###### 4. Exhibit E – Art. 4, Caretaker Quarters

Mrs. Hernández explained the amendment changes the approval process for Caretaker Quarters to Permitted by Right where principal structure are already, because it is too excessive to be subject to Administrative Review.

###### a. Discussion

No discussion.

Motion to approve, by Mr. Gulisano, seconded by Mr. Gromann. Motion passed (14-0).

###### 5. Exhibit F – Art. 6, Parking

Mrs. Hernández explained the amendment is the second phase of the Article's rewrite. Mrs. Rodriguez, Project Manager of the rewrite, gave an overview of the amendment, which was in process since the Use Regulations Project and received solicitation of Industry and Interested Parties in support. She explained the major changes, which reorganize the Article to be consistent with the construction of the rest of the Code, streamline use calculations and loading standards, adds new alternatives and processes, and clarifies requirements.

###### a. Discussion

Mr. Gulisano asked about commercial vehicles as they relate to Home Occupation. Mrs. Rodriguez responded that it is existing language that has not changed. Mr. Gulisano further expressed concern about a decrease in office calculations. Mrs. Hernández responded calculations are the minimal requirements and came from Industry. Mr. Blackman noted the calculation affects Office, Business or Professional, not Medical or Dental Office.

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 02/14/20)

#### Minutes of November 13, 2019 LDRAB Meeting

Mr. Martin asked if parking spaces would be reserved to accommodate alternative transportation. A discussion ensued about alternative modes of transportation and how they would be enforced through Site Plans, and parking reductions with the new Waiver process.

Mr. Plana questioned why the parking requirements for a Truck Stop was so high. Mrs. Rodriguez responded that it is existing language. A discussion ensued on how square footage was calculated. Mr. Blackman contemplated whether Staff should look into it further.

Motion to approve, by Mr. Gulisano, seconded by Mr. Gromann. Motion passed (14-0).

#### 6. Exhibit G – Art. 7 Easement Overlaps of Landscape Buffers

Mrs. Hernández explained the amendment clarifies an allowance for a five-foot detention and retention areas overlap with Landscape Buffers per codification of a Policy and Procedures Manual (PPM) and Engineering policy. She noted Ms. Keller present to answer any questions related to Engineering.

##### a. Discussion

Mr. Gromann asked if Staff was aware of Florida Power & Light's (FP&L) publication as it relates to easements. Mrs. Hernández responded that Staff has coordinated with FP&L over recent amendments, and references "Right Tree, Right Place." Mr. Martin asked about green infrastructure, and if it was taken into consideration. Mr. MacGillis responded the amendment relates only to easements.

Motion to approve, by Mr. Gromann, seconded by Mr. Gulisano. Motion passed (14-0).

#### C. PRIVATELY INITIATED AMENDMENTS

No items.

#### D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

Mr. Blackman explained the LDRC voting procedure to new the Board members.

##### 1. Proof of Publication

Motion to accept Proof of Publication by Mr. Martin, seconded by Mr. Gromann. Motion passed (14-0).

##### 2. Consistency Determination for Exhibits B through R

Ms. Michael noted Planning Staff found the Exhibits to be consistent with the Comprehensive Plan.

##### a. Discussion

Mr. Martin asked about Exhibit P waiving vegetation replacement requirements because natural disasters. Mrs. Hernández explained the amendment was to codify the Pruning Enforcement PPM and mandated State preclusions on vegetation removal per H.B. 1159.

Motion to approve, by Mr. Gulisano, seconded by Mr. Gromann. Motion passed (14-0).

#### E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

#### F. STAFF COMMENTS

##### 1. Attachment 1, LDRAB 2020 Calendar

Mrs. Hernández noted this meeting to be the last of the year, and went over scheduled 2020 meetings.

2. Mr. MacGillis clarified Landscape Service to be presented to the BCC later in the month, and Staff will return to LDRAB/LDRC with AGR-PUD requirements and Code Enforcement Case mitigation.

#### G BOARD MEMBER COMMENTS

1. Mr. Martin noted he attended the green infrastructure workshop and wanted to know if Staff was following. Mr. MacGillis responded they will at the discretion of the Office of Resilience and Executive Director of Planning, Zoning and Building (PZB).

2. Mrs. Kennedy asked for follow up on her CLF question. Mr. MacGillis noted Staff is waiting for correspondence from the County Attorney's Office.

3. Dr. Vinikoor asked for clarification if a December meeting will take place. Mrs. Hernández said no.

#### H. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:17 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.

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## EXHIBIT B

# ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES RESIDENTIAL TYPE 1 VARIANCES

CR-2019-0025  
(Updated 02/14/20)

1 Part 1. ULDC Art. 2.C.5.D.3, Variance Request Limitations (page 50 of 101, Supplement 26), is  
2 hereby amended as follows:

Reason for amendments: [Zoning]
1. Clarify that the Type 1 Variance is for a lot with three or fewer residential units.
2. Add a cross reference to the Type 1 Waiver, adopted under Ordinance No. 2018-02 that a request for five percent or less of the PDR requirement(s) is a Type 1 Waiver.
3. Modify the subheadings in order to further clarify the allowable requests for Type 1 Variances. Accessory Uses and Structures were duplicated under the residential and nonresidential headings.
4. Remove a reference to "Hedges" in subheading "Fences, Walls, and Hedges" that was deleted in Ordinance No. 2018-002.
5. Ordinance No. 2020-001 added a new Type 1 Waiver to reduce parking spaces up based on a project having a minimum of 20 spaces and a reduction of no more than 15 percent. This change adds a reference to the process, but still allows a variance if they do not meet that criteria.
6. Remove Permanent Generators for SFD and ZLL homes as it is duplicative language under the Accessory Uses and Structures in Art. 5.B.1.A.

## 3 CHAPTER C ADMINISTRATIVE PROCESSES

4 ....

### 5 Section 5 Types of Applications

6 ....

#### 7 D. Type 1 Variance

8 ....

#### 9 3. Variance Request Limitations

10 Request that exceeds more than five variances or the following limitations shall be subject to a  
11 Type 2 Variance. Variance requests for density or intensity beyond the stated limits of the Plan  
12 shall be prohibited. Type 1 Variances may be considered for the following: [Ord. 2006-036]  
13 [Ord. 2008-003] [Ord. 2012-003] [Ord. 2018-002]

##### 14 a. Residential Lots ~~of~~with Three Units or Less

15 ~~1) Reductions or increases of PDRs greater than five percent of the minimum or~~  
16 ~~maximum requirement. Reduction or increase of PDRs less than or equal to five percent~~  
17 ~~of the minimum or maximum shall be processed in accordance with Art. 2.C.5.E, Type 1~~  
18 ~~Waiver. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2012-003] [Ord. 2018-002]~~

##### 19 b. Accessory Uses and Structures

20 ~~2) Relief from Art. 5.B.1.A, Accessory Uses and Structures as follows: General;~~  
21 ~~Fences, and Walls, and Hedges; Docks; Entry Features; Fuel, Gas, or Chemical Storage~~  
22 ~~Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor Recreation Amenities;~~  
23 ~~Screen Enclosures; and, Permanent Generators. [Ord. 2008-003] [Ord. 2013-001] [Ord.~~  
24 ~~2018-002]~~

25 ~~3)c. Relief from Residential Hedge Height in Art. 7.D.4.A.3, Height Measurement. [Ord. 2015-~~  
26 ~~006] [Ord. 2018-002]~~

27 ~~4)d. Relief from Excavation Standards in Art. 4.B.10.C.2, Type 1A Excavation and Art.~~  
28 ~~4.B.10.C.3, Type 1B Excavation. [Ord. 2008-003] [Ord. 2017-007] [Ord. 2018-002]~~

##### 29 be. Non-Residential Projects

30 1) Setback reduction greater than five percent but not exceeding 15 percent of the  
31 minimum requirement. [Ord. 2008-003] [Ord. 2018-002]

32 2) Reduction in the number of parking spaces not exceeding 15 percent of the minimum  
33 requirement for those parcels that do not meet the criteria pursuant to Art. 6.C.1.A.1.a,  
34 Reduce Required Parking. [Ord. 2006-036] [Ord. 2008-003] [Ord. 2018-002]

35 ~~3) Relief from Art. 5.B.1.A., Accessory Uses and Structures as follows: General; Fences,~~  
36 ~~Walls, and Hedges; Outdoor Storage; Outdoor Display; Entry Features; Fuel, Gas, or~~  
37 ~~Chemical Storage Tanks; Dumpsters; Neighborhood Recreation Facility; Outdoor~~  
38 ~~Recreation Amenities; Screen Enclosures; and, Permanent Generators. [Ord. 2008-~~  
39 ~~003] [Ord. 2013-001] [Ord. 2018-002]~~

##### 40 c. ~~Permanent Generators on SFD and ZLL Lots~~

41 ~~A Variance may be requested to reduce the minimum front and/or side setback~~  
42 ~~requirements for permanent generators proposed on SFD or ZLL lots, provided that the~~  
43 ~~generator complies with all other applicable ULDC requirements. [Ord. 2007-001] [Ord.~~  
44 ~~2018-002]~~

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Application Processes and Procedures - Residential Type 1 Variances.docx

#### Notes:

Underlined indicates new text.

~~Stricken~~ indicates text to be ~~deleted~~. ~~Stricken and italicized~~ means text to be totally or partially relocated.  
If being relocated destination is noted in bolded brackets [Relocated to: ].

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.... A series of four bolded ellipses indicates language omitted to save space.

## EXHIBIT B

### ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES RESIDENTIAL TYPE 1 VARIANCES

CR-2019-0025  
(Updated 02/14/20)

1 Part 2. ULDC Art. 2.B.7.E.3.a.1), Zoning Type 2 Variance (page 37 of 101, Supplement 26), is  
2 hereby amended as follows:

Reason for amendments: [Zoning]

1. Remove duplicative and redundant language, and default to referencing Type 1 Variance applicability below the Type 2 Variance threshold.

#### 3 CHAPTER B PUBLIC HEARING PROCESSES

4 ....

#### 5 Section 7 Types of Applications

6 ....

#### 7 E. Type 2 Variance

8 ....

#### 9 3. Type 2 Variance Applications

#### 10 a. Zoning Type 2 Variance (ZV)

11 The ZV shall only apply to ~~the following~~ applications: requesting variances that exceed the  
12 request limitations of Art. 2.C.5.D, Type 1 Variance. [Ord. 2018-002]

13 ~~1) requesting variances that exceed 15 percent of a required standard or Property~~  
14 ~~Development Regulations for residential lots of three units or less; and [Ord. 2009-~~  
15 ~~040][Ord. 2011-001][Ord. 2012-003][Ord. 2018-002]~~

16 ~~2) requesting variances that exceed the standards of Art. 2.C.5.D.3.b, Non-Residential~~  
17 ~~Projects. [Ord. 2012-003][Ord. 2012-027][Ord. 2018-002]~~

18 ....

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# EXHIBIT C

## ARTICLE 2, 4, AND 11 – LANDSCAPE SERVICE IN THE AR/RSA AND ACCESS REQUIREMENTS

**CR-2020-0003**  
**(Updated 02/14/2020)**

1 **Part 1. ULDC Art. 2.B.7.D, Application Processes and Procedures, Public Hearing Processes, Types**  
2 **of Applications, Type 2 Waiver (page 35 and 36 of 101, Supplement 27 is hereby amended**  
3 **as follows:**

<p><b>Reason for amendments:</b> [Land Development/Zoning]</p> <p>At the December 19, 2019 and January 27, 2020 BCC Zoning Hearings, the BCC directed Staff to modify the Code relating to AR/RSA and AGR Zoning Districts for Collocated Landscape Service use.</p> <p>The BCC directed Staff to modify the Landscape Service use in the AR/RSA to remove an allowance for a size up to 1.5 acres, as the results of the increased size had significant impacts on the residential uses within that same district.</p> <p>Additionally, they directed Staff to modify the Code related to the processing deviations from the access requirements of Article 11, Subdivision, Platting, and Required Improvements, for the Collocated Landscape Service use in the AR and AGR districts. Staff presented four options for their consideration in which direction was given. The amendment below requires a Collocated Landscape Service Use, in the AR/RSA and AR/USA Zoning District to seek a Type 2 Waiver (requires a BCC decision), rather than a Type 2 Variance (Zoning Commission decision) when the use does not comply with the requirements of Article 11. It further revises Articles 4 and 11, to describe the requirements for access in the AGR Zoning District, if legal, and the process of a Type 2 Variance if it doesn't have legal access. If the access is determined to be legal it is an administrative approval, and if it does not have legal access it would be reviewed for a decision by the Zoning Commission.</p>
<p>1. Add Access waiver for the AR/RSA to the Summary of the Type 2 Waivers Table.</p> <p>2. Add cross reference to Article 11 for a new standard for the review of a Waiver from the access requirements.</p>

4 **CHAPTER B PUBLIC HEARING PROCESSES**

5 ....

6 **Section 7 Types of Applications**

7 ....

8 **D. Type 2 Waiver**

9 **1. Purpose**

10 A Type 2 Waiver is to allow flexibility for mixed use or infill redevelopment projects, or  
11 architectural design, site design or layout, where alternative solutions can be allowed, subject  
12 to performance criteria or limitations. Type 2 Waivers are not intended to relieve specific  
13 financial hardship nor circumvent the intent of this Code. A Type 2 Waiver may not be granted  
14 if it conflicts with other Sections of this Code, or the Florida Building Code. **[Ord. 2011-016]**  
15 **[Ord. 2012-027] [Ord. 2018-002]**

16 **2. Applicability**

17 Requests for Type 2 Waivers shall only be permitted where expressly stated within the ULDC  
18 or indicated in the following Table. **[Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]**  
19

**Table 2.B.7.D – Summary of Type 2 Waivers**

<b>Urban Redevelopment Overlay (URAO)</b>	Table 3.B.16.G, Type 1 and 2 URAO Waivers
<b>WCRAO Expansion of Existing Non-Conforming Parking</b>	Art. 3.B.14.B.1.a, Expansion of Existing Non-Conforming Parking
<b>WCRAO Density Bonus Programs</b>	Art. 3.B.14.H.2, Other Density Bonus Programs
<b>IRO Residential Setbacks</b>	Art. 3.B.15.F.6.e.4)a), Residential Setbacks
<b>URA Residential Setbacks</b>	Art. 3.B.16.E.3.a, Residential Setbacks
<b>PDD Minimum Frontage</b>	Art. 3.E.1.C.2.a.1)a), Type 2 Waiver – Infill Development
<b>PDD Cul-de-sacs</b>	Art. 3.E.1.C.2.a.5)b), Type 2 Waiver for additional percentage
<b>AGR Tier – Parking Structure</b>	Art. 3.F.2.A.2.d.1)a), Type 2 Waiver for Parking Structures
<b>AGR-TMD – Block Structure</b>	Art. 3.F.4.D.9.a, Type 2 Waiver for Block Structure
<b>Commercial Communication Towers</b>	Art. 4.B.9.H.5, Type 2 Waiver from Required Dimensional Criteria
<b>Unique Structure</b>	Art. 5.C.1.E.2, Unique Structure
<b>Hours of Operation</b>	Art. 5.E.5.E, Type 2 Waiver
<b>Large Scale Commercial Development – Parking</b>	Art. 6.A.1.D.2.c.1)d), Type 2 Waiver
<b><u>Minimum Legal Access for Collocated Landscape Service for AR/RSA and AR/USA Zoning Districts</u></b>	<b><u>Table 11.E.2.A-2, Chart of Minor Streets</u></b>
<b>[Ord. 2018-002] [Ord. 2018-018] [Ord. 2019-005]</b>	

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EXHIBIT C

ARTICLE 2, 4, AND 11 – LANDSCAPE SERVICE IN THE AR/RSA AND ACCESS REQUIREMENTS

CR-2020-0003 (Updated 02/14/2020)

3. Standards for a Type 2 Waiver

When considering a DO application for a Type 2 Waiver, the BCC shall utilize the Standards indicated below and any other standards specific to a Type 2 Waiver as contained in this Code. For a Unique Structure, refer to the Standards listed in Art. 2.B.7.D.4 below, and for a commercial communication tower, refer to Art. 4.B.9.H.5.d, Criteria for Granting a Type 2 Waiver. For Minimum Legal Access for Collocated Landscape Service, refer to Art.11, Subdivision, Platting, and Required Improvements. A Type 2 Waiver, which fails to meet any of the Standards, shall be deemed adverse to the public interest and shall not be approved. [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]

- a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay; [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2018-002]
b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and, [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. [Ord. 2010-022] [Ord. 2012-027] [Ord. 2018-002]
d. For the purpose of Medical Marijuana Dispensing Facility in Art. 4.B.2.C.35.i, the BCC shall make the determination that the location of a medical marijuana dispensing facility promotes the health, safety, and welfare of the community. [Ord. 2017-028] [Ord. 2018-002]

Part 2. ULDC Art. 4.B.2.C.21, Use Regulations, Use Classification, Commercial Uses (pages 42-44 of 199, Supplement 27), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning]. Rows include: 1. As part of BCC direction at the January 27, 2020 Zoning BCC hearing... 2. Clarify that the application submitted for the Administrative review... 3. Add the date an application must be submitted...

CHAPTER B USE CLASSIFICATION

....

Section 2 Commercial Uses

....

C. Definitions and Supplementary Use Standards for Specific Uses

....

21. Landscape Service

....

g. AR District in RSA

Shall be permitted subject to applicable requirements of a Home Occupation pursuant to Art. 4.B.1.E.10, Home Occupation; Art. 4.B.2.C.21.h, Collocated Use; or, as a principal use subject to the additional requirements as follows: [Ord. 2019-039]

- 1) Shall be located on a Collector or Arterial Street; and, [Ord. 2019-039]
2) Shall be on a minimum of three acres. [Ord. 2019-039]

h. Collocated Use

Shall be allowed only in conjunction with a Retail or Wholesale Nursery, and both uses shall be operated under the same ownership, subject to the following: [Ord. 2019-039]

1) AGR, AP, CN, CRE, and PO Zoning Districts

a) Approval Process – Full DRO

- (1) A minimum of 50 percent of the lot area shall be Retail or Wholesale Nursery; [Ord. 2019-039]
(2) A maximum of 30 percent of the lot area or one and one-half acres, whichever is less, shall be Landscape Service (On-Site Activities); and, [Ord. 2019-039]

U:\Zoning\CODEREV\Code Amendments\2020\02- LDRAB\02-Feb 26 2020\5- LDRAB-LDRC Packet\Exh. C - CR-2020-0003 Landscape Service in the AR-RSA and Access Requirements.docx

Notes:

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

## EXHIBIT C

### ARTICLE 2, 4, AND 11 – LANDSCAPE SERVICE IN THE AR/RSA AND ACCESS REQUIREMENTS

CR-2020-0003  
(Updated 02/14/2020)

- 1 (3) The areas designated for Common Operations Area shall be a maximum of 20  
2 percent of the lot area. [Ord. 2019-039]
- 3 **b) Approval Process – Class A Conditional Use, except the AGR Zoning District**  
4 (1) A minimum of 50 percent of the lot area shall be Retail or Wholesale Nursery;  
5 [Ord. 2019-039]  
6 (2) A maximum of 45 percent of the lot area or two acres, whichever is less, shall  
7 be Landscape Service (On-Site Activities); and, [Ord. 2019-039]  
8 (3) The areas designated for Common Operations Area shall be a maximum of 20  
9 percent of the lot area. [Ord. 2019-039]
- 10 **2) CC or CG Zoning Districts**  
11 **a) Approval Process – Full DRO**  
12 (1) A minimum of 50 percent of the lot area shall be Retail and/or Wholesale  
13 Nursery; [Ord. 2019-039]  
14 (2) A maximum of 30 percent of the lot area or one and one-half acres, whichever  
15 is less, shall be Landscape Service (On-Site Activities); and, [Ord. 2019-039]  
16 (3) The area designated for Common Operations Area shall be a maximum of 20  
17 percent of the lot area. [Ord. 2019-039]
- 18 **3) IL, IG, and IND/L, COM, or IND/G Pods of a PIPD Zoning District**  
19 A Landscape Service use may be Permitted by Right when collocated with Wholesale  
20 or Retail Nursery. [Ord. 2019-039]
- 21 **4) AR/RSA Zoning District**  
22 **a)** Shall be on a minimum of three acres; and [Ord. 2019-039]  
23 **b)** *The area(s) designated for Landscape Service (On-Site Activities) shall be a*  
24 *maximum of 30 percent of the Growing Area or one acres, whichever is less. [Ord.*  
25 *2019-039] [Relocated from Art 4.B.2.A.21.h.4).c), Lot Size Greater than or*  
26 *Equal to Three Acres and Less]*  
27 **c) Approval Process**  
28 A Landscape Service shall be subject to a Class A Conditional Use approval  
29 process, unless stated otherwise below: [Ord. 2019-039]  
30 **(1) Exception**  
31 A Landscape Service may be subject to the Full DRO process if the Applicant  
32 submits an application and is determined to be sufficient by the DRO within  
33 180 calendar days of the effective date of Ordinance 2019-039 (June 2, 2020),  
34 and provides sufficient evidence that the Landscape Service existed on the  
35 subject property prior to that date. [Ord. 2019-039]  
36 ~~**e) Lot Size Greater Than or Equal to Three Acres and Less Than or Equal to**~~  
37 ~~**Five Acres**~~  
38 ~~*The area(s) designated for Landscape Service (On-Site Activities) shall be a*~~  
39 ~~*maximum of 30 percent of the Growing Area or one acres, whichever is less. [Ord.*~~  
40 ~~*2019-039] [Relocated to Art 4.B.2.A.21.h.4).b)]*~~  
41 ~~**d) Lot Size Greater Than Five Acres**~~  
42 ~~*The area(s) designated for Landscape Service (One-Site Activities) shall be a*~~  
43 ~~*maximum of 30 percent of the Growing Area or one and one-half acres, whichever*~~  
44 ~~*is less. [Ord. 2019-039]*~~
- 45 **5) AR/USA, RE, RT, RM, RS, UC, UI, CH-MUPD, CH-MXPD, NC-TND, and TMD within**  
46 **the U/S, Rural, or Exurban Tiers**  
47 **a)** Shall be on a minimum of three acres; and [Ord. 2019-039]  
48 **b) Approval Process – Class A Conditional Use**  
49 (1) The area(s) designated for Landscape Service (On-Site Activities) shall be a  
50 maximum of 30 percent of the Growing Area or one acre, whichever is less.  
51 [Ord. 2019-039]
- 52 **6) Location - Access**  
53 **a) AR/RSA and AR/USA Zoning Districts**  
54 Minimum access shall be in accordance with Art. 11.E.2.A.2, Minimum Legal  
55 Access Requirement, unless a Type 2 Waiver is granted pursuant to Art. 2.B.7.D,  
56 Type 2 Waiver.  
57 **b) AGR Zoning Districts**  
58 Minimum access shall be any Legal Access, as defined by Art. 1.H.2, Definitions,  
59 that exists at the time of application for Landscape Service use approval. If the  
60 existing access is not legal, then minimum access shall be in accordance with Art.  
61 11.E.2.A.2, Minimum Legal Access Requirement, unless a Type 2 Variance is  
62 granted pursuant to Art. 2.B.7.E, Type 2 Variance.

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Landscape Service in the AR-RSA and Access Requirements.docx

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**EXHIBIT C**

**ARTICLE 2, 4, AND 11 – LANDSCAPE SERVICE IN THE AR/RSA AND ACCESS REQUIREMENTS**

**CR-2020-0003  
(Updated 02/14/2020)**

1  
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**c) Other Zoning District**

Minimum access in the RE, RT, RM, RS, UC, UI, CH-MUPD, CH-MXPD, NC-TND, and TMD within the U/S, Rural, or Exurban Tier Zoning Districts shall be in accordance with Art 11.E.2.A.2, Minimum Legal Access Requirement, unless a Subdivision Variance is granted pursuant to Art. 2.B.7.E, Type 2 Variance.

....

**Part 3. ULDC Table 11.E.2.A-2, Chart of Minor Streets (page 36 of 45), Supplement 27 is hereby amended as follows:**

<b>Reason for amendments:</b> [Land Development]
1. Revise Chart of Minor Streets to indicate a Type 2 Waiver process is allowed for modification of the minimum legal access requirement for a Collocated Landscape Service in the AR (RSA/USA) Zoning District.
2. In addition to the Type 2 Waiver Standards indicated in Article 2.B, a request for a Type 2 Waiver must also comply with a new standard that a deviation from the access requirements will not be detrimental to the public welfare.

**7 CHAPTER E REQUIRED IMPROVEMENTS**

8 ....

**9 Section 2 Access and Circulation Systems**

**Table 11.E.2.A-2 – Chart of Minor Streets**

Classification	Minimum Width (Feet)		Maximum Allowable ADT	Allowed as Legal Access For (1)	
	Street (2)	Pavement (3)		Commercial	Residential
<b>Non-Plan Collector (6)</b>	80	24	13,100	X	
<b>Marginal Access</b>	50	24	N/A	X	X
<b>Local Residential (4)</b>					
<b>Gutters</b>	50	20	1,500		X
<b>Swales</b>	60	20	1,500		X
<b>Local Commercial (6)</b>	80	24	13,100	X	X
<b>Residential Access</b>					
<b>One Sidewalk</b>	40	20	800		X
<b>No Sidewalk (5)</b>	32	20	40		X
<b>[Ord. 2014-025] [Ord. 2019-034]</b>					
<b>Notes:</b>					
1.	An "X" under the Commercial or Residential column indicates the corresponding street classification is allowed as legal access.				
2.	Street width refers to standard R-O-W or private street tract width.				
3.	Pavement width represents two travel lanes of equal width and does not include the additional width of paved shoulder where required.				
4.	Allowed as legal access for any type of residential provided that the maximum allowable AD is not exceeded. Also, Streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface. <b>[Ord. 2018-018]</b>				
5.	Use is restricted to streets providing access to up to four lots. <b>[Ord. 2014-025] [Ord. 2019-034]</b>				
<b>6.</b>	<u>Collocated Landscape Services in the AR/RSA and AR/USA shall have legal access from a Local Commercial or higher classification street, unless a lesser width is granted by a Type 2 Waiver.</u>				

10  
11  
12  
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**26. Access Waiver for Collocated Landscape Service in AR Zoning District**

The dimensional requirement pursuant to Table 11.E.2.A-2, Chart of Minor Streets shall be allowed if Standards a through c of Art. 2.B.7.D, Type 2 Waiver and the following is met:

- a. The Waiver shall not be injurious to the area involved or otherwise detrimental to the public welfare.

**Notes:**

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**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



**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Mary Lou Berger

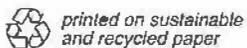
Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
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**INTER-OFFICE COMMUNICATION  
DEPARTMENT OF PLANNING, ZONING AND BUILDING  
PLANNING DIVISION**

**TO:** Wesley Blackman, AICP, Chairman, and  
Members of the Land Development Regulation Advisory Board  
(LDRAB) wesblackman@gmail.com

**FROM:** Bryan Davis, Principal Planner   
Planning Division

**DATE:** February 18, 2020

**RE:** Comprehensive Plan Consistency Determination for Proposed  
ULDC Amendments

---

The Planning Division has determined the proposed ULDC amendments, Exhibit C - Art. 2, 4, and 11, Landscape Service in the AR/RSA and Access', of the packet provided by the Zoning Division and scheduled for the February 26, 2020 LDRAB/ LDRC meeting are generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

cc: Patricia Behn, Interim Planning Director  
Jon MacGillis, ASLA, Zoning Director  
Melissa Michael, Senior Planner  
Wendy Hernandez, Principal Site Planner  
Jan Rodriguez, Senior Site Planner  
Alexander Biray, Zoning Technician

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## ATTACHMENT 1

### USEFUL INTERNET LINKS FOR LDRAB/LDRC MEMBERS

The following provides a few helpful links to web pages containing information applicable to Land Development Regulation Advisory Board (LDRAB) and Land Development Review Commission (LDRC) members:

**Palm Beach County (PBC) Unified Land Development Code (ULDC) Article 2.G.2, General Provisions:** <http://www.pbcgov.com/uldc/pdf/Article2.pdf>

**PBC ULDC Article 2.G.3.A, Land Development Regulation Advisory Board (LDRAB):** <http://www.pbcgov.com/uldc/pdf/Article2.pdf>

**Palm Beach County Commission on Ethics:** <http://www.palmbeachcountyethics.com/>

- Palm Beach County Code of Ethics (Effective June 1, 2011): [http://www.palmbeachcountyethics.com/pdf/Code\\_of\\_Ethics\\_Ordinance\\_June\\_1\\_2011.pdf](http://www.palmbeachcountyethics.com/pdf/Code_of_Ethics_Ordinance_June_1_2011.pdf)
- Palm Beach County Code of Ethics – Guide for Elected Officials and Advisory Board Members: [http://www.palmbeachcountyethics.com/pdf/Training\\_Guide\\_for\\_Elected\\_Officials\\_and\\_Advisory\\_Board\\_Members.pdf](http://www.palmbeachcountyethics.com/pdf/Training_Guide_for_Elected_Officials_and_Advisory_Board_Members.pdf)
- Quick Reference to Advisory Board Conflicts, Disclosures and Waivers: [http://www.palmbeachcountyethics.com/pdf/Advisory\\_Boards\\_Reference\\_Guide.pdf](http://www.palmbeachcountyethics.com/pdf/Advisory_Boards_Reference_Guide.pdf)

**LDRAB Rules of Procedure:** <http://discover.pbcgov.org/pzb/zoning/ULDCPDF/LDRAB-LDRC-rulesofprocedure.pdf>

**Palm Beach County Charter:** <http://discover.pbcgov.org/PDF/Publications/Charter.pdf>

**Voting Conflict Form:** <http://discover.pbcgov.org/pzb/zoning/ULDCPDF/LDRAB-LDRC-Voting-Conflict-Form-8b.pdf>

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**ATTACHMENT 2  
2019 LDRAB ATTENDANCE**

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)  
2019 ATTENDANCE MATRIX**  
(Updated November 13, 2019)

Seat	Member	District or Organization	Term Expires	2019 Meeting Dates													
				1/23 Canceled	2/27 Canceled	3/27 Canceled	4/24	5/22 Canceled	6/26 Canceled	7/24 Canceled	8/28	9/25	10/23 Canceled	11/13	12/18 Canceled	Reserved	
1	Joanne Davis	District 1, Commissioner Valeche	February 22, 2022	-	A	-	P	-	P	-	A	-	P	-	-	-	-
2	Drew Martin	District 2, Commissioner Weiss	February 02, 2021	-	P	-	P	-	P	-	P	-	P	-	-	-	-
3	Ari Tokar	District 3, Commissioner Kerner	February 22, 2022	-	P**	-	P**	-	P**	-	P**	-	P**	-	-	-	-
4	Glenn E. Gromann	District 4, Commissioner Weinroth	February 02, 2021	-	A**	-	P**	-	P**	-	P**	-	P**	-	-	-	-
5	Lori Vinikoor	District 5, Commissioner Berger	February 22, 2022	-	P	-	P	-	P	-	P	-	P	-	-	-	-
6	Myles Basore	District 6, Commissioner McKinlay	February 02, 2021	-	P	-	P	-	P	-	P	-	P	-	-	-	-
7	Robert J. Harvey	District 7, Commissioner Bernard	February 22, 2022	-	-	-	P	-	P	-	P	-	P	-	-	-	-
8	Daniel J. Walesky	Gold Coast Builders Association	February 02, 2021	-	P	-	P	-	P	-	P	-	P	-	-	-	-
9	Anna Yeskey	League of Cities	February 02, 2021	-	P	-	P	-	P	-	P	-	P	-	-	-	-
10	Terrence Bailey	Florida Engineering Society	February 22, 2022	-	P	-	A	-	A	-	P	-	P	-	-	-	-
11	Jaime M. Plana	American Institute of Architects	February 08, 2022	Vacant	Vacant	-	P	-	P	-	P	-	P	-	-	-	-
12	Susan A Kennedy	Environmental Organization	February 02, 2021	Vacant	Vacant	-	Vacant	-	Vacant	-	P	-	P	-	-	-	-
13	Frank Gulisano	Realtors Association of the Palm Beaches	February 02, 2021	-	P	-	P	-	P	-	P	-	P	-	-	-	-
14	Jim Sullivan	Florida Surveying and Mapping Society	February 22, 2022	-	P**	-	P**	-	P**	-	Vacant	-	Vacant	-	-	-	-
15	Charles D. Drawdy	Assoc. General Contractors of America	February 22, 2022	-	P	-	A	-	P	-	P	-	P	-	-	-	-
16	Wesley Blackman	PBC Planning Congress	February 02, 2021	-	P	-	P	-	P	-	P	-	P	-	-	-	-
17	Tommy B. Strowd	Alternate At-Large #1	February 08, 2022	Vacant	Vacant	-	Vacant	-	Vacant	-	P	-	P	-	-	-	-
18	Abraham Wien	Alternate At-Large #2	February 02, 2021	-	A	-	P	-	P	-	A	-	P	-	-	-	-
<b>Legend/Notes:</b>																	
P	Present	P*	Present (Participated via teleconference with quorum physically present and Board approval)														
A	Absent	A*	Absent (Attended less than ¾ of meeting)														
1	Joanne Davis replaced Michael Peragine. Eligible for first meeting on May 23, 2018. Term ends February 8, 2022.																
2	Drew Martin replaced David Carpenter. Eligible for first meeting on February 7, 2018. Term ends February 2, 2021.																
3	Philip L. Barlage replaced Barbara Katz. Eligible for first meeting on February 22, 2017. Ari Tokar replaced Philip L. Barlage. Eligible for first meeting on September 25, 2019. Term February 6, 2019 to February 8, 2022.																
4	Jim Knight reapointed on December 16, 2014 for new term February 4, 2015 to February 2, 2021. Glenn E. Gromann replaced Jim Knight. Eligible for first meeting on September 25, 2019.																
5	Lori Vinikoor reapointed on January 26, 2016 for new term February 6, 2019 to February 8, 2022.																
6	Myles Basore replaced Rena Borkhataria. Eligible for first meeting on July 25, 2018. Term ends February 2, 2021.																
7	Robert J. Harvey replaced Henry Studstill. Eligible for first meeting on May 24, 2017. Reappointed March xx, 2019. Term February 6, 2019 to February 8, 2022.																
8	Daniel J. Walesky replaced Raymond Puzitiello on January 13, 2015. Term February 5, 2013 to February 2, 2016. Raymond Puzitiello resigned in November 2014. Term wrong in appointment February 4, 2015 to February 2, 2018. Term February 3, 2018 to February 2, 2021.																
9	Anna Yeskey appointed on August 15, 2018. Term February 3, 2018 to February 2, 2021.																
10	Terrence N. Bailey reapointed on March 1, 2016 for new term February 6, 2019 to February 8, 2022.																
11	Jaime M. Plana replaced Xavier Salas on March 12, 2019. Eligible for first meeting on March 27, 2019. Term ends February 8, 2022.																
12	Susan A. Kennedy appointed on May 7, 2019. Eligible for first meeting on May 22, 2019. Term ends February 8, 2022.																
13	Frank Gulisano reapointed January 2018 for new term February 7, 2018 to February 2, 2021.																
14	Derek G. Zeman appointed on March 1, 2016. Eligible for first meeting on March 23, 2016. Term February 6, 2019 to February 8, 2022. Derek G. Zeman resigned in August 2019. Jim Sullivan replaced Derek G. Zeman.																
16	Wesley Blackman appointed on January 13, 2015 for new term which expires February 2, 2021.																
17	Tommy B. Strowd replaced Winifred P. Said on June 4, 2019, eligible for first meeting on June 26, 2019 (cancelled). Term ends February 8, 2022.																
18	Abraham Wien replaced Leo Plevy. Eligible for first meeting on May 24, 2017. Term ends February 2, 2021.																
*	Special meetings will not be a factor in calculating total attendance.																
**	Attendance reflects previous LDRAB member.																
ULDC Art. 2.G.2.B.1.c. Attendance: Members of boards shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Only regular meetings shall be counted towards the attendance requirements. Special meeting shall not be counted towards the attendance requirements.																	

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# ATTACHMENT 3

## AMENDMENT ROUND 2019-01



**UNIFIED LAND DEVELOPMENT CODE (ULDC)  
AMENDMENT ROUND 2019-01  
SUMMARY OF PROPOSED AMENDMENTS – SHORT FORM**  
(UPDATED 08/08/2019)

**BCC PUBLIC HEARINGS**

**JUNE 27, 2019– REQUEST FOR PERMISSION TO ADVERTISE VOTE 7-0**  
**JULY 25, 2019 – FIRST READING VOTE 7-0**  
**AUGUST 22, 2019 – ADOPTION VOTE 7-0**

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MEETINGS**

**FEBRUARY 27, 2019**  
**APRIL 24, 2019 (ALSO INCLUDES LDRC)**  
**MAY 22, 2019 (ALSO INCLUDES LDRC)**

**Exhibit A Art. 1 and 11 – Nonconforming Lot, Potentially Buildable Lot and Exceptions**

**This Exhibit modifies both Article 1 and Article 11. Staff proposed minor modifications to existing language in Article 1 for Legal Lots and Potentially Buildable Lot and relocated it to Article 11, as the language is related to the subdivision requirements and lots.**

- Portions of the Applicability criteria will be deleted from this Article, re-written and relocated to Article 11, as the access will be determined by the Land Development Department.
- An amendment in 2016 added minimum setbacks for nonconforming lots be no less than those for the RS district. This requirement did not account for previously platted subdivisions with lot widths less than 50 feet, thus requiring property owners to seek variances. Removal will allow percentage setbacks for non-conforming lots.
- Ordinance 73-4 contained regulations specific to subdivision and platting that were inadvertently removed from the 1992 code. The current Lot of Record language contains two standards used to determine whether or not a lot is considered legal. However, there are additional requirements in Article 11, that leaves an applicant to be confused. Relocation of code language will streamline and consolidate process and requirements in one location.
- The Land Development Department confirms the date a lot was created and if applicable, determines the appropriate subdivision process.
- Remove the language for Potentially Buildable Lot as it is determined by the Comprehensive Plan and the Land Development Department. A determination as to whether a conforming or a nonconforming legal lot can be a potentially buildable lot requires additional standards that are not included or appropriate in this Article.
- Allow residential properties to have access to a Residential Access Street that is also a public road.
- Correct references in footnotes for Chart of Minor Streets.

**Exhibit B Art. 2 Public Hearing Processes, Development Order Abandonment**

**Exhibit B is a modification to Article 2.B and 2.C as it relates to abandonments of Development Orders. We have existing language in the Code as well as a policy and procedures memorandum. This modification will codify the PPM and clarify the process of how to abandon a prior approval. We have proposed add/delete language where we had to delete language in another section relating to abandonment or rezonings, that is not allowed.**

- Delete the requirement for Administrative Abandonments to be advertised in a newspaper, as the Administrative approval is not subject to the Public Notification requirements.
- Codify PPM ZO-O-047 Development Order Abandonment.
- Add to the Purpose and intent that the abandonment is for those DOs that were partially or fully implemented or have not been implemented.
- Add Authority to clarify which approving body makes a decision on an abandonment of a Development Order (DO).
- Establish a sequence of review for the abandonment, consistent with format of Type 2 Variances. These requests may be submitted Concurrent with a request for a new DO or Stand Alone without another DO request.
- Delete language for unpaid status fees. As all fees are required to be paid at time of application and prior to the issuance of a DO.

# ATTACHMENT 3

## AMENDMENT ROUND 2019-01

- Create Standards for Abandonments so the request will be compliant with the Plan, Code, Changed Circumstances, and Public Facilities.
- Clarify the process for an abandonment may go directly to the ZC or BCC with only a resolution, or it may follow the process of a DOA or EAC.

### **Exhibit C Article 2 Reasonable Accommodation**

Exhibit C relates to Reasonable Accommodation process. Staff is proposing language to clarify that an approval of a reasonable accommodation may not be transferrable to a new owner.

- To clarify that when a facility that has received a Reasonable Accommodation has a change of owner/operator, a new request for reasonable accommodation is required.
- This will provide staff the opportunity to review the reasonable accommodation request and either confirm that the facility will continue to operate as previously approved or receive a new determination based on a changed assessment.

### **Exhibit D Art. 3, 4, 6 and 7 Cottage Homes**

Exhibit D – modifies Cottage homes that were added to the code in August 2018. Staff is splitting the use from SFR, and clarifying that the design of this use can be a single use on a small property, or it can be like multi-family with multiple cottage homes on one lot.

- Glades Area Overlay only - Allow those uses that are subject to the Conditional Use approval in both residential and non-residential zoning districts be approved administratively, provided the proposed requests are in compliance with the applicable Standards listed under the Conditional Uses.
- In Round 2018-01, Cottage Homes were originally intended to be allowed in a PUD only, but the adopted Code allows both in the PUD and in Standard Districts. Allowing in the Standard Residential Districts allows the smaller lots to be developed in infill redevelopment sites. The current proposed amendment will also expand to allow Cottage Homes in most residential zoning districts, and some commercial districts that has a residential component such as Multiple Use Planned Development and Mixed Used Planned Development.
- A Cottage Home can be developed as a detached housing type on a single lot or can be developed with multiple Cottage Homes on a single lot (shared lot). Therefore under the Setback requirements, the proposed is to clarify the unit separation can be applied to both scenarios.
- Clarify that if Cottage Homes are developed in a shared lot that is co-owned by the Homeowners' Association, the design layout of these homes shall be limited to rear side garage with a commonly owned open space that serves as both a shared amenity a building separation from the front side of each unit.
- Add guest parking for Cottage Homes to provide guest parking, and avoid parking on the street.
- Clarify that Compatibility buffer is exempt when Cottage Homes are adjacent to another pods with the same housing type.
- Clarify that a Cottage Home in a single lot is exempt from the R-O-W buffer requirement.
- Proposed to delete Incompatibility buffer requirements for residential uses that have similar housing types.

### **Exhibit E Art. 4- Use Regulations Home Occupation, Nuisances**

Exhibit E is clarifying subjective language "Objectionable nature" and defaulting noise to Article 5 which has maximum sound levels.

- To remove a subjective standard related to language about noise, and default to acceptable sound levels pursuant to Art. 5, Table 5.E.4.B – Maximum Sound Levels. Table 5.E.4.B – Maximum Sound Levels shown below provides measurable levels.

### **Exhibit F Art. 4 Adult Entertainment, Findings of Fact**

Exhibit F is adding reference to the Study that was completed by our Consultants, which analyzed the availability of site within the county.

- The Findings of Fact section is being amended to reflect the most recent analysis of the availability of sites for adult entertainment uses.

### **Exhibit G Art. 4 Bona fide Agriculture – Agritourism**

Exhibit G- Staff has included reference to the Bona fide ag use the allowance of agritourism as described in the Florida statutes.

- To confirm the activity of agritourism specific to a bona fide agricultural use pursuant to the state's interest in promoting agriculture. Agritourism may provide a secondary source of revenue by educating the general public about the agricultural industry in association with a bona fide agricultural use.
- To recognize an agritourism activity as it relates to any bona fide agricultural use described in F.S. 570.85 and defined in F.S. 570.86.

# ATTACHMENT 3

## AMENDMENT ROUND 2019-01

### **Exhibit H Art 4 and Art 6 Electric Vehicle Charging Station Facilities**

Exhibit H clarifies the use described in Article 4 is commercial and sells electricity to the public for a fee. Staff has added the allowance for property owners to have their own electric vehicle charging station, which is not sold to the public, within required parking spaces.

- To clarify the definition for Electric Vehicle Charging Station Facility is a commercial use that sells the supply of electric energy for electric vehicles to customers for a fee.
- Remove requirements for Accessory EVCS from residential uses. These standards are created to address non-residential developments in which EVCS may generate additional traffic or nuisances to sites while in residential should be an accessory feature associated with the residents vehicle. By deleting this reference it removes undue hardship for residents to amend site plans.
- To establish criteria in Article 6.A.1.D.1 for required parking spaces that have an associated electric energy for the charging of electric vehicles. These spaces are allowed in association with F.S.366.94 and F.S.718.113.

### **Exhibit I Fuel-Gas or Chemical Storage Tanks**

Exhibit I describes setbacks for above ground chemical, fuel/gas tanks to be consistent with Building and Fire codes.

- To clarify setbacks based on the zoning district setbacks or the Florida Building and Fire Prevention codes. Permitting staff indicated inconsistencies with interpretation and application.
- In some cases, the 20' setback exceeded those identified in the NFPA 58 Gas Code and thereby made it difficult for the Applicant to comply.

### **Exhibit J Art. 5 Outdoor Lighting**

Exhibit J clarifies that Temporary uses are exempt from the requirements of outdoor lighting, as the uses are temporary and do not need permanent lighting. It also clarifies that all uses must comply with prohibited lighting. I.e, SFR or temp uses, that are exempt from this section, can not shine lights into the road or up into the air.

- To update Table 3.B.4.F – Type 1 Waivers for Industrial Pods to provide correct reference for the Illumination Levels.
- To update Table 5.E.4.E– Illumination Levels and Table 5.E.4.E – Maximum Permitted Luminaire Height.
- To clarify exemption for residential from the submittal and standards requirements, but not from lighting that is prohibited. This changed is to address Code Enforcement issues related to lights directly oriented towards streets or neighbors.
- Modify Table 5.E.4.E- Illumination Levels to add “Uses” to All Others for clarification of the type of Parking Lot
- Modify Table Table 5.E.4.E- Maximum Permitted Luminaire Height, to add the location of the Glades Tier as it was inadvertently left out from ordinance ORD 2005-004. Reference to the heights of lighting within the Glades Tier was described in the Background and Summary for ORD 2005-004

### **Exhibit K Art 6 Parking**

Exhibit K has two areas of amendments. First was to assist Code Enforcement in clarifying the type of improved surface needed in Urban/Suburban tier, residential districts. Some residential districts has cars parked in swales, roads and in front yards. This is clarifying that parking must be on the property on an improved surface. Second it to allow for on-street parking, when it is additional parking (not required), and approved by Land Development.

- Clarify that the parking of vehicles in a residential district shall be required on a driveway or other approved surface, excluding emergency repairs as described in Exemptions.
- To allow the applicant to provide on-street parking spaces that are in excess of the required parking pursuant to Land Development approval
- Consolidate all applicable overlays and zoning districts where the Code currently allows on-street parking.

### **Exhibit L Art 4 Use Regulations and Art. 14 Environmental Standards**

Last, Exhibit L modifies Article 4 to clarify the process for termination of restrictive covenants for Excavations; in Article 14, specify the process for upland preserve set-asides, amendments and modifications to those preserves and modify the species list.

- To clarify the process in order to terminate a restrictive covenant agreement for the Reclamation Standards for an Excavation
- To clarify the meaning of financial interest, and who executes the performance guarantee.
- To specify the process ERM uses in order to establish upland preserve set-asides.
- To detail the process for relocating upland preserves that have been previously dedicated.
- Correct a spelling error

## **ATTACHMENT 3**

### **AMENDMENT ROUND 2019-01**

- To require a restoration plan for preserves that have degraded through neglect.
- To add species to the list of plants that are prohibited from preserve areas.

# ATTACHMENT 4

## AMENDMENT ROUND 2019-02



### UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT ROUND 2019-02 SUMMARY OF PROPOSED AMENDMENTS – SHORT FORM

(UPDATED 02/14/2020)

#### BCC PUBLIC HEARINGS

NOVEMBER 25, 2019 – REQUEST FOR PERMISSION TO ADVERTISE vote of 7-0

DECEMBER 19, 2019 – FIRST READING vote of 7-0

**JANUARY 27, 2020 – ADOPTION VOTE OF 7-0**

#### LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MEETINGS

AUGUST 22, 2019

SEPTEMBER 25, 2019

NOVEMBER 13, 2019 (ALSO INCLUDES LDRC)

#### Exhibit A Art. 2 HB 7103 Legislation to Modify Timeline for Review of DOs

- This Amendment is to respond to recent changes to Florida law resulting from the 2019 Florida Legislative Session, whereas Florida House Bill 7103 was signed into law on June 28, 2019, which amends the Florida Statutes (F.S.) 125.022, Development Permits and orders.
- Amend 2.A.3 to relocate resubmittals with submittals and to add sufficiency and insufficiency determinations, as they are dates that are on the Zoning Annual Calendar.
- Correct reference for approval of the refund fees to the Executive Director of PZB, or its designee. The designee may be the Zoning Director.
- Amend Art. 2.A., 2.B and 2.C, as the F.S. were amended to require the County to review an application for completion within 30-days of submittal, and allows the applicant to respond to those deficiencies no more than 30-days of notification of the deficiency. The proposed change deletes the previous ten-day limitation. The reference for deadlines will be reflected on the Annual Zoning Calendar, in order to adjust for holidays and differences in days of the month.
- Modify to clarify the written request for a time extension in order to address deficiencies of the application.
- For the public hearing process modify the order of the Review, Non-certification and Certification to add the 120 limitation for certification, allowance for time extensions as described in the F.S.
- Add language to address revisions to the application after it was determined to sufficient, providing an Applicant procedures to revise, withdraw or request time extensions.
- Modify the Continuance and Postponement to Time Extension and include language and include reference to the maximum time frame for certification from the date of sufficiency and include the allowance extensions as described in the F.S.
- Add language regarding certification of a project that fails to address Staff's comments in the situation an agreed upon extension is not obtained and a decision is required to be rendered to comply with F.S.
- Modify language relating to Applications that are modified after certification to include references to the required timeframes of the F.S. or an allowance for a time extension.
- For the public hearing process, amend the scheduling section to include reference to the F.S. that requires a decision to be made within 180 days from the date of sufficiency.
- Modify the powers and duties of the Zoning Director to include time extension review and decision as it is currently required in Articles 2.A, 2.B and 2.C.

#### Exhibit B Art. 2 ULDC Privately Initiated Amendment

- Minor modifications to purpose and intent. Include reference that the BCC may request a Subcommittee be established for some PIA Applications.
- Modify the Decision of the Pre-application appointment result letter in that staff will affirm when it supports, does not support, or requires more follow up, rather than stating we are approving or not approving the request.
- Modify the application procedures to be consistent with the changes to the PAA letter. The PIA process is discretionary and the PBC Official confirms if the PIA can be processed.
- Delete Application Fees as all Zoning Fees are described under Article 2.A Processes and Procedures General.

## ATTACHMENT 4

### AMENDMENT ROUND 2019-02

- Modify the timing of the Sufficiency Review to be consistent with the timeframe of other Zoning applications. Clarify that Sufficiency Review is not necessary for the Phase 2, since the application is already submitted.
- Modify the procedures for Insufficiency determination, Time Extensions and Administrative Withdrawals to be consistent with other Zoning Applications described in Art 2.B and 2.C.
- Clarify the review and resubmittal procedures for both Phase 1 and Phase 2. Describing Staff's requirement to provide comments to an applicant and the applicant's responsibility to respond and address the Standards for a PIA. Delete reference to the timing of the LDRAB/LDRC as the application will be scheduled to the next applicable meeting that meets required advertising requirements.
- Modify terminology from certified to completed, as a PIA is not certified for a public hearing.
- Modify the BCC decision for a PIA, as the code cannot be approved with conditions, it is approved, approved with modifications or denied.

#### **Exhibit C Art. 2 Monitoring**

- Add reference to definition of Community Development District as described in the Florida Statutes Section 190.003. Add Acronym for Community Development District as CDD.
- Delete and replace Monitoring provisions with to changes in procedures.
- Update the Purpose and Intent to reflect the current Monitoring functions
- Clarify and detail the exact processes that the Monitoring Section undertakes relative to BCC approvals and other ULDC requirements; to ensure BCC policy relating to the timeliness of development orders are met. This in part implements the County Directive in the Comprehensive Plan for Growth Management to control the timing and phasing of development, and is a critical component of the Managed Growth Tier System of the Plan.
- Add clarification that Chapter E (Monitoring) functions do not apply to a non-PDD rezoning that is not accompanied by a use approval and/or site plan.
- Added CDDs and FLUA Amendments with conditions of approval for clarification.

#### **Exhibit D Art. 2 Planning Process and Historic Resources Review**

- Amendment revises the number of meetings per year from quarterly to 4 times/year.
- Quorum is changed based on the presence of the majority of the appointed members

#### **Exhibit E Art. 3 Westgate Redevelopment Area Overlay – Residential Uses**

- Revise the overlay to address property development regulations for residential uses.
- Revise the percentages of exterior building and site element improvements to provide additional flexibility in how the money is allocated
- Modify the percentage of residential and nonresidential uses allowed in a mixed use development
- Establish Residential uses and where allowed or not allowed within in the Use matrix of Art 3.B
- Modify the existing PDR table to identify it as the non-residential or mixed use PDR table.
- Add new PDR table for residential uses.
- Remove the Building Configuration and lot placement graphics as they will be replaced at a later date.
- Modify the Supplementary Standards table to clean up the footnotes, relating to residential uses.

#### **Exhibit F Art. 3 Residential Building Coverage**

- After discussion with industry and multiple variances that had been approved by the Zoning Commission, the proposed amendment incorporates an allowance to increase the building coverage for SF and ZLL home by 10% provided they are one story.

#### **Exhibit G Art. 3 CRE Consistency and RR-10 FLU**

- 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.

#### **Exhibit H Art. 3 PDD Setback Measurement**

- To modify the existing code language on how to measure setbacks for Multi-family residential an Type 3 CLF developments within a PUD from the property line, rather than the inside edge of the perimeter landscape buffer, provided they do not encroach the buffer.
- 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.

# ATTACHMENT 4

## AMENDMENT ROUND 2019-02

### Exhibit I Art. 4 Caretaker Quarters

- This amendment changes the approval process for accessory Caretaker Quarters from DRO to Permitted by Right in order to make it consistent with similar accessory residential uses, and eliminate the need for Site Plan approval, which is excessive for an accessory use.

### Exhibit J Art. 4 Industrial Uses in CH Land Use

- Update ULDC to be consistent with the recently adopted Planning ORD 2015-017, and ensure consistency with Comprehensive Plan Policy 2.2.4-b
- To allow,, within the Commercial High (CH) future land use designation, uses that demonstrate Light Industrial characteristics including, but not limited to Distribution Facility, Manufacturing and Processing, Warehouse, and Wholesale.

### Exhibit K Art. 3 and 5 Community and Neighborhood Park Recreation Standards

- The purpose of this amendment is to reduce the minimum recreation parcel's site dimensions for those projects with 20 and fewer dwelling units (usually infill projects), in order to provide flexibility and reduced standards for smaller size parcels of land.
- Clarify existing language adopted under ORD 2016-042 allowing for exemptions for the frontage of Recreation Pods for MF, CLF or similar uses, that frontage of the Pod may be reduced or eliminated when the recreation is internal to the buildings, surrounded by structures or located on a shared driveway. Strike similar use and replace with Cottage Homes that are in the MF Pod or Lot. Clarify the requirement for the pedestrian circulation.

### Exhibit L Art. 6 Parking

- Reorganization of Article 6, Phase 2 project of Parking to create a format consistent with other Articles.
- Rename the Article to include Parking, Loading and Circulation
- **Establish a General** Section that provides for the Purpose and Intent, Applicability, Prohibitions, Exemptions, PO Deviations, Nonconformities and Definitions.
- **Establish Chapter B which provides calculations** for the number of parking spaces.
  - Modify parking calculations for MF and Cottage homes with multiple units on a lot, remove Type 1 Kennel, remove stand alone Theater or performance venue and consolidate with the inline venue; relocate Bowling alley with other indoor entertainment, modify the requirements for Recreation Pods and Facilities; modify the parking for Warehouse.
  - Modify the Parking calculations table as it relates to the types of loading spaces required for each use.
  - Modify the footnotes of the parking calculations table.
- Revise language for parking spaces for persons who have disabilities and only reference the Florida statutes and effective version of the Florida Bldg Code.
- Establish Section 2 of Chapter B, which describes where required parking is located, On-Site, Off-Site, On-street, Commercial Parking Lot or in a Parking Structure, majority of the language is existing and relocated. Differentiate Permanent and Temporary Off-site parking.
- Add new language for parking lifts located within a structure
- **Establish a new section under Chapter B for Dimensions and Layout.** This includes relocated language that describes what the required dimensions for parking spaces and drive aisle. Include graphic for queuing space around a gas canopy. Provide for dimensions of motorcycle parking; and include a new footnote to allow the Fire Rescue Official to increase the size of an access way width at the street.
- Relocate existing language related to the materials used for the construction of parking.
- **Establish a new Chapter C for Alternative Design** Options which create a new Type 1 Waiver to reduce parking with standards, and relocated existing share Parking language.
- **Establish a new Chapter D for Residential Parking Storage.** This language is existing and relocated under the new Chapter
- **Establish new Chapter E, for Loading.**
  - Modify and create 2 types of loading spaces of different sizes, based on discussion with industry and research.
  - Establish and relocate language related to the location of loading spaces. Creating a new alternate design which allows for loading to overlap required parking, but not used during business hours.
  - Relocate existing language related to loading layout, maneuvering and screening. Cross reference materials for loading spaces with materials described for parking.
- Modify Article 2 to include reference to the parking waiver
- Modify the parking calculation for accessory office pursuant to Article 5.
- Modify and cross reference parking for Neighborhood Rec Facility in Article 5 to Article 6.

## ATTACHMENT 4

### AMENDMENT ROUND 2019-02

- Relocate bicycle parking requirements for parks to Article 5 with other bicycle parking requirements.

#### **Exhibit M Art. 1, 2, and 7 Vegetation Violations and HB 1159**

- For the purpose of Article 7.G, Enforcement, the proposed amendment is to clarify the terms, reparable and irreparable or irreversible damage relating to the action of illegal removal and damage of vegetation.
- Amend the notes in Table 2.A.6.B – Landscape Related Plans, to add clarify plans are to be designed by a Florida Licensed Professional Landscape Architect.
- Amend the notes in Table 2.A.6.B – Landscape Related Plans, to replace the term tree Disposition Chart to Vegetation Disposition Chart as the term Vegetation includes trees, palms and pines.
- Modify Monitoring Inspection to define it as an inspection that is used to respond to complaints and address violations the Code or Development Order, and Code Enforcement issues.
- Amend existing Type 1 Waiver process to clarify the proposed plan that is submitted with this request should be an Alternative Landscape Plan (ALP), since ALPs are the required plans for all types of waiver and variance requests.

#### **Exhibit N Art. 7 Easement Overlaps of Landscape Buffers**

- Policy Memo PPM ZO-O-016, Landscaping was originally issued on May 20, 2005 to clarify the review and approval process for extenuating circumstances to allow detention area overlap in a portion of landscape buffers. The prior code allows detention/retention areas, drainage easements, lake maintenance easements, and sloped directional swales greater than one foot below finished grade, shall not be located in or overlap required landscape buffers unless otherwise approved in writing by the Land Development Division.
- Clarify that an overall maximum of 5 feet of easements or drainage areas may overlap a landscape buffer provided sufficient growing area remains. Example: If the site has a 2.5 feet of overlap by an overhead FPL easement, and another 5 feet overlap by a retention area, the overlap shall be reduced since the total overlap of that Landscape Buffer shall be only be a maximum of 5 feet.
- Clarify that overlap is only allowed for a R-O-W and an Incompatibility buffer since the Compatibility buffer is only 8 feet in width.
- Replace “sloped directional swales that are greater than one foot” with “swales” per Land Development Division, so that any swale less than one foot shall be subject to the same regulations. Land Development Division will determine the depth of swale on a case by case basis.
- Add above ground utilities such as lift stations, and clarify that they are not allowed to overlap a landscape buffer. In the prior supplements, Article 7 never addresses this type of utility structures.
- Clarify that overlap of easement or drainage areas shall only be allowed if Zoning Division and Land Development Division agree that planting shall not interfere the function of the drainage area, e.g. percolation rate and storage capacity, etc.
- Clarify the Type 1 Waiver for Landscaping is located in Art. 7.B.4

#### **Exhibit O Art. 11 Code Reference FLU versus Article 2 process**

- To delete an incorrect reference to Art. 2 Chapter H and correct with a general reference to Art. 2.

#### **Exhibit P Art. 12 TPS Codification of Ord. 2017-023 and Ord. 2009-031**

- The enabling CRALLS TE Policy 1.2.f.41 was deleted in Planning Amendment Round 17-C, as the CRALLS had expired in 2012, through Ordinance 2017-023. Policy 1.2-f (41) was a *de minimis* CRALLS policy for those developments with minimal impact on the designated roadways.
- The enabling Corridor Master Plans TE Policy 1.1.n was deleted in Planning Amendment Round 09-1 through Ordinance 2009-030 due to budgetary constraints and complexity involved in resolving intergovernmental differences. Some of the reasons for the deletion included County’s past experience which proved that it was time and resource consuming to resolve all intergovernmental differences in order to have a Corridor Master Plan (CMP) adopted by all municipalities involved. Any local government involved in a CMP could veto the whole process. It was further determined that existing planning tools available at the time of policy deletion could be utilized to achieve planning goals or objectives without the need for a CMP.

## **ATTACHMENT 4**

### **AMENDMENT ROUND 2019-02**

Staff pulled the amendment for CLF distance from Fire Rescue in order for it to be reviewed with our Consultant who is reviewing CLFs, Sober Facilities, Communities and Recovery communities.

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**2020  
PALM BEACH COUNTY ZONING DIVISION  
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)  
CURRENT MEMBER LIST**

*(Updated January 16, 2020)*

<b>SEAT</b>	<b>MEMBER (OCCUPATION)</b>	<b>DISTRICT OR ORGANIZATION</b>
1	<b>Joanne Davis</b> (Environmentalist)	District 1, Commissioner Valeche
2	<b>Drew Martin</b> (Conservation Chair)	District 2, Commissioner Weiss
3	<b>Ari Tokar</b> (Mortgage Loan Officer)	District 3, Commissioner Kerner
4	<b>Glenn E. Gromann</b> (Land Use Consultant/Attorney)	District 4, Commissioner Weinroth
5	<b>Lori Vinikoor</b> (Community Activist)	District 5, Commissioner Berger
6	<b>Myles Basore</b> (Food Safety Operations Manager/Real Estate Advisor)	District 6, Commissioner McKinlay
7	<b>Robert J. Harvey</b> (Attorney)	District 7, Commissioner Bernard
8	<b>Daniel J. Walesky</b> (Residential Builder)	Gold Coast Builders Association
9	<b>Anna Yeskey</b> (PBC Intergovernmental Coordination Program Director)	League of Cities
10	<b>Terrence Bailey</b> (Engineer)	Florida Engineering Society
11	<b>Jaime M. Plana</b> (Architect)	American Institute of Architects
12	<b>Susan A. Kennedy</b> (Community Activist)	Environmental Organization
13	<b>Frank Gulisano</b> (Realtor)	Realtors Association of the Palm Beaches
14	<b>Jim Sullivan</b> (Surveyor)	Florida Surveying and Mapping Society
15	<b>Charles D. Drawdy</b> (Commercial Builder)	Assoc. General Contractors of America
16	<b>Wesley Blackman</b> (AICP Planner)	PBC Planning Congress
17	<b>Tommy B. Strowd</b> (Lake Worth Drainage District Executive Director)	Alternate At-Large #1
18	<b>Abraham Wien</b> (Environmental Architect)	Alternate At-Large #2

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## ATTACHMENT 6

### 2020 MEETING SCHEDULE

#### LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

#### 2020 MEETING DATES

(Updated 10/28/2019)

DATE	DAY
January 29, 2020	Wednesday (5 <sup>th</sup> )
February 26, 2020	Wednesday (4 <sup>th</sup> )
March 25, 2019	Wednesday (4 <sup>th</sup> )
April 22, 2020	Wednesday (4 <sup>th</sup> )
May 27, 2020	Wednesday (4 <sup>th</sup> )
June 24, 2020 *	Wednesday (4 <sup>th</sup> )
July 22, 2020	Wednesday (4 <sup>th</sup> )
August 26, 2020	Wednesday (4 <sup>th</sup> )
September 23, 2020	Wednesday (4 <sup>th</sup> )
October 28, 2020	Wednesday (4 <sup>th</sup> )
November 17, 2020*	Tuesday (3 <sup>rd</sup> )
December 16, 2020*	Wednesday (3 <sup>rd</sup> )
January 27, 2021	Wednesday (4 <sup>th</sup> )
<b>Notes:</b>	
* <i>Back-up dates to be used if necessary.</i>	

**Meeting location and start times are typically as follows:**

Planning, Zoning and Building Department  
Vista Center  
2300 North Jog Road  
West Palm Beach, Florida 33411  
Kenneth S. Rogers Hearing Room (VC-1W-47)  
Meetings typically commence at 2:00 p.m.

**(1) DISCLAIMER:** Meetings are subject to change, cancellation, or may be continued, rescheduled, relocated, or commenced at a different time as necessary. (Reasons for the change include but not limited to length of agenda, as needed to respond to Hurricanes or other similar natural disasters, etc.).

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**ATTACHMENT 7  
DEADLINES/SCHEDULING FOR 2020 AMENDMENTS**



**INTER-OFFICE COMMUNICATION  
DEPARTMENT OF PLANNING, ZONING AND BUILDING  
ZONING DIVISION**

**TO:** Interested County Staff, Related Agencies and Public in General  
**FROM:** Jon MacGillis, ASLA, Zoning Director *JPM*  
**DATE:** December 9, 2019  
**RE:** **Deadlines/Scheduling for Proposed 2020 Unified Land Development Code (ULDC) Amendment Rounds: County Agencies and Privately Initiated Amendments**

This memo serves to notify County Agencies and individuals seeking Privately Initiated Amendments (PIA) of the scheduling for 2020 ULDC Amendment Rounds. To minimize redundancy and staffing needs, County Agencies are required to submit amendments in accordance with the timeframes and deadlines indicated below. Applicants proposing to submit PIAs are encouraged to utilize the County submittal dates but may also seek to proceed under a separate timeline; however, this may incur additional expenses to cover required legal advertisements. It is critical that all applicants coordinate with Zoning Division Staff to meet the established schedules and deadlines for any amendments.

**ULDC Amendment Rounds:**

The following lists the tentative deadlines, and Land Development Regulation Advisory Board (LDRAB) and Board of County Commission (BCC) Zoning Hearing dates for the two ULDC Amendment Rounds scheduled for 2020.

Dates may be subject to change. See the Zoning Division 2020 ULDC Amendment Schedule webpage at:

- <http://discover.pbcgov.org/pzb/zoning/ULDC/2020-Amendments-Schedule.aspx>.

ACTIVITY	ROUND 2020-01	ROUND 2020-02
Deadline to submit amendment requests to the Zoning Division	November 12, 2019	March 6, 2020
Deadline to submit backup documentation	December 6, 2019	April 3, 2020
LDRAB Update	November 13, 2019	May 27, 2020
BCC Initiation	January 27, 2020	May 28, 2020
LDRAB Meetings (1)(2)	January 29, 2020(3)	June 24, 2020
	February 26, 2020	July 22, 2020
	March 25, 2019	August 26, 2020
	April 22, 2020	September 23, 2020
	May 27, 2020	October 28, 2020
BCC Hearing – Request for Permission to Advertise	June 25, 2020	November 23, 2020
BCC Public Hearing – 1 <sup>st</sup> Reading (4)	July 30, 2020	December 22, 2020
BCC Public Hearing – 2 <sup>nd</sup> Reading and Adoption (4)	August 27, 2020	January 28, 2021

- NOTES:**
- (1) LDRAB Agenda's will be scheduled by the Zoning Division.
  - (2) On the last meetings of the Round, or as otherwise required, the LDRAB will also serve as the Land Development Regulation Commission (LDRC).
  - (3) Tentative LDRAB Annual Meeting.
  - (4) Some amendments may only require one public hearing.

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](http://www.pbcgov.com/pzb)



**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Mary Lou Berger

Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

Official Electronic Letterhead

**ATTACHMENT 7  
DEADLINES/SCHEDULING FOR 2020 AMENDMENTS**



**Application Requirements**

**Initial submittal of amendment requests must include the following:**

- 1) Cover letter from Department or Division Director, or other authorized staff;
- 2) Name, title, and contact information of primary contact person (will be required to attend LDRAB, LDRC, and BCC Hearings to answer any questions);
- 3) Location in ULDC of proposed amendment(s), to include exact article citation and title (or nearest relevant title), and page number(s); and,
- 4) A detailed summary of each proposed amendment.

**Backup documentation must include the following for each proposed amendment:**

- 1) Verification that any interested or affected persons or organizations have been consulted during the initiation of amendments, and are being updated where applicable;
- 2) A detailed background and summary; and,
- 3) Preparation of amendment exhibits using the file template provided by Zoning, providing citation and title, a concise "reason for amendment," and text, tables, or images to be deleted, relocated, or added.

**Privately Initiated Amendments (PIA):**

In 2012 the BCC adopted the Privately Initiated Amendment (PIA) process to assist the public and specific provisions were codified in January 2018. The County will coordinate with interested parties who choose to submit a PIA and ensure it follows the newly established process. For a copy of the flow chart process for a PIA, please visit the Zoning Web Page at:

- [http://discover.pbcgov.org/pzb/zoning/PDF/FlowchartsProcesses/ULDC\\_Amend\\_Public\\_Initat\\_Flowchart.pdf](http://discover.pbcgov.org/pzb/zoning/PDF/FlowchartsProcesses/ULDC_Amend_Public_Initat_Flowchart.pdf)

**Pre-application Meeting:**

A pre-application meeting is required prior to submittal of a County or Privately Initiated Amendment. Please contact Code Revision staff at (561) 233-5243 to schedule an appointment.

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

JPM/WH/wh

- C. Patrick W. Rutter, Assistant County Administrator  
Ramsay Bulkeley, Executive Director PZB  
Electronic Copy to: Distribution List (attached)

**ATTACHMENT 7  
DEADLINES/SCHEDULING FOR 2020 AMENDMENTS**



**DISTRIBUTION LIST**

Honorable Dave Kerner, Mayor, and Members of the Board of County Commissioners  
Todd J. Bonlarron, Assistant County Administrator  
Patrick W. Rutter, Assistant County Administrator  
Jerry Allen, Deputy Director Airports/Development, Department of Airports  
Gary M. Sypek, Director of Planning, Department of Airports  
Houston L. Tate, Director Office of Community Revitalization  
James E. Green, Director, Community Services  
Ronald W. Rice, Director, Cooperative Extension Service  
Robert P. Banks, Chief Land Use County Attorney  
Shannon Fox, Assistant County Attorney III  
Chelsea Koester, Assistant County Attorney I  
Scott Stone, Assistant County Attorney I  
David L. Ricks, P.E., County Engineer  
Tanya N. McConnell, P.E., Deputy County Engineer  
Steve Carrier, P.E. Assistant County Engineer  
Joanne Keller P.E., Director Land Development  
Scott B. Cantor, Assistant Director Land Development  
Motasem Al-Turk, PhD, P.E Director Land Development  
Deborah Drum, Director Environmental Resources Management  
Bonnie Finneran, Director Environmental  
Robert Kraus, Senior Site Planner, Environmental Resources Management  
Audrey Wolf, Director Facilities Development and Operations  
Eric McClellan, Director, Facilities Development and Operations Strategic Planning  
Willie Swoope, Impact Fee Manager, Financial Management and Budget  
Jonathan B. Brown, Director Housing and Economic Sustainability  
Sherry Howard, Deputy Director Housing and Economic Sustainability  
Rebecca De La Rosa, Legislative Affairs Director  
Nick Uhren, P.E., Executive Director Metropolitan Planning Organization  
Clinton B. Forbes, Executive Director Palm Tran  
Eric Call, Director Parks and Recreation  
Bob A. Hamilton, Director Park Planning, Research, and Development Division, Parks and Recreation  
Jean Matthews, Senior Planner, Parks and Recreation  
Ramsay Bulkeley, Esq, Executive Director PZB  
Doug B. Wise, Director, Building Division  
Patricia Behn, Director, Planning Division  
Robert Santos-Alborná, Director of Code Enforcement  
Maryann Kwok, AICP, Deputy Director, Zoning Division  
Bryan Davis, Principal Planner, Planning Division  
Lisa Amara, Principal Planner, Planning Division  
Lisa De La Rionda, Director Public Affairs  
John Jamason, Deputy Director Public Affairs  
Dr. Alina Alonso, M.D., Director, Health Department  
Stephanie Sejnoha, Director Public Safety  
Dianne Sauve, Director Animal Care and Control, Public Safety  
Megan S. Houston, Director Office of Resilience  
James C. Stiles, Director Water Utilities  
Ali Bayat, Utilities Assistant Director Operations and Maintenance, OWater Utilities  
Richard C. Radcliffe, Executive Director, League of Cities  
Kristin Garrison, Director, Planning and Real Estate, School District of Palm Beach County  
Arthur Kirstein, IV, Agricultural Economic Development Coordinator, PBC Coop. Ext. Service  
Elizee Michel, Executive Director, Westgate Community Redevelopment Area  
Denise Pennel, Senior Planner, Westgate Community Redevelopment Area

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**ATTACHMENT 8  
INITIATION OF THE 2020-01 ROUND OF CODE AMENDMENTS**



**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](http://www.pbcgov.com/pzb)

**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor  
Robert S. Weinroth, Vice Mayor

Hal R. Valeche  
Gregg K. Weiss

Mary Lou Berger  
Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

**TO:** Dave Kerner, Mayor, and  
Members of the Board of County Commissioners

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

**DATE:** January 10, 2020

**RE: Initiation of Unified Land Development Code (ULDC)  
Amendment Round 2020-01**

---

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 2020-01.

This memo will be presented at the January 27, 2020 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 2020-01

C: Digital Copy:  
Amendment Round 2020-01

Email Copy:

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 Assistant County Attorney  
Scott A. Stone, Assistant County Attorney  
Patricia Behn, Planning Director  
Maryann Kwok, AICP, Deputy Director, Zoning  
Wendy Hernández, Principal Site Planner  
Zoning Division Staff

» Amendments\2020\01- Memos\ULDC Round 2020-01 Initiate Memo\_Final.docx

**INITIATION – ULDC AMENDMENT ROUND 2020-01**

(Updated 01/10/2020)

<b>SUMMARY OF KEY MEETINGS AND PUBLIC HEARINGS</b>	
<b>Land Development Regulation Advisory Board (LDRAB) and Land Development Regulation Commission (LDRC) Meetings:</b>	<b>BCC Zoning Hearings:</b>
<ul style="list-style-type: none"> <li>February 26, 2020</li> <li>March 25, 2020</li> <li>April 22, 2020</li> <li>May 27, 2020</li> </ul>	<ul style="list-style-type: none"> <li>June 25, 2020: Request for Permission to Advertise</li> <li>July 22, 2020: 1<sup>st</sup> Reading</li> <li>August 26, 2020: 2<sup>nd</sup> Reading, Final Adoption</li> </ul>

<b>AMENDMENT / TASK</b>	<b>LEAD AGENCY</b>	<b>SUMMARY OF TASK REQUIREMENTS</b>
<b>ARTICLE 2, APPLICATION PROCESSES AND PROCEDURES</b>		
<b>2.B Public Hearing Processes (and Article 11)</b>	<b>Land Development</b>	<ul style="list-style-type: none"> <li>Create standards for waivers from the access requirements of Article 11, through the Type 2 Waiver procedures as directed by the BCC.</li> </ul>
<b>2.B Public Hearing Processes</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>Modify Article 2 and possible Article 3 regarding the requirement for Master Plans rather than Site Plans. This may allow more flexibility for amendments.</li> <li>Remove the requirement for a site plan for a rezoning to a standard district.</li> </ul>
<b>2.C Administrative Processes</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>Clarify the requests allowed under the Type 1 Variance application.</li> <li>Revise Article 2.C to relating to modifications for square footage relocation for "Single Entities" i.e. school</li> <li>Clarify standards of review for modification to an DO through the Zoning Agency Review (ZAR) and Full DRO applications.</li> </ul>
<b>ARTICLE 3, OVERLAYS AND ZONING DISTRICTS</b>		
<b>3.B.14 Westgate Community Redevelopment Area Overlay (WCRAO)</b>	<b>Westgate</b>	<ul style="list-style-type: none"> <li>Amend the Development Review Procedures to mirror timelines required by HB 7103;</li> <li>Modify requirements for Special Events within the Overlay;</li> <li>Modify the requirement for a letter from the WCRA for ZAR applications;</li> <li>Amend requirements for Commercial and Industrial uses including office warehouse and work/liv space</li> <li>Amend PDR for commercial uses to allow modifications of minimum lot size and frontage requirements for CG Zoning Districts;</li> <li>Amend and modify the requirements for sky exposure plane tables and figures</li> <li>Amend supplementary standards relating to architectural features, landscaping, pervious area and open spaces;</li> <li>Amend WCRA Density Bonus Programs recommendation and criteria for bonus units in sub-areas to better function for smaller residential projects.</li> </ul>
<b>3.B Overlays- Codification of Planning ORD-2018-031 (pending and effective date)</b>	<b>Zoning/ Planning</b>	<ul style="list-style-type: none"> <li>Add language to establish rural residential enclave communities and homes within the Urban/Suburban Tier that have a Low Residential future land use designation;</li> <li>Add Overlay to identify Rural Enclaves;</li> </ul>

**INITIATION OF THE 2020-01 ROUND OF CODE AMENDMENTS**

**INITIATION – ULDC AMENDMENT ROUND 2020-01**

(Updated 01/10/2020)

<b>AMENDMENT / TASK</b>		<b>SUMMARY OF TASK REQUIREMENTS</b>	
<b>LEAD AGENCY</b>			
		<ul style="list-style-type: none"> <li>• Add an exemption to the rezoning requirement for lots zoned Agricultural Residential (AR) with a residential future land use, in the Urban Suburban Tier, and are subdividing for a residential use, with a maximum 1 unit per acre.</li> <li>• Add a note that RE is consistent with RR-5, RR-10, and RR-20, when the properties were RE prior to the 1989 Plan.</li> <li>• Add language that allows home based sustainable agriculture on residential properties within any Tier. Allow horses, poultry, and livestock, in residential future land use designations, in any Tier, are subject to regulations based on parcels attributes.</li> <li>• Add/clarify that non-residential uses may be allowed in residential zoning districts along major thoroughfares and roadway, but not residential streets.</li> <li>• Modify PDR's and supplemental standards Zero Lot Line homes and codify associated PPM's.</li> <li>• Modify PDR's for parcels with the RR-2.5 FLU and AR Zoning</li> </ul>	
<b>3.D Property Development Regulations</b>			
		<b>Zoning</b>	
<b>ARTICLE 4, USE REGULATIONS</b>			
	<b>4.B.2 Use Classification- Commercial and Institutional/Civic</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>• Modify Supplementary Standards for Hotel, Theater, Daycare, and Single Room Occupancy relating to process of a use approval when in the CRE and RR FLU. CRE is not consistent with the RR FLU and was removed from the Code during the 2019-02 Round.</li> </ul>
	<b>4.B.2 Use Classification- Commercial: Landscape Service:</b>	<b>Zoning/ Planning/ Planning/ Land Development</b>	<ul style="list-style-type: none"> <li>• Continuation of regulations for Landscape Service within the AGR-PUD Zoning District</li> </ul>
	<b>4.B.2 Use Classification- Commercial: EVCS</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>• Modify Supplementary Standards for Retail Gas and Fuel and other possible uses as researched to require a percentage of EVCS spaces rather than it be voluntary.</li> </ul>
	<b>4.B Use Classification</b>	<b>Zoning/ Planning/ Land Development</b>	<ul style="list-style-type: none"> <li>• Review the requirements for uses to be located on Arterial or Collector roadways. Determine if the requirement can be removed from Article 4 and follow requirements of Article 11, or allow for variances or waivers, or revise language to clarify purpose and intent for the use to front and access a specific street type.</li> </ul>
	<b>4.B Use Classification</b>	<b>Planning</b>	<ul style="list-style-type: none"> <li>• Revise language in Article 4 related to Future land use and zoning consistency in the Glades Tier in order to implement text amendments to the Plan.</li> </ul>
	<b>4.B. Use Classification- Temporary</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>• Review and revise supplementary standards for mobile retail sales, i.e. parking and uses</li> </ul>
<b>ARTICLE 5, SUPPLEMENTARY STANDARDS</b>			
	<b>5.B.1.A Accessory Uses and Structures-</b>	<b>Zoning/ Building/ Fire</b>	<ul style="list-style-type: none"> <li>• Modify language to clarify that accessory structure sizes in all zoning districts and tiers.</li> <li>• Differentiate accessory use from accessory structure requirements.</li> </ul>
<b>ARTICLE 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS</b>			
	<b>11.A General</b>	<b>Zoning/ Land Development</b>	<ul style="list-style-type: none"> <li>• Associated changes relating to the creation of a Type 2 Waiver for AR properties, relating to landscape service and access.</li> </ul>
<b>ARTICLE 14 ENVIRONMENTAL STANDARDS</b>			
	<b>14.C Vegetation Preserve and Protection</b>	<b>ERM</b>	<ul style="list-style-type: none"> <li>• Clarify the approval process and requirements for the review of Development Orders that may impact existing native vegetation</li> </ul>

INITIATION – ULDC AMENDMENT ROUND 2020-01

(Updated 01/10/2020)

AMENDMENT / TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
<p>PRIVATELY INITIATED AMENDMENTS (PIA) (MAY BE PROCESSED OUT OF ROUND)*</p>		
PIA-2019-02346 Faith Farm	Planning/ Zoning	<ul style="list-style-type: none"> <li>• Modifications to Article 3 related to Faith Farm and AGR-PUD Preserve parcels. Concurrent ULDC and Plan Text Amendments</li> </ul>
PIA-2019-02483 Medical Use in Institutional FLU	Planning/ Zoning	<ul style="list-style-type: none"> <li>• Modifications to Article 4 related to the allowance of Medical Uses in the Institutional FLU. Concurrent ULDC and Plan Text Amendments.</li> </ul>
<b>OTHER</b>		
2020 Comprehensive Plan Text Amendments	Zoning/ Planning	Proposed 2020 Comprehensive Plan amendments may need the ULDC to be amended to address policies oriented to promote urban agriculture in the County where feasible.
2020 Legislative Changes that may affect the ULDC	Zoning	Monitor amendments presented by Senate and House that impact ULDC.

**ATTACHMENT 9**  
**2020 SUBCOMMITTEES**

<b>2020 Land Development Regulation Advisory Board (LDRAB) Subcommittees</b>
<b>NO SUBCOMMITTEE MEETINGS SCHEDULED FOR ANY 2020-01 AMENDMENTS</b>
<b>Subcommittee Web Page: N/A</b>
<b>LDRAB Subcommittee Members in 2020: N/A</b>

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# ATTACHMENT 10 SUNSHINE LAW PRIMER

## Florida's Government in the Sunshine Law

The Sunshine Law applies to all meetings of any governmental board at which official acts are to be taken. It also applies to discussions and gatherings of two or more members of the same board regarding issues or matters that may foreseeably come before the board for action in the future.

- The Sunshine Law requires all meetings to be held in the public.
- Advisory boards that recommend action to the ultimate decision-making body as well as final decision-making bodies must meet in public or the sunshine.
- All meetings must be reasonably noticed prior to the meeting. Notice may be made by posting on a website, publicizing the meeting in a newspaper and posting the notice at the place where the meeting will be held.
- All meetings must be held in a facility that does not discriminate on the basis of sex, age, race, creed, color, origin or economic status.
- All meetings must be conducted in a facility that is open to the public and does not unreasonably restrict public access.
- Written minutes must be taken at every meeting, prepared promptly, and be accessible upon request.
- Members of the public must be given a reasonable opportunity to be heard on a proposition before the board.

## Improper Communications

- The Sunshine Law prohibits two or more members of the same board from privately discussing any matter that might come before the board in the future.
- Secret ballots or voting is not allowed. Staff may not poll the board in advance of a meeting.
- Board members may not have private discussions during a meeting. All discussions must be heard by everyone. Board members should avoid the appearance of impropriety.
- Staff members (and others) are prohibited from serving as a go-between for board members or passing messages from one board member to another. Members should not text or pass messages to each other during a meeting about a matter that is being or will be discussed. (Board members may not attempt to circumvent the Sunshine Law.)

# ATTACHMENT 10

## SUNSHINE LAW PRIMER

### Quorum for Meetings & Voting

- A quorum of the board must be physically present at the meeting for official action to take place.
- If a quorum of the board is physically present, the participation of an absent member by telephone conference or other interactive electronic technology is permissible when such absence is due to extraordinary circumstances such as illness. A scheduling conflict generally does not constitute extraordinary circumstances.
- A member who is present at a meeting must cast a vote. Members may not abstain unless there is or appears to be an impermissible conflict of interest. In such case, a member must state the conflict on the record and file a memorandum of voting conflict.

### Penalties for violating the Sunshine Law

- Any communication that occurred outside of the public meeting regarding a matter that may come before the board (*i.e.*, foreseeable action by a board), will void the action taken by the board regarding the matter.
- A member who is found guilty of a non-criminal violation of the Sunshine Law may be punished by a fine not to exceed \$500. A member who knowingly violates the Sunshine Law is guilty of a second degree misdemeanor, punishable by a term of up to 60 days in jail, a fine of up to \$500 or both. A board member may also be removed from office.