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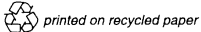
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**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: The Honorable Shelley Vana, Chair
and Members of the Board of County Commissioners

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

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

DATE: July 6, 2012

RE: Unified Land Development Code Amendment Round 2012-02

This memo serves to solicit feedback from the Board on key amendment topics that have been prioritized for inclusion in Unified Land Development Code (ULDC) Amendment Round 2012-02 (Attachment 1). This item will be placed on the July 26, 2012 BCC Zoning Hearing for discussion under Zoning Director Comments.

Fall 2012-02 Amendment Round Priorities:

As staff noted to the Board earlier this year, Code Revision staff has begun work on the "Use Regulations Project" which may require two or more years to complete, and priorities have been evaluated to ensure this project continues to move forward. This project will engage industry and the general public to solicit input on Use Regulations and Standards, eliminate redundancy or glitches, recognize new industry trends, streamline approval processes where feasible to improve ease of use and enforcement, and ensure consistency with the Comprehensive Plan, etc.

Aside from routine amendments required to implement new State laws, Plan amendments or response to industry trends, staff have prioritized several specific tasks the Board directed staff to address, including: Internet Café's, Pot Bellied Pigs, and Recycling Drop-off Bins, among others. In addition, Attachment 1 identifies amendments to the ULDC that are administered by other County Departments, including: the Land Development Division, Impact Fee Coordinator, Environmental Resources Management, and the PBC Health Department.



Future Amendment Priorities:

Also included (Attachment 1) is a short list of amendment tasks that will likely need to be accommodated in 2013 or some point in the near future, including a few critical tasks such as the Glades Area Master Plan, which is being coordinated by the PBC Department of Economic Sustainability and will likely require several ULDC amendments.

Industry Requests for ULDC Amendments:

As outlined in my February 6, 2012 memo to the BCC, the Zoning Division has developed a process to expand opportunities for the public or industry to submit applications to initiate ULDC amendments. To date, no applications have been submitted for the 2012-02 Round; however, the right to submit an application exists, and additional staff time to review/process will need to be factored accordingly, if applicable.

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

JMW/JC

Attachments: Attachment 1 – Summary of ULDC Amendment Round 2012-02

C: Verdenia Baker, Deputy County Administrator
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William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Zoning Division Staff

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**ATTACHMENT 1
SUMMARY OF ULDC AMENDMENT ROUND 2012-02**
(Updated July 9, 2012)

ULDC AMENDMENT ROUND 2012-02 SUMMARY OF KEY MEETINGS AND PUBLIC HEARINGS	
BCC ZONING HEARINGS:	LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MEETINGS:
<ul style="list-style-type: none"> ▪ December 5, 2012: Request for Permission to Advertise ▪ January 3, 2013: 1st Reading ▪ January 24, 2013: 2nd Reading/Adoption 	<ul style="list-style-type: none"> ▪ July 25, 2012 ▪ August 22, 2012 ▪ October 24, 2012 ▪ November 14, 2012 (LDRC)

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

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

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AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS	PRIORITY	STAFFING
USE REGULATIONS PROJECT [Two Year Task – 2012-14] <p align="center">CONTINUED</p>		<ul style="list-style-type: none"> ▪ Expansive webpage outlining scope of project and providing opportunities for interested parties to complete surveys on specific uses classifications. ▪ Establishment of LDRAB Subcommittee, with extensive outreach to solicit additional interested parties to participate in subcommittee proceedings. ▪ Establishment of internal processes to coordinate with other Development Review agencies to solicit feedback on shortcomings and identify solutions or improvements. ▪ Cross referencing of County standards with a minimum of 8 large jurisdictions within PBC, other State or National jurisdictions for emerging trends, etc. ▪ Assessment of compliance with applicable Policies of the Plan. ▪ Amend Art. 2.B.1.1.1, General, to clarify procedures for “permitted uses allowed in conjunction or in place of Conditional or Requested Uses.” 	1	1
Non-conforming Site Elements	Zoning	Update to be consistent with current application and review practices: <ul style="list-style-type: none"> ▪ Clarify notes for Table 1.F.1.G, Nonconformities Percentage and Approval Process for Maintenance, Renovation and Natural Disaster Damage Repair; and, ▪ Update definition for substantial renovation to change method of calculating value of structures from assessed value to improvement value. 	1	1
Art. 2.A.1.S, Appeals	Zoning	Art. 2.A.1.S, Appeals - Clarify Documentation to be Considered for Appeals. Correct scrivener's error to language outlining applicability of documentation to be considered when considering an appeal.	2	3
Commercial Recreation (CRE) Zoning district and RR-10 FLU Designation	Zoning	Review all Official Zoning Quad Maps to ascertain applicability of ULDC provisions permitting existing Commercial Recreation (CRE) Zoning District on parcels with a Rural Residential 10 FLU designation, as referenced in Table 3.A.3.B, FLU Designation and Corresponding Zoning Districts, Art. 3.A.3.B.1.f, and FLUE Policy 2.2.3-a of the Plan.	3	3
Mixed Use in PUD Commercial Pod	Zoning	Amend provisions for Planned Unit Developments (PUD) to address mixed use as provided for under FLUE Policy 4.4.3-a.3 of the Plan.	2	3

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AGR PUD Rural Parkway Landscape Buffer Requirements	Zoning	Amend Art. 3.E.2.F.4.d, Landscape Buffer, to allow alternative AGR-PUD perimeter buffer between Development Area and Rural Parkway, to be consistent with similar revisions granted to AGR-TMD's in 2005.	2	3
Internet Café	Zoning	Coordinate with IPARC to ascertain need to develop regulations for Internet Café's.	1	1
Congregate Living Facilities	Zoning		1	2
2010 SB 550, State to Expedite Renewable Energy Projects	Zoning	Review existing ULDC provisions for Renewable Energy Facilities and amend if necessary for compliance with F.S.	1	2
2011 Commercial Communication Tower (aka: Cell Towers)	Zoning	Review existing ULDC Commercial Communication Tower (Cell Tower) requirements to correct minor glitches and amend if necessary for compliance with HB 3630, Public Safety Spectrum and Wireless Innovation Act of 2011.	1	2
Pot Bellied Pigs	Zoning	Pending August 21, 2012 BCC Workshop	1	1
Recreation Facility Standards	Zoning	Correct minor scrivener's error to clarify applicability of supplementary standards for recreational facilities.	2	2
Sluggett Property Commercial	Zoning	Amend Art. 5.C.1.I.1.a, CL FLU (Related to Large Scale Commercial Development), to exempt the Sluggett parcel from the Commercial Low 65,000 square foot single-tenant limitation concurrent with Planning Text Amendment Round 2012-02.	2	3
Golf Cart Parking for Golf Courses	Zoning	Amend Art. 6.A.1.D.7, Golf Cart Parking (limited to PDDs) to be permitted in non-PDD's where the golf course is operated by an HOA or other similar entity that ensures that the golf course is for use by residents of the development.	2	3
Recycling Drop Off Bins and Collection Stations	Zoning	Respond to request of Gulfstream Goodwill to prohibit or further regulate Recycling Drop Off Bins (aka Donation Boxes). Includes June 5 BCC Public Hearing; June 29, 2012 Public Meeting to solicit feedback from industry and interested parties; and, a Fall 2012 BCC Workshop.	1	1
Funeral Home and Crematorium	Zoning	Art. 4.B.1.A.59, Funeral Home, Clarify Approval Processes for Crematoriums: The use of Funeral Home or Crematorium are considered co-located uses.	1	3

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Art. 8, Signage – Way-finding Signage	Zoning	Respond to inquiries to allow for identification signage for specific areas of the County, to be located off site on private parcels (any signage within Roadways (R-O-W) would not within the authority of Zoning): <ul style="list-style-type: none"> ▪ Comments noted during BCC AGR-Tier tour to allow for signage identifying the boundaries of the AGR-Tier; and, ▪ Request of Indian Trail Improvement District (ITID) to allow identification signage on private parcels along key access points to ITID jurisdiction (e.g. Royal Palm Beach Boulevard). 	1	1
Art. 11, Subdivision, Platting and Required Improvements	Land Development	General updates, including revisions to legal access, roof overhang measurements, preservation area location and access, limited access easement, minimum storm sewerage pipe, drainage, berms, and utility easements (Art. 1, 3 and 11).	1	3
Art. 13, Impact Fees	Impact Fee Coordinator	Update several impact fees as part of bi-annual review.	1	3
Art. 14, Environmental Standards	ERM	Multiple updates and revisions, as follows: <ul style="list-style-type: none"> ▪ ERM Well-field Protection – Water Utility Cost Share Program; ▪ Modifications to Art. 14.C, Vegetation Preservation and Protection Code and Art. 4.D, Excavation to specify minimum criteria for vegetation removal and to revise the options for complying with excavation criteria. ▪ Coastal High Hazard Area [CHHA] (see Plan Amendment Round 2012-02): Review ULDC definition for CHHA and applicability of any articles, including Art. 18, Flood Damage Protection. 	1	3
Art. 15, Health Regulations	Health Dept.	Update for compliance with F.S. 381, 386 and 403 regarding conditions for non-approval and appeals of Onsite Treatment and Disposal Systems (OSTDS), and connection and notification requirements for drinking water supply systems.	1	3
2012 Legislative Session	Zoning	PENDING: Review of all new laws adopted in 2012 Session to determine if any ULDC amendments are required for consistency with F.S.	1	PENDING
ULDC Amendments Identified for Future Rounds				
Green Development	Zoning	Adopt Green Development Programs as may be required by industry trends or feedback, etc.	1	1

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Glades Area Projects	PBC Dept. of Economic Sustain-ability (DES)	<ul style="list-style-type: none"> ▪ Glades Region Master Plan: DES coordinated HUD Grant to develop a road map for planned development/redevelopment that incorporates the six (6) "Livability Principles" developed by the U.S. Departments of HUD, DOT and EPA. ▪ Glades Area Overlay: Update to address several critical glitches to terminology for expedited approval processes, and to ensure consistency with the Plan. These changes will likely be incorporated into the above Glades Region Master Plan effort. 	1	1
Art. 7, Landscaping	Zoning	Multiple updates and revisions to Landscaping requirements, as follows: <ul style="list-style-type: none"> ▪ Determine if any additional flexibility can be permitted for overlapping of drainage swales, easements or detention areas and landscape buffers (note: drainage areas typically prohibit most types of landscaping). ▪ General updates to clarify requirements for shade trees, standards for wall and hedge measurements, and general clean up of Article. ▪ Determine feasibility of permitting Bio-swales in Urbanized areas. ▪ Update Alternative Landscape Plan (ALP) to include updates to Appeal procedures, consider simplifying by switching to Type II Variance process, among other minor revisions. ▪ Clarify minimum landscaping requirements for certain multi-family developments. ▪ Correct glitch in Art. 7.F.9.B, Determining Compatibility Buffer for Minor Utilities. ▪ Water Conservation: Determine feasibility of implementing water conservation updates. ▪ Signed and Sealed Documents: Determine if requirements for signed and sealed Landscape documentation can be specified in the Zoning Technical Manual, or whether such must be codified. 	1	1
Development Review Officer Authority	Zoning	Ascertain feasibility of expanding DRO authority to amend BCC/ZC approvals for minor items – responds to issues raised by industry regarding process required for minor DOA's requiring Public Hearings.	1	1

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HB 7207	Planning/ Zoning	Pending final confirmation from Planning on analysis of impacts from HB 7207 on current Development Review processes and requirements.	1	1
Rezoning for Non-conforming Legal Lot of Record	Zoning	Codify policy regarding non-conforming lots and eligibility to rezone to a more intense district when the current district is consistent with the underlying FLU designation (without requiring Variance approval to address non-conformities).	2	2
Freestanding Buildings	Zoning	Update Art. 3.E.3.B.2.a, Freestanding Buildings, to address discrepancy between different sized projects.	1	1
Commercial Low – Neighborhood Commercial (CN), Community Commercial (CC) and CL Pods of PDDs	Zoning	Ascertain feasibility of limiting certain uses and other site development or operational limitations necessary to implement the CL “Neighborhood Oriented” requirements of the Plan.	2	1
Accessory Daycare in Industrial Pod	Zoning	Ascertain feasibility of allowing use to be permitted by right instead of requiring BCC approval – provided use is limited to workers within specific project or development.	2	3
Art. 5.E.4.E, Outdoor Lighting	Zoning	Updates to County Dark Sky based Lighting Ordinance.	3	2
Art. 6.C.1.B, Double Frontage and Corner Lots	Zoning	Address limitation precluding multiple driveways to homes built on double frontage or corner lots (e.g. current provisions limit access to frontage and would not allow a side or rear load garage).	2	2
Public Requests for ULDC Amendments				
No Applications Submitted to Date				
Currently no applications submitted, but industry has right to submit requests to staff at any point in the Round for consideration.			N/A	N/A

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