



**BOARD OF COUNTY COMMISSION  
ZONING HEARING**

**AMENDMENTS TO THE AGENDA  
JANUARY 5, 2017**

Agenda

<u>Item #</u>	<u>PAGE #</u>	<u>Application and Control #s</u>	<u>Application Name</u>
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**REGULAR AGENDA**

**J. ZONING APPLICATIONS – NEW**

5.	(58-101)	ZV/ABN/PDD/R-2015-02353 (2004-00034)	Cobblestone Plaza MUPD
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**AMEND** Engineering Condition 2.i of Exhibit C-2 to read as follows:

2.i. Reconstruct/modify the north approach of the intersection of Boynton Beach Blvd and Lyons Rd to have an ultimate lane configuration of 3 left turn, 1 through, and 1 right turn lane, as approved by the County Engineer. The right turn lane would need to be constructed. These improvements in Part i. only shall be impact fee creditable.

**DELETE** Engineering Condition 6 and renumber accordingly.

**AMEND** Engineering Condition 2.i of Exhibit C-3 to read as follows:

2.i. Reconstruct/modify the north approach of the intersection of Boynton Beach Blvd and Lyons Rd to have an ultimate lane configuration of 3 left turn, 1 through, and 1 right turn lane, as approved by the County Engineer. The right turn lane would need to be constructed. These improvements in Part i. only shall be impact fee creditable.

**DELETE** Engineering Condition 6 and renumber accordingly.

**AMEND** Engineering Condition 2.i of Exhibit C-4 to read as follows:

2.i. Reconstruct/modify the north approach of the intersection of Boynton Beach Blvd and Lyons Rd to have an ultimate lane configuration of 3 left turn, 1 through, and 1 right turn lane, as approved by the County Engineer. The right turn lane would need to be constructed. These improvements in Part i. only shall be impact fee creditable.

**DELETE** Engineering Condition 6 and renumber accordingly.

**AMEND** Architectural Review Condition 1 of Exhibit C-3 to read as follows:

1. At time of Building Permit, the Architectural Elevations for Building 1 Convenience Store ~~and Type I Restaurant~~, shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the Development Review Officer (DRO) approved site plan, all applicable conditions of approval, and all ULDC requirements.

**AMEND** Architectural Review Condition 1 of Exhibit C-4 to read as follows:

1. At time of Building Permit, the Architectural Elevations for Building 6 Type I Restaurant, shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC). Development shall be consistent with the approved Architectural Elevations, the Development Review Officer (DRO) approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements.

#### K. ULDC AMENDMENTS

7. (142-572) **REQUEST FOR PERMISSION TO ADVERTISE UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS - USE REGULATIONS PROJECT**

**AMEND** Exhibit D4, Institutional, Public and Civic Uses, Part 1, Page 342; lines 3 to 46, page 359; all lines page 360 to 362; and, lines 1 to 34, page 363, to read as follows:

<b>Reason for amendments:</b>
<u>1. Keep approval process and Supplementary Use Standards pertaining to Schools as they are currently in the ULDC, unless indicated otherwise, to be further discussed and revised with the Palm Beach County School District. Zoning staff is responding to a written request from the School Board Planning Director, Kris Garrison, to withdraw the School amendments at this time. The School Board will take the initiative to prepare amendments in the future, if necessary.</u>



## **15.School - Elementary or Secondary**

**Reason for amendments:** Staff is referencing Ordinance 1992-020 as the initial ordinance for amendment history for the School, Elementary or Secondary use. The definition and Supplemental Use Standards were amended by Ord. 2003-067, 2005-002 and 2012-027.

1. Standard for those Schools that are located in the AGR Tier west of SR 7/US 441 is consolidated to the new general standards at the introductory part of Institutional, Public and Civic Use classification as contained in the Comprehensive Plan Policy 1.5-r, which allows these regulations applicable to all Institutional uses.

### **a. Definition**

An institution of learning, whether public, private or charter, which conduct regular classes and courses of study required for accreditation as an elementary or secondary school approved by the Department of Education.

### **ba.General**

~~All Schools shall comply with the following requirements, except where stated otherwise:~~

#### **1) Setbacks**

~~All schools shall comply with the Zoning District setbacks unless stated otherwise herein. No setback shall be less than 25 feet regardless of the Zoning District. [Ord. 2012-027] [Partially relocated to Art. 4.B.4.C.13.c, Private Schools, below]~~

#### **2) Agricultural Reserve Tier**

~~A school shall not be located west of SR 7/US 441.~~

#### **32) South Florida Water Management District (SFWMD)**

~~Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.~~

##### **a) Preservation**

~~Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in conformance with Article 9, Archaeological and Historic Preservation. [Relocated to Wetlands Permits, below]~~

##### **b) Wetlands Permits**

~~On site wetlands required by the SFWMD shall be preserved. [Relocated to Preservation, below] Boardwalks and education learning stations may be constructed within wetland areas subject to approval by the SFWMD.~~

##### **c) Construction Documents**

~~Prior to site plan approval by the DRO review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM. [Partially relocated to Construction Documents, below]~~

#### **443) Overlay - Airport Zoning Overlay (AZO)**

New schools shall not be located within five miles of either end of a runway, pursuant to Article 16, Airport Regulations, and ~~F.S. State Statutes.~~

~~2. Delete standard indicating that only Private Schools were subject to Class A Conditional Use approval noted in the Use Matrix. All Private, Public, and Charter Schools will be subject to the applicable approval process as indicated in the Use Matrix.~~

~~3. Increase pedestrian safety for Schools by including a provision that requires on-site drop-off and pick-up spaces. Sidewalks of pedestrian walkways that connect drop-off/pick-up areas and parking lots to building entrances are current requirements for similar institutional uses such as Day Care. Therefore, recommend similar requirements to be applied to Schools. This amendment also proposes to minimize vehicular circulation issues by restricting overlapping of traffic circulation with drop-off and pick-up spaces.~~

### **cb. Private School**

The following standards shall apply to all private schools: **[Ord. 2012-027]**

#### **1) Pedestrian Access/Bike Path**

~~Pedestrian access, bike paths and crosswalks showing access to the school site from surrounding neighborhoods shall be shown on the site plan. [Partially~~

~~relocated to Site Plan, below. Related to Pedestrian Safety and Vehicular Circulation]~~

2) ~~**Pedestrian Safety and Vehicular Circulation**~~

~~Designated bus and parental drop off/pick up areas, shall be provided.~~

~~**a) Justification Statement**~~

~~The applicant shall include in the Justification Statement the following information:~~

~~(1) Types of School(s): Elementary, Middle or High;~~

~~(2) Projected enrollment capacity and proposed phasing, if any;~~

~~(3) Operating hours for drop off/arrival and pick up/dismissal; school start and end time, and before and after care. Description of any proposed staggered start and end time;~~

~~(4) Number of School personnel designated to oversee the vehicular and pedestrian traffic circulation, and monitor the safety of the drop off and pick up areas;~~

~~**b) Design Requirements**~~

~~(1) Drop off/pick up spaces may be provided in form of a parking space or a queuing space. One designated drop off/pick up parking space shall be provided for every 20 students. Dimension of parking spaces shall be pursuant to Art. 6, Parking;~~

~~(2) Drop off/pick up queuing spaces may be provided. Double queuing lanes that are located side by side are discouraged. Dimension of the queuing distance shall be based on one and a half linear feet for each student and the width of the queuing space shall be a minimum of 12 feet;~~

~~(3) A minimum four foot wide sidewalk shall be provided adjacent to the drop off/pick up queuing spaces or parking lots and to be connected to the School entrance(s).~~

~~**c) Site Plan**~~

~~The Site Plan shall indicate the queuing, vehicular and pedestrian circulation, which includes but not limited to the following:~~

~~(1) Location of drop off and pick up areas and queuing spaces shall not interfere with on-site vehicular traffic or overlap any vehicular circulation unless a by pass lane is provided;~~

~~(2) A dedicated lane for queuing of vehicles prior to drop off and pick up areas;~~

~~(3) The bus drop off and pick up areas, if applicable;~~

~~(4) Pathways, which cross vehicular use areas, shall be defined by special paving, brick, striping, or other methods and shall include appropriate safety devices acceptable to the DRO; and, [Ord. 2012-027]~~

~~(5) Pedestrian access, bike paths and crosswalks showing access to the school site from surrounding neighborhoods. [Partially relocated from Pedestrian Access/Bike Path, above]~~

~~**3) Approval Process**~~

~~This use shall be subject to the applicable approval process pursuant to the use matrices of Article 3 and Article 4. [Ord. 2012-027]~~

~~**3) South Florida Water Management District (SFWMD)**~~

~~Boardwalks and education learning stations may be constructed within wetland areas subject to the approval by the SFWMD. [Relocated from South Florida Water Management District (SFWMD), above]~~

~~**a) Preservation**~~

~~On-site wetlands required by the SFWMD shall be preserved. [Relocated from Wetlands Permits, above]~~

~~**b) Wetlands Permits**~~

~~Prior to commencement of construction, lot clearing or any other site development, preparation, all applicable permits shall be obtained in conformance with Article 9, Archaeological and Historic Preservation. [Relocated from Preservation, above]~~

~~**c) Construction Documents**~~

~~Review, construction documents for wetland restoration, landscaping, and vegetation restoration shall be reviewed and approved by ERM prior to final approval by the DRO. [Partially relocated from Construction Documents, above]~~

~~**c. Private Schools**~~

~~Private Schools shall comply with the Zoning District setbacks unless stated otherwise herein. No setback shall be less than or 25 feet, regardless of the Zoning~~

~~District, whichever is greater. [Ord. 2012-027] [Partially relocated from Art. 4.B.4.C.13.b.1., setbacks, above]~~

42. Update Charter School by clarifying that in accordance with Florida Statutes 1002.33, section (1) Authorization, all Charter Schools in Florida are public schools. Furthermore, Florida Statutes 1002.33, section (18) Facilities, indicates that local governing authorities shall make Charter Schools subject to the same regulations applicable to Public Schools.

**d. Charter Schools**

~~Charter schools are subject to the same standards and approval processes applicable to private schools. Charter schools are considered public schools pursuant to F.S. Chapter 1002.33 and shall be subject to the standards and procedures applicable to Public Schools. If constructed by the PBC School Board or otherwise considered a public school facility pursuant to F.S. Chapter 1013, the use shall be treated as public schools for the purposes of this Code. Charter schools with 200 or fewer students in a commercial, industrial, or nonresidential planned development district shall be subject to DRO approval. [Ord. 2012-027]~~

5. ~~Delete standard that excludes public schools from being subject to the approval process indicated in the Use Matrix. All private, public and charter schools will be subject to the approval process contained in the Use Matrix.~~

**ed. Public Schools**

**1) Applicability**

Public Schools are subject to site requirements contained in Section 423 of the Florida Building Code per F.S. 1013.37. ~~Public schools are not subject to the approval process contained in the Use Matrices of this Code unless specified herein.~~ Other types of School Board developments, such as administrative offices, warehouse buildings, etc., shall comply with the regulations of the applicable zoning district. [Ord. 2012-027]

**2) Previous Approvals and Future Amendments**

Public schools approved prior to June 16, 1992 shall be considered conforming uses. [Ord. 2012-027]

6. ~~Interlocal agreement R-93-1600-D was established between the Board of County Commissioners and the School Board of Palm Beach County. The Agreement requires the site selection of a public school must be consistent with the local Government's Comprehensive Plan and applicable development regulations. This amendment restates the applicability of the agreement while clarifies that approval of site selection needs to be done prior to the application for the approval of a Public or a Charter School. This amendment allows schools to be subject to DRO approval process when located in PDDs or TDDs that have the school site selection approved prior to the application for the PDD or TDD prior to December 1, 2016 which is the time when sites have received approval for Phase 1 Site Acquisition. These developments are subject to Public Hearings and approval by the Board of County Commissioners. The amendment reduces the use approval process since the PDD or TDD application would be able to identify a school for the development.~~

**3) Review by Zoning and Approval Process**

**a. School Site Acquisition**

~~Comply with the procedures established by the Intergovernmental Agreement R-93-1600D adopted on 12-7-93, as amended from time to time. [Ord. 2012-027]~~

**b. Development Review Officer (DRO) Administrative Review**

~~Application shall comply with the DRO Administrative Review process as stated in Article 2.D, Administrative Process. [Ord. 2012-027]~~

~~Public or Charter Schools may be subject to DRO approval provided:~~

- ~~a) Prior to School site acquisition, the applicant complies with the procedures provided for in the Interlocal Agreement between the Board of County Commissioners and the School Board of Palm Beach County (R-93-1600D); and;~~

- ~~b) The proposed site is located in a PDD or TDD; or, the application was submitted prior December 1, 2016, regardless of the zoning district.~~

**4) Accessory Uses Radio Towers**

~~The following uses, subject to special regulations, Accessory Radio Towers shall be allowed as customarily incidental and subordinate to a public school, subject to the following regulations:~~

~~a) **Accessory Radio Towers**~~

~~(1a) **Height**~~

~~Towers shall have a maximum height of 100 feet or less measured from the finished grade at the base of the tower. Towers over 100 feet in height and ~~Commercial Communication Towers~~ shall comply with Art. ~~4.C. 4.B.9, Communication Tower, Commercial.~~ [Ord. 2005 – 002]~~

~~(2b) **Setbacks**~~

- ~~(a) Towers shall meet a minimum setback equal to 50 percent of the height of the tower from all property lines. [Ord. 2005 – 002]~~  
~~(b) Commercial Communication Towers shall comply with Art. ~~4.C. 4.B.9, Communication Tower, Commercial.~~ ITV antennas shall not be subject to these requirements. [Ord. 2005 – 002]~~

~~(3e) **Anchors**~~

~~All tower supports and peripheral anchors shall be located entirely within the boundaries of the school site and in no case less than 20 feet from a property line.~~

~~(4d) **Fencing**~~

~~Security fencing or a security wall shall be installed around the base of each tower, each anchor base and each tower accessory building to limit access.~~

~~(5e) **Sign-Off**~~

~~The School Board shall provide a written sign-off from the County Department of Airports stating the tower will not encroach into any public or private airport approach space as established by the Federal Aviation Administration.~~

~~(6f) **Removal**~~

~~Obsolete or abandoned towers shall be removed within 12 months of cessation of use.~~

~~73. Relocate standard related to Water or Waste Water Treatment facility accessory to a School for consistency with construction of the Code. The Use Regulations Project consolidates all standards applicable to a principal use under the existing provisions for that use to facilitate use of the Code.~~

~~8. Allow variances for setbacks from schools. In 2003, the Code required schools in residential zoning districts to be setback a minimum of 25 feet from residential. In 2012, the Code was amended to apply the 25 foot setback to all schools regardless if they were or not adjacent to residential in an effort to create some consistency with criteria used by the State Requirements for Educational Facilities and the Florida Building Code. These same documents allow schools to use the local zoning setbacks if less than the 25 feet, therefore, the Code is amended to allow schools to apply for variances when it is demonstrated that the setback meet the standards to obtain a variance as contained in Art. 2 of the ULDC.~~

~~9. According to State Statutes 1013.64(5)(a), landscaping for Public Schools is required to be provided by local funding sources. The Statutes also makes the schools exempt from landscape requirements unless the local requirements are less costly than the landscape regulations contained in the Florida Building Code for Educational Facilities or State Requirements for Educational Facilities (SREF). Such landscape standards are limited to maintenance, prohibited species, water conservation, safety and visibility while lacking specificity on design, layout, installation quantity and quality of the landscape material. This amendment introduces landscape requirements contained in Resolution 2015-1864, Inter local agreement for Coordinated Planning between the School Board of Palm Beach County, Palm Beach County and Municipalities of Palm Beach County, to make them easier to enforce.~~

~~10. Provisions contained in Art. 7, Landscaping, require fences to have vegetative material inside and outside of the fence, installation of a fence can only be located along the property line when adjacent to conforming sites and chain link fences are permitted in right of ways when installed behind a hedge unless approved as Type 2 Waiver. This amendment deletes reference to Article 7 as well as the fence height provisions in Art. 5 to utilize fence requirements established in the Interlocal Agreement which differ from those in the Code.~~

~~b) **Water or Waste Water Treatment**~~

~~A water or wastewater treatment facility may be installed in accordance with all applicable federal, state and local utility standards.~~ [Relocated to Art. 4.4.B.7.C.11, Water or Wastewater Treatment Plan use]

~~(1) Location/Buffering~~

~~The facility shall be located and buffered to ensure compatibility with surrounding land use.~~ [Relocated to Art. 4.4.B.7.C.11, Water or Wastewater Treatment Plan use]

~~(2) Duration~~

~~The use of the facility shall only be permitted until such time.~~ [Relocated to Art. 4.4.B.7.C.11, Water or Wastewater Treatment Plan use]

5) **Setbacks**

Setbacks for public schools shall be a minimum of 25 feet. ~~Request for Type 2 Variance from setbacks shall be permitted in accordance with Art. 2, Development Review Procedures.~~ [Ord. 2005-002] [Ord. 2012-027]

~~6) Supplemental Design Standards~~

~~a) All fences height shall be in compliance with Art. 5, Supplementary Standards and Art. 7, Landscaping. [Ord. 2012-027]~~

~~b) Landscape shall comply with State Statutes 1013.64(5)(a). [Ord. 2012-027]~~

~~6) Landscaping~~

~~The following landscape requirements shall apply to Public and Charter Schools: [Ord. 2012-027]~~

~~a) Ground cover, hedges and trees shall be of low maintenance species, preferably native.~~

~~b) Sites adjacent to public streets and residential zoning districts, shall provide landscaping along the entire perimeter of the site. Landscaping shall consist of one canopy tree per 25 lineal feet of the property line and shall be a minimum of 10 feet in height at time of installation.~~

~~c) Credit shall be granted for on-site preservation of existing trees.~~

~~d) Hedges or ground covered shall be 18 inches at maintained height. Hedges shall be clustered at various locations around or between trees and planted 36 inches on center.~~

~~7) Fences~~

~~Chain link fence may be allowed along the perimeter of the site up to eight feet in height and shall be black or green vinyl coated.~~

~~e8) R-O-W Dedication~~

Within six months of a request by the County Engineer, the School Board shall convey to the BCC all portions of the site necessary to achieve the ultimate R-O-W, as required by Article 11, Subdivision, Platting and Required Improvements, or as warranted by the School District's Traffic Study, as well as additional right of way for turn lanes and corner clips, as determined by the County Engineer and warranted by the School District's Traffic Study for any affected road. The conveyance shall include documentation acceptable to the County Engineer that the land is free of all encumbrances and encroachments and shall be in the form of a warranty deed acceptable to the County Attorney. Time extension for R-O-W dedication may be granted if approved by the County Engineer and the School District. [Ord. 2012-027]

~~e9) Road Improvements~~

Prior to school occupancy, the School Board shall fund and construct all road improvements directly associated with the school such as paving-drainage, turn lanes, traffic circulation, sidewalks, and driveway connections as determined by the County Engineer and warranted by the School District's Traffic Study. [Ord. 2005 – 002] [Ord. 2012-027]

~~Reason for amendments in the Use Matrix:~~

~~11. [Zoning] Make the use subject to Class A Conditional Use approval in URAO, IRC and MUPD with INST FLU designation for consistency with the use approval in all other zoning districts where the use is allowed except for PO Zoning District.~~

\* Double underlined indicates new text or previously stricken text to remain.

~~Double Stricken~~ indicates text to be ~~deleted~~.

.... Indicates language omitted to save space.





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**BOARD OF COUNTY COMMISSIONERS  
ZONING HEARING**

**THURSDAY JANUARY 5, 2017**

**9:30 A.M. 6<sup>TH</sup> FLOOR**

**JANE M. THOMPSON MEMORIAL CHAMBERS**

**CALL TO ORDER**

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

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**REGULAR AGENDA**

**COMMENTS**

**ADJOURNMENT**

Web address: [www.pbcgov.com/pzb/](http://www.pbcgov.com/pzb/)

*Disclaimer: Agenda subject to changes at or prior to the public hearing.*



**AGENDA  
PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**JANUARY 5, 2017**

**CALL TO ORDER**

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

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

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

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

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

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

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

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

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

**POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**A. POSTPONEMENTS**

1. [ZV/Z/CA-2015-02360](#) Title: an Official Zoning Map Amendment application of Global Force Investment Consulting LLC - Marta Gonzales by Urban Design Kilday Studios, Agent. Request: to allow a rezoning from the Light Industrial (IL) Zoning District to the General Commercial (CG) Zoning District.

Title: a Class A Conditional Use of Global Force Investment Consulting LLC - Marta Gonzales by Urban Design Kilday Studios, Agent. Request: to allow a Convenience Store with Gas Sales.

General Location: Northwest corner of Southern Boulevard and Cleary Road. **(Cleary Station)** (Control 1973-00243)

Pages: 1 - 1

Project Manager: Carrie Rechenmacher

Size: 1.17 acres ±

BCC District: 2

Staff Recommendation: Staff recommends a postponement to Thursday, January 26, 2017.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment with a vote of 6-0-0

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use with a vote of 6-0-0

**MOTION:** To postpone to Thursday, January 26, 2017.

**B. REMANDS**

2. [DOA-2015-01470](#) Title: a Development Order Amendment application of Florida Education Properties Villages of by F.P. Dino Inc., Agent. Request: to reconfigure the site plan; add and delete square footage; increase the number of students for the Private School; decrease the number of children for the Day Care; and amend Conditions of Approval (Engineering).

General Location: Southeast corner of Hypoluxo Road and Lyons Road. **(Villages of Windsor SE Civic)** (Control 1996-00081)

Pages: 2 - 2

Project Manager: Joyce Lawrence

Size: 543.60 acres ±

BCC District: 3

(affected area 12.12 acres ±)

Staff Recommendation: Staff recommends the project be remanded to Wednesday, February 8, 2017 Development Review Officer meeting.

Zoning Commission Recommendation: Postponed to 01/06/2017 with a vote of 6-0-0

**MOTION:** To remand to Wednesday, February 8, 2017 Development Review Officer meeting.

**C. WITHDRAWALS**

**END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA**

**CONSENT AGENDA**

**A. REQUESTS TO PULL ITEMS FROM CONSENT**

**B. DISCLOSURES FOR THE CONSENT ITEMS**

**C. STATUS REPORTS - NEW**

**D. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**E. ZONING APPLICATIONS - NEW**

- 3. [ZV/DOA/R-2015-02348](#) Title: a Development Order Amendment application of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to reconfigure the Site Plan; add square footage and fueling stations; add a Requested Use; and, modify Conditions of Approval (Engineering).  
Title: a Requested Use of First Coast Energy LLP by Dunay Miskel Backman and Blattner LLP, Agent. Request: to allow a Convenience Store with Gas Sales.  
General Location: At the Southeast corner of State Road 7 and Southern Boulevard. **(Western Plaza -First Coast Energy Convenience Store No. 2719)** (Control 1977-00048)

Pages: 3 - 35

Conditions of Approval (10 - 22)

Project Manager: Carlos Torres

Size: 32.86 acres ±

BCC District: 6

(affected area 1.15 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 62 Conditions of Approval as indicated in Exhibit C-2, and 7 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Approved a Type II Variance (with conditions) with a vote of 6-0-0

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment with a vote of 6-0-0

Zoning Commission Recommendation: Recommended Approval of a Requested Use with a vote of 6-0-0

**MOTION:** To adopt a resolution approving a Development Order Amendment to reconfigure the Site Plan; add square footage and fueling stations; add a Requested Use; and, modify Conditions of Approval (Engineering) subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving a Requested Use to allow a Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-3.

- 4. [Z/CA-2016-00849](#) Title: an Official Zoning Map Amendment application of George Moraitis by iPlan and Design LLC, Agent. Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Multifamily Residential (RM) Zoning District.

Title: a Class A Conditional Use of George Moraitis by iPlan and Design LLC, Agent.  
Request: to allow a General Daycare.

General Location: Approximately 700 feet west from Lawrence Road on the south side of Lantana Road. (**Children's Academy of Lake Worth**) (Control 2016-00079)

Pages: 36 - 57

Conditions of Approval (43 - 47)

Project Manager: Diego Penalzoza

Size: 0.91 acres ±

BCC District: 3

Staff Recommendation: Staff recommends approval of the Rezoning subject to a Conditional Overlay Zone (COZ) and 4 Conditions of Approval as indicated in Exhibit C-1, and approval of the Class A Conditional Use subject to 21 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment with a vote of 6-0-0

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use with a vote of 6-0-0

**MOTION:** To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Multifamily Residential (RM) Zoning District subject to a Conditional Overlay Zone (COZ) and the Conditions of Approval as indicated in Exhibit C-1

**MOTION:** To adopt a resolution approving a Class A Conditional Use to allow a General Daycare subject to the Conditions of Approval as indicated in Exhibit C-2.

**F. CORRECTIVE RESOLUTIONS**

**G. ABANDONMENTS**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**A. ITEMS PULLED FROM CONSENT**

**B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA**

**C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS**

**D. PREVIOUSLY POSTPONED STATUS REPORTS**

**E. STATUS REPORTS - NEW**

**F. LARGE SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS**

**G. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS**

**H. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION**

**I. PREVIOUSLY POSTPONED ZONING APPLICATIONS**

**J. ZONING APPLICATIONS - NEW**

5. [ZV/ABN/PDD/R-2015-02353](#) Title: a Development Order Abandonment application of West Boynton Farms Inc by JMorton Planning & Landscape Architecture, Agent. Request: to abandon a Class A Conditional Use and a Development Order Amendment approving the Commercial Communication Tower granted under prior Resolutions.
- Title: an Official Zoning Map Amendment to a Planned Development District of West Boynton Farms Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and to allow an Alternative Landscape Buffer.
- Title: a Requested Use of West Boynton Farms Inc by JMorton Planning & Landscape Architecture, Agent. Request: to allow a Type I Restaurant with drive-through and a Convenience Store with Gas Sales.
- General Location: Northeast corner of Boynton Beach Boulevard and Lyons Road. **(Cobblestone Plaza MUPD)** (Control 2004-00034)

Pages: 58 - 101

Conditions of Approval (68 - 82)

Project Manager: Yoan Machado

Size: 15.34 acres ±

BCC District: 5

**DISCLOSURE**

Staff Recommendation: Staff recommends approval of the Rezoning and Requested Uses subject to 21 Conditions of Approval as indicated in Exhibit C-2, 16 Conditions of approval in Exhibit C-3, and 14 Conditions of Approval as indicated in Exhibit C-4.

Zoning Commission Recommendation: Approved a Type II Variance (with conditions) with a vote of 6-0-0

Zoning Commission Recommendation: Recommended Approval of a Requested Use with a vote of 6-0-0

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment to a Planned Development District with a vote of 6-0-0

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment with a vote of 6-0-0

**MOTION:** To adopt a resolution approving a Development Order Abandonment to abandon a Class A Conditional Use and a Development Order Amendment approving the Commercial Communication Tower granted under prior Resolutions.

**MOTION:** To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and to allow an Alternative Landscape Buffer subject to the Conditions of Approval as indicated in Exhibit C-2.

**MOTION:** To adopt a resolution approving a Requested Use to allow a Type I Restaurant with drive-through subject to the Conditions of Approval as indicated in Exhibit C-3.

**MOTION:** To adopt a resolution approving a Requested Use to allow a Convenience Store with Gas Sales subject to the Conditions of Approval as indicated in Exhibit C-4.

**K. ULDC AMENDMENTS**



6. Title: [UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENT ROUND 2016-02:](#)  
FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING

SUMMARY: The proposed ordinance will account for consistency with the Comprehensive Plan, correction of glitches and clarifications to the Unified Land Development Code (ULDC), as well as several specific amendments, as follows:

Ordinance Title

- Exhibit A AGR Tier - Previously Approved and Non-conforming Uses
- Exhibit B AGR Tier - Planned Development Districts
- Exhibit C Art. 3.B.20, Urban Redevelopment Area Overlay (URAO)
- Exhibit D Reasonable Accommodation Expiration
- Exhibit E Art. 3.E.2.F.3.c.1), PDRs for AGR Preserves and Farm Residences
- Exhibit F Art. 3.B.14, Westgate Community Redevelopment Area Overlay (WRAO)
- Exhibit G Table 6.A.1.D, Minimum Parking Lot Dimensions
- Exhibit H Table 8.G.3.B, Electronic Message Sign Types and Approval Process
- Exhibit I Definition for Addition
- Exhibit J Administrative Inquiry
- Exhibit K Art. 3.D.1.D.1, Base Building Line
- Exhibit L Regulating Plans

Pages: 102 - 141

Project Manager: William Cross

Staff Recommendation: Staff recommends approval of First Reading and to Advertise for Adoption Hearing on January 26, 2017.

Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulation Commission (LDRC) Determination: Recommended approval of the proposed amendments by multiple votes on October 26, 2016, November 16, 2016, and November 30, 2016. Sitting as the Land Development Regulation Commission (LDRC) on November 16, 2016, and November 30, 2016, all proposed ULDC amendments were found to be consistent with the Comprehensive Plan.

BCC Public Hearings: December 7, 2016, Request for Permission to Advertise for First Reading on January 5, 2017: Approved, 5-0.

**MOTION:** To approve on First Reading and Advertise for Adoption Hearing on January 26, 2017: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: ARTICLE 1 - GENERAL PROVISIONS: CHAPTER I, DEFINITIONS & ACRONYMS; ARTICLE 2 - DEVELOPMENT REVIEW PROCEDURES: CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS: CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); ARTICLE 4 - USE REGULATIONS: CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; ARTICLE 5 - SUPPLEMENTARY STANDARDS: CHAPTER F, LEGAL DOCUMENTS; ARTICLE 6 - PARKING: CHAPTER A, PARKING; ARTICLE 8 - SIGNAGE: CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

7. Title: REQUEST FOR PERMISSION TO ADVERTISE  
 UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS - USE REGULATIONS  
 PROJECT

Ordinance Title

- Exhibit A - Article 1, General Provisions
- Exhibit B - Article 2, Development Review Process
- Exhibit C - Article 3, Overlays and Zoning Districts
- Exhibit D - Article 4, Use Regulations
- Exhibit E - Article 5, Supplementary Standards
- Exhibit F - Article 6, Parking
- Exhibit G - Article 7, Landscaping
- Exhibit H - Article 8, Signage
- Exhibit I - Article 9, Archaeological and Historical Preservation
- Exhibit J - Article 10, Enforcement
- Exhibit K - Article 11, Subdivision, Platting, and Required Improvements
- Exhibit L - Article 12, Traffic Performance Standards

Pages: 142 - 572

Project Manager: Monica Cantor

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for First Reading of ULDC Amendments Use Regulations Project on January 26, 2017.

LDRAB/LDRC: The proposed code amendments were submitted for review to the Land Development Regulation Advisory Board (LDRAB) on October 23, 2013; February 26, 2014; July 23, 2014; June 24, 2015; November 18, 2015; April 27, 2016; May 25, 2016; October 14, 2016; October 26, 2016; November 30, 2016; and December 14, 2016, and the Land Development Regulation Commission (LDRC) on November 30, 2016; and December 14, 2016. . At the October 14, 2016 meeting, LDRAB voted 8 - 2 to recommend that the BCC not approve the proposed amendments on Limited Pet Boarding. At December 14, 2016 meeting, LDRC recommended denial of the proposed amendments to Limited Pet Boarding, motion vote 10 – 0; denial of the proposed deletion of Homeless Resource Center Use, motion vote 9 – 3; and, modify Self Service Storage proposed language to allow a waiver to increase percentage of the use in Commercial pod of PUD or Neighborhood Center of TND, motion vote 11 - 0. All proposed ULDC amendments were found to be consistent with the Plan.

**MOTION:** To approve the Request for Permission to Advertise for First Reading of ULDC Amendments - Use Regulations Project, on January 26, 2017: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCES 2003-067, AS AMENDED, AS FOLLOWS: ARTICLE 1- GENERAL PROVISIONS: CHAPTER B, INTERPRETATION OF CODE; CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER F, NONCONFORMITIES; CHAPTER I, DEFINITIONS & ACRONYMS; ARTICLE 2- DEVELOPMENT REVIEW PROCEDURES: CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER E, PRIOR APPROVALS; CHAPTER G, EMINENT DOMAIN; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS: CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER D, PROPERTY DEVELOPMENT REGULATIONS (PDRs); CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDs); ARTICLE 4- USE REGULATIONS: CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; CHAPTER D, EXCAVATION; ARTICLE 5- SUPPLEMENTARY STANDARDS: CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER E, PERFORMANCE STANDARDS; CHAPTER H, MASS-TRANSIT STANDARDS; ARTICLE 6- PARKING: CHAPTER A, PARKING; ARTICLE 7- LANDSCAPING: CHAPTER A, GENERAL; CHAPTER F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS; ARTICLE 8- SIGNAGE: CHAPTER F, GENERAL PROVISIONS FOR ALL SIGN TYPES; ARTICLE 9- ARCHAEOLOGICAL AND HISTORICAL PRESERVATION: CHAPTER A, ARCHAEOLOGICAL RESOURCES PROTECTION; ARTICLE 10- ENFORCEMENT: CHAPTER C, GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD; CHAPTER E, REMEDIES; ARTICLE 11- SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS: CHAPTER B, SUBDIVISION REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; ARTICLE 12: TRAFFIC PERFORMANCE STANDARDS: CHAPTER J, TRANSPORTATION CONCURRENCY MANAGEMENT AREAS (TCMA); CHAPTER L, TRANSPORTATION CONCURRENCY EXEMPTION FOR PROJECTS THAT PROMOTE PUBLIC TRANSPORTATION; CHAPTER Q, PROPORTIONATE FAIR-SHARE PROGRAM; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE

8. Title: RECESS AS THE BOARD OF COUNTY COMMISSIONERS

AND

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

TITLE: [UNIFIED LAND DEVELOPMENT CODE \(ULDC\) AMENDMENTS - USE REGULATIONS PROJECT, ARTICLE 15, HEALTH REGULATIONS](#)

SUMMARY AND REASON FOR AMENDMENT: The proposed amendments in Exhibit A - Article 15, Health Regulations

Pages: 573 - 577

Project Manager: Monica Cantor

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for First Reading.

**MOTION:** To approve the Request for Permission to Advertise for First Reading of ULDC Amendments Use Regulations for January 26, 2017.

RECESS AS THE ENVIRONMENTAL CONTROL BOARD

AND

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

9. Title: REQUEST FOR PERMISSION TO ADVERTISE  
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS - MEDICAL MARIJUANA MORATORIUM

ADDING DEFINITIONS OF MEDICAL MARIJUANA TREATMENT CENTER AND MEDICAL MARIJUANA DISPENSING ORGANIZATION; ENACTING A ONE YEAR MORATORIUM UPON THE ACCEPTANCE OF ZONING APPLICATIONS AND ALL APPLICABLE REQUESTS FOR ZONING APPROVAL FOR MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSING ORGANIZATIONS WITHIN UNINCORPORATED PALM BEACH COUNTY, BY AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067.

Pages: 578 - 581

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for First Reading on January 26, 2017.

**MOTION:** To approve the Request for Permission to Advertise for First Reading on January 26, 2017, AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADDING DEFINITIONS OF MEDICAL MARIJUANA TREATMENT CENTER AND MEDICAL MARIJUANA DISPENSING ORGANIZATION, AND ENACTING A ONE YEAR MORATORIUM UPON THE ACCEPTANCE OF ZONING APPLICATIONS AND ALL APPLICABLE REQUESTS FOR ZONING APPROVALS FOR MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSING ORGANIZATIONS WITHIN UNINCORPORATED PALM BEACH COUNTY, BY AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: ARTICLE 1 ¿ GENERAL PROVISIONS; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 4 ¿ USE REGULATIONS; CHAPTER B, USE CLASSIFICATION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

**10. Title: UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS FOR THE WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO) - REQUEST FOR PERMISSION TO ADVERTISE**

**SUMMARY:** This Phase 2 Privately Initiated Application (PIA) to amend the Unified Land Development Code (ULDC) has been submitted by GL Homes concurrent with related privately initiated text and map series amendments to the Comprehensive Plan. These amendments include establishing the Western Communities Residential (WCR) future land use (FLU) designation and related Policies, which will be implemented as the WCR Planned Unit Development (PUD). These new provisions further allow for concurrent or future Rezoning applications within the Overlay, including the project known as the Indian Trails Grove (ITG) PUD.

Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulation Commission (LDRC) Determination: The proposed ULDC amendments were presented to the LDRAB and LDRC on April 27, 2016: LDRAB recommendation to approve, passed (13-0); and, LDRC determination of consistency with the Comprehensive Plan, passed (13-0). Revisions to the original amendment request were also presented to the LDRAB and LDRC on December 14, 2016: LDRAB recommendation to approve, passed (12-0); and, LDRC determination of consistency with the Comprehensive Plan, passed (12-0)

Pages: 582 - 591

Project Manager: William Cross

Staff Recommendation: Staff recommends approval of the Request for Permission to Advertise for the January 26, 2017 First Reading of ULDC Amendments to establish the Western Communities Residential Overlay (WCRO).

**MOTION:** To approve the Request for Permission to Advertise for First Reading on January 26, 2017: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, TO ESTABLISH THE WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO), TO ALLOW FOR THE INDIAN TRAILS GROVE PLANNED UNIT DEVELOPMENT (PUD), AS FOLLOWS: ARTICLE 1 - GENERAL PROVISIONS; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS; CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

**L. COMPREHENSIVE PLAN TEXT AMENDMENTS**

**M. OTHER ITEMS**

**END OF REGULAR AGENDA**

**COMMENTS**

**A. COUNTY ATTORNEY**

**B. ZONING DIRECTOR**

**C. PLANNING DIRECTOR**

**11. Title: [Sabal Grove Modification to WHP covenant](#)**

To relocate the WHP units within the currently approved site plan and update the Restrictive Covenant accordingly. All changes remain consistent with requirements assigned to Sabal Grove Subdivision Control No. 2005-535 as stipulated by Resolution R2006-922.

Pages: 592 - 598

Staff Recommendation: Staff recommends approval of the request.

**MOTION:** To approve the first amendment to the Declaration of restrictive Covenants for Workforce Housing in accordance with the Workforce Housing Program, originally recorded in Official Records Book 21855, Page 1681, of the Public Records of Palm Beach County, Florida.

**D. EXECUTIVE DIRECTOR**

**E. ASSISTANT COUNTY ADMINISTRATOR**

**F. COMMISSIONERS**

**ADJOURNMENT**