



**MEMORANDUM**

**TO:** Paulette Burdick, Mayor, and  
Members of the Board of County Commissioners  
**FROM:** Jon MacGillis, ASLA, Zoning Director *JM*  
**DATE:** August 11, 2017  
**RE:** **Initiation of Unified Land Development Code (ULDC) Amendment  
Round 2017-02**

**Department of Planning,  
Zoning & Building**  
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**Palm Beach County  
Board of County  
Commissioners**

Paulette Burdick, Mayor  
Melissa McKinlay, Vice Mayor  
Hal R. Valeche  
Dave Kerner  
Steven L. Abrams  
Mary Lou Berger  
Mack Bernard

**County Administrator**

Verdenia C. Baker

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 2017-02.

This memo will be presented at the August 24, 2017 BCC Zoning Hearing for discussion under "ULDC Amendments" portion of the agenda. 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/BC/MC/mc

Attachment 1 - Initiation of ULDC Amendment Round 2017-02

**C:** Faye W. Johnson, Assistant County Administrator  
Wes Blackman, Chair and Members of the LDRAB  
Patrick Rutter, Executive Director PZ&B  
Robert P. Banks, Chief Land Use County Attorney  
Leonard W. Berger, Chief Assistant County Attorney  
Ramsay Bulkeley, Deputy Director, PZ&B  
Lorenzo Aghemo, Planning Director  
Maryann Kwok, AICP, Deputy Director, Zoning  
William Cross, AICP, Principal Site Planner, Zoning  
Monica Cantor, Senior Site Planner, Zoning  
Zoning Division Staff

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**ATTACHMENT 1**  
**INITIATION – ULDC AMENDMENT ROUND 2017-02**  
 (Updated 08/11/17)

<b>SUMMARY OF KEY MEETINGS AND PUBLIC HEARINGS</b>	
<b>BCC ZONING HEARINGS:</b>	<b>LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MEETINGS:</b>
<ul style="list-style-type: none"> <li>▪ November 30, 2017 - Request for Permission to Advertise</li> <li>▪ January 4, 2018 - 1st Reading</li> <li>▪ January 25, 2018 - 2nd Reading/Adoption</li> </ul>	<ul style="list-style-type: none"> <li>▪ August 23, 2017</li> <li>▪ September 27, 2017</li> <li>▪ October 25, 2017 [Land Development Regulation Commission (LDRC)]</li> </ul>

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<b>Amendment/Task</b>	<b>Lead Agency</b>	<b>Summary of Task Requirements</b>
<b>Art. 1, General Provisions</b>		
<b>Art. 1.C.4, Measurement</b>	<b>Zoning</b>	Clarify how distance separation is measured between zoning districts when there is a Right of Way (R-O-W) between parcels as zoning district boundaries are typically at the Center Line (CL) of R-O-Ws and regulations are established to mitigate adverse impact over adjacent parcels. It may affect regulations contained in Art. 5 related to Noise and Hours of Operation.
<b>Art. 2, Development Review Procedures</b>		
Comprehensive review, update and reorganization of Art. 2, Development Review Procedures to codify current processes practice, reflect changes that have resulted from implementing new technologies into the Zoning processes, and provide predictability to all aspects of Zoning procedures.		
<b>Art. 2.A, General</b>	<b>Zoning</b>	Reorganize the introductory chapter with general information about processes and procedures for different types of applications administered and enforced by the Zoning Division.
<b>Art. 2.B, Public Hearing Procedures</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>• Reorganize and clarify Public Hearing Processes.</li> <li>• Review Courtesy Notice mailing boundary for applications subject to Public Hearing when the same owner of the application owns an adjacent property. The goal is to ensure adequate notice to the public while avoid sending out notices to properties outside the area of impact.</li> <li>• Establish standards and a monitoring process to clarify the length of time an interim use may be permitted in place of a Conditional or Requested Use, before the latter expires or is revoked to ensure public is notified and conditions updated accordingly.</li> </ul>
<b>Art. 2.C, Administrative Process</b>	<b>Zoning</b>	Miscellaneous modifications that include: <ul style="list-style-type: none"> <li>• Clarify functions of the Development Review Officer (DRO) after Zoning Commission or Board of County Commissioners (BCC) approval of a Development Order.</li> <li>• Consolidate administrative review processes that involve up to five agencies into the DRO Zoning Agency Review (ZAR) process.</li> <li>• Reduce procedures and redundancies.</li> <li>• Current Special Permit process will be folded into the existing DRO ZAR process to streamline the process for both the public and staff.</li> <li>• Codify Zoning Confirmation Letter practice.</li> </ul>

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**INITIATION – ULDC AMENDMENT ROUND 2017-02**

(Updated 08/11/17)

<b>Amendment/Task</b>	<b>Lead Agency</b>	<b>Summary of Task Requirements</b>
<b>Chapter 2.D, PIA</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>Establish new Chapter D for Privately Initiated Unified Land Development Code (ULDC) Amendment (PIA) Process. This chapter will establish applicability and procedures for the PIA process.</li> </ul>
<b>Art. 2.F, Concurrency</b>	<b>Planning</b>	<ul style="list-style-type: none"> <li>Related to Public Schools concurrency and schools sitting pursuant to adopted amendments per Ordinance 2017-015.</li> </ul>
<b>Art. 2.G, Decision Making Bodies</b>	<b>Zoning/ Planning / County Attorney</b>	<ul style="list-style-type: none"> <li>Clarify when Land Development Regulation Advisory Board (LDRAB) alternate members may vote in the absence of a regular member.</li> <li>Recognize the ability for the Planning Commission and Planning Director to make a recommendation of Approval with Modifications.</li> <li>Update powers and duties of Zoning Commission (ZC) and DRO reflecting current practice.</li> <li>General updates of references that pertain to changes done to other chapters in Art. 2.</li> </ul>
<b>Art. 2.H, Future Land Use Plan Amendments</b>	<b>Planning</b>	<ul style="list-style-type: none"> <li>Relocate Future Land Use (FLU) Plan Amendments to a new chapter and incorporate revisions from the Planning Division to procedures for processing (FLU) Atlas amendments in accordance with recent amendments to the Plan [Ordinance 2015-018].</li> </ul>
<b>Art. 3, Overlays and Zoning Districts</b>		
<b>Art. 3.B.14, Westgate Community Redevelopment Area Overlay (WCRAO)</b>	<b>Zoning/ WCRA</b>	<ul style="list-style-type: none"> <li>Request from WCRA staff to allow for expanded Code option for side setback reductions to address issues related to small lots.</li> <li>Introduce residential on ground level of multistory structures, particularly in the Neighborhood Commercial (NC) Subarea.</li> </ul>
<b>Art. 3.E.1.E.1.c, Housing Classification by Type</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>Minor clarification of housing type conversion to remove restriction that allows such change from attached to detached units only. This pertains to DRO authority to modify Planned Development Districts (PDDs) Master Plans, Site Plans, Subdivision Plans or Regulating Plating approved by the BCC or ZC.</li> </ul>
<b>Art. 4, Use Regulations</b>		
<b>Multiple Sections</b>	<b>Zoning</b>	<p>Correct minor scrivener's errors and glitches inadvertently adopted in early 2016 with the ULDC Use Regulation Project in Ord. 2017-007, including but not limited to:</p> <ul style="list-style-type: none"> <li>Consolidate Requested Uses reference in Art. 3, Overlay and Zoning Districts to be Conditional Use as the term Requested Use was deleted from the Code.</li> <li>Art. 4.B.2.C.36, Self Service Storage to exempt bay doors facing residential from architectural requirements when buildings within the development block bay doors view.</li> <li>Art. 4.B.5.C.5, Wholesale Gas and Fuel, to reintroduce the term "flammable" while adding "or explosive" which would exclude wholesalers of medical gases such as oxygen; and, exceptions for de minimis volumes of gases or fuel, and expand to include additional clarification for low volume gas cylinders or canisters.</li> </ul>
<b>Art. 5, Supplementary Standards</b>		
<b>Art. 5.B.2, Fences and Walls</b>	<b>Zoning/ Building</b>	<ul style="list-style-type: none"> <li>Establish or clarify scope of exemptions from fence requirements for temporary construction fencing.</li> <li>Clarify that Variances will not be required for any increase in sound-barrier wall height from current six feet up to ten feet or more along the Florida Turnpike Right of Way (R-O-W) when required by FDOT.</li> </ul>

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(Updated 08/11/17)

<b>Amendment/Task</b>	<b>Lead Agency</b>	<b>Summary of Task Requirements</b>
<b>Art. 5.B.1.A.8, Dumpster</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>Clarify provisions applicable to dumpster location by indicating that encroachment on easements or buffers is not allowed and shall not interfere onsite circulation.</li> </ul>
<b>Art. 5.B.1.A.13, Accessory Radio Towers</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>Establish a new approval process and requirements for telemetry towers typically used by water management or drainage utilities to remotely control drainage infrastructure; and,</li> <li>Address procedures for approval of emergency towers owned by government such as Palm Beach County or South Florida Water Management District.</li> </ul>
<b>Art. 7, Landscaping</b>		
<b>All Chapters</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>Comprehensive review with Industry and Interested Parties on the entire Article dedicated to Landscape. Identify and recommend amendment that will reflect best practice and design standards.</li> <li>Relocate provisions for vacant residential lot maintenance after demolition of dwelling to Article 5; and, ensure references to Property Maintenance provisions in the County Code of Ordinances addresses all other regulations for property maintenance by Code Enforcement.</li> <li>Expand the current criteria for existing Type 1 Waiver for the reductions for R-O-W buffers width, incompatibility buffers width and shrub planting to facilitate review of requests by staff.</li> <li>Update planting requirements for buffer types consistent with "Planting the Right Tree in the Right Place" by FPL.</li> <li>Allow landscape parking lot islands to be spaced at a larger interval apart when island width is increased to better accommodate the single-tree root system. This amendment will provide flexibility without the applicant having to obtain a waiver.</li> <li>Establish specific regulations for the addressing bullpen parking and screening of vehicular use (storage) areas not open to the public to maximize planting requirements.</li> </ul>
<b>Art. 8, Signage</b>		
<b>Art. 8.D, Temporary Signs Requiring Special Permit</b>	<b>Zoning/ County Attorney</b>	<ul style="list-style-type: none"> <li>Consolidate existing standards and approval process for Temporary Signs applicable to Temporary Uses.</li> </ul>
<b>Privately Initiated Amendments (PIA) (may be processed out of Round)</b>		
<b>PIA-2017-00314 PIPD Commercial Recreation Facilities [AKA Surf Ranch Florida]</b>	<b>Zoning</b>	<p>A Privately Initiated Amendment (PIA) application request, to establish regulations for a new regional recreation pod and to allow outdoor entertainment as a Class A Conditional Use within the Planned Industrial Park Development (PIPD) District (AKA Surf Ranch Florida).</p> <p>This application is was presented to LDRAB on July 26, 2017 and scheduled to the BCC for Request for Permission to Advertise on August 24, 2017, 1st Reading on September 28, 2017, and <b>ADOPTION ON OCTOBER 26, 2017.</b></p>

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Amendment/Task	Lead Agency	Summary of Task Requirements
PIA-2016-02131 [AGR Tier CLF Intensity]	Zoning Planning	<p><b>PENDING:</b> Subject to Comprehensive Plan Amendment to allow Congregate Living Facilities in the Agricultural Reserve Tier utilizing the intensity for Institutional Land Uses – The application is scheduled to be presented to the Planning Commission on October 13, 2017 and for Transmittal on October 30, 2017 by the BCC.</p> <p>A PIA application by Urban Design Kilday Studio agent, requesting to amend article 4.B.1.C.1, Congregate Living Facility (CLF) to allow a CLF in Zoning districts consistent with the Institutional (INST) Future Land Use (FLU) designation within the Agricultural Reserve (AGR) Tier, to be calculated by maximum allowed Floor Area Ratio (FAR), versus current density based requirements.</p>
Mixed Use Amendments to AGR Tier MUPD (Morningstar)	Zoning Planning	<p><b>PENDING:</b> Subject to Comprehensive Plan Amendment to allow Multiple Land Use (MLU) projects to be developed within the AGR Tier with mixed uses including Congregate Living Facility (CLF), considering CLF a housing type, increase density to more than 1 unit per acre and preserve area requirements.</p> <p>A PIA application by J. Morton Planning and Landscaping Architecture agent, requesting to allow for mixed use within the Multiple Use Planned Development (MUPD) district.</p>
<b>Other –CLF and Reasonable Accommodation</b>		
	County Attorney / Zoning	<ul style="list-style-type: none"> <li>• The Zoning Division and the County Attorney’s office are monitoring the implementation of both, city of Delray Beach and city of Boynton Beach regulations on group homes. Staff will keep the BCC apprised of amendments that County might want to recommend adoption.</li> <li>• Minor Code amendments to revisit Congregate Living Facilities (CLF) Type 1 and Type 2 (up to 14 people), to expand its definition by including uses not only licensed by State agencies contained in State Status 409.001.</li> <li>• Establish Reasonable Accommodation exception criteria for Type 2 CLF (7 to 14 residents) when the application will not be required to comply with the zoning district approval process for this use. (i.e. When a Permitted by Right CLF Type 1 (up to 6 residents) is expanded to include more residents (up to 14), it becomes CLF Type 2. That new CLF type requires BCC or Zoning Commission (ZC) approval, depending on the Zoning District where the use is located).</li> </ul>
<b>Other – Landscape Service Use</b>		
	Zoning	<p>Discussion of this topic has been subject to multiple LDRAB Subcommittee meetings starting in Spring 2017 with industry and interested participants. The meetings look to ascertain how best to accommodate Landscape Service operation that are integrated with farming operations for the nursery industry, located in the Agricultural Reserve (AGR) Tier and Agricultural Residential (AR) Zoning District mainly. Tentative amendments are subject to information to be provided by industry that assist staff in the formulation of regulations that help resolve current Code Enforcement issues.</p>

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