



MEMORANDUM

TO: Melissa McKinlay, Mayor, and
Members of the Board of County Commissioners

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

DATE: January 11, 2018

RE: **Initiation of Unified Land Development Code (ULDC) Amendment Round 2018-01**

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 2018-01.

This memo will be presented at the January 25, 2018 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/MC

Attachment 1 - Initiation of ULDC Amendment Round 2018-01

- C: Verdenia C. Baker, County Administrator
 Faye W. Johnson, Assistant County Administrator
 Patrick Rutter, PZ&B Executive Director
 Ramsay Bulkeley, PZ&B Deputy Director
 Wes Blackman, Chair and Members of the LDRAB
 Robert Banks, Chief Land Use Assistant County Attorney
 Leonard Berger, Chief Assistant County Attorney
 Lorenzo Aghemo, Planning Director
 Maryann Kwok, AICP, Deputy Director, Zoning
 Monica Cantor, Senior Site Planner, Zoning
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**Palm Beach County
Board of County
Commissioners**

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Verdenia C. Baker

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ATTACHMENT 1
INITIATION – ULDC AMENDMENT ROUND 2018-01
(Updated 1/8/18)

SUMMARY OF KEY MEETINGS AND PUBLIC HEARINGS	
Land Development Regulation Advisory Board (LDRAB) Meetings:	BCC Zoning Hearings:
<ul style="list-style-type: none"> • February 28, 2018 (Annual Meeting) • March 28, 2018 • April 25, 2018 • May 23, 2018 [Land Development Regulation Commission (LDRC)] 	<ul style="list-style-type: none"> • June 28, 2018: Request for Permission to Advertise • July 26, 2018: 1st Reading • August 23, 2018: 2nd Reading/Adoption

AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
ART. 2, DEVELOPMENT REVIEW PROCEDURES		
Art. 2.D, Administrative Process*	Zoning	Provide authority to the Development Review Officer (DRO) to modify a BCC and ZC Site Plan ingress/egress for parcels in the Urban Redevelopment Area (URA) Overlay when the property frontages any main thoroughfare road. Currently the URA requires or encourages cross access and if the parcel has an approval prior to the adoption of the URA requirements, the applicant has to go back to the BCC or ZC for a Development Order Amendment (DOA) to the site plan. This amendment will allow the new ingress/egress to be done by DRO.
Art. 2.D.7, Reasonable Accommodation*	County Attorney	Allow reasonable accommodation for residential facilities serving the disabled with approximately 10 or fewer persons without requiring a public hearing as the equivalent Congregate Living Facility (CLF).
Art. 2.E, Monitoring	Planning	Update Monitoring regulations and review approved development order provisions.
ART. 3, OVERLAYS AND ZONING DISTRICTS		
Art. 3.A.3.E.2, Planned Development Districts	Zoning	Amend to allow a prior Special Exception (SE) for a Planned Industrial Development (PID) to correspond to the subject site's Light Industrial (IL) or General Industrial (IG) Zoning District where the minimum acreage or maximum building standards for Multiple Use Planned Development (MUPD) result in non-conformities. Currently the Code requires any previously approved PID to correspond to MUPD district. SE for Planned Developments such as PID are not required to rezone when submitting an application for amendment to the prior approval.
Art 3.B.14 - WCRAO	WCRA/ Zoning	Multiple amendments requested by Westgate Community Redevelopment Agency (WCRA) to update the provisions in the Westgate Community Redevelopment Area Overlay (WCRAO). WCRA has hired a consultant to assist them to identify and draft the ULDC amendments.
Art 3.D.2, PDRs for Specific Housing Type	Zoning	Add Cottage (AKA Tiny Home) as a new housing type and establish approval process, property development regulations and design standards.
Art. 3.E.1.E.1, Modifications [Related to Planned Developments]	Facilities Dev. & Operations	Expand DRO authority to add access points to civic pods supporting government facilities when traffic impacts are equal or less than approved by the BCC.

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Art. 3.E.2.F.3, Preserve Area [Related to Agricultural Reserve (AGR) Planned Unit Development (PUD)]*	Zoning/ Land Dev.	Establish when Agricultural Reserve (AGR) Planned Unit Development (PUD) preserve parcels are required to comply with concurrency along with Legal Positive Outfall or other requirement, needed to accommodate new Agricultural Uses.
ART. 4, USE REGULATIONS		
Art. 4.B.1.C.1, Congregate Living Facilities (CLF)	Zoning/ Planning	Codify Planning policies contained in Ordinance 2017-036 which established the new Congregate Living Residential (CLR) Future Land Use (FLU) designation for Type 3 CLF (more than 14 residents) in the Urban/Suburban Tier. Additional amendment may include modifications to Art. 4, Use Regulations, pertaining to Congregate Living Facilities and Nursing Home uses.
	County Attorney	Clarify that 24-hour nursing is not allowed in a CLF as it conflicts with the definition of the use.
Art. 4.B.1.E.2, Caretaker Quarters	Facilities Dev. & Operations	Expand Caretaker Quarters 800 to 1,000 square footage limitation for government uses as the structure also serves as an extension of services provided by the main use on site.
Art. 4.B.10.C.4.f.4), Excavation, Performed by a Public Agency, To Provide Drainage For A Public Street		Clarify excavations necessary to create a public Right-of-Way (R-O-W) are subject to limited Type 2 Excavation standards.
Art. 4.B.2.C.20, Landscape Service:	Zoning/ Planning/	Landscape Service use amendments were not modified as part of the 2017 Use Regulations Project (URP). Staff and Industry have been meeting on a regular basis in 2017 to ascertain how best to accommodate the Landscape Service use that is integrated with the nursery industry. After 3 subcommittee meetings in April, May and November, the subcommittee motion was to seek direction from the BCC to: <ul style="list-style-type: none"> • Take into account more than 30 percent of the land area for accessory Landscape Service use, as that is the maximum percentage allowed for accessory uses, or; • Consider a Comprehensive Plan amendment to address this Commercial use in residential or agricultural zoning districts.
Art. 4.B.4.C.6, Crematory	Zoning	Update the use definition for consistency with State Statutes 497.005 to respond to new industry trends.
Art. 4.B.4.C.12, Nursing Home or Convalescent Facility	County Attorney	Revise the definition of nursing home to categorize residential treatment pursuant to Chapter 397 as included in the nursing home use.
Art. 4.B.5.4, Equestrian Waste Management Facility	Zoning	Establish regulations to address issues included in the Moratorium for Equestrian Waste, Animal Waste or Bio-Solids in the Glades Tier.
ART. 5, SUPPLEMENTARY STANDARDS		
Art. 5.B.1.A.2.e.2), Electrified Fences – Exceptions and Regulations	Zoning	2017 State Statute requires amendments to Electrified Fences for consistency.

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AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
Art. 5.B.1.B Temporary Structures	Zoning/ Building	Reorganize zoning regulations related to temporary structures and accessory structures primarily reviewed through the Building Division permit review process.
Art. 5.D.2.G.3.a, Landscape Island [Related to Public Park Landscape Standards]	Parks and Recreation Department	Allow County owned and operated boat launching facilities to be exempt from the requirement of one landscape island for every 10 parking spaces on parking areas, particularly related to oversized parking spaces.
Art 5.E.4.E, Outdoor Lighting		Exempt public parks operated by PBC from the outdoor lighting provisions in Art. 5.E.4.E when they are closed after sunset.
Art. 5.E.5, Hours of Operation*	Zoning	<ul style="list-style-type: none"> • Provide consistency in the criteria used for the measurement of hours of operation to apply to non-residential uses adjacent to parcels with residential FLU designation or residential uses instead of residential zoning district. • Change Type 2 Variance application for hours of operation to Type 2 Waiver to allow the BCC to review such request instead of the Zoning Commission.
Temporary Construction Fence	Zoning/ Building	Establish regulations to address Temporary Construction Fencing required during construction. Standards will include approval process, fencing material, signage and removal timeframes.
Vehicle Charging Stations	Zoning	Address new industry trend to allow Electric Vehicle Charging Stations as new use for which electricity is sold; or, expand site requirements when limited number of charging stations are located in parking areas of non-residential developments. It may include amendments to Art. 6, Parking.
ART. 6, PARKING AND LOADING*		
Art 6, Parking	Zoning	Update parking requirements for certain uses to respond to industry trends and current engineering studies. Also look at existing standards to determine when a Parking Demand Study and Shared Parking Agreement may be used to address specific parking needs.
ART. 9, ARCHAEOLOGICAL AND HISTORIC PRESERVATION		
Art. 9.A, Archeological Resources Protection	Planning	Update antiquated terminology consistent with current practice of identifying and reviewing potential historical sites.
ART. 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS		
Art. 2.G.4, Staff Officials	Land Dev.	Update duties for the County Engineer and the Director of Land Development.
Art. 11, Subdivision, Platting and Required Improvements		Update several sections to be consistent with current practices and to clarify several requirements.
ART. 12, TRAFFIC PERFORMANCE STANDARDS		
Art. 12.Q, Proportionate Fair Share Program	County Engineer	Bring the regulations into compliance with changes to state law and to reflect actual Department processes in administering the regulations.
ART. 13, IMPACT FEES		
Art. 13, Impact Fees	Financial Mngmnt & Budget	Update impact fee schedules as required under Art. 13.A.3.F, Biennial Review of the ULDC.

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AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
ART. 14, ENVIRONMENTAL STANDARDS		
Art. 14.C, Vegetation Preservation and Protection	ERM	Delete language inconsistent with the Building Division Residential 1 and 2 family checklist, clarify the size of native vegetation that needs to be relocated and provide exemptions.
ART. 15, HEALTH REGULATIONS		
Art. 15.A.5.C, [Related to Onsite Sewage Treatment and Disposal System (OSTDS)]	Health Department	Update regulations pertaining to reporting data of the Onsite Sewage Treatment and Disposal System (OSTDS) for Single Lot or Parcel for compliance with recently updated State Statutes and local regulations.
PRIVATELY INITIATED AMENDMENTS (PIA) (MAY BE PROCESSED OUT OF ROUND)*		
Pioneer Road Overlay	Zoning	Phase 1 – Pioneer Road Property Owner’s Association- Establish a new Zoning Overlay for an area of approximately 508 acres covered by the Pioneer Road Neighborhood Plan which is West of Jog Road along the South side of Southern Boulevard. The Overlay will establish minimum property development regulations such as minimum lot size that preserve the rural character of the area and protect rural and estate home uses.

OTHER - 2018 LEGISLATIVE SESSION		
	Zoning	PENDING: Review of laws adopted in 2018 Session to determine if any ULDC amendments are required for consistency.
	Zoning	The 2018 session filed State Senate Bill (SB) 574 and House Bill (HB) 521, preempts to the state the regulation of trimming, removal or harvesting of trees and timber on private property. If the Bill passes, ULDC Art. 7, Landscaping and Art. 14, Environmental Standards will be subject to amendments to comply with the State mandate.

OTHER		
2018 Comprehensive Plan Text Amendments	Zoning/ Planning	Proposed 2018 Comprehensive Plan amendments, may need the ULDC to be amended to: <ul style="list-style-type: none"> • Allow commercial FLU designation at the intersection of Boynton Beach Blvd and Acme Dairy Rd and increase the maximum square footage of commercial development in the AGR Tier. • Add floor area ratio maximums to the ULDC as they are currently in the Plan. • Establish standards pertaining to the location requirements, uses allowed, and compatibility of non-residential zoning districts to encourage collocation of uses and stimulate infill development. • Update mixed and multiple zoning districts regulations to address Future Land Use amendments that promote mixed uses. Address policies oriented to promote urban agriculture in the County where feasible.

* ULDC References are based on ULDC Supplement 22 and subject to change upon publication Supplement 23.