

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
JANUARY 27, 2021 MEETING

AMENDMENTS TO THE AGENDA
(Updated 01/26/2021)

Remove and Re-letter Agenda – Section F, Annual Organization Discussion

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\01-Jan 27 2021\6- Draft Minutes, Agendas and Other\0 - Amendments to the Agenda.docx

Notes:

Underlined indicates **new** text. Double underlined indicates **new** text or previously stricken text to remain.
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PALM BEACH COUNTY

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

JANUARY 27, 2021

BOARD MEMBERS

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

Joanne Davis (District 1)

Drew Martin (District 2)

Ari Tokar (District 3)

Jim Knight (District 4)

Myles Basore (District 6)

Robert J. Harvey (District 7)

**Daniel J. Walesky (Gold Coast Builders
Association)**

Anna Yeskey (Palm Beach League of Cities)

Terrence Bailey (Florida Engineering Society)

Jaime M. Plana (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)

**Frank Gulisano (Realtors Association of the Palm
Beaches)**

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

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

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

Abraham Wien (Alternate At-Large #2)

Board of County Commissioners

**Dave Kerner
Mayor, District 3**

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

**Maria G. Marino
Commissioner, District 1**

**Maria Sachs
Commissioner, District 5**

**Mack Bernard
Commissioner, District 7**

**Gregg K. Weiss
Commissioner, District 2**

**Melissa McKinlay
Commissioner, District 6**

**County Administrator
Verdenia C. Baker**



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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

WEDNESDAY, JANUARY 27, 2021 AGENDA

KENNETH S. ROGERS HEARING ROOM (VC-1W-47)/COMMUNICATIONS MEDIA TECHNOLOGY
(CMT)

2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances
3. Additions, Substitutions, and Deletions
 - a. Staff
 - b. Board Member
4. Motion to Adopt Agenda
5. Adoption of Minutes – December 16, 2020 (Exhibit A)
6. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

PAGES

1. Exhibit B Art. 4, Update of AGR-PUD Zoning District Preserve Area
Landscape Service Regulations 1 – 28

C. PRIVATELY INITIATED AMENDMENTS – INITIATION

1. Exhibit C PIA-2020-1201 – Art. 4, Boca Lago PUD Clubhouse 29 – 42

D. CONVENE AS LDRC

1. Proof of Publication
2. Consistency Determination for Exhibit B 43 – 43

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

F. ANNUAL ORGANIZATION DISCUSSION

1. Election of Chair and Vice-Chair
2. Attachment 1 – Useful Internet Links for LDRAB/LDRC Members 44 – 44
3. Attachment 2 – 2020 LDRAB Attendance 45 – 45
4. 2020 Amendment Rounds
 - a. Attachment 3 – 2020-01 46 – 47
 - b. Attachment 4 – 2020-02 48 – 50
5. Attachment 5 – 2021 LDRAB Members 51 – 51
6. Attachment 6 – 2021 Meeting Schedule 52 – 52
7. Attachment 7 – Sunshine Law Primer 53 – 54

G. STAFF COMMENTS

- a. Response to Mr. Martin's question regarding tree removal process.
- b. Commemoration of Mr. Martin, Mr. Basore, Mr. Walesky, and Mr. Plana's service.

H. BOARD MEMBER COMMENTS

I. ADJOURNMENT

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EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

(Updated 01/14/21)

Minutes of December 16, 2020 LDRAB/LDRC Meeting

On Thursday, December 16, 2020, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:00 p.m. Mr. Alexander Biray, Code Revision Site Planner I, called the roll.

Members Present: 16

Joanne Davis (District 1, Commissioner Valeche)*
Drew Martin (District 2, Commissioner Weiss)

Jim Knight (District 4, Commissioner Weinroth)*
Dr. Lori Vinikoor (District 5, Commissioner Sachs)
Myles Basore (District 6, Commissioner McKinlay)
Daniel J. Walesky (Gold Coast Builders Association)
Anna Yeskey (League of Cities)*
Terrence Bailey (Florida Engineering Society)*
Jaime M. Plana (American Institute of Architects)* **
Susan A. Kennedy (Environmental Organization)
Frank Gulisano (Realtors Association of the Palm Beaches)

Jim Sullivan, Florida Surveying and Mapping Society
Charles D. Drawdy (Assoc. General Contractors of America)

Wesley Blackman (PBC Planning Congress)
Tommy B. Strowd (Alternate At-Large #1)
Abraham Wien (Alternate At-Large #2)*

Vacancies: 0

Members Absent: 2

Ari Tokar (District 3, Commissioner Kerner)
Robert J. Harvey (District 7, Commissioner Bernard)

County Staff Present: 21

Jon MacGillis, Zoning Director*
Wendy N. Hernández, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner, Zoning
Adam Mendenhall, Senior Site Planner, Zoning
Albert Jacob, Senior Site Planner, Zoning
Jerome Ottey, Site Planner II, Zoning
Alexander Biray, Site Planner I, Zoning

Darlene Perez, Zoning Technician, Zoning
Scott A. Stone, Assistant County Attorney I

Bryan Davis, Principal Planner, Planning
Carolina Valera, Senior Planner, Planning*
Michael R. Stahl, Environmental Resources Management (ERM) Deputy Director
Bonnie Finneran, ERM (Environmental) Director
Mark R. Godwin, Regulatory Specialist, ERM*
Roberta Dusky, Environmental Program Supervisor, ERM

Robert Kraus, Deputy Director Senior Site Planner, ERM

Mark Meyer, Site Planner II, ERM
Jean W. Matthews, Senior Planner, Parks and Recreation

Eric McClellan, Facilities Development and Operations Strategic Planning Director, Facilities Development and Operations*

Willie M. Swoope, Impact Fee Manager, Financial Management and Budget

Derrek A. Moore, Impact Fee Manager, Financial Management and Budget

* Present via Webex Events.

** Mr. Plana arrived at 2:09 p.m.

2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances

Motion to approve remote attendance by CMT based on extraordinary circumstances of the coronavirus pandemic for Ms. Davis, Mr. Knight, Ms. Yeskey, Mr. Bailey, Mr. Plana, and Mr. Wien, by Mr. Gulisano, seconded by Ms. Kennedy. The Motion passed unanimously (10-0).

** Mr. Plana arrived at 2:09 p.m.

3. Introductions – Mr. Jim Knight as a New Board Member

Mr. Blackman noted Mr. Knight was previously an LDRAB/LDRC Board Member and has now returned to serve in this capacity again.

4. Additions, Substitutions, and Deletions

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

5. Motion to Adopt Agenda

Motion to adopt the Agenda as amended, by Mr. Gulisano, seconded by Dr. Vinikoor. The Motion passed unanimously (16-0).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 01/14/21)

Minutes of December 16, 2020 LDRAB/LDRC Meeting

6. Adoption of Minutes – October 28, 2020 (Exhibit A)

Motion to adopt the Minutes, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

7. Public Comments

Mr. Blackman noted a public comment card received and will be acknowledged when the item is open for discussion, and reminded members of the public to fill out a comment card for any items they wish to speak about. There were no public comments for items not on the Agenda.

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS – NEW

1. Exhibit B – Art. 1, 2, 7, and 14, Vegetation Preservation and Protection

Mr. Gagnon noted this amendment was a joint effort between the Zoning Division, Environmental Resources Management (ERM) Department, and other entities. Mr. Kraus explained the amendment's intent to strengthen preservation requirements, clarify some initial meeting requirements, and streamline the process. He further noted the general goal is to clarify the process for determining which trees are regulated by Zoning's Permitting/Landscape Section, and which by ERM, and the Pre-Application Appointment (PAA) meeting process. He also noted that specimen trees will not be treated differently than native trees, and Staff proposes to reintroduce a performance bond requirement because many instances of Site Plans being approved where trees required to be preserved were removed.

a. Discussion

Mr. Martin asked how ERM will know if there are trees existing on a lot. Mr. Kraus responded Staff have aerial photographs and inspectors to walk through sites. Mr. Martin expressed concern about tree preservation in developments, and how the amendment will deal with the issue. Mr. Kraus responded that they are going to front load all the tree discussions on a project, and before anything gets approved, they are maximizing the tree preservation. Mr. Martin asked for further details. Mr. Kraus responded they are going to require a bond and that they expect them to know which trees are going to be preserved. Mr. Martin asked how they will determine the bond amount. Mr. Kraus responded that it will be determined by the replacement value of vegetation.

Ms. Davis asked for further clarification on the definition of naturalized vegetation. Mr. Kraus responded that if trees were planted as part of the Landscape Plan, then they are Zoning trees. Ms. Davis also questioned the wording of "to the greatest extent" as she does not believe it is legally defensible. Ms. Kennedy agreed. Ms. Davis further noted there is no way to enforce it. Mr. Stone responded he would have liked more black and white language, but was convinced by Staff how it is written will allow for more flexibility in unusual circumstances. However, he noted that if is the Board's will, it can be removed and replaced with a more absolute requirement. Ms. Davis also expressed concern about certification of Landscape Architects because not all of them fully understand or are familiar with native vegetation. She suggested it needed to be expanded to say "native plant professionals." Mr. Kraus responded that when a professional submits the plans, their reputation would be put on the line. Ms. Davis said she was not convinced that anyone would challenge it. Mr. Kraus responded that ERM will challenge it. Mr. Blackman noted a reference to the Technical Manual. Ms. Kennedy suggested that the language should be kept in the Code so that people would not need to refer to an outside document.

Mr. Sullivan asked about clarification whether a surveyor or Landscape Architect signs a tree survey. Mr. Blackman referred to a different section that can be used to clarify. Mr. Kraus agreed to use the same language. Dr. Vinikoor asked for clarification about certified surveys. Mr. Kraus responded that they want an accurate Tree Disposition Chart that shows what trees, species, and where they are located, not a boundary survey. Mr. Plana mentioned that if someone is familiar with native trees and they do not have a certification, it is a loss of resources if they need the certification. He also noted that vegetation varies in Florida. Mr. Kraus clarified that referring to the Technical Manual would be easier to deal with. Ms. Davis asked about the Technical Manual. Mr. Kraus responded that it describes the certifications that a professional needs to submit a plan. Ms. Davis suggested they need an environmental professional who understands native plants and should not be limited to Landscape Architects. Mr. Plana suggested an arborist. Ms. Davis agreed. Mr. Blackman mentioned he knows Landscape Architects that are not exclusively familiar with native plants. He suggested further information is needed for what is required to certify the native species requirement. Ms. Yeskey agreed with the comment about not referring to another manual. She would also like for the associated costs to be added.

Mr. Walesky asked for clarification, about the application, if it is for anyone seeking a Development Order and if this would apply to property that has been developed but does not have a Landscape Plan associated with it. Mr. Kraus confirmed that it will. Mr. Walesky asked if there is a size limit and if there is anyone excluded from the process. Mr. Kraus responded a project that has had some development on it already. He also noted that there would be a lower threshold for bonds if there is not an anticipation of a significant amount of damage to the vegetation. Mr. Walesky asked

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 01/14/21)

Minutes of December 16, 2020 LDRAB/LDRC Meeting

several questions about bonds. Mr. Kraus responded the bond will be determined by the value of the tree, there is no limit on bonds, and that they currently require a bond for everything. Mr. Walesky suggested it should be amended and noted it seems targeted to urban sites. Mr. Kraus responded it is targeted more toward rural sites and that urban sites would not apply. Mr. Walesky further noted that this will limit developments in areas such as The Acreage. Mr. Kraus agreed. Mr. Gulisano clarified the difference between a survey and Site Plan, and suggested having the arborist's tree survey on the boundary survey. Mr. Kraus said they will consider it. Mr. Gulisano mentioned that County prices tend to be higher. Mr. Kraus asked if he believes the bond is too small. Mr. Gulisano confirmed that it is.

Ms. Collene Walter of Urban Design Studio noted she is a Florida-licensed Landscape Architect and certified by the American Institute of Certified Planners (AICP). On page 2, line 21 she suggested removing the word "and," because often times ERM does not need to be involved where there are no naturally occurring trees. She further noted there is conflicting code with page 4, line 36. On pages 4 and 5, there are issues with the way that the text is written. Licensed Landscape Architects can stamp and seal plans, however, arborists cannot. The reference to Vegetation Survey is confusing because a Landscape Architect cannot stamp it. A vegetation disposition plan was mentioned, which can represent which trees can be preserved, cannot be preserved, and relocated. Mr. Kraus responded they can reword it. Ms. Walter also noted she agrees with Ms. Davis' comments about how there are other professionals not certified but understand native environments, and noted that there is an opportunity to define an environmental professional and there can be some type of criteria.

Ms. Jean W. Matthews of Parks and Recreation noted she passed the amendment to the Department's two licensed landscape architects, and one of the concerns is that it will drive up costs to get Site Plan approval and they would not sign off on surveys unless they did them themselves.

Mr. Plana suggested providing a tree disposition plan made by a licensed arborist.

Motion to table, by Mr. Gulisano, seconded by Dr. Vinikoor. The Motion passed unanimously (16-0).

2. Exhibit C – Art. 3 and 5, Recreation Areas and Amenities

Mr. Gagnon explained the amendment's urgency because of particular infill projects where recreational facilities are being expanded, or to promote the possibility to add facilities to smaller developments. He further explained the Add/Delete clarifies Note 4 of Table 5.B.1.A, Setbacks to address concerns from the Parks and Recreation Department that it may prevent infill development in areas where it is needed most.

a. Discussion

Mr. Walesky expressed concern about smaller lots and how setbacks would affect them based upon where they are measured and housing type. Mr. Gagnon responded that Staff would revisit it as required. He further noted that the smaller lots can be used as a pocket park or another use that can still serve the neighborhood, but not generate the potential for too much noise.

Motion to approve as amended, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

3. Exhibit D – Art. 4, Commercial Communication Towers Collocation Procedures

Mr. Gagnon explained the amendment clarifies an application mentioned in the Code is to be provided by the Applicant and not the County, as well as other recommendations that asked for other information which would be useful and would identify specific elements.

a. Discussion

Mr. Martin asked if it would reduce the need to put up more towers and reduce the environmental impact. Mr. Gagnon responded it would, and is seeking for individuals to collocate wherever possible and helps the communication gap. He further noted the amendment does not impact any other Section that refers to environmental references. Dr. Vinikoor and Ms. Hernández noted typographical errors on page 15, line 16 and page 14, line 34 respectively to be corrected.

Motion to approve as amended, by Mr. Martin, seconded by Dr. Vinikoor. The Motion passed unanimously (16-0).

4. Exhibit E – Art. 1 and 4 Minimum Frontage, Access, and Roads

Ms. Hernández noted the amendment is phase 1 of review with the Planning and Land Development Divisions. She explained it removes references for street definitions in Art. 1, General Provisions to Art. 11, Subdivision, Platting, and Required Improvements, so to apply to more than just Article 11, removes duplicative requirements, and clarifies certain uses as they relate to access and frontage on

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 01/14/21)

Minutes of December 16, 2020 LDRAB/LDRC Meeting

Major Streets or Commercial Streets, and prohibition from Local Residential or Residential Access Streets.

a. Discussion

Dr. Vinikoor asked for clarification on Type 2 Kennels. Ms. Hernández responded that it is a non-residential use and if it cannot meet the standards, then it would need to seek Variances. Mr. Martin asked if the amendment would improve the flow of traffic. Ms. Hernández responded that it is to help protect the location of some uses and the access to certain residential roadways, as well as prohibition onto residential type roadways. Mr. Gulisano noted page 18, line 36 as an issue on keeping cars within a building. Ms. Hernández responded that it is not part of this amendment and is existing language.

Motion to approve, by Mr. Martin, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

C. CONVENE AS LDRC

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 3:30 p.m.

1. Proof of Publication

Motion to accept Proof of Publication by Mr. Martin, seconded by Dr. Vinikoor. The Motion passed unanimously (16-0).

2. Consistency Determination for Exhibits B-E

Mr. Blackman noted the Comprehensive Plan Consistency Determination for Proposed ULDC Amendments memo, and clarified that it is for Exhibit C-E. Mr. Davis also clarified the Add/Delete does not change the consistency determination for Exhibit C.

Motion to approve, by Mr. Martin, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 3:31 p.m.

E. STAFF COMMENTS

Ms. Hernández noted there will be an LDRAB meeting on January 27th for a Privately Initiated Amendment (PIA) initiation.

1. Update on LDRAB Subcommittees

a. Community Residential Housing (CRH)

Ms. Hernández noted Staff is meeting diligently every week with Consultant, still working through definitions and uses and the impact of the changes on the ULDC, and wants to have a complete draft ready before moving forward.

b. Electric Vehicle Charging Stations (EVCSs)

Mr. Gagnon noted a successful kick-off meeting and first meeting earlier in December, with the next meeting scheduled for January 6th. He also noted the meeting time has been extended by 30 minutes.

F. BOARD MEMBER COMMENTS

Mr. Walesky asked to join the EVCSs Subcommittee. Motion to appoint Mr. Walesky to the EVCSs Subcommittee by Mr. Martin, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

G. ADJOURNMENT

The Land Development Regulation Advisory Board meeting adjourned at 3:35 p.m.

Recordings of all LDRAB meetings are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5243.

EXHIBIT B

ARTICLE 4 – USE REGULATIONS
UPDATE OF AGR-PUD LANDSCAPE SERVICES REGULATIONS

CR-2020-0033
(Updated 01/14/2021)

Part 1. ULDC Art. 4.B.2.C.21.h, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses, Landscape Service, AGR-PUD Zoning District Preserve Area (page 44 of 199, Supplement 28), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning]. Rows include: 1. Per Board of County Commissioners (BCC) direction to Staff at the December 22, 2020 Zoning hearing... 2. Edit the qualified properties from the current 23 to 24 by adding one additional PCN to the list... 3. Show new parcel PCN 00-41-45-14-04-001-0000 in Exhibit B.

1 CHAPTER B USE CLASSIFICATION

2

3 Section 2 Commercial Uses

4

5 C. Definitions and Supplementary Use Standards for Specific Uses

6

7 21. Landscape Service

8

9 h. AGR-PUD Zoning District Preserve Area

10 1) Applicability

11 Landscape Service under this Section shall be permitted only for existing Landscape
12 Service uses, on the following 2829 sites, subject to the restrictions contained herein:
13 [Ord. 2020-016]

14 a) 2324 propertiessites within the AGR-PUD Zoning District Preserve Area, as
15 depicted in the list of AGR-PUD Preserve propertiessites attached as Exhibit B in
16 Ordinance No. 2020-0162021- . [Ord. 2020-016]

17 b) Five additional propertiessites within the AGR Zoning District, as depicted in the
18 list of AGR-PUD Preserve propertiessites attached as Exhibit B in Ordinance No.
19 2020-0162021- . [Ord. 2020-016]

20 (1) These five propertiessites shall provide sufficient evidence demonstrating that
21 the Property Owner has entered into a private transactional agreement, such
22 as an assignment agreement or other similar agreement, recorded in the
23 Official Records of PBC prior to January 1, 2019, with the intent of converting
24 the propertysite to the AGR-PUD Zoning District Preserve Area. [Ord. 2020-
25 016]

26 2) Landscape Service must be compact and contiguous in design and not located in more
27 than two separate locations on a site; and, [Ord. 2020-016]

28 3) Landscape Service shall be allowed only in conjunction with a Wholesale Nursery and
29 both uses shall be operated under the same ownership. [Ord. 2020-016]

30 4) Approval Process – Full DRO

31 a) The DRO shall determine what Agencies will review the proposed application.
32 [Ord. 2020-016]

33 b) The 2324 propertiessites located within the AGR-PUD Zoning District Preserve
34 Area shall submit an application to allow a Landscape Service and be determined
35 to be sufficient by the DRO within 180 calendar days of the effective date of
36 Ordinance No. 2020-016. [Ord. 2020-016]

37 c) Prior to January 1, 2021, the five propertiessites within the AGR Zoning District
38 shall submit an application and be determined to be sufficient by the DRO, for a
39 rezoning to the AGR-PUD Zoning District Preserve Area. These five
40 propertiessites shall then submit an application to allow the Landscape Service
41 and be determined to be sufficient by the DRO within 60 days of the effective date
42 of the rezoning to the AGR-PUD Zoning District Preserve Area. [Ord. 2020-016]

43 d) A minimum of 70 percent of the lot area shall be a Wholesale Nursery, and may
44 also include limited areas for Open Space. [Ord. 2020-016]

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EXHIBIT B

ARTICLE 4 – USE REGULATIONS
UPDATE OF AGR-PUD LANDSCAPE SERVICES REGULATIONS

CR-2020-0033
(Updated 01/14/2021)

- 1 e) A maximum of 30 percent of the lot area or one and one-half acres, whichever is
- 2 less, shall include Typical On-Site Activities, Common Operation Areas, and any
- 3 buildings not associated with the propagation, cultivation, growing, storage, and
- 4 staging of plants. **[Ord. 2020-016]**
- 5 f) Driveways shall be allocated to either the Wholesale Nursery or Typical On-Site
- 6 Activities and Common Operation Areas based on their proximity to each
- 7 respective area, subject to approval by the DRO. **[Ord. 2020-016]**
- 8

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EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

EXHIBIT B

Owner:	VANDERVOORT JOSEPH N	Zoning:	AGR PUD Preserve	Total Acres:	4.75	Percentage of Buildings & Parking:	26%
Company:	CE-New Leaf Ventures	Control:	2004-00369 PDD/W-2004-00504	MapID:	13-017pr	Percentage of Growing Area:	74%
PCN:	00414524050020000	1st Reso:	R-2005-0390, ½ Preserve 2	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2015 05040023, Adjudicated/Liens						
2005							
							
2019 (Jan.)							
% Use Analysis							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	CRITCHFIELD RICHARD H II &	Zoning:	AGR PUD Preserve	Acres:	4.90	Percentage of Buildings & Parking:	24%
Company:	AVERY FARMS	Control:	2004-00206 PDD-2004-00232	MapID:	13-014pr	Percentage of Growing Area:	76%
PCN:	00424618030010000	1st Reso:	R-2004-2037 Preserve 2	Easement:	Yes	Meets 70/30:	Yes
Code Case:	C-2018-01220015, NOV/Abeyance						
2005*							
		2019 (Jan.)					
						% Use Analysis	

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	BS INVESTMENTS LLC	Zoning:	AGR PUD Preserve	Acres:	4.99	Percentage of Buildings & Parking:	30%
Company:	LAKE AND WETLAND MANAGEMENT, INC	Control:	2000-00032 Sussman	MapID:	13-006pr	Percentage of Growing Area:	70%
PCN:	00424327050450970	1st Reso:	R-2016-1235 Preserve 5	Easement:	Yes	Meets 70/30:	Yes
Code Case:	C-2019-05060009, NOV/Abeyance						
2015*		2019 (Jan.)					
							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	NANAKS ORNAMENTALS & DESIGN INC	Zoning:	AGR PUD Preserve	Acres:	10.03	Percentage of Buildings & Parking:	22%
Company:	ACE-Nanaks Ornamental & Design/ Nanak's Landscaping Inc.	Control:	2002-00068; PDD/DOA-2014-00939	MapID:	13-022pr	Percentage of Growing Area:	78%
PCN:	00424327050520381	1st Reso:	R-2015-0008 Preserve 14	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2016 01140029, NOV/Abeyance						
2015		2019 (Jan.)					
							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	TOP NOTCH TREE FARM INC	Zoning:	AGR PUD Preserve	Acres:	9.69	Percentage of Buildings & Parking:	18%
Company:	CE-Top Notch Tree Farm Inc/ Top Notch Landscaping and Design	Control:	2002-00068 PDD/DOA-2014-00939	MapID:	13-022pr	Percentage of Growing Area:	82%
PCN:	00424327050450720	1st Reso:	R-2015-0008 Preserve 11	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2017 12070020, NOV/Abeyance						
2015		2019 (Jan.)					
							
% Use Analysis							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	USA GARDEN SERVICES LLC	Zoning:	AGR PUD Preserve	Acres:	5.01	Percentage of Buildings & Parking:	19%
Company:	CE-Usa Garden Services Lic	Control:	Original 2004-616/ TDD/RW2004-1029	MapID:	13-017pr	Percentage of Growing Area:	81%
PCN:	00414514000001060	1st Reso:	R-200XX Preserve 4	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2018 01020011, NOV/Abeyance						
2005		2019 (Jan.)		% Use Analysis			
							

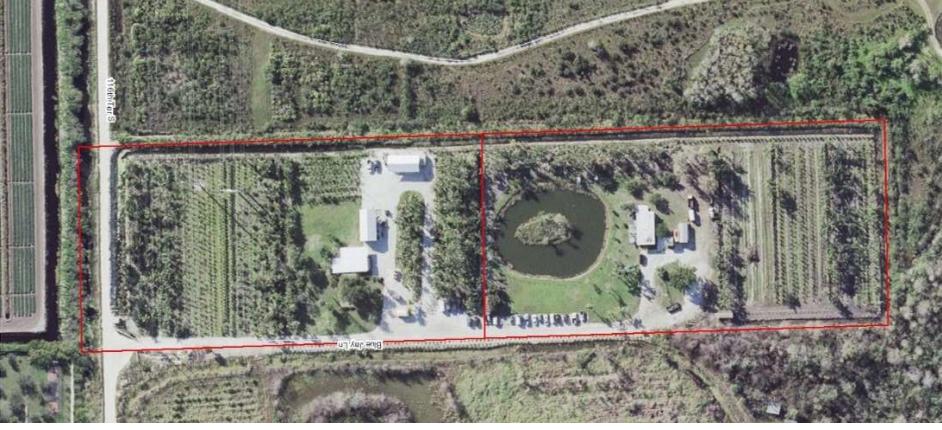
**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	DOBSON CLIFFORD A & ENID R TRUST	Zoning:	AGR PUD Preserve	Acres:	5.0	Percentage of Buildings & Parking:	27%
Company:	CE-Dobson Clifford A & Enid R Trust	Control:	2004-00369, ZV/PDD/DOA-2014-00940	MapID:	13-017pr	Percentage of Growing Area:	73%
PCN:	00424327050450980	1st Reso:	R-2015-0010; Preserve 29	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2018 01020014, NOV/Abeyance						
2015		2019 (Jan.)					
							
% Use Analysis							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	BOLLING J SCOTT	Zoning:	AGR PUD Preserve	Acres:	9.48	Percentage of Buildings & Parking:	24%
Company:	CE-Bolling, Scott J. / Master Gardeners Landscaping, Inc.	Control:	2004-00206/ PDD-2004-00232	MapID:	13-014pr	Percentage of Growing Area:	76%
PCN:	00424618040010000	1st Reso:	R-2004-2037 Preserve 3	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2018 01090039, NOV/Abeyance						
2005*		2019 (Jan.)		% Use Analysis			
							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	BLUE JAY LANE TEN LLC	Zoning:	AGR PUD Preserve	Acres:	10.05	Percentage of Buildings & Parking:	34%
Company:	CE-Blue Jay Lane Ten LLC/ Caribbean Farms, Inc	Control:	2004-00369/PDDW-2004-00504; 2004-00206/PDDW-2004-00232	MapID:	13-017pr 13-014pr	Percentage of Growing Area:	66%
PCN:	00414514050070000; 00414514040010000	1st Reso:	R-2005-0390; Pres 7 Blue Jay. R-2004-2037; Pres 6	Easement:	Yes	Meets 70/30: No	
Code Case:	CE-2018 01220014, NOV/Abeyance						
2005							
						% Use Analysis	
							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	D C J LLC	Zoning:	AGR PUD Preserve	Acres:	5.02	Percentage of Buildings & Parking:	27%
Company:	CE-D C J Lic / Treasure Coast Landscape	Control:	2004-00369 ZV/PDD/DOA-2012-2436	MapID:	13-017pr	Percentage of Growing Area:	73%
PCN:	00424327050451060	1st Reso:	R-2013-0204 Preserve 16 DCJ	Easement:	Yes	Meets 70/30:	Yes
Code Case:	CE-2018-01220017n, NOV/Abeyance						
2013		2019 (Jan.)					
							
							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	15200 State Road 7 LLC	Zoning:	AGR PUD Preserve	Acres:	10.00	Percentage of Buildings & Parking:	0%
Company:		Control:	2000-00032 ZV/PDD/DOA-2016-00269	MapID:	13-017pr	Percentage of Growing Area:	100%
PCN:	00424327050670160	1st Reso:	R-2016-1235 Preserve 6-18	Easement:	Yes	Meets 70/30:	Yes
Code Case:	C-2019-03200027, NOV/Abeyance						
2015		2019 (Jan.)					
							
% Use Analysis							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	GALIT JEFFREY S	Zoning:	AGR PUD Preserve	Acres:	5.42	Percentage of Buildings & Parking:	9%
Company:	BIG ORANGE LANDSCAPING, INC.	Control:	2000-00032	MapID:	13-006pr	Percentage of Growing Area:	91%
PCN:	00424327050500682	1st Reso:	R-2016-1235 10b	Easement:	Yes	Meets 70/30:	Yes
Code Case:	C-2018-06040021, No Violation Found, Case Closed						
2015*		2019 (Jan.)		% Use Analysis			
							

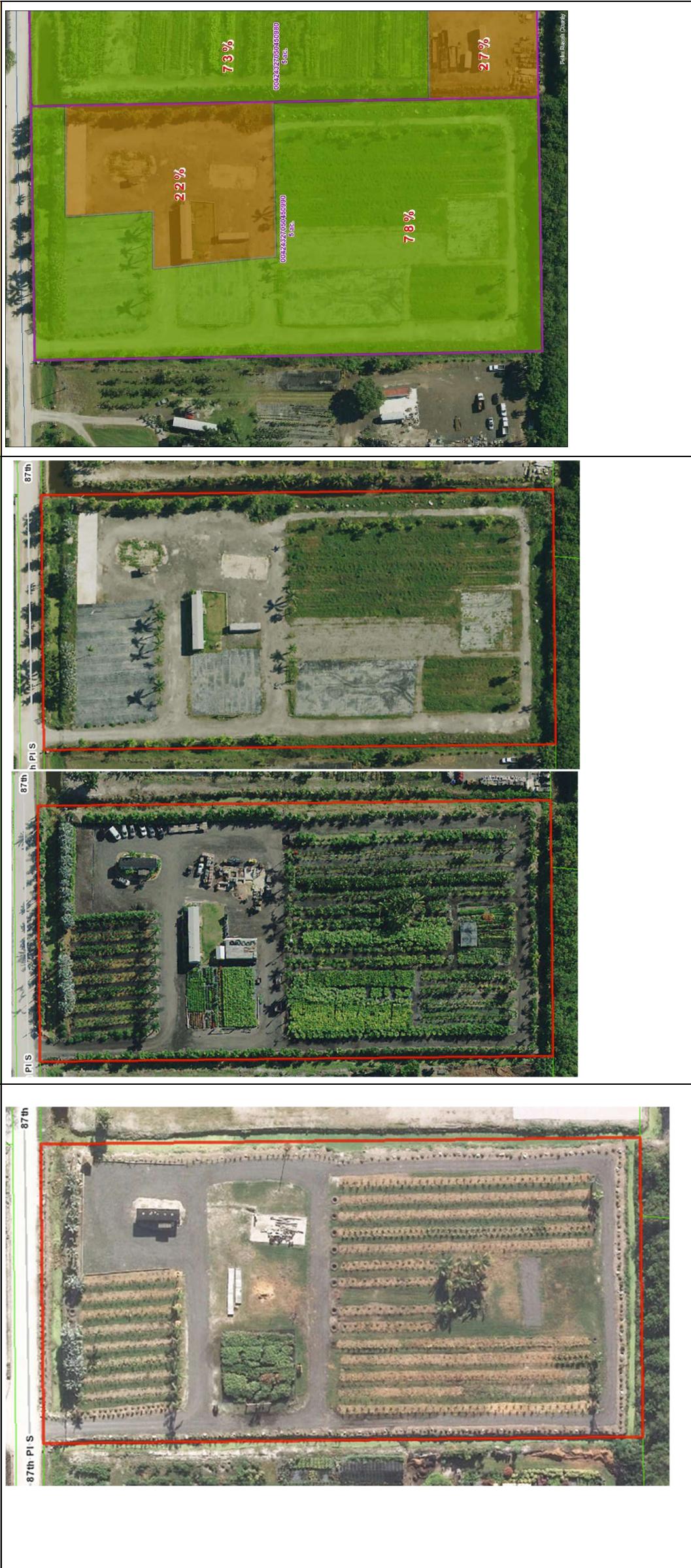
**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	GALIT JEFFREY S	Zoning:	AGR PUD Preserve	Acres:	5.42	Percentage of Buildings & Parking:	21%
Company:		Control:	2000-00032/ ZV/PDD/DOA-2016-00269	MapID:	13-006pr	Percentage of Growing Area:	79%
PCN:	00424327050500672	1st Reso:	R-2016-1235 Preserve 10a	Easement:	Yes	Meets 70/30:	Yes
Code Case:	C-2019-06270038, No Violation Found, Case Closed						
2015*		2019 (Jan.)		% Use Analysis			
							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	Patagonic Green Leaf, LLC	Zoning:	AGR PUD Preserve	Acres:	5.01	Percentage of Buildings & Parking:	22%
Company:	CE-Protek Nurseries, LLC	Control:	2005-00455 ZV/PDD/DOA-2014-00089	MapID:	13-021pr	Percentage of Growing Area:	78%
PCN:	00424327050450990	1st Reso:	R-2014-0729 Preserve 5	Easement:	No	Meets 70/30:	Yes
Code Case:	CE-2017 07130002, Case Closed						

2013* **2018 and 2019 (Jan.)** **% Use Analysis**



**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	VIKING GROWERS INC	Zoning:	AGR PUD Preserve	Acres:	6.49	Percentage of Buildings & Parking:	76%
Company:	CE-Viking Growers Inc	Control:	2004-00369; ZV/PDD/DOA-2014-00940	MapID:	13-017pr	Percentage of Growing Area:	24%
PCN:	00424327050520422	1st Reso:	R-2015-0010; Preserve 25	Easement:	Yes	Meets 70/30:	No
Code Case:	CE-2017 03030065e, Contractor Storage Yard/ Adjudicated/Liens						
2005		2019 (Jan.)					
							
% Use Analysis							
							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	ASHCAR PROPERTIES LLC	Zoning:	AGR PUD Preserve	Acres:	2.33	Percentage of Buildings & Parking:	47%
Company:	4 EVER GREEN LAWN CARE R K P INC	Control:	2002-00068	MapID:	13-022pr	Percentage of Growing Area:	53%
PCN:	00424327050520134	1st Reso:	R-2015-0008 Preserve 12 Rynar	Easement:	Yes	Meets 70/30:	No
Code Case:	C-2018-01220020, NOV/Abeyance						
2015		2019 (Jan.)					
% Use Analysis							



**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	VTV LLC	Zoning:	AGR PUD Preserve	Acres:	4.91	Percentage of Buildings & Parking:	49%
Company:	CE-Southern Scapes / Maximum Services	Control:	2004-00369 ZV/PDD/DOA-2012-2436	MapID:	13-017pr	Percentage of Growing Area:	51%
PCN:	00424618010000460	1st Reso:	R-2013-0204 Preserve 22	Easement:	Yes	Meets 70/30:	No
Code Case:	CE-2018 01020013, NOV/Abeyance						
2013		2019 (Jan.)					
% Use Analysis							

		
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EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

Owner:	BAKER MARK A	Zoning:	AGR PUD Preserve	Acres:	6.03	Percentage of Buildings & Parking:	57%
Company:	NANAKS LANDSCAPING INC	Control:	2004-00206 PDD-2004-00232	MapID:	13-014pr	Percentage of Growing Area:	43%
PCN:	00414524030010000	1st Reso:	R-2004-2037 Preserve 5	Easement:	Yes	Meets 70/30: No	
Code Case:	C-2019-07050017, NOV for Flood Plain Review - Case Closed						
2005*		2019 (Jan.)					
							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	KLEINRICHERT CATHERINE A &	Zoning:	AGR PUD Preserve	Acres:	5.03	Percentage of Buildings & Parking:	10%
Company:	TROPICAL LANDSCAPERS, INC	Control:	Original 2004-616/ TDD/RW/2004-1029	MapID:	13-017pr	Percentage of Growing Area:	90%
PCN:	00414514000005110	1st Reso:	R-XXX 1/2 of Preserve 2	Easement:	Yes	Meets 70/30:	Yes
Code Case:							
		2005		% Use Analysis			
		2019 (Jan.)		% Use Analysis			
							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	MUSTIPHER JAMES &	Zoning:	AGR PUD Preserve	Acres:	4.78	Percentage of Buildings & Parking:	12%
Company:	J M NURSERY & LANDSCAPING Sign says JM Landscaping & Nursery	Control:	2000-00032 ZV/PDD/DOA-2016-269	MapID:	13-006pr	Percentage of Growing Area:	88%
PCN:	00424327050500691 (old) 00424327050500920 (new)	1st Reso:	R-2016-1235 Preserve 15	Easement:	Yes	Meets 70/30:	Yes
Code Case:							
2016		2018		% Use Analysis			
							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	G L HOMES OF PALM BEACH ASSOCIATES LTD	Zoning:	AGR PUD Preserve on 1/2	Acres:	3.66 acres of a 9.59 ac pcn	Percentage of Buildings & Parking:	21%
Company:	Formerly owned by McGrath Farms INC. (Boynton Botanicals LLC)?	Control:	2004-00250/ PDD/DOAW/CA-2016-02029	MapID:	13-016pr part	Percentage of Growing Area:	79%
PCN:	00424327050451080 (portion)	1st Reso:	R-2017-0974 Preserve 10	Easement:	No	Meets 70/30:	Yes
Code Case:							

% Use Analysis



**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	STARKEY ROAD PROPERTIES LLC	Zoning:	AGR PUD Preserve	Acres:	29.69	Percentage of Buildings & Parking:	21%
Company:	BRAD'S BEDDING PLANTS, INC.	Control:	2002-00067. PDD-2002-00067	MapID:	13-012pr	Percentage of Growing Area:	79%
PCN:	00424608030010000	1st Reso:	R-2003-0564 Pres 6	Easement:	Yes	Meets 70/30:	Yes
Code Case:							
2005*		2019 (Jan.)		% Use Analysis			
							

EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES

AGR ZONING (BCC Directed 5 AGR parcels to be included in the Code Amendments)

Owner:	Gasper / Isabel TOMAS ISABEL, GASPER TOMAS	Zoning:	AGR	Acres:	4.79	Percentage of Buildings & Parking:	20%
Company:		Control:	None	MapID:	None	Percentage of Growing Area:	80%
PCN:	00424327050500940	1st Reso:	None	Easement:	None	Meets 70/30:	Yes
Code Case:	Purchase in 2017						
2005*		2019 (Jan.)					
							
% Use Analysis							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	Tree Z	Zoning:	AGR	Acres:	4.99	Percentage of Buildings & Parking:	29%
Company:	South Florida Landscape Maintenance	Control:	2018-00021; 2018-00037	MapID:		Percentage of Growing Area:	71%
PCN:	00424619010001250	1st Reso:	DRO 2018-00593; ZR-2018-0029	Easement:	158 th Rd easement	Meets 70/30:	Yes
Code Case:	Purchase 1999						
2005		2019 (Jan.)		% Use Analysis			
							

**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

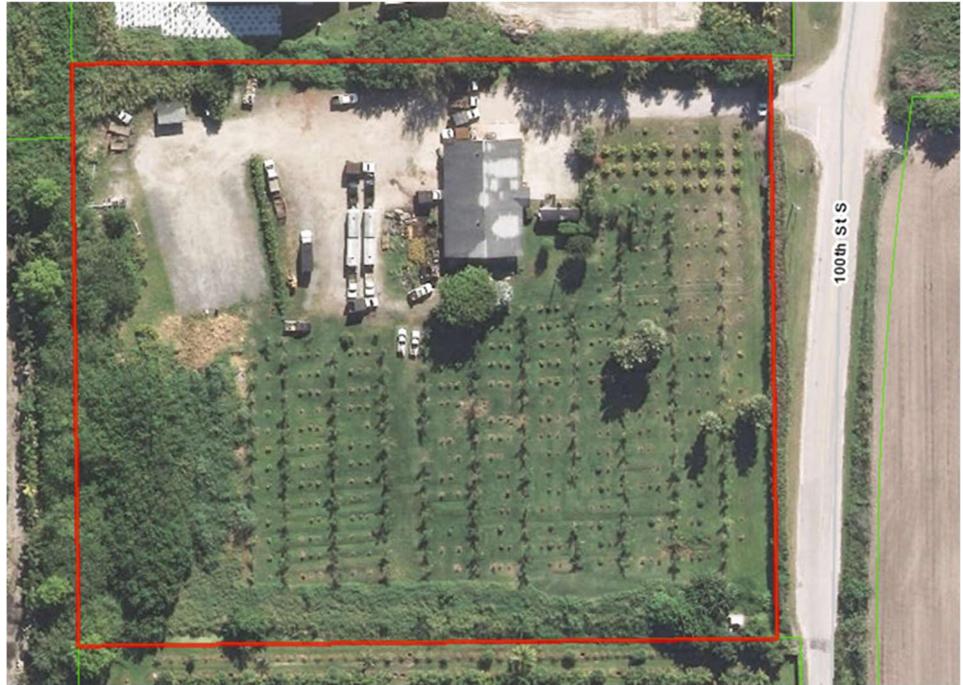
Owner:	Carly Landco Inc	Zoning:	AGR	Acres:	5.15	Percentage of Buildings & Parking:	44%
Company:	Grasshoppers Landscaping	Control:	None	MapID:		Percentage of Growing Area:	56%
PCN:	00424327050670041	1st Reso:	None	Easement:		Meets 70/30:	No
Code Case:	Owned since 1998						
2005		2019 (Jan.)					
% Use Analysis							



**EXHIBIT B
AGR TIER ANALYSIS AND LOCATIONS FOR AGR-PUD PRESERVES**

Owner:	TWIN STATES HOLDINGS LLC	Zoning:	AGR PUD Preserve as of March 11, 2020	Acres:	4.85	Percentage of Buildings & Parking:	28%
Company:	CE-Kaufman Lawn Services / Twin States Marketing	Control:	2004-00369, ZV/PDD/DOA-2014-00940	MapID:	13-017pr	Percentage of Growing Area:	72%
PCN:	00424327050520461	1st Reso:	R-2015-0010; Preserve 34 "Active nursery with shade structures"	Easement:	No	Meets 70/30:	Yes
Code Case:	CE-2018 01220009, NOV/Abeyance	NOTE: This parcel was removed from the AGR-PUD					

2015



2019 (Jan.)



% Use Analysis



EXHIBIT C
CR-2020-0028
(Updated 01/14/2021)

PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION

Application No.: PIA 2020-01201
Application Name: Boca Lago PUD Clubhouse
Applicant: Boca Holdings, LLC
Agent: Lindsay Libes, WGI
 Edwin Muller, WGI
Telephone No.: (561) 687-2220
Project Manager: Adam Mendenhall, Senior Site Planner

Title: Unified Land Development Code (ULDC) Privately Initiated Amendment (PIA), Phase 1, Boca Lago PUD Clubhouse. **Request:** Phase 1 PIA, to initiate Phase 2 of a ULDC amendment to Articles 3 and 4 of the ULDC to allow a Hotel or Motel within a Commercial Pod of a Planned Unit Development (PUD), to revise the Supplemental Standards; to allow for a Hotel or Motel as an amenity to serve an existing golf course.

LDRAB Options:

1. To recommend denial of the initiation of amendments to the Unified Land Development Code (ULDC).
2. To recommend approval of the initiation of the Privately Initiated Amendment (PIA) and allow submission of the Phase 2 Application on its own schedule.
3. To recommend approval of the initiation of the PIA and allow submission of the Phase 2 Application as part of the ULDC 2021-01 Round of Amendments.

STAFF RECOMMENDATION: Staff recommends denial of the initiation of the amendments to the ULDC.

APPLICATION SUMMARY: The Applicant is requesting to amend Articles 3 and 4 to expand the purpose of a Planned Unit Development (PUD) Commercial Pod for a Hotel or Motel use. The Unified Land Development Code (ULDC) currently limits the types of uses of a Commercial Pod to uses primarily utilized by the residents of the development. The Applicant’s amendment is requesting to allow a Hotel or Motel as a Class A Conditional Use approval in the Commercial Pod and collocated with a use outside of the residential neighborhood; e.g. a golf course. The Applicant further states that the proposed amendments are needed in order to increase the economic viability of an existing golf course. The Applicant’s Justification Statement states the Hotel in the Commercial Pod will serve the customers of the golf course within the Boca Lago PUD. **(Attachments A-C)**

ULDC ARTICLE	TITLE OF ARTICLE	PROPOSED REVISIONS OF CODE SECTIONS BY APPLICANT
Article 3	Overlays and Zoning Districts	3.E.2.E.2, Commercial Pod: <ul style="list-style-type: none"> • A Commercial Pod is intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD for the residential development.
Article 4	Use Regulations	4.B.2.C.18.b, Hotel or Motel, Approval Process: <u>PUD – Commercial Pod: A Hotel or Motel may be allowed in the Commercial Pod of a PUD when collocated with an existing golf course, subject to Class A Conditional Use approval.</u>

BACKGROUND AND SUMMARY:

History of ULDC Commercial Pod

Planned Unit Development (PUD) regulations were originally adopted under Zoning Resolution No. 3-Y-69 on July 3, 1969. This language allowed for a neighborhood commercial center, provided the acreage of the pod was no larger than two percent of the entire PUD acres, provided the PUD was at least 100 acres. Additionally, it included location criteria that the commercial center was to be internal to the development and to serve the residents of the development.

Though these requirements have had some modifications over time, the concept for Commercial Pod location, and limitations on size and whom the Commercial Pod serves is generally the same. Pursuant to Ordinance No. 2003-067, approved by the BCC in December of 2003, the maximum land area of the PUD changed from two percent to one percent. The location criteria under the current Code restricts its frontage and includes a setback for the pod from the perimeter of the PUD. Additionally, the intent of the Commercial Pod was that the use be primarily for the residents.

EXHIBIT C
CR-2020-0028
(Updated 01/14/2021)

The Phase 1 PIA request for initiation is anticipated to be scheduled for the February 25, 2021 BCC Hearing for final recommendation and direction to Staff.

STAFF ANALYSIS OF STANDARDS:

A. Extent to which any other alternatives to a Code amendment have been evaluated, a summary of any recommendations or direction provided by the BCC, County Staff in prior meetings, and where applicable, why the amendment is being requested in lieu of such alternatives;

Review of ULDC Article 3.E, Planned Development Districts (PDDs) allows the re-designation of a pod from Recreation to Commercial which would be required for this development, and may not be applicable for other new or existing PUDs. A development that re-designates to or has an established Commercial Pod per ULDC Article 3.E.2.E.2 identifies that it is intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD. Based on this information, Staff directed the Applicant to provide documentation or examples that would support their request for a Hotel or Motel in a Commercial Pod, which was expanded to Neighborhood Commercial districts as this district was deemed comparable to a Commercial Pod. This direction was provided at the Pre-Application Appointment (PAA) and within the response letter provided after the initial review of the proposed amendment. Zoning Staff conclude that the Applicant has not exhausted other alternatives rather than requesting a Code Amendment. The evaluation provided by the Applicant is incomplete to conclude that the modification to expand the ULDC's intent of the Commercial Pod to more than primarily for residents impacts other PUDs within Palm Beach County. The provided Justification Statement provided language specifically beneficial to the Boca Lago PUD and not Countywide.

B. Does not violate State, Federal, or other local government laws;

Through Staff's review of the Applicant's Justification Statement, there was not enough information provided in order for Staff to conclude if a State, Federal, or other Local law will be violated.

C. Will be consistent with the Comprehensive Plan, or will otherwise be submitted pursuant to or concurrent with an application to amend the Plan;

The amendment would not be inconsistent with the Comprehensive Plan, as hotels are not specifically identified as a typical use for a Commercial Pod of a PUD. Per the Comprehensive Plan, hotels are identified within the Commercial High Uses category. The Planning Director stated that "*commercial pods of PUDs include a limited amount of low intensity commercial and institutional uses intended to serve the residential development per Policy 4.4.3-a.*"

This information identifies that the ULDC is consistent with the Comprehensive Plan as Zoning has identified that the Hotel use is not a low intensity commercial use, and therefore allowing the use would be in conflict with the above policy. No concurrent application has been submitted to modify Policy 4.4.3-a to remove or change the language in regard to the intensity of the use.

D. Will not be in conflict with any other ULDC provisions or amendment will also address the other inconsistencies;

ULDC Article 3.E.2.E.2, Commercial Pod specifically states: "*A Commercial Pod is intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD.*" The Applicant proposes to change the Commercial Pod intent by removing the language "*for use primarily by the residents of the PUD*" which would open the Commercial Pod to possible uses that directly conflict with or could degrade the residential character or other elements of any existing or future residential PUD. The Applicant is proposing language based on a single development, Boca Lago, and not based on an analysis of Planned Unit Developments (PUDs) for the entire unincorporated area. Per the Comprehensive Plan, commercial uses allowed within a PUD shall be "*low intensity,*" and no analysis has been provided that documents a Hotel as low intensity.

Furthermore, an analysis of the existing recreation facility's use by the residents of the PUD was not provided by the Applicant. Recreation amenities under current regulations are dedicated to the residents and maintained by the residents through covenants and dedications on the plat. Documentation on how the clubhouse/golf course is primarily used by the residents was not provided. There also was no analysis provided in regard to how the number of rooms of the Hotel directly relate to the number of residents or size of the residential development that would be primarily served by those rooms, in order to be consistent with the intent of the Commercial Pod, per the ULDC.

Notwithstanding this specific development, which this application is specifically identifying, to apply the proposed text changes to all PUDs would also create a conflict with location, frontage, and access requirements of the ULDC. The location of the Commercial Pod is specifically only allowed internal to a PUD, or integrated into the development, thus setting the stage for the intended uses to require limited intensity that is generated primarily by the residents, as the PUD is first residential in nature. Per Article ULDC 3.E.2.E.2.a.1), Frontage; states that the Commercial Pod shall be limited to an

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EXHIBIT C
CR-2020-0028
(Updated 01/14/2021)

Arterial or Collector Street internal to the PUD only. Because this design criteria is unique to Palm Beach County, Staff has determined that the Commercial Pod is comparable with the standard Neighborhood Commercial (CN) district. Per ULDC Article 3.C.1.D.3, a Neighborhood Commercial District *“is to provide a limited commercial facility of a convenience nature, serving residential neighborhoods within a one-half mile radius...”* Staff had requested that any analysis provided by the Applicant also show how the proposed use would be consistent with the CN district. The Hotel use as proposed would draw in public use far beyond the one-half mile. The Applicant indicated that the Hotel would service the residents by providing a location for visiting family or friends to have a place to stay in close proximity to the resident. However, the Applicant also specifically stated that the main purpose of the Hotel was to *“provide an alternative source of revenue...”* which is specifically designed to prevent *“the closure of a non-profitable golf course...”* This language indicates that the Hotel is designed to be the primary support to the recreation amenity, golf course, because it is unable to be supported by the residents.

Lastly, the Applicant identified that the Hotel use was to be *“collocated”* with the golf course. The golf course is located in the Recreation Pod; the Hotel is proposed to be located within a Commercial Pod. This is not consistent with the definition of Collocated Uses per the ULDC that is defined as, *“...a Standard Zoning District with two or more uses...”* While PUD is a zoning classification, it is the individual pods of the PUD that represent the zoning districts that create the boundaries for use specific development.

The proposed amendment does not address these inconsistencies.

E. The request has been demonstrated to be a new industry trend not anticipated by the Comprehensive Plan or ULDC;

The Applicant failed to demonstrate through the Justification Statement or other documentation that the proposed revision to allow a Hotel in a Commercial Pod of a PUD, which is primarily served by the residents per the ULDC, is a new industry trend.

The allowance of Hotels is permissible in standard commercial zoning districts, as these districts allow for high intensity uses. However a PUD and its limitations are cohesive and integrated as the allowance of commercial is primarily for the residential development.

F. Identification of examples of similar land development regulations adopted in other jurisdictions under the same circumstances, such as similar FLU designation or zoning districts, compatibility, buffering, roadway frontage, and other similar site considerations;

The Applicant provided examples of the PGA National Golf Club and the Trump National Golf Course. These examples do show a Hotel in close proximity with golf course. The Trump National Golf Course was primarily designed for recreational use and with the intent of providing access to the general public on a global scale. The Trump National has a future land use (FLU) of Private Park and Open Space which is not consistent with the residential FLU of the Boca Lago golf course. The hotel and club are located on a major street at the perimeter of the development. This is inconsistent with the internal location requirement for the Commercial Pod of the PUD for Palm Beach County.

The PGA National Golf Club is located within a PUD and is located in a commercial future land use. This example is more consistent with Palm Beach County’s requirements, such as location of the commercial use, zoning, frontage, and design. However, Palm Beach Gardens has language in their code regarding PUDs that states: *“It allows for a flexible zoning district which is intended to provide an appropriate balance between the intensity of development and the ability to provide adequate capacity within the support service and facilities.”* This language is different from Palm Beach County’s requirement that any commercial use be *“primarily for the use of the residents.”*

Although the Applicant provided these examples in the Justification Statement of the PGA National Golf Club and Trump National, they failed to provide the land development regulations adopted in those jurisdictions that show their regulations are similar to the circumstances of existing PUDs in unincorporated Palm Beach County.

CONCLUSION

Staff has evaluated the standards listed under ULDC Article 2.D.3 and determined that the Applicant has failed to provide a Justification Statement that meets all of the required Standards. Therefore, Staff is recommending denial of initiation of the proposed amendment as shown in Attachments A-C.

ATTACHMENT A

PALM BEACH COUNTY - ZONING DIVISION

FORM # 117



Palm Beach County Zoning Division
2300 N. Jog Road
West Palm Beach, Florida 33411
Phone: (561) 233-5200
Fax: (561) 233-5165

PRE-APPLICATION APPOINTMENT (PAA) - PIA

Pursuant to the Unified Land Development Code (ULDC) Article 2.D, ULDC Privately Initiated Amendment (PIA), a PIA application may be submitted upon completion of the mandatory Pre-application Appointment (PAA) and favorable decision by the responsible PBC Official. Refer to the Article 2.D for all applicable standards and requirements.

Complete this form and submit it to Zoning Division Code Revision Staff at least 3 days prior to the PAA, email to PZBCCodeRevision@pbcgov.org. A Justification Statement must be attached to provide detailed and specific information relevant to the PIA request.

Description of PIA: (enter a brief description of the PIA request, a separate sheet may be used)

PIA to amend the ULDC to allow hotel/lodging facilities in a Commercial Pod of a PUD (Article 4 - Use Matrix).

Applicant or Agent Name: Lindsay Libes

Name of Firm/Company: WGI

Representing: Boca Holdings, LLC

Phone: 561.537.4542

Email: lindsay.libes@wginc.com

The proposed amendment is:

Countywide or;

Area Specific Tier _____ Overlay _____ Zoning District _____ FLU * _____

A. Control No (if applicable): 1973-00036 **Control Name (if applicable):** Boca Lago PUD

B. Application Name: Boca Lago PUD

C. Property Control Number (PCN): (List additional PCNs on separate sheet and attach to application)

PCN: 00424719010110010

*May require a companion Text Amendment of the Comprehensive Plan.

PIA INITIAL EVALUATION

1. Have alternatives of Code Amendments already been evaluated? Explain:

Yes, currently the ULDC does not have allowances for hotels or other lodging opportunities to support the needs of the PUD residents. A preliminary discussion with PBC Planning indicated that we do not need to modify the Comprehensive Plan, and that the hotel/lodging use in a Commercial Pod of a PUD supports the existing goals and objectives.

2. Is the PIA request the result of:

a. BCC direction/ recommendation at a hearing on _____;

b. Direction from County Staff _____ (enter staff's name) at a meeting on _____ or through written communication (attach document).

3. Explain why the amendment is requested in lieu of the alternatives noted above?

As indicated in PIA Initial Evaluation #1, there are no ULDC provisions that support a hotel/lodging use in a Commercial Pod of a PUD.

4. a. Will a Comprehensive Plan Amendment be required: Yes No

b. The amendment will be Stand Alone Ordinance; or developed with a round of amendments.

5. Is the proposed amendment consistent with the Comprehensive Plan? Yes No

Pre-Application Appointment (PAA) - PIA
Page 1 of 2

Issued 01/31/2018
Web Format 2018

ATTACHMENT A

6. Does the proposed amendment contradicts or violate any Federal, State or local laws and regulations? If yes, explain:

No. _____

7. Is this request a new industry trend? Explain Yes - there is a market demand.

8. Have other jurisdictions established similar regulations? [] Yes [] No (Provide examples)

9. Identify all Articles in the ULDC that may be impacted by the proposed amendment (use a separate sheet if more space is needed).

ULDC Article #	Title of Article	Page Nos.	Current Language
Table 4.B.2.A	Commercial Use Matrix	26 of 99	Hotel or Motel is not currently permitted in a Commercial Pod of a PUD.

STAFF NOTES AND COMMENTS

Articles to be amended:

Article 1:

Article 2:

Article 3:

Article 4:

Article 5:

Article 6:

Article 7:

Article 8:

ATTACHMENT B

18. Hotel or Motel

a. Definition

An establishment typically licensed by the State of Florida, used, maintained or advertised as a place where furnished sleeping accommodations are supplied to the guest for a short period of time.

b. Approval Process

1) CRE District

May only be located in an RR FLU designation subject to a Class A Conditional Use.

2) TMD District – U/S Tier

The use may be Permitted by Right when located in the CH FLU designation.

3) PUD – Commercial Pod

A Hotel or Motel may be allowed in the Commercial Pod of a PUD when collocated with a golf course, subject to Class A Conditional Use approval.

c. Zoning District – PO District

1) An existing Hotel located in the PO District shall be considered a conforming use.

2) Collocated Hotel

a) Approval Process – PARK FLU

A Hotel may be allowed as a collocated use to a PBC Regional Park with a PARK FLU, subject to Class A Conditional Use approval.

b) Park Resource Base

The Regional Park shall include a resource base which promotes heritage tourism, eco-tourism, or is otherwise planned to attract patrons from a Countywide or greater population for historical, cultural, scientific, educational or other similar purposes. Such resource base shall be operational prior to approval of a Hotel, or approved and permitted concurrently with a Hotel.

c) Conceptual Master Plan

A Hotel shall be a component of a Conceptual Master Plan or equivalent that is approved by the Board of County Commissioners.

d) Frontage and Access

The Regional Park in which a Hotel is located shall have frontage on an Arterial or Collector Street(s). Vehicular access to a Hotel shall be prohibited from any residential street abutting the park, unless approved by the BCC as part of the Conditional Use approval for the Hotel.

e) Site Plan – Affected Area

When a site plan is not required for the overall park site, the required site plan for the Hotel shall regulate only the Development Area for the Hotel and access related thereto.

d. Accessory Services

Hotels and Motels may provide services and facilities, such as food and beverage, recreational, meeting or conference rooms, ballrooms and laundry.

ATTACHMENT C



JUSTIFICATION STATEMENT
Privately Initiated Amendment (PIA)
Boca Lago PUD
Control No. 1973-0036
Initial Submittal: July 20, 2020
Revised: September 30, 2020

REQUEST

On behalf of the Applicant, WGI respectfully requests approval of the following **Privately Initiated Amendment (PIA)** to amend Palm Beach County's Unified Land Development Code (ULDC):

- **Amendment to ULDC Article 3.E.2.E.2 – Commercial Pod** to modify the definition of a Commercial Pod to be consistent with the Plan to state that uses in a commercial pod **be limited to those that serve the residential development**;
- **Amendment to ULDC Table 4.B.2.A – Commercial Use Matrix Use Regulations** to allow a Hotel or Motel use in the Commercial Pod of a Planned Unit Development (PUD); and,
- **Amendment to ULDC Article 4.B.2.C.18.b – Hotel or Motel Approval Process**, to allow a hotel or motel in a commercial pod of a PUD when collocated with a golf course.

BACKGROUND

Originally approved in 1973, the Boca Lago golf course community is a residential PUD comprised of 546.50 acres and 1,828 dwelling units that was developed by way of a rezoning to the RS Zoning District with a Special Exception request to allow a PUD (Resolution R-1973-305). In addition to the residential units that make up the PUD, the community includes 210.05 acres of golf course recreational tracts, which includes a centrally located 61,576 square-foot clubhouse facility for the convenience of the surrounding residents. It is important to note that the original approval of the Boca Lago PUD included the allowance of a 5.92-acre commercial pod which was never constructed but continues to exist as a vested development right. The Boca Lago community is generally located to the north of the Lyons Road and Palmetto Park Road intersection; Boca Lago Boulevard traverses the eastern portion of the PUD from Lyons Road and connects to Boca Rio Road on the eastern boundary of the PUD.

While the golf course and clubhouse operations support and serve the residents of Boca Lago and beyond, it should be noted that these areas are not under the collective ownership of a Homeowner's or Property Owner's Association and has been owned and operated privately since the initial development of the community. Unfortunately, the viability of the golf industry has not only come into question over recent years but has directly affected Boca Lago as there has been a systemic and nation-wide decline in recreational golfing and membership participation. In order to avoid the partial or total closure and ceasing of golf course operations at the Boca Lago community, it is the intent of the Applicant of this request to petition for an amendment to the ULDC to once again allow for hotel and motel uses to exist within commercial pods of PUD when collocated to a privately-held golf course. It should be noted that at the time of the 1973 approval, the Code (Section 500.21.E.5), hotels and motels were authorized commercial uses within a Planned Unit Development).

It is the intent of the Applicant to convert a portion of the existing Recreational Tract "I" and re-designate approximately 5.27 acres into a commercial pod for the development of a hotel use. The hotel use will be located immediately adjacent to the existing clubhouse facility and will be operated for the convenience of the community as ascertained by Policy 2.2.1-m in the Plan.

ATTACHMENT C

PART 1. Proposed Amendment to ULDC Article 3.E.2.E.2., Table 4.B.2.A Commercial Use Matrix & Art 4.B.2.C.18. Hotel or Motel Use

REASON FOR AMENDMENT

The privately held golf course and clubhouse facility at the Boca Lago PUD, owned by the Applicant, has been adversely impacted by a county-wide decline in recreational golf participation and club membership. This decline in golf participation and membership has placed incredible pressure on the owners of golf course facilities to redevelop underutilized recreation areas into uses that are economically viable in the current market, such as residential multifamily development. After working closely with the surrounding neighborhood associations, the Applicant would like to take a different approach while also ensuring the long-term viability of the golf course operations. As such, the Applicant is requesting a ULDC (PIA) to revert to previous versions of the ULDC which allowed for the development of a hotel or motel use in the Commercial Pod of a PUD. It is the intent of the Applicant to develop a hotel use that allows the operation of the golf course, clubhouse, and recreational facility to continue by making these uses financially feasible. The overall project will be designed for the convenience of residents and serve the residential area as required by the Plan (Policy 2.2.1-m).

It is the intent of the Applicant to engage the surrounding neighborhoods and to encourage their participation in club membership through the enhancement of existing facilities and services. It should be noted that these neighborhoods primarily consist of multi-family units in which the capacity to host guests is limited. The hotel use will provide convenience to those residents intending to host family or friends in close proximity. The Applicant also envisions that the hotel will have limited retail and food and beverage facilities that will be open to the surrounding residents. In addition, the Applicant is working on exclusive promotional offers for the surrounding neighbors, including (1) fixed room rate discounts for family members based on resident referral; (2) fixed Country Club guest fee usage discounts for all Club amenities for the referring resident and their family; (3) discount packages for residents and their families for Special Events (such as weddings) and reduced room rates during the Special Event, including but not limited to full access to all Country Club amenities during the stay; and (4) Resident Rewards Program for Country Club usage discount when referring friends or family to the hotel. Finally, it should be noted that the Applicant intends to provide food, beverage and retail opportunities at the hotel facility that will be open to neighboring residents.

At the time of this request, the Applicant has engaged HVS Valuation Services to provide a detailed market study aimed at examining the feasibility of a hotel use at the desired location. The market study examined the feasibility under two pre-texts- that the hotel use be located adjacent to the existing clubhouse facility and that patrons of the hotel be permitted to utilize the amenities of the country club. The findings of the report indicate that given the lack of single-family housing in the immediate vicinity and Boca Lago PUD at large, it is fair to say that the hotel will be able to serve as an alternative lodging option for the guests and extended families of the Boca Lago residents; the study labels this as providing for "Unaccommodated Demand.". While the hotel will serve guests from both the Boca Lago PUD neighborhoods and beyond, the Applicant has historically and will continue to incentivize Boca Lago resident patronage by way of various incentive and discount programs as discussed above.

This amendment request and the market study determines that a hotel use in a commercial pod when collocated with a golf course is consistent with these emerging industry trends and the goals and objectives of the Plan. As previously stated, at the time of the original approval of the Boca Lago PUD, the 1973 code allowed for hotel/motel uses as allowable commercial uses within a PUD, which establishes a justifiable and previously codified historical precedent for the request. Additionally, the Plan today states in Policy 2.1.-j, that the County shall maintain flexibility to respond to changing economic conditions while guiding future economic development. Initiating this PIA request will not only set a path towards ensuring the long-term vitality of the Boca Lago community, but also afford other failing golf course communities with an opportunity to maintain their existence and provide an alternative to the conversion of recreational tracts to residential development. The proposed amendment will serve the residential area by preserving the golf course (and the associated benefits of golf course views), in addition to offering the conveniences listed above.

ATTACHMENT C

Allowing the approval of a Hotel or Motel use subject to Class A Conditional Use approval standards will provide a viable option for golf courses seeking ways to generate revenue to support continued operation of the course. Identification of examples have been provided within the responses to the PIA standards within the next section of this statement.

Summary of Amendment Changes

Article 3.E.2.E.2

This portion of the PIA is to establish semblance and consistency with the language present in the Plan for non-residential uses in a PUD.

2. Commercial Pod

A Commercial Pod is intended to provide personal services, retail opportunities, and professional or business offices ~~for use primarily by the residents of the PUD for the residential development.~~

Section 2 Commercial Uses

A. Commercial Use Matrix

Use Type	PLANNED DEVELOPMENT DISTRICTS (PDDs)														TRADITIONAL DEV. DISTRICTS (TDDs)															
	PUD				MUPD				MXPD	PIPD		M	R	TND			TMD													
	PODS				FLU				FLU	PODS		H	V	TIER			TIER													
	R	C	R	C	A	C	C	C	C	C	C	I	E	I	C	C	I	C	I	P	P	U/S		EX/RURAL		U	E	AGR		
	S	M	C	V	R				O	O		D	C	S			O	D	M	D	D	D	R	N	O	R	N	O	S	X
Supplementary Standards #				/									T			/		/												
Commercial																														
Gas and Fuel Sales, Retail	16	-	A	-	-	-	A	A	-	-	-	-	-	-	A	-	-	A	-	-	-	-	-	A	-	A	-	A	A	
Green Market	17	-	D	-	-	-	D	D	-	-	-	-	-	-	D	-	-	D	-	-	-	-	-	D	-	D	-	D	D	
Hotel or Motel	18	-	A	-	-	-	P	-	A	A	-	-	-	P	A	-	P	-	-	-	-	-	-	-	-	-	A	A		

C. Definitions and Supplementary Use Standards for Specific Uses

18. Hotel or Motel

- a. **Definition**
An establishment typically licensed by the State of Florida, used, maintained or advertised as a place where furnished sleeping accommodations are supplied to the guest for a short period of time.
- b. **Approval Process**
 - 1) **CRE District**
May only be located in an RR FLU designation subject to a Class A Conditional Use.
 - 2) **TMD District – U/S Tier**
The use may be Permitted by Right when located in the CH FLU designation.
 - 3) **PUD – Commercial Pod**
A Hotel or Motel may be allowed in the Commercial Pod of a PUD when collocated with an existing golf course, subject to Class A Conditional Use approval.

ATTACHMENT C

PRIVATELY INITIATED AMENDMENT (PIA) STANDARDS

The aforementioned proposal meets the following standards set forth in Article 2.D.3 of the Palm Beach County ULDC for PIA approval.

- 1) Extent to which any other alternatives to a Code amendment have been evaluated, a summary of any recommendations or direction provided by the BCC, County Staff in prior meetings, and where applicable, why the amendment is being requested in lieu of such alternatives.**

The intent of the proposed amendment is to allow for the development of a hotel or motel use in the Commercial Pod of a PUD when collocated with an existing golf course. The goal of this amendment is to create options for golf course owners and operators, who desire to maintain golf course operations, by providing an alternative source of revenue and add a desirable amenity to the golf course. It may be possible in certain scenarios for a PUD to process a Development Order Amendment (DOA) to reconfigure their land area and existing development order in order to allow for a land use and zoning designation which accommodates the hotel or motel use in today's code. However, this alternative process could jeopardize the intent of existing PUDs, by affecting land use mixes regulated in Article 3 and within the Comprehensive Plan. The Future Land Use (FLU) Element of the Comprehensive Plan regulates the location of commercial uses within a planned residential development which precludes many PUDs from even requesting a change in FLU. While the development amendment option may be available to some PUDs throughout the County it is not an option for all PUDs with a golf course. The amendment is being requested to provide an alternative to the closure of non-profitable golf courses and the conversion of those recreational uses to residential or multi-family residential uses.

It should be noted that the Hotel or Motel use is currently allowed pursuant to Class A Conditional Use approval within the Multiple Use Planned Development (MUPD) zoning district when certain underlying commercial land use designations exist. This proposal requests to amend the PUD use regulations to remain consistent with the MUPD district, a similar Planned Development District which is intended to allow for a mix of uses, and presently allows the proposed amendment language. It also would allow for the type of development which was authorized at the time the PUD was approved.

The proposed amendment to the text of Article 3.E.2.E.2 is justified because it makes the text of the ULDC consistent with the provisions of the Comprehensive Plan addressed herein, none of which require that a commercial use primarily serve the residents of PUD. In addition, as stated above, at the time the Boca Lago PUD was approved in 1973, hotel and motel uses were permitted as authorized commercial uses in a PUD. Ordinance 3-Y-69, which was the first inclusion of planned unit developments into the zoning code, originally allowed hotel and motel uses in PUDs greater than 100 acres. The PUD regulations were subsequently amended by Ordinance 73-2, which specifically identified "hotel and motel" as "authorized commercial uses" pursuant to 500.21.E.5. Thus, there is historical precedent for the inclusion of hotels and motels into residential PUDs. Finally, during a period of intense pressure on retail and other commercial uses, such uses should be allowed and encouraged where they can be demonstrated to support the overall purpose of a residential development.

- 2) Does not violate State, Federal, or other local government laws.**

The proposed ULDC PIA does not violate State, Federal, or other local governmental laws. The proposed amendment is consistent with the State's Growth Policy Act under F.S. Chapter 163, Part II as the amendment will provide a much-needed option to PUDs to redevelop portions of their site, while maintaining golf course operations.

- 3) Will be consistent with the Comprehensive Plan or will otherwise be submitted pursuant to or concurrent with an application to amend the Plan.**

In a June 2, 2020 Pre-Application Appointment, Planning Division staff determined that the proposed ULDC amendment does not necessitate any changes to the County's Comprehensive Plan.

The proposed amendment is consistent with the County's Comprehensive Plan as outlined below.

Objective 1.1 Managed Growth Tier System (Strategy #3).

Accommodate future growth but prohibit further urban sprawl by requiring the use of compact forms of sustainable development.

ATTACHMENT C

The proposed amendment is consistent with Objective 1.1 of the County's Comprehensive Plan, Future Land Use Element. By proposing the potential approval of a hotel or motel use in the Commercial Pod of a PUD, when collocated with an existing golf course, it allows for creative redevelopment of PUDs containing golf courses throughout Palm Beach County without closing the golf course facilities or proposing additional residential development that is often isolated from other complimentary land uses. This allowance of a hotel or motel use within a PUD district further encourages redevelopment and infill opportunities and discourages the development of more readily available lands in the western fringes of the County.

Policy 1.2-b: Palm Beach County shall encourage and support sustainable urban development, including restoration, infill and adaptive reuse.

Pursuant to Policy 1.2-b, Palm Beach County shall encourage restoration, infill, and adaptive reuse. The proposed amendment is intended to provide golf courses throughout the county an option to allow adaptive reuse of their property while providing as little of an impact as possible to adjacent residential development. Golf courses are often converted into residential developments, which may not always be compatible with the surrounding residential area. Furthermore, conversion to allow residential development often involves the entitlement of a larger land area than proposed under this PIA amendment. By creating the option for the development of a hotel or motel use, it gives owners the options to create an infill development on readily available land in areas of the County which are built-out. Furthermore, this adaptive reuse and restoration of an existing golf course use can often be found to revitalize and strengthen the economic viability of a golf course.

Policy 4.4.3-a: The County shall allow Planned Residential Developments to include a limited amount of low intensity commercial and institutional uses intended to serve the residential development. The commercial uses may be located in:

1. A commercial pod, but must be integrated into the development.
2. A clubhouse in the interior of the development, accessible to the residents; or,
3. A multifamily structure which either independently supports high density or is in a tract containing multi-family development.

Consistent with the Plan's Policy 4.4.3-a, the proposed amendment is to allow a hotel or motel use in the commercial pod of a PUD. This proposed use is intended to serve the residential development as well as provide services to guests from outside of the development, but will greatly benefit and serve the residential area of the PUD as set forth above. It is the intent for the proposed amendment to allow smaller scale hotel or motel uses within a PUD in the County. The proposed amendment to Article 3.E.2.E.2 replicates the language of this Policy.

- 4) **Will not be in conflict with any other ULDC provisions or amendment will also address the other inconsistencies.**

The proposed amendment seeks to rectify existing inconsistencies between the ULDC's Purpose and Intent of a Commercial Pod, and the Plan's Limited Non-Residential Uses allowed in a PUD. Currently the Code states that a Commercial Pod and its' uses should "primarily" serve the residents of the PUD, while the Plan refers to the provision of limited non-residential uses in a PUD for the "convenience: of the residents of a PUD. Neither of these terms are quantifiable or easily qualified, nor is it the intent of the Code or Plan to establish any exclusivity measures in the operation and patronage of permitted non-residential facilities in PUD's. The amendments proposed herein will make the ULDC consistent with the existing provisions of the Comprehensive Plan. For the sake of brevity, it should be generally understood that there are many examples in the County where commercial pods serve patrons from throughout the community, extending beyond the boundaries of the PUD's they are located in.

- 5) **The request has been demonstrated to be a new industry trend not anticipated by the Comprehensive Plan or ULDC; and,**

Developing a hotel or motel use within the golf course of a PUD is an industry trend which is currently prohibited within the ULDC, pursuant to Article 4, Use Regulations. As previously mentioned, other alternatives to a code amendment to Article 4 were examined and it was determined that the most feasible option would be the proposed request. The request is to allow the Class A Conditional Use approval of a hotel or motel use in the

ATTACHMENT C

Commercial Pod of a PUD, when collocated with a golf course use. The primary unforeseen industry trend which necessitates this request is the steady decline in membership and profitability of stand-alone golf courses over the past several decades. Prime examples of this decline can be found within Palm Beach County with the closure of many golf courses and subsequent, controversial redevelopment into residential developments, commonly referred to as a "Golf Course Conversions." While a golf course conversion is a viable option for many operations throughout South Florida, it is not always the most supported or ideal, and is often opposed by the surrounding neighborhoods. This proposed amendment will allow an alternative incentive to increase user ship and economic viability of golf courses throughout Palm Beach County. The concept of collocating a hotel or motel use with a PUD's golf course is common throughout the country and can even be found throughout municipalities within Palm Beach County. This style of development allows for the golf course to be the focus, while also providing a desirable amenity which affords guests of the hotel expansive views not commonly found elsewhere in the County. It is the intent of this amendment to provide an alternative incentive to help revitalize the existing golf courses throughout the County, without a full-on golf course conversion. As aforementioned, this amendment is consistent with the County's Comprehensive Plan and State laws as it is proposing to provide for the sustainable redevelopment of land within the County, rather than promote Urban Sprawl and environmental degradation.

6) Identification of examples of similar land development regulations adopted in other jurisdictions under the same circumstances, such as similar FLU designation or zoning districts, compatibility, buffering, roadway frontage, and other similar site considerations.

The approval of a hotel or motel use in support of a golf course is common throughout South Florida. The best-known example in Palm Beach County can be found within the City of Palm Beach Gardens at the PGA National Golf Club. The PGA National development follows similar land development regulations to those adopted in Palm Beach County which are subject to the proposed amendment. Identified as a Planned Unit Development (PUD) in the City's Code, this district follows a similar intent as the County's PUD district. As stated by their code, "It allows for a flexible zoning district which is intended to provide an appropriate balance between the intensity of development and the ability to provide adequate capacity within the support service and facilities." Like the proposed amendment, the hotel located at the PGA National retains a Future Land Use designation of Commercial. This is most easily compared to the County's Commercial Pod of a PUD, in which the proposed hotel or motel use amendment is proposed.



EXHIBIT 1: PGA NATIONAL GOLF CLUB (PALM BEACH GARDENS, FL)

The City of Doral, in Miami-Dade County provides another example of how the proposed amendment to allow a hotel or motel use in collocation with a golf course is adopted and functioning. Pursuant to Section 68-931 of the City's Code "Golf-oriented hospitality facilities reasonably related to the resort use such as health spas and hotel rooms" shall be permitted in the City's Private Parks District. While this example isn't located within a PUD in the City of Doral, it provides a great example of how these uses can coexist and provide support to one another.

ATTACHMENT C



EXHIBIT 2: TRUMP NATIONAL DORAL (DORAL, FL)

CONCLUSION

The proposed amendment is necessary in order to allow the development of a hotel or motel use in the commercial pod of a PUD, when collocated with a golf course use. Allowing the aforementioned amendment will enable PUDs throughout the County to utilize their recreation pods to the greatest extent. A demonstration of compatibility with the surrounding neighborhood will be required during the conditional use approval process. The golf industry is on a steady decline throughout the nation, but by allowing for creative and adaptive reuse ideas such as the proposal set forth herein, there is opportunity to create economic viability. The proposed amendment is consistent with the Comprehensive Plan, as it will encourage redevelopment and reuse, and also maintains the intent of the PUD zoning district. The proposed change to Article 3.E.2.E.2 mirrors the language found in multiple Policies of the Comprehensive Plan.

As it relates to the subject site, the proposed PIA is necessary in order to allow for the development of a hotel adjacent to the existing clubhouse. This amendment would enable the applicant to apply for a Conditional Use approval which would allow the type of development that was authorized at the time the PUD was approved in 1973. Upon the successful adoption of this proposed language, a Development Order Amendment application will be submitted to the Zoning Division to request the modification of the existing Master Plan to designate the commercial area which was approved in 1973 but never previously identified. Furthermore, a variance will be necessary in order to situate the hotel in the proposed location adjacent to the existing clubhouse.

On behalf of the Applicant we respectfully submit this PIA application for your review and approval.



**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



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

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

FROM: Bryan Davis, Principal Planner
Planning Division

DATE: January 14, 2021

RE: Comprehensive Plan Consistency Determination for Proposed
ULDC Amendments

The Planning Division has determined the proposed ULDC amendment, Exhibit B, of the packet provided by the Zoning Division and scheduled for the January 27, 2021 LDRAB/ LDRC meeting is generally consistent with the Comprehensive Plan.

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

cc: Patricia Behn, Planning Director
Jon MacGillis, ASLA, Zoning Director
Kevin Fischer, AICP, Deputy Planning Director
Wendy Hernandez, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner
Carolina Valera, Senior Planner

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ATTACHMENT 1

USEFUL INTERNET LINKS FOR LDRAB/LDRC MEMBERS

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

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

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

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

- Palm Beach County Code of Ethics (Effective September 22, 2015): http://www.palmbeachcountyethics.com/pdf/Code_of_Ethics_Ordinance-effective_9-22-2015.pdf
- Palm Beach County Code of Ethics – Guide for Elected Officials and Advisory Board Members: http://www.palmbeachcountyethics.com/pdf/Training_Guide_for_Elected_Officials_and_Advisory_Board_Members.pdf
- Quick Reference to Advisory Board Conflicts, Disclosures and Waivers: http://www.palmbeachcountyethics.com/pdf/Advisory_Boards_Reference_Guide.pdf

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

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

Voting Conflict Form: https://discover.pbcgov.org/pzb/zoning/ULDCPDF/Voting_%20Conflict_Form_8b.pdf

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**ATTACHMENT 2
2020 LDRAB ATTENDANCE**

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
2020 ATTENDANCE MATRIX**
(Updated December 16, 2020)

Seat	Member	District or Organization	Term Expires	2020 Meeting Dates														
				1/29 Canceled	2/26	3/25 Canceled	4/22 Canceled	5/27 Canceled	6/24 Canceled	7/22 Canceled	8/26	9/23	10/28	11/17 Canceled	12/16	Reserved		
1	Joanne Davis	District 1, Commissioner Marino	February 08, 2022	-	P	-	-	P*	-	-	P*	-	-	P*	-	-	P*	-
2	Drew Martin	District 2, Commissioner Weiss	February 02, 2021	-	P	-	-	P	-	-	P	-	-	P	-	-	P	-
3	Ari Tokar	District 3, Commissioner Kerner	February 08, 2022	-	P	-	-	P*	-	-	A	-	-	P*	-	-	A	-
4	Jim Knight	District 4, Commissioner Weinroth	February 02, 2021	-	P	-	-	P	-	-	P	-	-	P	-	-	P*	-
5	Lori Vinikoor	District 5, Commissioner Sachs	February 08, 2022	-	P	-	-	P	-	-	P	-	-	P	-	-	P	-
6	Myles Basore	District 6, Commissioner McKinlay	February 02, 2021	-	P	-	-	P*	-	-	A	-	-	P*	-	-	A	-
7	Robert J. Harvey	District 7, Commissioner Bernard	February 08, 2022	-	P	-	-	P*	-	-	P*	-	-	P*	-	-	A	-
8	Daniel J. Walesky	Gold Coast Builders Association	February 02, 2021	-	P	-	-	P*	-	-	P*	-	-	P*	-	-	P	-
9	Anna Yeskey	League of Cities	February 02, 2021	-	A	-	-	P*	-	-	P*	-	-	P*	-	-	P*	-
10	Terrence Bailey	Florida Engineering Society	February 08, 2022	-	P	-	-	P*	-	-	A	-	-	P*	-	-	P*	-
11	Jaime M. Plana	American Institute of Architects	February 02, 2021	-	P	-	-	A	-	-	-	-	-	P*	-	-	P*	-
12	Susan A Kennedy	Environmental Organization	February 08, 2022	-	P	-	-	P*	-	-	-	-	-	P*	-	-	P	-
13	Frank Gulisano	Realtors Association of the Palm Beaches	February 02, 2021	-	P	-	-	P*	-	-	-	-	-	P*	-	-	P	-
14	Jim Sullivan	Florida Surveying and Mapping Society	February 08, 2022	-	P	-	-	P*	-	-	P*	-	-	P*	-	-	P	-
15	Charles D. Drawdy	Assoc. General Contractors of America	February 08, 2022	-	A	-	-	P*	-	-	P*	-	-	P*	-	-	P	-
16	Wesley Blackman	PBC Planning Congress	February 02, 2021	-	P	-	-	P	-	-	P	-	-	P	-	-	P	-
17	Tommy B. Strowd	Alternate At-Large #1	February 08, 2022	-	P	-	-	P*	-	-	-	-	-	P*	-	-	A	-
18	Abraham Wien	Alternate At-Large #2	February 02, 2021	-	P	-	-	P*	-	-	-	-	-	P*	-	-	A	-

Legend/Notes:

P	Present	P*	Present (Participated via teleconference with quorum physically present and Board approval)
A	Absent	A*	Absent (Attended less than ¾ of meeting)
1	Joanne Davis replaced Michael Peragine. Eligible for first meeting on May 23, 2018. Term ends February 8, 2022.		
2	Drew Martin replaced David Carpenter. Eligible for first meeting on February 7, 2018. Term ends February 2, 2021.		
3	Philip L. Barlage replaced Barbara Katz. Eligible for first meeting on February 22, 2017. Ari Tokar replaced Philip L. Barlage. Eligible for first meeting on September 25, 2019. Term February 6, 2019 to February 8, 2022.		
4	Jim Knight reappointed on December 16, 2014 for new term February 4, 2015 to February 2, 2021. Glenn E. Gromann replaced Jim Knight. Eligible for first meeting on September 25, 2019. Jim Knight reappointed on November 17, 2020.		
5	Lori Vinikoor reappointed on January 26, 2016 for new term February 6, 2019 to February 8, 2022.		
6	Myles Basore replaced Rena Borkhataria. Eligible for first meeting on July 25, 2018. Term ends February 2, 2021.		
7	Robert J. Harvey replaced Henry Studstill. Eligible for first meeting on May 24, 2017. Reappointed March xx, 2019. Term February 6, 2019 to February 8, 2022.		
8	Daniel J. Walesky replaced Raymond Puzitiello on January 13, 2015. Term February 5, 2013 to February 2, 2016. Raymond Puzitiello resigned in November 2014. Term wrong in appointment February 4, 2015 to February 2, 2018. Term February 3, 2018 to February 2, 2021.		
9	Anna Yeskey appointed on August 15, 2018. Term February 3, 2018 to February 2, 2021.		
10	Terrence N. Bailey reappointed on March 1, 2016 for new term February 6, 2019 to February 8, 2022.		
11	Jaime M. Plana replaced Xavier Salas on March 12, 2019. Eligible for first meeting on March 27, 2019. Term ends February 8, 2021.		
12	Susan A. Kennedy appointed on May 7, 2019. Eligible for first meeting on May 22, 2019. Term ends February 8, 2022.		
13	Frank Gulisano reappointed January 2018 for new term February 7, 2018 to February 2, 2021.		
14	Derek G. Zeman appointed on March 1, 2016. Eligible for first meeting on March 23, 2016. Term February 6, 2019 to February 8, 2022. Derek G. Zeman resigned in August 2019. Jim Sullivan replaced Derek G. Zeman.		
16	Wesley Blackman reappointed on January 13, 2015 for new term which expires February 2, 2021.		
17	Tommy B. Strowd replaced Winifred P. Said on June 4, 2019, eligible for first meeting on June 26, 2019 (canceled). Term ends February 8, 2022.		
18	Abraham Wien replaced Leo Plevy. Eligible for first meeting on May 24, 2017. Term ends February 2, 2021.		
*	Special meetings will not be a factor in calculating total attendance.		
**	Attendance reflects previous LDRAB member.		
	ULDC Art. 2.G.2.B.1.c. Attendance: Members of boards shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Only regular meetings shall be counted towards the attendance requirements.		

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ATTACHMENT 3
AMENDMENT ROUND 2020-01



UNIFIED LAND DEVELOPMENT CODE (ULDC)
AMENDMENT ROUND 2020-01
SUMMARY OF PROPOSED AMENDMENTS – SHORT FORM
(UPDATED 8/12/2020)

BCC PUBLIC HEARINGS
JUNE 25, 2020 – REQUEST FOR PERMISSION TO ADVERTISE
JULY 30, 2020 – FIRST READING
AUGUST 27, 2020 – ADOPTION

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MEETINGS
FEBRUARY 26, 2020 (ALSO INCLUDES LDRC)
MAY 27, 2020 (ALSO INCLUDES LDRC)

(9 EXHIBITS)

Exhibit A Art. 2, Administrative Modifications

- Staff reached out to Industry, Agents, staff to continue to refine the Admin Review process. This process works hand in hand with permitting process so we try to expedite minor amendments as quickly and efficiently as possible these amendments were reviewed by everyone and help foster this goal.
- **Create criteria to exempt Development Review Officer Expedited (DROE)** applications from sufficiency (I.e. the DROE are to address conditions of approval required to be resolved prior to final DRO approval or to include direction by the Board at the hearing that require modifications to plans or documents; and, the plans are required to be amended to reflect changes resulting from the BCC or ZC's approval of Type 2 Waivers or Type 2 Variances).
- **Exclude from sufficiency** those applications approved by the BCC or ZC that do not need further changes other than labeling the plans from Preliminary to Final;
- **Allow Type 1 Waivers** for Property Development Regulations (PDRs) of developments in the Native Ecosystem Overlay (NEO), and five percent or less setback reduction of detached housing types to be processed through the ZAR instead of Full DRO.
- **Clarify** how staff makes determination on the number of agencies involved in ZAR applications review is based on the application request.
- **Clarify that** the original Final DRO plan that follows the BCC or ZC approval is the one that staff will be using as reference for administrative modification and to determine if the thresholds that allow those changes through the ZAR or DRO are not triggered. Staff proposed a definition in Art. 1 to clarify "Original Final DRO" is the plans approved by the DRO that followed the BCC or ZC approval.
- The changes proposed to the Administrative Modification table include:
- Relocation of Workforce Housing Program (WHP) units between pods within a development or to relocate them to another residential development to allow tracking of such units; and,
- Add Note #5 to allow sites with one single use and multiple buildings owned by a single entity to combined relocation and increase of square footage, and exempt them from the 25% relocation.
- Codify DRO abandonment regulations that were contained in a PPM related to status of DRO conditions.
- Relocate all Applications not issuing a Development Order such as Administrative Inquiries, Reasonable Accommodation, and Zoning Confirmation letters.

Exhibit B Art. 2, Residential Type 1 Variances- Article 2.B and 2.C

- Part 1- Clarify the Type 1 process for lots with 3 or fewer residential units and nonresidential project what can qualify as an administrative variance. Delete duplicative language on generators for residential lots
- Part 2- Clarifying that those requests that exceed the thresholds of a Type 1 variance, would request a Type 2 variance.(Residential deviations over 5% or non-residential over 15%)

Exhibit C Art. 3, Palm Beach International Airport Overlay Landscaping, Notification, and Noise

- Zoning Staff worked with Staff from the Department of Airports to add language from the Comprehensive Plan that requires developers of residential developments within the PBAO

ATTACHMENT 3

AMENDMENT ROUND 2020-01

to provide notification to the potential buyers of the overlay and potential noise, fumes, vibration, etc. Copies of the notification is sent to DOA-Planning Section

- Deleted language for landscape requirements in the Overlay as it conflicted with Article 7.
- Removed language for noise and abatement as it was modified in 2019 during the modifications to Article 16- Airport Regs.

Exhibit D Art. 3, Zero Lot Line Residential Uses

- Modifications to Article 3 to codify Policy and Procedure memorandum we had for ZLL homes. We consolidated sections of the code, added new graphics and clarified regulations based on input from industry. The proposed changes have support from Gold Coast Builders Association.

Exhibit E Art. 3 and 4, Plan Requirements for Planned Development Districts

- Added language that requires and Administrative approval of a final site plan and subdivision plan for uses within Planned Development Districts. This language was suppose to be relocated in a previous amendment, however was inadvertently deleted.

Exhibit F Art. 4, Commercial Recreation Zoning District with Rural Residential Future Land Use Designation

- In 2019, The code was modified to remove language related to the CR Zoning District and the RR FLUs as being vested for those that have that combination. Staff found that there were no more properties in the County with CR and and RR FLU and thus removed from the code. This is an additional clean up to removed language for uses that would have been allowed with that combination.

Exhibit G Art. 4, Mobile Retail Sales

- Clarifying the requirements for Mobile Retail sales, includes food, and an exception for setback when the use adjacent to an 80 R/W, and we added clarification on setbacks for temporary parking when adjacent to residential.

Exhibit H Art. 5, Workforce Housing Program Low-Income Category Rental Requests

- Some projects with Workforce Housing Program (WHP) rental units are reporting that the market conditions in their areas do not support charging rents in even the lowest rent category permissible in the WHP. This change will permit those Property Owners to request approval to rent to households with incomes that fall below the Low-Income category, at rents below the minimum in the Low-Income category.

Exhibit I Art. 1, 3, 4, and 6, Parking Reference Glitch Corrections

- Minor changes to fix references that were modified under 2019-02 in January.

ATTACHMENT 4
AMENDMENT ROUND 2020-02



UNIFIED LAND DEVELOPMENT CODE (ULDC)
AMENDMENT ROUND 2020-02
SUMMARY OF PROPOSED AMENDMENTS – SHORT FORM
(UPDATED 12/10/2020)

BCC PUBLIC HEARINGS

NOVEMBER 23, 2020 REQUEST FOR PERMISSION TO ADVERTISE- POSTPONED
DECEMBER 22, 2020 – REQUEST FOR PERMISSION TO ADVERTISE
JANUARY 28, 2020 – FIRST READING
FEBRUARY 25, 2020 – ADOPTION

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MEETINGS

AUGUST 26, 2020
SEPTEMBER 23, 2020
OCTOBER 28, 2020 (ALSO INCLUDES LDRC)
DECEMBER 16, 2020 (ALSO INCLUDES LDRC)

(13 12 EXHIBITS)

Exhibit A Article 2, Waiver Summary Tables

- Proposed are amendments to Article 2. B and 2.C, related to the processes and procedures for Waivers. The proposed amendment updates the Summary Tables for the Type 2 Waiver and the Administrative Type 1 Waiver to clarify which sections of the Code allow for waivers and include existing allowed waivers that were missing from these tables.

Exhibit B Articles 1 and 2, Release of Unity of Title

- Proposed amendment is to codify a Policy and Procedures memorandum Zoning Division had for application requirements and procedures for the Release of a Unity of Title. The original Unity of Title may have listed different authorities, i.e. Zoning Director, Zoning Commission or Board of County Commissioners, to release the unity.

Exhibit C Article 2, Monitoring Development Phases

- The proposed amendment is to modify and add language related to the phasing of development

Exhibit D Article 2 Removal of the Building Division from the DRO Agency Review

- The proposed amendment removes the Building Division from the review of applications processed by the Zoning Division. After discussion with the Directors it was determined that the building division has a more comprehensive review at time of permitting. They have processes in place that allow pre-review of permits in order for applicants to discuss project to ensure compliance.

Exhibit E Articles 1, 2, 3, and 4 Property Development and Density Bonus Regulations and Review procedures for the WCRAO

- Clarify the procedures for Applicants who development in the Westgate Overlay to provide Westgate/Belvedere Homes Redevelopment Agency's recommendation on a proposed application that will be submitted to Zoning and Building Divisions.
- Modify the Use Regulations Chart to add uses, and describe where the uses are allowed and prohibited within the subareas of the Overlay.
- Modify the Non-residential and mixed use Property Development Regulations table, to include more flexibility in the regulations, and in some cases make less restrictive that the standards zoning district in order to provide incentives for redevelopment, reduce needs for variances and address the existing construction and lot dimensions.
- Remove requirements for Sky Exposure Planes, setbacks and heights, in order to default to the height standards and setbacks of the specific sub area.
- Modify the requirements for the Westgate Density Bonus Programs to be consistent with Article 5.G, Workforce Housing Program, recently modified that includes design compliance and enforcement procedures. These modifications allowed for it to be monitored consistent with the WHP. Clarify that the pool may be allowed for both rental or for-sale projects.

ATTACHMENT 4

AMENDMENT ROUND 2020-02

- Revise the Westgate recommendation for density bonus procedures and provide standards an applicant must comply with to get the bonus.
- Correct the reference that the waivers for landscaping related density bonus are an administrative waiver, rather than a waiver approved by the BCC.

Exhibit F Articles 2, 3 and 5, Unity of Control

- Delete the requirements for Unified Control located under Article 3 for a Planned Development and relocate the requirements under Article 5, Chapter F, Legal Documents. Relocation consolidates the Unity of Control Requirements in one locations. It also provides clarification on the application documents that are required, the information that must be provided, and the forms that must be provided.

Exhibit G Articles 3 and 4, Multiple Use Planned Development Freestanding Buildings

- The proposed amendment deletes a performance standard for Multiple Use Planned Developments that had restrictions on the number of Freestanding Buildings that were allowed. The language was introduced in 1992 with the intention of ensuring visibility of the developments primary inline stores. The language was revised in 2003 to provide more criteria on what is a freestanding structure. The language has been ineffective in achieving the goals and has an impact on the design and circulation of these shopping centers, therefore it is proposed to be stricken from the Code.

Exhibit H Articles 4, Planning Determination for Infill Density Exemption

- The proposed modifications removes the requirement for a written letter of determination of density from the Planning Director. The determination impacted the density potential of smaller parcels and was changed in 2015. The amount of density for the RM/MR-5 would be determined by the Future Land Use and any applicable Density Bonus allowances implemented by the Plan and described in Article 5 Density Bonus Programs.

Exhibit I Articles 5, WCRA Workforce Housing Program Exemption

- Modify Article 5.G to clarify that residential development over 10 units in the WCRAO is not subject to the WHP, if density pool units are used in accordance with the Overlay requirements.

Exhibit J ~~Articles 1, 2, 7 and 14 Vegetation Preservation and Protection~~

- ~~Modify definitions to add a definition for naturalized vegetation.~~
- ~~Add acronym for the Protection of Native Vegetation application (PNV).~~
- ~~Modify Article 2.A to include the required Pre-application Appointment to discuss status of existing vegetation for a proposed Development Order.~~
- ~~Modify Article 7 to clarify the Pre-application Appointment procedures for the preservation of native vegetation.~~
- ~~Clarify the procedures for the Protection of Native Vegetation Approval, pursuant to Article 14, for both Residential Non-residential development, or other types of site improvements.~~
- ~~Add language related to the application and procedures for requests to remove Specimen Trees.~~
- ~~Add Performance Guarantees for Tree mitigation and restoration.~~
- ~~Add Native Vegetation Mitigation Table which describes the quantity of material to replace an existing tree, based on the size of the existing canopy tree or pine.~~
- ~~Clarify the enforcement procedures.~~

Exhibit K Articles 3 and 5, Recreation Areas and Amenities

- Add a cross reference from the PUD Table to Article 5 for Recreation Amenities to clarify the setbacks.
- Modify the setbacks for Recreation Amenities based on the lot size and the proximity to property lines that are adjacent to Residential or non-residential uses.

Exhibit L Article 4 Commercial Communication Tower Collocation Procedures

- Modify the Commercial Communication Tower procedures for Collocation.
- Clarify that the Applicant is responsible to send notice to potential users, and provide the results of that communication at time of application for a Tower.

Exhibit M Articles 1 and 4, Minimum Frontage, Access and Roads

- Proposed Amendment is Phase 1, to clarify the requirements for frontage, access, and location criteria for specific uses. Modifications were based on an analysis of each use, its history, allowance of the use in the zoning or FLU designations, and impacts on surrounding residential development.

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ATTACHMENT 4

AMENDMENT ROUND 2020-02

- Modify the definitions for streets to remove language that is specific for Article 11, as streets apply to other sections of the ULDC.
- Modify 4 Commercial Uses: Green Market, Type 2 Kennel, Commercial Parking Lot and Vehicles Sales and Rental, Light, to remove or clarify the requirements or restrictions on access.
- Modify 2 Recreation uses- Arena, Stadium or Amphitheater and outdoor Entertainment to requiring access on a Major street, or prohibition on a residential type street.
- Modify 3 Institutional uses- Animal Shelter, Cemetery, College or University, to include language that prohibits access onto residential type streets and for cemetery and college to include location criteria for adjacency of a property line on Commercial or higher type roadway.
- Modify 4 Industrial uses- Equestrian Waste, Recycling Center, Recycling Plant, and Truck Stop to include location criteria for the adjacency of the use on Arterial or Collector streets and to prohibit access onto residential type roadways.

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

(Updated November 17, 2020)

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

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ATTACHMENT 6

2021 MEETING SCHEDULE

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

2021 MEETING DATES

(Updated 08/17/2020)

DATE	DAY
January 27, 2021	Wednesday (4 th)
February 24, 2021	Wednesday (4 th)
March 24, 2021	Wednesday (4 th)
April 28, 2021	Wednesday (4 th)
May 26, 2021	Wednesday (4 th)
June 23, 2021*	Wednesday (4 th)
July 28, 2021	Wednesday (4 th)
August 25, 2021	Wednesday (4 th)
September 22, 2021	Wednesday (4 th)
October 27, 2021	Wednesday (4 th)
November 18, 2021*	Thursday (3 rd)
December 15, 2021*	Thursday (3 rd)
January 26, 2022	Wednesday (4 th)
Notes:	
* <i>Back-up dates to be used if necessary.</i>	

Meeting location and start times are typically as follows:

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

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

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ATTACHMENT 7 SUNSHINE LAW PRIMER

Florida's Government in the Sunshine Law

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

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

Improper Communications

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

ATTACHMENT 7

SUNSHINE LAW PRIMER

Quorum for Meetings & Voting

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

Penalties for violating the Sunshine Law

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