



## **PALM BEACH COUNTY**

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

**AUGUST 25, 2021**

#### **BOARD MEMBERS**

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

**Charles Millar (District 1)**

**Ned Kerr (District 2)**

**Ari Tokar (District 3)**

**Jim Knight (District 4)**

**Ben Morris (District 6)**

**Robert J. Harvey (District 7)**

**Donald R. Barnes (Gold Coast Builders  
Association)**

**Anna Yeskey (Palm Beach League of Cities)**

**Terrence Bailey (Florida Engineering Society)**

**Lucille Hinnars (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**



**"An Equal Opportunity – Affirmative Action Employer"**  
2300 North Jog Road, West Palm Beach, Florida 33411-2711 (561) 233-5200

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## LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

### LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

WEDNESDAY, AUGUST 25, 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 – May 26, 2021 (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. ROUND 2021-02 INITIATION

1. Attachment 1 – Initiation of 2021-02 Round of Code Amendments

**PAGES**

1 – 3

#### C. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

1. Exhibit B Art. 2, 7, 10, and 14, SFWMD Irrigation Guidelines 4 – 8
2. Exhibit C Art. 3, Planned Unit Development Standards and Measurement 9 – 10
3. Exhibit D Art. 3, Lake Worth Drainage District Canals as Preserve Areas 11 – 12
4. Exhibit E Art. 4, Generators for Commercial Communication Towers 13 – 13

#### D. CONVENE AS LDRC

1. Proof of Publication
2. Consistency Determination for Exhibits B and D 14 – 14

#### E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

#### F. STAFF COMMENTS

1. Introductions – Lisa Amara as Incoming Zoning Director and Phil Myers as New Zoning Technician
2. LDRAB Subcommittees
  - Attachment 2 – Art. 7, Landscaping Subcommittee 15 – 15

#### G. BOARD MEMBER COMMENTS

#### H. ADJOURNMENT

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**EXHIBIT A**

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

(Updated 06/09/21)

**Minutes of May 26, 2021 LDRAB/LDRC Meeting**

On Wednesday, May 26, 2021, 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**

Vice-Chair Dr. Lori Vinikoor, called the meeting to order at 2:00 p.m. Mr. Alexander Biray, Code Revision Site Planner I, called the roll.

**Members Present: 15**

Charles Millar (District 1, Commissioner Marino)  
Ned Kerr (District 2, Commissioner Weiss)  
Ari Tokar (District 3, Commissioner Kerner)  
Jim Knight (District 4, Commissioner Weinroth)  
Dr. Lori Vinikoor (District 5, Commissioner Sachs)  
Ben Morris (District 6, Commissioner McKinlay)\*  
  
Robert J. Harvey (District 7, Commissioner Bernard)\*  
Donald R. Barnes (Gold Coast Builders Association)  
Anna Yeskey (League of Cities)  
Lucille Hinners (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)  
Abraham Wien (Alternate At-Large #2)\*

**Members Absent: 3**

Terrence Bailey (Florida Engineering Society)  
Wesley Blackman (PBC Planning Congress)  
Tommy B. Strowd (Alternate At-Large #1)

**County Staff Present: 25**

Whitney Carroll, Deputy Planning, Zoning and Building Executive Director\*  
Jon MacGillis, Zoning Director\*  
  
Wendy N. Hernández, Deputy Zoning Director  
Jeff Gagnon, Principal Site Planner, Zoning  
Barbara Pinkston, Principal Site Planner, Zoning\*  
Adam Mendenhall, Senior Site Planner, Zoning  
Imene Haddad, Senior Site Planner, Zoning\*  
  
Timothy Haynes, Senior Site Planner, Zoning\*  
Joyce Lawrence, Senior Site Planner, Zoning\*  
  
Carlos Torres, Senior Site Planner, Zoning\*  
Ryan Vandenburg, Interim Principal Site Planner, Zoning\*  
  
Jerome Ottey, Site Planner II, Zoning  
Alexander Biray, Site Planner I, Zoning  
Shivanni Singh, Zoning Technician, Zoning\*\*  
Denise Pennell, Senior Planner, Westgate Community Redevelopment Agency\*\*  
Scott A. Stone, Assistant County Attorney I  
Bryan Davis, Principal Planner, Planning  
Carolina Valera, Senior Planner, Planning\*  
Nora G. Acord, Planning Technician, Planning\*  
Bonnie Finneran, ERM (Environmental) Director\*\*  
Roberta Dusky, Environmental Program Supervisor, ERM\*\*  
Robert Kraus, Senior Site Planner, ERM\*\*  
Mark Meyer, Site Planner II, ERM\*  
Jake Leech, Environmental Analyst, OOR\*  
Lorinda J. Goldsmith, Senior Network Administrator\*

**Vacancies: 0**

\* Present via Webex Events.

\*\* County Staff in audience.

**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 Mr. Morris, Mr. Harvey, and Mr. Wien, by Mr. Gulisano, seconded by Mr. Knight. The Motion passed unanimously (12-0).

**3. Introductions – Charles Millar as New Board Member**

Mr. Millar introduced himself, his background, and who he represents.

**4. Additions, Substitutions, and Deletions**

Mr. Gagnon noted an Add/Delete sent to the Board in advance, with minor changes to Exhibit C, Art. 1-5, Non-Residential; removal of Exhibit B, Art. 2, 7, 10, and 14, South Florida Water Management District Irrigation Guidelines and Exhibit D, Art. 7, Landscape Buffer/Walls; and, a revised Consistency Determination for Exhibits C and E-I.

**5. Motion to Adopt Agenda**

Motion to adopt the Agenda as amended, by Mr. Knight, seconded by Mr. Gulisano. The Motion passed unanimously (15-0).

## EXHIBIT A

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

(Updated 06/09/21)

#### Minutes of May 26, 2021 LDRAB/LDRC Meeting

**6. Adoption of Minutes – April 28, 2021 (Exhibit A)**

Motion to adopt the Minutes, by Mr. Knight, seconded by Mr. Barnes. The Motion passed unanimously (15-0).

**7. Public Comments**

None.

**B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS**

**2. Exhibit C – Art. 1-5, Non-Residential**

Mr. Gagnon explained the amendment codifies Planning Ordinance No. 2020-011 and provides additional revisions and corrections. Mr. Mendenhall further explained the amendment removes and merges the Mixed Use Planned Development (MXPB) district with the Multiple Use Planned Development (MUPD) district where applicable, updates non-residential zoning district consistency with Future Land Use (FLU) designations, clarifies verbiage and use approval processes, and allows some light industrial uses in commercial zoning districts and FLU designations subject to Class A Conditional Use approval.

**a. Discussion**

Mr. Mendenhall and other Staff answered questions from the Board regarding existing MXPBs, requirements as they relate to MUPDs, allowed housing types, redevelopment of old shopping centers for housing components, and Workforce Housing Program requirements.

Motion to approve as amended, by Mr. Gulisano, seconded by Mr. Drawdy. The Motion passed unanimously (15-0).

**C. CONVENE AS LDRC**

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 2:37 p.m.

**1. Proof of Publication**

Mr. Stone noted a Motion to accept the Proof of Publication was not needed.

**2. Consistency Determination for Exhibits C and E-I**

Mr. Davis stated the proposed amendments Exhibits C and E-I are consistent with the Comprehensive Plan as amended and recommended by the Board.

Motion to accept the Planning Division's determination by Mr. Barnes, seconded by Mr. Gulisano. The Motion passed unanimously (15-0). Mr. Gagnon noted that there were no significant changes to the previously reviewed amendments. Motion to approve as consistent, by Ms. Kennedy, seconded by Mr. Barnes. The Motion passed unanimously (15-0).

**D. ADJOURN AS LDRC AND RECONVENE AS LDRAB**

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 2:39 p.m.

**E. STAFF COMMENTS**

Mr. Gagnon noted it is Mr. Mendenhall's last meeting with the County, as he has accepted employment elsewhere. He also noted Staff does not anticipate a June meeting. He thanked the Board for their participation for the 2021-01 Round of Amendments.

**F. BOARD MEMBER COMMENTS**

None.

**G. ADJOURNMENT**

Motion to adjourn, by Mr. Gulisano, seconded by Mr. Drawdy. The Motion passed unanimously (15-0). The Land Development Regulation Advisory Board meeting adjourned at 2:41 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.

**ATTACHMENT 1**  
**INITIATION OF THE 2021-02 ROUND OF CODE AMENDMENTS**



**MEMORANDUM**

**TO:** Honorable Mayor, Dave Kerner, and  
Members of the Board of County Commissioners

**FROM:** Jon P. MacGillis, ASLA, Zoning Director *JPM*

**DATE:** August 5, 2021

**RE: Initiation of Unified Land Development Code (ULDC)  
Amendment Round 2021-02**

**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](http://www.pbcgov.com/pzb)



**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor  
Robert S. Weinroth, Vice Mayor

Maria G. Marino  
Gregg K. Weiss  
Maria Sachs  
Melissa McKinlay  
Mack Bernard

**County Administrator**

Verdenia C. Baker

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Official Electronic Letterhead

This memo serves to request feedback from the Board of County Commissioners (BCC) on scheduling ULDC amendments that have been prioritized for inclusion in Round 2021-02.

This item will be presented at the August 26, 2021 BCC Zoning Hearing for discussion under ULDC Amendments. In addition, Staff has scheduled briefings with each Commissioner in advance of the Hearing to discuss the proposed amendments.

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

JM/jg

Attachment 1 - Initiation of ULDC Amendment Round 2021-02

C: Hard Copy: 2021-02 Amendment Round File

Email Copy: Patrick W. Rutter, Assistant County Administrator  
Ramsay J. Bulkeley, PZB Executive Director  
Whitney Carroll, PZB Executive Deputy Director  
Robert Banks, Chief Land Use County Attorney  
Scott A. Stone, Assistant County Attorney  
Patricia Behn, Planning Director  
Lisa Amara, Principal Planner  
Wendy N. Hernández, Deputy Director, Zoning  
Jeff Gagnon, Principal Site Planner  
Zoning Division Staff  
Wes Blackman, Chair and Members of the LDRAB

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C Round 2021-02 Round Initiation Memo Final 08.05.2021

**ATTACHMENT 1  
INITIATION – ULDC AMENDMENT ROUND 2021-02**  
(Updated 08/05/2021)

<b>SUMMARY OF KEY MEETINGS AND PUBLIC HEARINGS</b>	
Land Development Regulation Advisory Board (LDRAB) and Land Development Regulation Commission (LDRC) Meetings:	<b>BCC Zoning Hearings:</b>
<ul style="list-style-type: none"> <li>• June 23, 2021 (<i>cancelled</i>)</li> <li>• July 28, 2021 (<i>cancelled</i>)</li> <li>• August 25, 2021</li> <li>• September 22, 2021</li> <li>• October 27, 2021</li> </ul>	<ul style="list-style-type: none"> <li>• November 22, 2021: Request for Permission to Advertise</li> <li>• December 16, 2021: 1<sup>st</sup> Reading</li> <li>• January 27, 2022: 2<sup>nd</sup> Reading, Final Adoption</li> </ul>

<b>AMENDMENT / TASK</b>	<b>LEAD AGENCY</b>	<b>SUMMARY OF TASK REQUIREMENTS</b>
<b>ARTICLE 3, OVERLAYS AND ZONING DISTRICTS</b>		
<b>3.D Property Development Regulations</b>	<b>Planning and Zoning</b>	<ul style="list-style-type: none"> <li>• Amendments associated with provisions applying to the Agricultural Residential (AR) Zoning District, including revised property development regulations associated with conforming lot size and dimensions.</li> <li>• Codification of Planning Ordinance 2018-031; providing consistency between Residential FLU and AR Zoning.</li> </ul>
<b>3.E.2 Planned Unit Development</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>• Clarifying that Exemplary standards must be satisfied in order to Rezone to the PUD Zoning District or to approve a Development Order Amendment (DOA) to a previously approved PUD.</li> <li>• Removing outdated Zoning Division Technical Manual reference from the ULDC.</li> <li>• Separating existing performance standards into two subsections for additional clarity; required standards and supplemental standards.</li> <li>• Codifying Measurement of Distance requirements associated with required minimum proximity to other uses; Neighborhood Park, Recreation Pod, or similar.</li> </ul>
<b>3.B.2.B Airport Use Regulations Table</b>	<b>Airports</b>	<ul style="list-style-type: none"> <li>• Designate "Entertainment, Outdoor" uses as a Non-Airport Related Use subject to Administrative DRO Approval.</li> <li>• Revising use names and types to provide consistency with existing use definitions.</li> </ul>
<b>3.E.2.F.3 AGR-PUD Preserve Area Amendment (LWDD)</b>	<b>Planning</b>	<ul style="list-style-type: none"> <li>• AGR-PUD amendment to provide consistency with the Plan for specific Lake Worth Drainage District Canals.</li> </ul>
<b>ARTICLE 4, USE REGULATIONS</b>		
<b>4.B.9.B.9 Generators, Commercial Communication Towers</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>• Remove fuel type provisions associated with generators for Commercial Communication Towers within Art. 4 and utilize existing provisions in Art. 5.B.1.A.19 for Permanent Generators.</li> </ul>
<b>4.B Non-Residential FLU and Zoning Amendments (Phase 2)</b>	<b>Planning</b>	<ul style="list-style-type: none"> <li>• Running concurrently with a proposed Comprehensive Plan Text Amendment that will revise policies and regulations related to Non-Residential Future Land Use Designations; potential revisions target, commercial, commercial recreational, and industrial use classifications.</li> </ul>
<b>4.B.10.B Excavation Types</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>• Correct reference to application procedures and requirements for Type 1A and 1B Excavation (for a Single Family Dwelling), and correct reference to Art. 4.B.10.B.5.a, "Content of Application".</li> </ul>
<b>4.B.1.E.10 Accessory Residential Use Standards, Home Occupation</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>• Incorporating amendments to ensure consistency with House Bill 403, which pre-empted local authority to regulate certain aspects of Home-Based Businesses (Reference: Laws of FL Ch. 2021-202; F.S. 559.955).</li> </ul>

**INITIATION OF THE 2021-02 ROUND OF CODE AMENDMENTS**

**ATTACHMENT 1  
INITIATION – ULDC AMENDMENT ROUND 2021-02**  
(Updated 08/05/2021)

<b>AMENDMENT / TASK</b>		<b>LEAD AGENCY</b>		<b>SUMMARY OF TASK REQUIREMENTS</b>	
<b>ARTICLE 5, SUPPLEMENTARY STANDARDS</b>					
5.B.1.A	Accessory Uses and Structures	Zoning		<ul style="list-style-type: none"> <li>Correct setback issue associated with Conforming and Non-Conforming Lots with AR Zoning Designation following Codification of Planning Ordinance 2018-031.</li> </ul>	
5.B.1.A.5	Accessory Uses and Structures, Docks	Zoning		<ul style="list-style-type: none"> <li>Expand on existing definition of Private Dock and incorporate provisions into Art. 5 to assist with enforcement issues associated with the rental of residential docks and use of residential docks for commercial activities.</li> </ul>	
5.G.3	Transfer of Development Rights	Planning		<ul style="list-style-type: none"> <li>Running concurrently with a proposed Comprehensive Plan Text Amendment that will revise the Transfer of Development Rights (TDRs) Special Density Program.</li> </ul>	
<b>ARTICLE 6, PARKING, LOADING AND CIRCULATION</b>					
6.B.3.A	Dimensions and Layout	Zoning		<ul style="list-style-type: none"> <li>Adding definitions in Art.1 for Drive-Through, Order Station and Drive-Through, Point of Service. Updating existing figures to demonstrate required Drive-Through layout. Reformatting and clarifying Development Standards for Drive-Through Facilities. Addressing Minimum Queuing and By-Pass Land Requirements in Table format.</li> </ul>	
<b>ARTICLE 7, LANDSCAPING</b>					
7.F.5	Irrigation	Administration and Zoning		<ul style="list-style-type: none"> <li>Incorporating amendments to Art. 7, to ensure compliance with best management practices and standards provided by SFVMD's Irrigation Code.</li> </ul>	
7.B.5	Vegetation Removal and Replacement	Zoning		<ul style="list-style-type: none"> <li>Clarify and establish street tree approval, removal, and replacement processes and procedures.</li> </ul>	
<b>PRIVATELY INITIATED AMENDMENT (PIA) (MAY BE PROCESSED OUT OF DEFINED ROUND)</b>					
PIA-2020-01201	Boca Lago, Hotel Use [Phase 2]	Planning and Zoning		<ul style="list-style-type: none"> <li>Modifications to Article 4 proposing to provide for a hotel use within a PUD Commercial Pod, and requiring a Class A Conditional Use Approval by the BCC.</li> </ul>	
PIA-2020-02168	Dog Friendly Dining [Phase 2]	Zoning		<ul style="list-style-type: none"> <li>Modifications to Article 4 related to F.S. 509.233, local exemption for dogs in designated outdoor dining areas of restaurants.</li> </ul>	
<b>OTHER</b>					
2021 Comprehensive Plan Text Amendments		Planning and Zoning		Future Comprehensive Plan amendments may require ULDC amendments to ensure consistency.	
2021 Legislative Changes that may affect the ULDC		Zoning		Monitor amendments presented by Senate and House that impact ULDC.	

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## EXHIBIT B

### ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 7 – LANDSCAPING ARTICLE 10 – ENFORCEMENT ARTICLE 14 – ENVIRONMENTAL STANDARDS SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES CR-2020-0015 (Updated 08/05/21)

Part 1. ULDC Art. 2.G.3.F.2, Application Processes and Procedures, Decision Making Bodies, Appointed Bodies, Groundwater and Natural Resources Protection Board, Powers and Duties (page 83, Supplement 29), is hereby amended as follows:

<p><b>Reason for amendments:</b> [Zoning/County Administration/Environmental Resources Management]</p> <p>1. Ordinance No. 2006-004, Part 11 added references to Art. 17, Decision Making Bodies, before being relocated to Art. 2.G.3.F, Groundwater and Natural Resources Protection Board, by Ordinance No. 2011-016, the following non-Unified Land Development Code (ULDC) Ordinances as codified in the Code of Laws and Ordinances Relating to Palm Beach County Government (PBC Code): “Palm Beach County Petroleum Storage Systems Ordinance” (Ordinance No. 2003-020); “Palm Beach County Petroleum Contamination Cleanup Criteria Ordinance” (Ordinance No. 2003-021); “Palm Beach County Stormwater Pollution and Prevention Ordinance” (Ordinance No. 2004-050); and, “Palm Beach County Water and Irrigation Conservation ordinance” (Ordinance No. 93-3). Ordinance No. 2010-022, Part 2 added reference to the “Palm Beach County Natural Areas Ordinance” (Ordinance No. 94-13). Ordinance No. 2017-007 changed the reference to Art. 4.D, Excavation Standards to Art. 4.B.10, Excavation Uses per the Use Regulations Project (URP). Ordinance No. 2006-004, Part 7 also added the Ordinance references in Article 17 to Art. 10, Enforcement, but inadvertently was never codified, and doesn’t include the addition in Article 17 by Ordinance No. 2010-022.</p> <p>To correct the error of Ordinance No. 2006-004 never being fully codified and Ordinance No. 2010-022 also applicable to Article 10, and as part of a concurrent update repealing and replacing the “Palm Beach County Water and Irrigation Conservation ordinance” (Ordinance No. 93-3) and Ordinance No. 85-11 per the South Florida Water Management District’s (SFWMD) “Model Ordinance and Model Code Language for the District’s Mandatory Year-Round Landscape Irrigation Conservation Measures,” this amendment proposes to update the Ordinance references to the “Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance” and “Palm Beach County Water Shortage Ordinance,” Ordinance Nos. 2003-020 and 2003-021 which are superseded by Ordinance Nos. 2015-008 and 2009-018 respectively, and refer to Art. 10.C, Groundwater and Natural Resources Protection Resources Board.</p>
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1 **CHAPTER G DECISION MAKING BODIES**

2 ....

3 **Section 3 Appointed Bodies**

4 ....

5 **F. Groundwater and Natural Resources Protection Board**

6 **1. Establishment**

7 There is hereby established a Groundwater and Natural Resource Protection Board (GNRPB).

8 **2. Powers and Duties**

9 The GNRPB shall have the following powers and duties:

- 10 a. to hold hearings ~~as necessary to enforce Art. 14, Environmental Standards~~ pursuant to Art.  
11 10.C, Groundwater and Natural Resources Protection Board (GNRPB). ERM may refer to  
12 the GNRPB alleged violations of Art. 14, Environmental Standards, and applicable Art.  
13 4.B.10, Excavation Uses, ~~Ord. No. 2003-020, Petroleum Storage Systems, Ord. No. 2003-~~  
14 ~~021, Petroleum Contamination Cleanup Criteria, Ord. No. 2004-050, Stormwater Pollution~~  
15 ~~Prevention, Ord. No. 94-13, Natural Areas, and Ord. No. 93-3, Water and Irrigation~~  
16 ~~Conservation as amended to the GNRPB~~ as well as the “Palm Beach County Natural Areas  
17 Ordinance” (Ordinance No. 94-13), “Palm Beach County Stormwater Pollution Prevention  
18 Ordinance” (Ordinance No. 2004-050), “Palm Beach County Petroleum Contamination  
19 Cleanup Criteria Ordinance” (Ordinance No. 2009-018), “Palm Beach County Pollutant  
20 Storage Tank System Compliance Ordinance” (Ordinance No. 2015-008), “Palm Beach  
21 County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance”  
22 (Ordinance No. 202 - ), and “Palm Beach County Water Shortage Ordinance” (Ordinance  
23 No. 202 - ), as amended or replaced, if there has been a failure to correct a violation within  
24 the time specified by the Code Inspector, if ~~thea~~ violation has been repeated, or is of such  
25 a nature that it cannot be corrected; **[Ord. 2006-004] [Ord. 2010-022] [Ord. 2017-007]**  
26 b. to adopt rules of procedure for the conduct of hearings;

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\08-Aug 25 2021\5- LDRAB-LDRC Packet\Exh. B - CR-2020-0015 Art. 2, 7, 10, and 14, SFWMD Irrigation Guidelines.docx

**Notes:**

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to: ]**.

*Italicized* indicates text to be relocated. Source is noted in bolded brackets **[Relocated from: ]**.

.... A series of four bolded ellipses indicates language omitted to save space.

## EXHIBIT B

### ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 7 – LANDSCAPING ARTICLE 10 – ENFORCEMENT ARTICLE 14 – ENVIRONMENTAL STANDARDS SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES CR-2020-0015 (Updated 08/05/21)

- 1 c. to issue subpoenas compelling the presence of persons at Board hearings. Subpoenas  
2 may be served by the PBC Sheriff's Department, or other authorized persons consistent  
3 with Florida Law;  
4 d. to issue subpoenas compelling the provision of evidence at GNRPB hearings;  
5 e. to take testimony under oath;  
6 f. to issue orders having the force of law commanding whatever steps are necessary to  
7 achieve compliance with the violation of Art. 14, Environmental Standards;  
8 g. to lien property; and,  
9 h. to assess administrative fines and costs pursuant to Art. 14, Environmental Standards.  
10 ....

Part 2. ULDC Art. 2.G.3.G.2, Application Processes and Procedures, Decision Making Bodies, Appointed Bodies, Hearing Officers, Duties (page 84, Supplement 29), is hereby amended as follows:

<b>Reason for amendments:</b> [Zoning/County Administration/Environmental Resources Management]
1. Clarify that Hearing Officers cannot administer oaths unless they are notaries.

#### 11 CHAPTER G DECISION MAKING BODIES

12 ....

#### 13 Section 3 Appointed Bodies

14 ....

##### 15 G. Hearing Officers

##### 16 1. Creation and Appointment

17 The County Administrator may, from a pool selected by the BCC, appoint one or more hearing  
18 officers to hear and consider such matters as may be required under any provision of this Code  
19 or under any provision of any other Palm Beach County Ordinance as may be determined to  
20 be appropriate by the BCC from time to time. Such hearing officers shall be selected pursuant  
21 to the procedures and minimum qualifications provided for in Art. 2.G.3.B, Code Enforcement  
22 Special Master, and shall serve at the pleasure of the BCC for such period as is determined by  
23 the Board. Code Enforcement Special Masters may serve ex officio as Hearing Officers as set  
24 forth in this Section. [Ord. 2010-022] [Ord. 2015-006]

##### 25 2. Duties

26 A hearing officer shall have the following duties:

- 27 a. to conduct hearings and issue administrative orders on such matters as may be requested  
28 by the BCC;  
29 b. to issue subpoenas to compel the attendance of witnesses and production of documents,  
30 and to administer oaths to witnesses appearing at the hearing as provided by law; and,  
31 c. to perform such other tasks and duties as the BCC may assign.  
32 ....

Part 3. ULDC Art. 7.F.5, Landscaping, Installation and Maintenance, Irrigation (page 51, Supplement 28), is hereby amended as follows:

<b>Reason for amendments:</b> [Zoning/County Administration/Environmental Resources Management]
1. Reorder Section paragraph sentences to flow better into listing Zoning irrigation standards.
2. Add the Property Owner may be responsible for installing the irrigation system as the owner-builder, and may be responsible for maintaining it after it is installed whether by themselves or a professional.
3. Add reference to the proposed "Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance" and "Palm Beach County Water Shortage Ordinance."

#### 33 CHAPTER F INSTALLATION AND MAINTENANCE

34 ....

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EXHIBIT B

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES

ARTICLE 7 – LANDSCAPING

ARTICLE 10 – ENFORCEMENT

ARTICLE 14 – ENVIRONMENTAL STANDARDS

SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES

CR-2020-0015  
(Updated 08/05/21)

1 Section 5 Irrigation

2 ~~The licensed professional or irrigation contractor responsible for the installation of irrigation shall~~  
3 ~~demonstrate compliance with the irrigation standards.~~ Landscaped areas shall be irrigated to maintain  
4 required plant materials in good and healthy condition. ~~The licensed professional, irrigation contractor, or~~  
5 ~~Property Owner responsible for the installation and maintenance of irrigation systems shall comply with the~~  
6 ~~“Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance”~~  
7 ~~(Ordinance No. 202 - ), “Palm Beach County Water Shortage Ordinance” (Ordinance No. 202 - ), and-~~  
8 ~~irrigation systems shall comply with~~ the following standards:

- 9 A. All landscaped areas requiring irrigation shall be provided with an automated irrigation system that
- 10 provides 100 percent coverage. Areas requiring minimal irrigation to establish plants shall use drip
- 11 irrigation.
- 12 B. Irrigation systems shall be designed to apply water to shrub and tree areas on a less frequent
- 13 schedule than lawn areas. A rain-sensor switch shall be installed on systems with automatic
- 14 controllers.
- 15 C. Irrigation systems shall be designed as not to overspray water-impervious areas. All irrigation
- 16 systems shall be continuously maintained in working order.
- 17 D. Where feasible, irrigation systems shall not be installed or maintained on areas adjacent to a public
- 18 street which causes water from the system to spray onto the roadway or strike passing pedestrian
- 19 or vehicular traffic.
- 20 E. The use of irrigation quality or re-used water is encouraged for parks and recreation facilities:
- 21 1. Within the Irrigation Quality (IQ) effluent water service area of the PBCWUD; or
- 22 2. Where irrigation quality or re-used water is available and where such reuse is approved by the
- 23 regulatory agencies.
- 24 F. Permanent irrigation systems are not required for areas set aside on approved site development
- 25 plans for preservation of existing native vegetation.
- 26 G. Temporary irrigation systems installed pursuant to acceptable xeriscape practices may be used to
- 27 meet the standards of this Section, upon approval of the Zoning Division.

Part 4. ULDC Art. 10.B, Enforcement, Enforcement by Code Enforcement Special Masters (pages 3 and 5, Supplement 21), is hereby amended as follows:

<b>Reason for amendments:</b> [Zoning/County Administration/Environmental Resources Management]
1. Add that Code Enforcement Special Masters has the jurisdiction and authority to hold hearings for violations of the proposed irrigation Ordinances, and clarify a broader scope of cases Special Masters hear.

28 CHAPTER B ENFORCEMENT BY CODE ENFORCEMENT SPECIAL MASTERS

29 The Code Enforcement Special Master, (herein after also referred to as Special Masters) shall have the jurisdiction and authority to hear and decide alleged violations of the Codes and Ordinances enacted by PBC including, but not limited to the following codes: building, electrical, fire, gas, landscape, plumbing, sign, zoning, irrigation, and any other ~~similar type~~ codes which may be passed by PBC in the future ~~which regulate aesthetics, construction, safety, or location of any structure on real property in PBC~~that afford the Special Master jurisdiction and authority to hear and make decisions concerning the alleged violation(s). Further, any violation(s) of this Code may be prosecuted pursuant to the following standards and procedures.

30 ....

31 Section 2 Hearings

32 ....

33 G. Powers

- 34 Special Master shall have the power to:
- 35 1. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by a
- 36 Sheriff or other authorized persons consistent with Rule 1.410(d), Florida Rules of Civil
- 37 Procedure upon request by the Special Master.
- 38 2. Subpoena records, surveys, plats, and other documentary materials.
- 39 3. Take testimony under oath.

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**EXHIBIT B**

**ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
ARTICLE 7 – LANDSCAPING  
ARTICLE 10 – ENFORCEMENT  
ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES  
CR-2020-0015  
(Updated 08/05/21)**

- 1 4. Issue orders having the full force and effect of law to command whatever steps are necessary
- 2 to bring a violation into compliance.
- 3 5. Assess fines, Lien Property and assessment costs pursuant to Art. 10.B.3, Administrative
- 4 Fines, Costs, Liens; Costs; Liens of this Article, including costs relating to the prosecution of
- 5 cases before the Special Master in those cases where the governing body prevails.

**Part 5. ULDC Art. 10.C, Enforcement, Groundwater and Natural Resources Protection Resources Board (page 7, Supplement 21), is hereby amended as follows:**

<b>Reason for amendments:</b> [Zoning/County Administration/Environmental Resources Management]
1. Ordinance No. 2006-004, Part 7 added language consistent with Part 11 to Article 17, now Article 2, but was inadvertently never codified in this Article. Ordinance No. 2010-022, Part 2 also added reference to non-ULDC “Palm Beach County Natural Areas Ordinance” (Ordinance No. 94-13) to Article 17 regarding the Groundwater and Natural Resources Protection Board (GNRPB), and should have been reflected in this Article. This amendment proposes to fix these errors by adding and updating the Ordinance references consistent with Part 1.

**6 CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD**

7  
8 ERM may refer alleged violations of Art. 14, Environmental Standards; or Art. 4.B.10, Excavation Uses, of  
9 this Code; or the “Palm Beach County Natural Areas Ordinance” (Ordinance No. 94-13), “Palm Beach  
10 County Stormwater Pollution Prevention Ordinance” (Ordinance No. 2004-050), “Palm Beach County  
11 Petroleum Contamination Cleanup Criteria Ordinance” (Ordinance No. 2009-018), “Palm Beach County  
12 Pollutant Storage Tank System Compliance Ordinance” (Ordinance No. 2015-008), “Palm Beach County  
13 Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance” (Ordinance No. 202 - ),  
14 or “Palm Beach County Water Shortage Ordinance” (Ordinance No. 202 - ), as amended or replaced, to  
15 the Groundwater and Natural Resources Protection Board (GNRPB) for prosecution pursuant to the  
16 following standards and procedures in this Chapter. [Ord. 2006-004] [Ord. 2017-007]

17 ....

**Part 6. ULDC Art. 14.C.7.B.7, Environmental Standards, Vegetation Preservation and Protection, Application, Process, and General Standards, Approval of Development for Commercial Projects, Government Projects, Schools, New Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and Agricultural Operations Ten Acres in Size or Greater (pages 38 and 40, Supplement 26), is hereby amended as follows:**

<b>Reason for amendments:</b> [Zoning/County Administration/Environmental Resources Management]
1. Add reference to the proposed “Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance” and “Palm Beach County Water Shortage Ordinance” concerning landscape irrigation.

**18 CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

19 ....

**20 Section 7 Application, Process, and General Standards**

21 ....

**22 B. Approval of Development for Commercial Projects, Government Projects, Schools, New**  
**23 Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review, and**  
**24 Agricultural Operations Ten Acres in Size or Greater**

25 ....

**26 7. Mitigation or Restoration**

27 ....

- 28 c. All vegetation planted to meet mitigation requirements shall be installed using best industry
- 29 standards and provided with mulch, irrigation in accordance with the “Palm Beach County
- 30 Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance”
- 31 (Ordinance No. 202 - ) and “Palm Beach County Water Shortage Ordinance” (Ordinance

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## EXHIBIT B

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES  
ARTICLE 7 – LANDSCAPING  
ARTICLE 10 – ENFORCEMENT  
ARTICLE 14 – ENVIRONMENTAL STANDARDS  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT IRRIGATION GUIDELINES  
**CR-2020-0015**  
**(Updated 08/05/21)**

1                    No. 202 - ), and required maintenance to ensure survival. [Ord. 2009-040] [Ord. 2019-  
2                    034]

3                    ....

4    **Section 8        Exemptions**

5    The following activities do not require an approval under this Chapter: [Ord. 2008-040]

6                    ....

7                    **O. Minor Vegetation Relocation**

8                    Relocation of up to ten native palm trees, providing that the trees are relocated using best industry  
9                    standards and provided with mulch, irrigation in accordance with the "Palm Beach County  
10                    Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance" (Ordinance No.  
11                    202 - ) and "Palm Beach County Water Shortage Ordinance" (Ordinance No. 202 - ), and required  
12                    maintenance to ensure survival. The planting location must be depicted on a ~~s~~Site ~~p~~lan, survey,  
13                    or other document format acceptable to ERM. [Ord. 2012-027]

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EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
PLANNED UNIT DEVELOPMENT STANDARDS AND MEASUREMENT

CR-2021-0002
(Updated 08/16/21)

Part 1. ULDC Art. 3.E.2.A.4, Overlays and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), (pages 144 and 145, Supplement 29), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning]. Contains 5 numbered items detailing code corrections and amendments.

1 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

2 ....

3 Section 2 Planned Unit Development (PUD)

4 A. General

5 ....

6 4. Exemplary

7 A Rezoning to the PUD Zoning dDistrict or a Development Order Amendment (DOA) to a
8 previously approved PUD shall only be granted to a project exceedingconsistent with the
9 gGoals, policies and eObjectives, and Policies (GOPs) inof the Plan, and exceed the minimum
10 requirements of this Code; and the design objectives and performance standards in this Article
11 which include, but are not limited to, sustainability, trip reduction, cross access, buffering,
12 aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses,
13 mix of unit types, safety, and affordable housing. See the PBC Zoning Division Technical
14 Manual for examples. A DOA to a previously approved PUD shall be reviewed pursuant to Art.
15 1.E.1.B, Prior Approvals. [Ord. 2006-055]

16 B. Objectives and Standards

17 ....

18 2. Required Performance Standards

19 A PUD shall comply with the following standards: Standards; a-d are required and must be
20 met. Aa minimum of two-of-the-four standards listed in e-hi are required: [Ord. 2006-055]

21 a. Proximity to Other Uses

22 All Residential Pods with five or more units per acre shall be located within 1,320 feet of a
23 neighborhood park, Recreation Pod, Private Civic Pod, Commercial Pod, or a public
24 recreational facility. [Ord. 2006-055]

25 1) Measurement of Distance

26 For the purpose of this Section, distance shall be measured by drawing a straight line
27 between the property lines of a Residential Pod to the property line of the pod where
28 the commercial/personal services are located a neighborhood park, Recreation Pod,
29 Private Civic Pod, Commercial Pod, or public recreational facility. [Ord. 2004-040]

30 b. Focal Points

31 A focal point shall be provided at the terminus of 15 percent of the streets in the project.
32 The focal point may be in the form of a plaza, fountain, landscaping, or similar amenity
33 deemed acceptable to the DRO. The focal point shall not be located on a private residential
34 lot. [Ord. 2006-055]

35 c. Neighborhood Park

36 Neighborhood parks shall have a direct connection to the pedestrian system and include a
37 tot lot, gazebo, fitness station, rest station, or similar recreation amenity. Neighborhood
38 parks shall not be used towards the Parks and Recreation Department’s minimum

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## EXHIBIT C

### ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS PLANNED UNIT DEVELOPMENT STANDARDS AND MEASUREMENT

CR-2021-0002  
(Updated 08/16/21)

- 1 recreation requirements and shall not be located within areas designated for drainage,  
2 stormwater management or other utility purposes. [Ord. 2006-055]  
3  
4 **d. Decorative Street Lighting**  
5 Decorative street lights shall be provided along the development entrances. [Ord. 2008-  
6 037]  
7 **e. Decorative Paving**  
8 Decorative pavers shall be provided at the development entrances and incorporated into  
9 recreational areas. [Ord. 2006-055]  
10 **f. Fountains**  
11 A minimum of one fountain shall be located in the main or largest lake or water body. [Ord.  
12 2006-055]  
13 **g. Benches or Play Structures**  
14 Benches or play structures shall be provided in usable open space areas and along  
15 pedestrian pathways. [Ord. 2006-055]  
16 **h. Interspersed Housing**  
17 WFHP units shall be interspersed with market rate units within a pod. [Ord. 2006-055]  
18 **i. Pedestrian Circulation System**  
19 An interconnected pedestrian sidewalk, path, or trail system shall be provided linking pods  
20 to recreation amenities within the development. [Ord. 2008-037]  
....

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Planned Unit Development Standards and Measurement.docx

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EXHIBIT D

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
LAKE WORTH DRAINAGE DISTRICT CANALS AS PRESERVE AREAS

CR-2021-0010
(Updated 08/10/21)

Part 1. ULDC Art. 3.C.1.G.1.a.3), Overlays and Zoning Districts, Standard Districts, General, Public and Institutional Districts, IPF, Institutional and Public Facilities District, AGR Tier – Faith Farm Ministries, Split Zoning (page 120, Supplement 29), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning/Planning]
1. To revise the reference to split zoning to be consistent with the change in its location.

CHAPTER B STANDARD DISTRICTS

Section 1 General

G. Public and Institutional Districts

1. IPF, Institutional and Public Facilities District

The IPF district is to provide land in appropriate locations for a variety of regional and community uses that are either publicly or privately operated.

a. AGR Tier – Faith Farm Ministries

3) Split Zoning

Split zoning of a Legal Lot of Record wherein a portion of the property is zoned IPF, in part, and AGR-PUD Preserve Area, in part, is permitted in accordance with FLUE Policy 1.5-t and Art. 3.E.2.F.3.c.1)eb), Split Zoning. No buffer shall be required between land zoned IPF and AGR-PUD Preserve Area, provided both split zoned areas are owned by Faith Farm Ministries or another single non-profit entity whose primary mission is residential treatment and recovery program. [Ord. 2020-019]

Part 2. ULDC Art. 3.E.2.F.3, Overlays and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), AGR-PUD, Preserve Area (page 151 of 213, Supplement 29), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Planning]
1. At the May 5, 2021 Comprehensive Plan Amendment Public Hearing, the Board of County Commissioners (BCC) determined that canal rights-of-way owned by the Lake Worth Drainage District (LWDD) are eligible to be Preserve Areas for an Agricultural Reserve Planned Development District (AGR-PDD) for acreage calculations or for density purposes...
2. The BCC action on May 5, 2021 initiated text amendments to the Comprehensive Plan and ULDC based on the above determination.
3. The Planning Division is processing text amendments to the Comprehensive Plan's Future Land Use Element (FLUE) Policies that pertain to AGR-PDD Preserve Area requirements. Specifically, the Policies are FLUE Policy 1.5.1-i.6 and 1.5.1-n.5, which address preserve requirements for AGR-PUDs, AGR-TMDs, and AGR-MUPDs.
4. No changes are proposed to Art. 3.F.4.D.8, AGR-TMD Preserve Area and Open Space Requirements, as this Code provision refers back to Art. 3.E.2.F.3, Preserve Area. Note that per the Comprehensive Plan, the AGR-MUPD provisions require use of the AGR-TMD preserve standards.

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

....

Section 2 Planned Unit Development (PUD)

....

F. AGR-PUD

....

3. Preserve Area

A Preserve Area is intended to support Bona Fide Agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be

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## EXHIBIT D

### ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS LAKE WORTH DRAINAGE DISTRICT CANALS AS PRESERVE AREAS

CR-2021-0010  
(Updated 08/10/21)

1 compatible with a Preserve Area and shall not detract from its operation or function. [Ord.  
2 2015-047]

3 **a. Location and Access**

4 A Preserve Area may be situated anywhere in the AGR Tier on a Legal Lot of Record with  
5 an AGR FLU designation, provided it is accessible by a street. [Ord. 2015-047] [Ord. 2017-  
6 002]

7 **1) Exception**

8 Lands owned by the Lake Worth Drainage District identified by FLUE Policies 1.5.1-i  
9 and 1.5.1-n and in Art. 3.E.2.F.3.c.1)a)(1)(c), below, are not required to be a Legal Lot  
10 of Record.

11 **b. Uses**

12 Uses allowed in a Preserve Area are indicated in the Use Matrices contained in Art. 4, Use  
13 Regulations, and where specified by the Preserve Management Plan as approved by ERM.  
14 [Ord. 2006-004] [Ord. 2012-027] [Ord. 2015-047] [Ord. 2017-002] [Ord. 2017-007]

15 **c. Configuration**

16 **1) Property Development Regulations**

17 A Preserve Area and any remaining portion of a lot used to create a Preserve Area  
18 shall meet the minimum PDRs for the AGR Zoning dDistrict, inclusive of Table 3.D.1.A,  
19 Property Development Regulations, with exception to the following: [Ord. 2006-004]  
20 [Ord. 2017-002]

21 **a) General Exceptions**

22 (1) The minimum width of an AGR-PUD Preserve Area may be reduced as  
23 follows: [Ord. 2017-002]

24 (1a) 100 feet for a Rural Parkway, as defined in the Plan; or [Ord. 2006-004]  
25 [Ord. 2015-047] [Ord. 2017-002]

26 (2b) for an equestrian use that meanders through a 60/40 Development Area;  
27 or [Ord. 2006-004] [Ord. 2015-047] [Ord. 2017-007]

28 (c) for lands owned by the Lake Worth Drainage District identified by FLUE  
29 Policies 1.5.1-i and 1.5.1-n.

30 (b2) Non-Conforming Legal Lot of Record A Legal Lot of Record or land owned by  
31 the Lake Worth Drainage District identified by FLUE Policies 1.5.1-i and 1.5.1-  
32 n that does not meet the minimum acreage or dimensions of the AGR Zoning  
33 dDistrict may be used as a Preserve Area if in compliance with all other  
34 requirements of this Section; or, [Ord. 2006-004] [Ord. 2017-002]

35 **eb) Split Zoning**

36 (1) In cases of split zoning, where a Legal Lot of Record is partially zoned AGR  
37 and AGR-PUD Preserve Area where permitted in accordance with FLUE  
38 Policy 1.5-j, the following shall apply: [Ord. 2017-002]  
39 ....

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# EXHIBIT E

## ARTICLE 4 – USE REGULATIONS GENERATORS FOR COMMERCIAL COMMUNICATION TOWERS

CR-2021-0003  
(Updated 08/05/2021)

Part 1. ULDC Art. 4.B.9.B.9, Use Regulations, Use Classification, Commercial Communication Towers, General Standards, Generators (page 141, Supplement 29), is hereby amended as follows:

<b>Reason for amendments:</b> [Zoning]
1. The Code currently restricts the size of generators provided for Commercial Communication Towers based on fuel type. There have been issues through the Building Permit process where Applicants are limited to what generators may be provided because of the fuel type restriction. This amendment proposes to remove this restriction by striking the provision in Article 4, resulting in generators provided for Commercial Communication Towers being regulated by Art. 5.B.1.A.19, Permanent Generators.

1 CHAPTER B USE CLASSIFICATION

2 ....

3 Section 9 Commercial Communication Towers

4 ....

5 B. General Standards

6 ....

7 ~~9. Generators~~

8 ~~All permanently installed generators used on site shall use propane fuel. However, generators~~

9 ~~125 kilowatts or greater may utilize diesel fuel.~~

10 **409. Lighting**

11 The least intensive nighttime method of illumination acceptable to the FAA shall be utilized. To

12 the extent possible, strobe lighting or similar types of lighting shall not be utilized. All required

13 lighting shall be maintained on an as-needed basis by the owner of the tower.

14 ~~410. Interference~~

15 a. As provided by the FCC, towers shall not interfere with the normal operation of electrical

16 or mechanical equipment located within surrounding properties.

17 b. Towers or guy wires shall not impede the aerial mosquito control activities performed by

18 PBC, as determined by the BCC, for the health, safety, and welfare of its residents.

19 **[ReNUMBER accordingly]**

20 ....

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**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](http://www.pbcgov.com/pzb)



**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor  
Robert S. Weinroth, Vice Mayor  
  
Maria G. Marino  
Gregg K. Weiss  
  
Maria Sachs  
  
Melissa McKinlay  
  
Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

Official Electronic Letterhead

**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](mailto:wesblackman@gmail.com)

 **FROM:** Bryan Davis, Principal Planner  
Planning Division

**DATE:** August 6, 2021

**RE:** Comprehensive Plan Consistency Determination for proposed  
Unified Land Development Code (ULDC) amendments

---

The Planning Division has determined that the proposed ULDC amendments, Exhibits B and D of the packet provided by the Zoning Division, and scheduled for the August 25, 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, Zoning Director  
Kevin Fischer, Deputy Planning Director  
Wendy Hernandez, Deputy Zoning Director  
Jeff Gagnon, Principal Site Planner  
Carolina Valera, Senior Planner

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**ATTACHMENT 2  
ART. 7, LANDSCAPING SUBCOMMITTEE**

<b>Land Development Regulation Advisory Board (LDRAB) Landscape Subcommittee Members and Interested Parties</b> (Updated 03/01/2018)		
	<b>Subcommittee Members</b>	<b>Interested Parties</b>
Drew Martin	LDRAB Member District 2	Michael Peragine
Winifred Park Said	Alternate At Large (District 2)	Philip L. Barlage
		Jim Knight
		Dr. Lori Vinikoor
		Robert J. Harvey
		Daniel J. Walesky
		Anna Yeskey
		Terrence Bailey
		Xavier Salas
		Frank J. Gulisano
		Derek Zeman
		Charles Duane Drawdy
		C. Wes Blackman
		Abraham Wien
		Mark Baker
		Scott Bolling
		Joni Brinkman
		Richard "Chip" Carlson
		Todd Grande
		Drew Martin
		Mark A. Perry
		Michael P. Skenian
		Candace Thomas
		Mark Travis
		LDRAB Member District 1
		LDRAB Member District 3
		LDRAB Member District 4
		LDRAB Member District 5
		LDRAB Member District 7
		Gold Coast Builders Association
		League of Cities
		Florida Engineering Society
		American Institute of Architects
		Realtors Association of the Palm Beaches
		FL Society of Professional Land Surveyors and Mappers
		Association of General Contractors of America
		PBC Planning Congress
		Alternate At Large (District 4)
		Maker Landscape Corporation
		Master Gardeners Nursery and Landscaping Inc.
		Urban Design Kilday Studios
		Richard Carlson, Esq.
		VTV, LLC
		Interested Party
		Mark A. Perry, P.A
		Interested Party
		Stout and Sons Landscaping
		M & P Services