



February 20, 2013

**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
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**Palm Beach County
Board of County
Commissioners**

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Jess R. Santamaria

County Administrator

Robert Weisman

Mr. Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, FL 33460

RE: February 27, 2013 LDRAB Annual Organizational Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB meeting on Wednesday, February 27, 2013.

The meeting will commence at **2:00 p.m.** in the Vista Center 1st Floor Kenneth S. Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact me at (561) 233-5206 or via email at WCross@pbcgov.org, or Monica Cantor, Senior Site Planner at (561) 233-5205 or via email at MCantor@pbcgov.org.

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: February 27, 2013 LDRAB Agenda and Supporting Materials

- c: Verdenia C. Baker, Deputy County Administrator
- Rebecca D. Caldwell, Executive Director, PZB
- Leonard Berger, Assistant County Attorney
- Robert Banks, Assistant County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Chief Planner, Zoning
- Monica Cantor, Senior Site Planner, Zoning
- Bryan Davis, Principal Planner, Planning
- John Rupertus, Senior Planner, Planning

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

FEBRUARY 27, 2013

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Florida Atlantic Builders Assoc.)

Richard S. Kozell, III (District 1)

Joni Brinkman (Palm Beach League of Cities)

Barbara Katz (District 3)

Terrence N. Bailey (Florida Engineering Society)

Jim Knight (District 4)

Jerome I. Baumoehl (American Institute of Architects)

Lori Vinikoor (District 5)

Edward E. Tedtmann (Environmental Organization)

Mike Zimmerman (District 6)

Frank Gulisano (Realtor's Assoc. of the Palm Beaches)

Henry D. Studstill, Esq. (District 7)

Gary Rayman (Fl. Surveying and Mapping Society)

James M. Brake (Member at Large/Alternate)

Maurice Jacobson (Condominium Association)

Leo Plevy (Member at Large/Alternate)

Vacant (Association Gen. Cont. of America)

Board of County Commissioners

Steven L. Abrams
Mayor, District 4

Priscilla A. Taylor
Vice Mayor, District 7

Hal R. Valeche
Commissioner, District 1

Paulette Burdick
Commissioner, District 2

Shelley Vana
Commissioner, District 3

Mary Lou Berger
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Robert Weisman
County Administrator



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2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
WEDNESDAY, FEBRUARY 27, 2013 AGENDA
2300 NORTH JOG ROAD
1ST FLOOR KENNETH S. ROGERS HEARING ROOM (VC-1W-47), 2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Annual Election of Chair and Vice-Chair
5. Adoption of November 14, 2012 Minutes (Exhibit A)

B. ANNUAL ORGANIZATION DISCUSSION

1. Meeting Procedures - Internet Links (Attachment 1)
2. 2012 Attendance (Attachment 2)
3. 2013 Board Members (Attachment 3)
4. 2013 Meeting Schedule (Attachment 4)
5. 2013 Work Plan
 - a. Deadlines/Scheduling for Proposed 2013 Amendments (Attachment 5)
 - b. Summary of Amendments Round 2013-01 (Attachment 6)
 - c. Subcommittees (Attachment 7)

C. ULDC AMENDMENTS

1. Exhibit B - Florida Fish and Wildlife Conservation Commission

D. PRIVATELY INITIATED AMENDMENTS

1. Exhibit C.1 - Type I Kennels
2. Exhibit C.2 - Commercial Parking Lot

E. PUBLIC COMMENTS

F. STAFF COMMENTS

1. Electrified Fence Update
2. Sunshine Law and Proposed Rules of Debate

G. ADJOURN

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of November 14, 2012 Meeting

On Wednesday, November 14, 2012 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.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:03 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 15

Wesley Blackman (PBC Planning Congress)
Joanne Davis (District 1)
David Carpenter (District 2)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Martin Klein (District 7)
Frank Gulisano (PBC Board of Realtors)
Maurice Jacobson (Condominium Association)
Gary Rayman (Fl. Surveying & Mapping Society)
Raymond Puzzitiello (Gold Coast Builders Assoc.)
Joni Brinkman (League of Cities) **
Terrence Bailey (Florida Eng. Society) *
Jerome Baumoehl (AIA)

Members Absent: 2

Rosa Durando (Environmental Organization)
Leo Plevy (Member at Large, Alt.)

Vacancies 2

(Assoc. General Contractors of America)
(Member At Large, Alternate)

County Staff Present:

Leonard Berger, Assistant County Attorney
Jon MacGillis, Zoning Director
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
John Rupertus, Senior Planner, Planning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted there were no additions. Staff clarified that Exhibit H, Article 13, Impact Fees, was being presented only to the LDRC for confirmation of consistency with the Comprehensive Plan.

3. Motion to Adopt Agenda

Motion to adopt agenda by Mr. Klein, seconded by Mr. Puzzitiello. Motion passes (13 – 0* **).

4. Adoption of October 24, 2012 Minutes (Exhibit A)

Motion to adopt by Mr. Klein, seconded by Ms. Vinikoor. Motion passes (13 – 0* **).

* Terrance Bailey arrives at 2:05 p.m.

** Joni Brinkman arrives at 2:08 p.m.

B. ULDC Amendments

1. Exhibit B – Article 5, Supplementary Standards

Mr. Cross explained that the amendment allows the Sluggett Commercial property to exceed the maximum square footage limitations for consistency with Future Land Use text amendments to the Comprehensive Plan adopted by the BCC on October 29, 2012.

Motion to adopt by Mr. Klein, seconded by Mr. Jacobson. Motion passes (12 – 3). Mr. Baumoehl, Ms. Davis and Mr. Bailey voted in opposition.

2. Exhibit C – Convenience Store with Gas Sales

Mr. Cross explained that the proposed amendments addressed a scrivener's error which inadvertently excluded the use from the Use Matrix for Commercial Low (CL) Future Land Use (FLU) designation of a Multiple Use Planned Development (MUPD) district.

Motion to adopt by Mr. Carpenter, seconded by Mr. Klein. Motion passes (15 - 0).

3. Exhibit D – Miniature or Pot Bellied Pigs

Mr. Cross advised the Board that at the BCC Workshop on September 25, 2012, the BCC directed Zoning staff to amend the ULDC to allow for the keeping of Miniature or Pot Bellied Pigs as Household Pets subject to the following regulations:

- Limited to Single Family residences with a maximum of two per household, to reside within the dwelling unit, with outdoor kennels prohibited.
- Animal Care and Control (ACC) will process concurrent amendments to their regulations similar to those existing for cats and dogs.

Several LDRAB members made comments on this topic, generally summarized as follows:

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of November 14, 2012 Meeting

- Mr. Carpenter suggested that this was an invasion of other uses into residential areas which will result in inconvenience for neighbors;
- the amendments would result in multiple code violation issues impossible to enforce;
- the term "miniature" has not been defined and concerns about weight limitation should be addressed.

Mr. Cross responded that the issue had been discussed by staff; however, concerns with animals being malnourished to maintain a weight limit discouraged consideration of this type of regulation.

Mr. Cross explained that for purposes of this amendment single family did not include Zero Lot Line (ZLL) homes. In response to an inquiry regarding developments with a mix of townhouses and single family homes, pot bellied pigs would be allowed in single family units but not townhouses. Editor's Note: The proposed amendments were later revised to include ZLL homes due to misunderstanding of BCC direction regarding application of terminology of single-family homes, where intent was to allow in detached dwelling units.

Mr. Klein said he was not keen on the amendments but it appeared that this is what the BCC intended. If so, the Board should question whether the regulations drafted by staff are reasonable. He suggested the Board approve the regulatory scheme if it is considered to be sufficient and recommend against allowing for pigs to reside in a single family unit.

Ms. Katz called attention to Page 9, line 14 and recommended that the word "commercial" be included and Mr. Berger agreed that the intent is to prohibit commercial and the text will be reviewed.

Mr. Bailey moved to deny, seconded by Mr. Davis. Motion to deny passes (15 - 0).

4. Exhibit E - Recycling Uses

Mr. Cross explained that the proposed amendments addressed multiple recycling issues, as follows:

- A BCC workshop was held on September 25, 2012 to discuss the two least intense recycling uses, Recycling Bins and Recycling Collection Stations. The BCC instructed Zoning staff to amend the ULDC to address requests made by several not-for-profit entities in Palm Beach County, to prohibit an expansion of the uses to include the collection of textiles, shoes and other similar goods. Subsequently, the two uses are being consolidated.
- A Recycling Drop Off Bin will continue to be limited to the collection of paper, aluminum cans, plastics, etc. Labeling will be required to identify if it is a government entity such as Solid Waste Authority or a for-profit or not-for-profit entity.

Mr. Cross referred to the third most intense use, Recycling Center on Page 15 and summarized the amendment as follows:

- Line 36 to the end of Part 10 is being stricken to correct scrivener's errors from the code rewrite in 2003. The Recycling Center language inadvertently included all the standards that apply to a Recycling Collection Station.
- Recycling Center is generally accepted as somewhat of a commercial use as it does not allow intense processing or recycling of materials.

As to the last and most intense category, Recycling Plant, Page 17, Mr. Cross noted that this use allows for disassembly of various materials such as catalytic converters to extract platinum and washers to extract aluminum or stainless steel drums. The amendment corrects a scrivener's error from the early 1990s Supplemental Use Standards that references CC and CG zoning districts while the Use Matrix does not indicate the use to be permitted by any type of approval process.

Mr. Feiner, stated that his focus would not be on his client's specific use but on the larger issue of code text changes and how it will affect the recycling industry. He made the following points:

- Requested Zoning staff to address only BCC direction to handle Recycling Drop-Off Bins and Recycling Collection Stations.
- The two more intense recycling uses in the Exhibit were never presented to the BCC nor was the recycling industry consulted.
- Suggested that "limited processing" of recyclable materials under Recycling Center was vague and unclear.
- The proposed change to the approval process in CG for a Recycling Center from Development Review Officer (DRO) approval to a Class A Conditional Use will increase fees for opening a recycling center and will triple the processing time.

EXHIBIT A

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

Minutes of November 14, 2012 Meeting

- Also, if the operation is not in a fully enclosed facility, two to four acres will be needed because of a 500 ft. setback requirement and there has to be an outside allowance for people dropping off materials.
- The more intense uses can be presented separately after further consultation with industry and discussion with the Solid Waste Authority as the definition and other requirements do not meet the definition of the current recycling industry.

Mr. Cross advised the Board that Mr. Feiner's client has submitted a Zoning Confirmation Letter requesting an interpretation to allow for a Recycling Plant on a General Commercial (CG) zoned property. This process will continue independently of the change being proposed today. The decision, including any appeal if applicable, will be based on the current code. He also explained that the Recycling Center amendment provides Mr. Feiner's client with additional options.

He further reiterated that the best opportunity for industry input would be as part of the Use Regulations project. He also noted that the specific changes to the Recycling Center use originated from an agreement in a meeting on August 16, 2012 with Mr. Feiner and staff.

Mr. Klein expressed his displeasure at the inference made by Mr. Feiner and that staff exceeded the mandate. He did not see it that way. Staff has always done excellent work and his view is that they are correcting scrivener's errors. Mr. Jacobson supported Mr. Klein's view.

Ms. Brinkman suggested changing the height restriction of outdoor recycling material from 20 to 15 feet on Page 15, line 19, to respond to Fire Department standards.

Motion to adopt by Mr. Klein, seconded by Ms. Vinikoor. Motion passes as amended (15 – 0)

C. Convene as LDRC

1. Proof of Publication

Motion to approve, by Mr. Klein, seconded by Mr. Jacobson. The motion passes unanimously (15 – 0).

2. Consistency Determination

Mr. Berger requested that Exhibit H, Impact Fees, be looked at for consistency. Mr. Rupertus stated that the proposed amendments B.1 through B.4 and the previously presented amendments Exhibit F through Exhibit Q are consistent with the Comprehensive Plan.

Motion to approve consistency determination by Mr. Klein, seconded by Mr. Carpenter. The motion passed (15- 0).

Adjourned as LDRC.

D. Reconvene as LDRAB

E. Public Comments

There were no public comments.

F. LDRAB Subcommittee Updates

Mr Cross updated the Board on subcommittees and stated that the Landscape subcommittee convened on October 31, 2012. Ms. Cantor reminded LDRAB members of the importance in their participation at the subcommittee meetings. Mr. Cross said that the subcommittee for Electric Fences would tentatively convene on November 26, 2012 and December 10, 2012.

G. Staff Comments

There were no comments by staff.

H. Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 3:10 p.m.

Recorded tapes of all LDRAB meeting 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) 233-5213.

Minutes drafted by: Zona Case 11/14/2012

ATTACHMENT 1

LDRAB/LDRC MEETING PROCEDURES IMPORTANT LINKS

The following links take you to the most common rules and regulations applicable to Land Development Regulation Advisory Board (LDRAB) and Land Development Review Committee (LDRC) members:

- Palm Beach County Code of Ethics – guide to Elected Officials and Advisory Board Members:
http://www.palmbeachcountyethics.com/pdf/Training_Guide_for_Elected_Officials_and_Advisory_Board_Members.pdf
- Palm Beach County Code of Ethics (Effective June 1, 2011):
http://www.palmbeachcountyethics.com/pdf/Code_of_Ethics_Ordinance_June_1_2011.pdf
- LDRAB Rules of Procedure:
<http://www.pbcgov.com/pzb/zoning/code/rulesofprocedure.pdf>
- Palm Beach County (PBC) Unified Land Development Code (ULDC) Article 2.G.2, General Provisions [Related Board Membership, Appointment and Termination, Conflict of Interest, Chair and Vice-Chair, Rules of Procedure, and Compensation.]:
<http://www.pbcgov.com/pzb/uldc/articles/Article2.pdf>
- PBC ULDC Article 2.G.3.A, Land Development Regulation Advisory Board (LDRAB):
<http://www.pbcgov.com/pzb/uldc/articles/Article2.pdf>

**ATTACHMENT 2
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
2012 ATTENDANCE MATRIX**

(Updated 11/14/12)

Seat	Member	District or Organization	Term Expires	2012 Dates									
				1/25	2/22	3/28 (Canceled)	4/25	5/23	6/13 (Special*)	7/25 (Canceled)	8/22	10/24	11/14
1	Joanne Davis	District 1	Feb. 5, 2013	Y	Y		Y	Y	Y		Y	Y	Y
2	David Carpenter	District 2	Feb. 3, 2015	Y	Y		N	Y	Y		N	Y	Y
3	Barbara Katz	District 3	Feb. 5, 2013	Y	Y		Y	Y	Y		N	Y	Y
4	James Knight	District 4	Feb. 3, 2015	Y	Y		Y	N	Y		N	Y	Y
5	Lori Vinikoor	District 5	Feb. 5, 2013	Y	Y		Y	Y	Y		Y	Y	Y
6	Mike Zimmerman	District 6	Feb. 3, 2015	Y	Y		N	Y	Y		Y	Y	Y
7	Martin Klein	District 7	Feb. 5, 2013	Y	Y		Y	Y	*N		Y	Y	Y
8	Raymond Puzziello	Gold Coast Builders Association	Feb. 5, 2013	N	Y		Y	Y	Y		Y	Y	Y
9	Joni Brinkman	League of Cities	Feb. 3, 2015	N/A	Y		Y	Y	Y		N	Y	Y
10	Terrence Bailey	Florida Eng. Society	Feb. 5, 2013	Y	Y		Y	Y	Y		Y	Y	Y
11	Jerome Baumoehl	American Institute of Architects	Feb. 3, 2015	N**	Y		Y	Y	Y		Y	Y	Y
12	Rosa Durando	Environmental Org.	Feb. 5, 2013	N	Y		Y	Y	Y		N	N	N
13	Frank Gulisano	PBC Board of Realtors	Feb. 3, 2015	Y**	Y		Y	N	N		Y	Y	Y
14	Gary Rayman	Florida Society Prof. Surveyors	Feb. 5, 2013	N	Y		Y	N	Y		Y	Y	Y
15	Maurice Jacobson	Condominium/HOA	Feb. 3, 2015	N	Y		Y	N	N		Y	N	Y
16	Vacant	Assoc. General Contractors of America	Feb. 3, 2010	Vacant	Vacant		Vacant	Vacant	Vacant		Vacant	Vacant	Vacant
17	Wes Blackman	PBC Planning Congress	Feb. 3, 2015	Y	Y		Y	Y	Y		Y	N	Y
18	Vacant	Alternate #1	Feb. 7, 2012	Vacant	Vacant		Vacant	Vacant	Vacant		Vacant	Vacant	Vacant
19	Leo Plevy	Alternate #2	Feb. 3, 2015	N/A	N		N	N	Y		N	N	N
Total Attendees:				10	16	-	14	12	14	-	11	13	-

Legend/Notes:

Y	Present
Y	Present (Participated via teleconference with quorum physically present and Board approval)
N	Absent
*N	Absent (Attended less than ¼ of meeting)
2	David Carpenter reappointed on December 20, 2011 for new term February 7, 2012 to February 3, 2015.
4	Jim Knight reappointed on November 15, 2011 for new term February 7, 2012 to February 3, 2015.
6	Mike Zimmerman reappointed on January 24, 2012 for new term February 7, 2012 to February 3, 2015.
9	Joni Brinkman appointed January 24, 2012, eligible for first meeting February 2012. New term February 7, 2012 to February 3, 2015.
11	Jerone Baumoehl appointed January 24, 2012, eligible for first meeting February 2012. New term February 7, 2012 to February 3, 2015.
13	Frank Gulisano appointed January 24, 2012, eligible for first meeting February 2012. New term February 7, 2012 to February 3, 2015.
15	Maurice Jacobson reappointed on January 24, 2012 for new term February 7, 2012 to February 3, 2015.
17	Wes Blackman reappointed on January 24, 2012 for new term February 7, 2012 to February 3, 2015.
19	Leo Plevy appointed January 24, 2012, eligible for first meeting February 2012.
**	Attendance reflects previous LDRAB member.
*	Special meetings will not be a factor in calculating total attendance.
	ULDC Art. 2.G.2.B.1.c, Attendance: 1) "Lack of attendance is defined as a failure to attend three consecutive meetings..." or 2) "...a failure to attend two-thirds of the meetings scheduled during the calendar year. Also "Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting."
	A total of 9 meetings have been scheduled for 2012. Minimum attendance – six meetings. Therefore, members cannot miss any more than three meetings.

ATTACHMENT 3

PALM BEACH COUNTY ZONING DIVISION LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC) 2013 CURRENT MEMBER LIST

Updated: February 7, 2013

SEAT	MEMBER (OCCUPATION)	DISTRICT OR ORGANIZATION	TERM ENDS
1	Richard Kozell (Attorney)	District 1 Commissioner Valeche	February 2, 2016
2	David Carpenter (Landscape Architect)	District 2 Commissioner Burdick	February 3, 2015
3	Barbara Katz (Land Use Advisor)	District 3 Commissioner Vana	February 2, 2016
4	James Knight (Builder/Developer)	District 4 Commissioner Abrams	February 3, 2015
5	Lori Vinikoor (Community Activist)	District 5 Commissioner Berger	February 2, 2016
6	Mike Zimmerman (Registered Consulting Arborist)	District 6 Commissioner Santamaria	February 3, 2015
7	Henry Studstill (Director of Sales/Teacher)	District 7 Commissioner Taylor	February 2, 2016
8	Raymond Puzitiello (Residential Builder)	Florida Atlantic Builders Association	February 2, 2016
9	Joni Brinkman (Municipal Rep.)	PBC League of Cities	February 3, 2015
10	Terrence N. Bailey (Engineer)	Florida Engineering Society	February 2, 2016
11	Jerome I. Baumoehl (Architect)	American Institute of Architects	February 3, 2015
12	Edward E. Tedtmann (Environmentalism)	Environmental Organization	February 2, 2016
13	Frank J. Gulisano (Realtor)	Realtor's Association of the Palm Beaches	February 3, 2015
14	Gary Rayman (Surveyor)	Florida Surveying & Mapping Society	February 2, 2016
15	Maurice Jacobson (Citizen Representative)	Condominium/HOA Association	February 3, 2015
16	Vacant	Associated General Contractors of America	February 3, 2010
17	C. Wesley Blackman, AICP (AICP Planner)	PBC Planning Congress	February 3, 2015
18	James Brake (Real Estate Consultant)	Alternate #1	February 2, 2016
19	Leo Plevy	Alternate #2	February 3, 2015

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ATTACHMENT 4

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

2013 MEETING DATES (Updated 2/11/13)

DATE ⁽¹⁾	DAY
January 23, 2013 (Cancelled)	Wednesday (4 th)
February 27, 2013	Wednesday (4 th)
March 27, 2013	Wednesday (4 th)
April 24, 2013	Wednesday (4 th)
May 22, 2013	Wednesday (4 th)
July 24, 2013	Wednesday (4 th)
August 28, 2013	Wednesday (4 th)
October 23, 2013	Wednesday (4 th)
November 13, 2013	Wednesday (2 nd)*
January 22, 2014	Wednesday (4 th)
Notes:	
* Meeting date rescheduled to accommodate holidays.	

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.).

ATTACHMENT 5

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



**Department of Planning,
Zoning & Building**

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

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Mary Lou Berger

Jess R. Santamaria

County Administrator

Robert Weisman

TO: Interested County Staff, Related Agencies and Public in General
FROM: Jon MacGillis, ASLA, Zoning Director
DATE: January 16, 2013 (Amended January 18, 2013)
RE: **Deadlines/Scheduling for Proposed 2013 Unified Land Development Code (ULDC) Amendments: County Agencies and Privately Initiated Amendments**

This memo serves to notify County Agencies and individuals seeking publicly initiated amendments of the deadlines for submittal and scheduling for 2013 ULDC amendments.

Specific dates apply to every one of the processes which are explained in more detail below. It is critical that you coordinate with Zoning Division staff to meet the established schedule and deadlines for any amendments.

ULDC Amendment Rounds:

The Zoning Division is proposing to undertake two rounds of amendments for 2013. The tentative schedules for both rounds are provided below:

AMENDMENT ROUND 2013-01	
ACTIVITY	SCHEDULED DATE
Land Development Review Advisory Board (LDRAB) / Land Development Regulation Commission (LDRC) Meetings	January 23, 2013 (Canceled) February 27, 2013(1) March 27, 2013 April 24, 2013 May 22, 2013
BCC Hearing – Request for Permission to Advertise	June 27, 2013
BCC Hearing – 1 st Reading	July 25, 2013
BCC Hearing – 2 nd Reading and Adoption	August 22, 2013
(1) Annual Meeting	

AMENDMENT ROUND 2013-02	
ACTIVITY	SCHEDULED DATE
Land Development Review Advisory Board (LDRAB) / Land Development Regulation Commission (LDRC) Meetings	July 24, 2013 August 28, 2013(3) October 23, 2013 November 13, 2013
BCC Hearing – Request for Permission to Advertise	December 5, 2013
BCC Hearing – 1 st Reading	January 2, 2014
BCC Hearing – 2 nd Reading and Adoption	January 23, 2014

County Agencies:

The following deadlines and requirements apply only to County Agencies seeking to amend the ULDC.

AMENDMENT ROUND 2013-01	
ACTIVITY	SCHEDULED DATE
Deadline to submit amendment requests	January 25, 2013
Deadline to submit backup documentation	March 1, 2013
First available meeting for Agency Request	April 24, 2013

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AMENDMENT ROUND 2013-02	
ACTIVITY	SCHEDULED DATE
Deadline to submit amendment requests	June 14, 2013
Deadline to submit backup documentation	July 10, 2013
First available meeting for Agency	August 28, 2013

Deadlines to submit amendment requests must include the following:

- 1) Cover letter from Department or Division Director, or other authorized staff;
- 2) Name, title and contact information of primary contact person (will be required to attend LDRAB, LDRC and BCC Hearings to answer any questions);
- 3) Location in ULDC of proposed amendment(s), to include exact article citation and title (or nearest relevant title), and page number(s); and,
- 4) A summary of each proposed amendment.

In addition to the above, deadlines to submit backup documentation shall include the following for each proposed amendment:

- 1) Verification that any interested or affected persons or organizations have been consulted during the initiation of amendments, and are being updated where applicable;
- 2) A detailed background and summary of each proposed amendment (including White Papers or other summaries, where necessary); and,
- 3) Preparation of amendment exhibits using the file template provided by Zoning, providing citation and title, reason for amendment, and text, tables or images to be deleted, relocated or added.

A Code amendment training session is provided by Zoning staff on **Wednesday, January 30, 2013** from **3:00 p.m. to 4:00 p.m.** at Vista Center, 2300 North Jog Road, Room VC-2E-12. Attendance is not mandatory, but is highly encouraged.

Please RSVP to Zona Case, Zoning Technician, at (561) 233-5566, or at ZCase@pbcgov.org.

Privately Initiated Amendments:

In 2012 the BCC adopted the privately initiated code amendment process (attached) to assist the public. The County will coordinate with interested parties who choose to submit a privately initiated amendment and ensure it follows the newly established process. A pre-application meeting is required prior to any official submittal of the privately initiated amendment. Please contact the Code Revision staff at (561) 233-5566 to schedule an appointment. For a copy of the flow chart process please visit the [Zoning Web Page](#).

If you have any questions or require additional information regarding the proposed schedules, please contact me at 561-233-5234, or William Cross, Principal Site Planner, at (561) 233-5206, or at WCross@pbcgov.org.

JPM/WC/MC

Attachments: February 6, 2012 Memo – [Initiating Amendments to the ULDC from Industry](#)

- c. County Agency Distribution List
Verdenia Baker, Deputy County Administrator
Rebecca D. Caldwell, Executive Director PZB
Lenny Berger, Senior County Attorney

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DISTRIBUTION LIST

Primary Recipients

The Honorable Shelley Vana, Chair, and Members of the Board of County Commissioners
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Robert P. Banks, Assistant County Attorney
Leonard Berger, Assistant County Attorney
Bevin Beaudet, Director, Water Utilities
Liz Bloeser, Director, Financial Management and Budget
Chuck Cohen, Executive Director, Palm Tran
Lisa DeLaRionda, Director, Public Affairs Department
Eric Call, Director, Parks and Recreation
Bonnie Finneran, Division Director, Environmental Resources Management
Sherry Howard, Director, Economic Development
Edward Lowery, Director, Housing and Community Development
Paul Milelli, Director, Public Safety Department
Bruce Pelly, Director, Department of Airports
Channell Wilkins, Director, Community Services
Joanne Koerner, Director of Land Development
Gary M. Sypek, Director of Planning, Department of Airports
Richard C. Radcliffe, Executive Director, League of Cities
Maurice Tobon, Director, Utilities Eng. Division, Water Utilities
Robert Robbins, Director, Environmental Resources Management
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Robert Weisman, County Administrator
Randy Whitfield, Director, Metropolitan Planning Organization
Audrey Wolf, Director, Facilities Development and Operations

Other Internal Distribution

Lorenzo Aghemo, Director, Planning Division
Barbara Alterman, Executive Director, PZ&B
Lisa Amara, Senior Planner, Planning Division
Rebecca Caldwell, Director, Building Division
William Cross, Principal Site Planner, Zoning Division
Bryan Davis, Principal Planner, Planning Division
Kurt Eismann, Director, Code Enforcement Division
Allan Ennis, Assistant Director Traffic Engineering, Engineering and Public Works
Wendy Hernandez, Zoning Manager, Zoning Division
Michael Howe, Senior Planner, Planning Division
Isaac Hoyos, Principal Planner, Planning Division
Robert Kraus, Senior Site Planner, Environmental Resources Management
Maryann Kwok, Chief Planner, Zoning Division
John Rupertus, Senior Planner, Planning Division
Patrick Rutter, Chief Planner, Planning Division
Alan Seaman, Principal Site Planner, Zoning Division
Willie Swoope, Impact Fee Coordinator, PZ&B
Houston L. Tate, Director, Office of Community Revitalization
Bruce Thomson, Principal Planner, Planning Division

Other Key Contacts

Dr. Alina Alonso, M.D., Director, Health Department
Peter Banting, Real Estate Specialist, Facilities Development and Operations
Richard Bogatin, Property Specialist, Facilities Development and Operations
Kristin Garrison, Planning Director, School District of Palm Beach County
Tim Granowitz, Principal Planner, Parks and Recreation Department
Arthur Kirstein, IV, Agricultural Economic Development Coordinator, PBC Coop. Ext. Service
Thomas LeFevre, Engineer Supervisor, Palm Beach County Health Department
Jean Matthews, Senior Planner, Parks and Recreation
Eric McClellan, Senior Site Planner, Facilities Development and Operations
Elizee Michel, Executive Director, Housing and Community Development



**PALM BEACH COUNTY
Interoffice Memorandum**

TO: Shelley Vana, Chair, and Members of the Board of County Commissioners

FROM: Jon MacGillis, ASLA, Zoning Director

DATE: February 6, 2012

RE: Initiating Amendments to the Unified Land Development Code (ULDC) from Industry

**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



**Palm Beach County
Board of County
Commissioners**

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Priscilla A. Taylor

County Administrator

Robert Weisman

At the Thursday, January 26, 2012 BCC Public Hearing, Zoning staff presented a summary of recommendations to expand opportunities for public or private sector applications to initiate amendments to the County's Unified Land Development Code (ULDC). In an effort to address industry's ongoing requests for a process where they can discuss with the BCC, Land Development Regulation Advisory Board (LDRAB) and staff, a way to initiate amendments to the ULDC, staff is bringing forth our recommendation on changes to existing ULDC amendment processes.

Background:

Currently, ULDC amendments are either initiated by staff, other County agencies, or through direction by the BCC. Most staff initiated amendments serve to respond to amendments to the Comprehensive Plan, new Federal or State laws, changes in industry trends in land development practices, new uses, or other methods of business operations.

When processing code amendments, staff works closely with a broad array of customers, including land development professionals, business owners, environmentalists, neighborhood associations, among many other types of interested parties – oftentimes resulting in staff initiating amendments; however, in many instances, staff cannot support some requests for changes since they may not be consistent with the Comprehensive Plan or prior BCC direction, or insufficient staffing or resources are available to perform research necessary to develop amendments. In these instances, the Zoning Director has requested BCC input at the end of the monthly BCC Zoning Hearings, or the BCC may be lobbied independently by individuals seeking changes. Occasionally industry has gone directly to the BCC under comments from the public to request a ULDC amendment. This approach does not ensure all parties are afforded an opportunity to convey their objections or support to the amendment. Overall, staff has worked with industry to address their requests in the two Rounds of ULDC amendments scheduled each year.

Proposed Modifications:

Staff is proposing to amend the existing code amendment process by establishing a streamlined and transparent process to allow for the submittal of privately initiated amendments by simplifying initial staff review and incorporating

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Affirmative Action Employer"*



the knowledge and expertise of the Land Development Regulation Advisory Board (LDRAB). The following is a summary of how this process would work:

1. Applicant submits application form and any supporting material for cursory review by Zoning Director and staff.
2. Item is scheduled for next available LDRAB meeting, where applicant provides summary of proposed amendments and an LDRAB recommendation is sought.
3. Item is scheduled under Zoning Director's comments for the next available BCC Zoning Hearing to seek direction on how to proceed with the amendment if not supported by staff, unless the applicant wishes to withdraw the request, or modify for additional staff and LDRAB review. Alternatively, if the request is consistent with the current Zoning work program or the Zoning Director and applicant are in agreement on a timeframe for processing the amendment, the request may be initiated by the Zoning Director.
4. BCC direction might include, among others:
 - Take no action, or
 - Initiate detailed research and review for further presentation at a future BCC Zoning Hearing or formal Workshop, or
 - Proceed with amendment.
5. If directed to proceed with an amendment, the item would typically be added to the next available ULDC amendment round.

Conclusion:

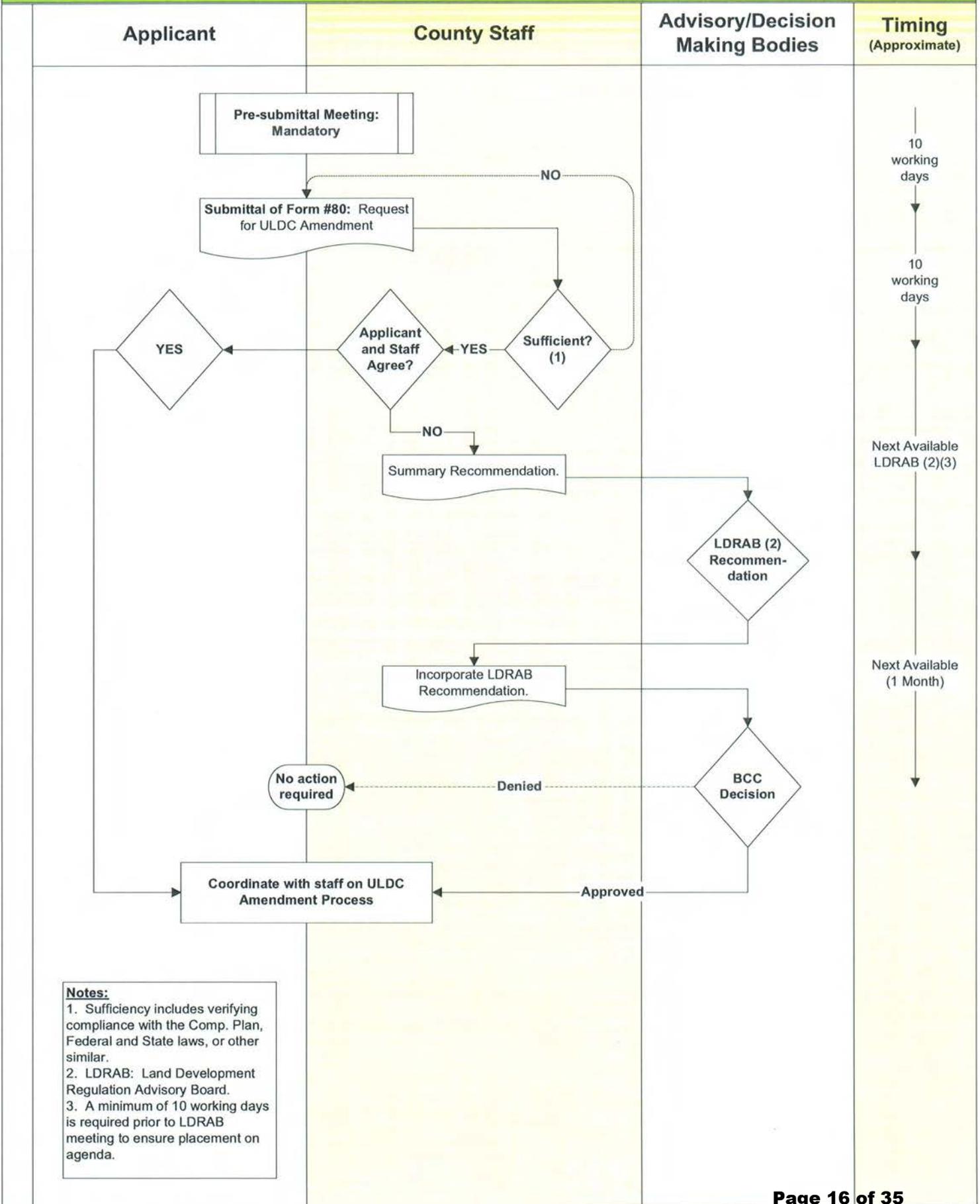
Given the ever increasing changes in industry trends, it is believed that this process will improve the County's ability to better respond to ongoing efforts to address economic development, as well as other topics of interest to the public that arise from time to time. While the proposed process might result in an increase in staff workload and detract from other priorities, staff highly recommends that this process be initiated on a trial basis for the 2012 Round of Amendments.

Attachment Amended ULDC Process Flowchart

JM/WJC

- c. Verdenia Baker, Assistant County Administrator
Barbara Alterman, Executive Director PZB
Wes Blackman, LDRAB Chairman and Members of the Board
Leonard W. Berger, Assistant County Attorney
Robert Banks, Assistant County Attorney
Maryann Kwok, AICP, Chief Planner
William J Cross, AICP, Principal Site Planner
Monica Cantor, Senior Site Planner

ULDC Amendment: Public Initiation Flowchart



ATTACHMENT 6

Scheduled LDRAB/LDRC Meeting Dates

February 27, 2013 LDRAB
 March 27, 2013 LDRAB
 April 24, 2013 LDRAB
 May 22, 2013 LDRAB/LDRC

ULDC Amendment Tracking Schedule

Round 2013-01

Updated 2/21/2013

Scheduled BCC Zoning Hearing Dates

June 27, 2013 (Request Permission to Advertise)
 July 26, 2013 (First Reading)
 August 22, 2013 (Adoption)

Article	Amendment Summary	Case Number	LDRAB Meeting	LDRC Meeting	Subcommittee	Status	PM
<u>1</u>	Coastal High Hazard Area Definition: Review ULDC definition for CHHA for consistency with Plan Text Amendment and applicability to any articles, including Art. 18, Flood Damage Prevention	CR-2011-097	4/24/2013	5/22/2013	No	Open	William Cross
<u>1</u>	Florida Fish and Wildlife Conservation Commission - Name Change: FKA Florida Game and Freshwater Fish Commission, update references within ULDC accordingly.	CR-2013-001	2/27/2013	5/22/2013	No	Open	Monica Cantor
<u>2</u>	Administrative DRO Process: Revision of the DRO Administrative Review process such as Amendments to BCC/ZC Approvals, Agency Review, and Zoning Review to mainly clarify thresholds. Delete Expedited DRO Applications (EDA) as the process does not exist anymore.	CR-2013-012	4/24/2013	5/22/2013	No	Open	Monica Cantor
<u>3</u>	Rezoning Requirements for Non-conforming Legal Lot of Record: Clarify Zoning Policy that any rezoning of a non-conforming lot of record may require Variance relief to meet minimum PDRs, unless the least intense district is applied (example: a 1/4 acre parcel with RM Zoning and CH/8 FLU designation would be considered consistent with the underlying FLU	CR-2011-048	4/24/2013	5/22/2013	No	Open	Bill Cross
<u>4</u>	USE REG. PROJECT - ONGOING - Revisions to PDD, TDD and Standard Use Matrices - Review and update uses permitted by FLU designation, with an emphasis on correcting scrivener's errors within Commercial and Industrial districts to ensure consistency between PDD, TDD and Standard districts; consolidation of use matrices; and, additional clarification	CR-2011-018			Yes	Open	M. Cantor/ W. Cross
<u>4</u>	F.S. for Weapons and Firearms, and Sport Shooting Ranges: Amend Open and Enclosed Gun Clubs and Private Gun Range for Consistency with F.S. 790.33, State Pre-emption of local regulation for weapons and firearms, and F.S. 823.16, Sport Shooting Ranges.	CR-2013-011	4/24/2013	5/22/2013		Open	William Cross
<u>8</u>	Murals: Develop ULDC Provision to address Murals in Article 8, Signage and Art. 2.G, Decision Making Bodies to clarify when murals are considered art or signage.	CR-2013-007	5/22/2013	5/22/2013	No	Open	William Cross

Article	Amendment Summary	Case Number	LDRAB Meeting	LDRC Meeting	Subco mmitte	Status	PM
<u>14</u>	Vegetation Preservation and Protection Code: Review of County Code Enforcement Activities in Article 14.C and Art. 10 Enforcement.	CR-2013-008	4/24/2013	5/22/2013	No	Open	Monica Cantor

**ATTACHMENT 7
2013 SUBCOMMITTEES**

**2013 Land Development Regulation
Advisory Board (LDRAB) Subcommittees**

LANDSCAPE

The Landscape Subcommittee reconvened in October of 2012 to continue in 2013 a series of meetings to comprehensively address pending topics from 2010 Subcommittee. The meetings will include analysis and discussion of landscape definitions and provisions that respond to industry trends, correct glitches in the Code and create consistency between different land development regulations. The subcommittee will be making recommendations for Unified Land Development Code (ULDC) amendment rounds 2013-01 and 2013-02.

Project Manager(s): Barbara Pinkston-Nau / Rodney Swonger

LDRAB Subcommittee Members:

David Carpenter
Mike Zimmerman
Terrence Bailey

USE REGULATIONS PROJECT

This Subcommittee will simplify definitions, Use Matrices and Supplemental Standards for Uses contained in the Unified Land Development Code (ULDC), by eliminating redundancy or glitches, recognizing new industry trends, streamlining the approval process where feasible which includes review of what Zoning District uses are allowed in and what the appropriate permit is, and ensuring consistency with the Comprehensive Plan.

The main goal of this Subcommittee is to improve predictability that would encourage development and reduce unnecessary regulations while continuing to protect the health, safety and welfare of County residents, by mitigating the adverse impacts of incompatible land uses.

Use Regulations Formatting

Staff is proposing changes to the formatting of the ULDC, mainly Article 4, Use Regulations, with minor changes to Article 1.I, Definitions and Acronyms, and Article 3, Overlays and Zoning Districts, as a result of the Use Regulations Project objective to eliminate redundancies and facilitate use of the Code.

This Subcommittee will be reviewing the proposed changes to the ULDC to determine if they are intuitive, user friendly and facilitate location of the information to a more consolidated section.

Project Manager(s): Monica Cantor / William Cross

LDRAB Subcommittee Members:

Wes Blackman
David Carpenter
Jim Knight
Raymond Puzzitiello
Jerome I. Baumohl

EXHIBIT B

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
SUMMARY OF AMENDMENTS
(Updated 2/14/13)

1
2 Part 1. ULDC Art. 1.I.2.E.22.b, Florida Game and Fresh Water Fish Commission (page 56 of
3 119), is hereby amended as follows:
4

Reason for amendments: [Zoning] A constitutional amendment that passed in 1998 updated the name of the Commission that is on charge of conserving the aquatic and wild life in the State of Florida. The Commission name was inadvertently not updated in this part of the Code to be Florida Fish and Wildlife Conservation Commission instead of Florida Game and Fresh Water Fish Commission.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7 E. Terms defined herein or referenced Article shall have the following meanings:
8 22. Endangered, Threatened, Rare, and Species of Special Concern - any species listed as
9 endangered, threatened, rare, or of special concern by one or more of the following agencies:
10 b. Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission;

11
12
13 Part 2. ULDC Art. 4.D.2.A, Conflicting Provisions, [Related to Excavation] (page 143 of 171), is
14 hereby amended as follows:
15

Reason for amendments: [Zoning] A constitutional amendment that passed in 1998 updated the name of the Commission that is on charge of conserving the aquatic and wild life in the State of Florida. The Commission name was inadvertently not updated in this part of the Code to be Florida Fish and Wildlife Conservation Commission instead of Florida Game and Fresh Water Fish Commission.

16 CHAPTER D ADMINISTRATIVE PROCESS

17 Section 2 Applicability

18 A. Conflicting Provisions
19 To the extent provisions of this Section conflict with regulations of other applicable regulatory
20 agencies, the more restrictive regulations shall apply. Other permitting agencies include but are
21 not limited to SFWMD, Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation
22 Commission, USACE, DEP, and ERM. [Ord. 2006-004]
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57 U:\Zoning\CODEREV\2013\LDRAB\Meetings\2-27-13 Kick off\4 Final Packet\12 Exhibit B - Florida Fish and Wildlife Conservation
58 Commission.docx

Notes:
Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [**Relocated to:**].
~~Stricken~~ indicates text to be **deleted**.
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.



**PALM BEACH COUNTY
PLANNING ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

**PRIVATELY INITIATED APPLICATION (PIA)
TO AMEND UNIFIED LAND DEVELOPMENT CODE (ULDC)**

Application No. PIA 2013-04
Request: Modification of Type I (Private) Kennel to allow for limited boarding.
Applicant: Jeff and Monika Stefaniak
Project Manager: William Cross, AICP, Principal Site Planner

APPLICATION SUMMARY:

The applicant is requesting that the Board of County Commissioners (BCC) initiate an amendment to the ULDC in the current 2013-01 Amendment Round, as follows:

CODE SECTION	REQUIRED	PROPOSED BY APPLICANT
4.B.1.A.73, Type I Kennel (Private)	Any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, (excluding horses or livestock), owned by the occupants of the premises. a. Limitations of Use A private kennel shall be limited to domestic animals owned by the occupants of the premises only.... The care, breeding, boarding, raising, sale or grooming of dogs, cats, or any other domestic animal, bird, reptile or mammal is prohibited, except as permitted under provisions for Hobby Breeder contained herein....	See Attachment 1 for specific language. Summarized as follows for brevity: Proposes new Type I-b Kennel (Residential Boarding) a. Limitations of Use – Allows boarding and care of domestic animals not owned by residents. 1) Must be boarded within residence. 2) Min. six foot high fencing around outdoor use areas. 3) No change to character, exterior appearance or interior of dwelling. 4) No advertising on premises, nor through signs, billboards, television, radio, newspapers or on vehicles.

STAFF RECOMMENDATION:

Staff recommends that this topic/request be included in the 2013-2014 Use Regulations Project. This has previously been identified by PZ&B, Animal Care and Control (ACC) and the County Attorney's Office, and staff agrees that the request merits further study. Preliminary issues of concern include increased non-residential traffic, noise or other similar impacts to residential areas or neighborhoods. Including in the larger Use Regulations Project will provide for a holistic review of all issues in conjunction with similar uses, thus eliminating redundant efforts and maximizing staff resources.

If the BCC sees merits in this request, the applicant is requesting that staff be directed to process the amendment in the current 2013-01 Round.

BACKGROUND AND SUMMARY:

Commercial kennels are prohibited within residential Zoning districts. While private kennels are permitted in residential districts, the use is limited to the boarding of dogs "owned by the occupants of the premises..." In 2012 it was ascertained that several residential dog boarding operations had been established contrary to these prohibitions. Reasons included the discovery that several Business Tax Receipts (BTR) were for pet sitting, which is not correct for a boarding kennel or dog walking businesses, or that approvals for stables were incorrectly issued as kennels.

It is important to note that the applicant's proposal would limit the housing of any dogs boarded to within their residence, with provisions to allow for an outdoor exercise area.

Preliminary research indicates that other similar uses are permitted within residential Zoning districts, such as the boarding of up to four horses in a private stable when located on two or more acres; and, a family day care home, which allows for daycare of one to six children, excluding the operator's children who reside in the home.

Additional standards that may be required to address potential impacts might include: minimum acreage thresholds; increased driveway access or maneuvering to accommodate drop off areas; restrictions on outdoor play areas to include minimum setbacks, hours of use, supervision, and clarification of any related fencing requirements; and, a limit on the number of dogs or type of domestic animals to be boarded.

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County Administrator
Robert Weisman

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



REQUEST FOR ULDC LANGUAGE CHANGE

DATE: 02-05-2013

Re: Code Section Article 4, CH B, Sec.1 (A) (73)

From: Jeff & Monika Stefaniak

APPLICATION REQUIREMENTS

I request a change related to the following ULDC Language (attach copy of code section)

Please see attached

I have performed a word search in the ULDC and the following sections require change to complete this task

Article 4 – Use Regulations, CHAPTER B – SUPPLEMENTARY USE STANDARDS ,Section 1 – Uses,

A. Definitions and Supplementary Standards for Specific Uses, 73. Kennel, Type I (Private)

Multiple horizontal lines for providing additional details or comments.

Justification Statement
Re: changes to PBC ULDC Article 4, CH B, Sec. 1 (A) (73)

While it is understood that one intent of the ULDC and Zoning standards are to preserve the residential character and traffic flow of residential zoned neighborhoods, times and attitudes towards domestic animals have changed over the years, and it is our belief that a change to the definitions (and permitted zoning) for certain types of small-scale, private residence based boarding facilities should be modified. It is also believed that this can be done without interfering with the overall mission of the ULDC, while in fact benefiting residents of Palm Beach County.

Allowing limited numbers of domestic animals to be commercially boarded within owner-occupied residential properties in AR zoned areas will allow for a service that is unobtrusive, highly sought after, and provides peace of mind and comfort to domestic animals and their owners, while encouraging small-business entrepreneurship and generating tax revenues for the county.

It is recognized that there is little to be found in the codes of ordinances of most municipalities relating to boarding domestic animals in one's home, as this is a relatively new endeavor. It is also understood why commercial kenneling of animals in residentially zoned areas is generally prohibited.

However, as previously stated, attitudes toward pet animals have changed substantially, with many people viewing their beloved pet as less of an animal, and more of a member of the family. As a result, many pet owners are resistant to the idea of taking their animal to a commercial kennel or vet office while they are away, and would greatly prefer a home-like environment for their peace of mind and their pet's comfort. While home visits may be enough for some animals, others require more supervision and companionship (particularly due to medical or separation anxiety issues), and this is where boarding in a private home comes in.

Such use is certainly no more intrusive to an AR zoned neighborhood than uses such as the already allowed **73. Kennel, Type I (Private)** or **126. Stable, Private** (which already does allow boarding of horses not owned by the owner or occupant), and would doubtlessly have far *less* impact than the **125. Stable, Commercial** use allowed by Special Permit.

Amending the ULDC as requested to provide for proper zoning for such use has many benefits:

- It allows for a service that is already in great demand by residents of Palm Beach County and the surrounding areas. (A company named Rover.com recently received a \$7 million investment to expand their service – it is a web based home pet boarding network. Clearly there is growing demand both locally and nationwide for pet home boarding services.)
- Generates revenue for PBC and PBCACC, both directly (through licensing fees and business taxes) and indirectly (through private income spent locally). Particularly, this can provide additional source of needed income to self-employed and/or retired residents of Palm Beach County.

- A private residence used in this manner is externally identical to surrounding residential homes – in fact, due to necessary ‘curb appeal’ for clients, as well as unannounced inspections from PBCACC, there is additional incentive to the homeowner to take pride in their property and keep it in exceptionally well maintained condition on a permanent basis.
- Due to limited numbers of clients, and extended stays (unlike a doggy day-care with daily drop off and pickup) this type of use adds very little, if any, additional traffic flow to the neighborhood. Dogs are normally picked up at their owners’ homes.
- It is our belief that excess noise is not a particular concern, as the number of animals would generally be limited to the number already approved by PBACC for private ownership, and the animals are normally contained within the residence, which are located on relatively large lots. Furthermore, necessarily animals are not left home alone for extended periods, a common cause of disruptive domestic animal noise.

Some important differences to point out between private residential boarding and ‘kennel’ facilities (both private and commercial):

- The whole point is a home environment – no cages, paved dog runs, exterior kennel facilities are present. The exterior appearance is no different than any private homeowner who has pet dogs. Furthermore, this simply cannot be duplicated in a commercial facility.
- This type of boarding differs from a doggy daycare – stays are extended, and many animals are picked up from the client’s home by the owner - as opposed to a constant daily flow of client traffic to and from as would be the case with a daycare facility.
- This is not a breeding or grooming facility – while a dogs owner may give their dog the occasional bath, a private pet boarding home does not have any on site grooming facilities. It is expected that breeding would be prohibited.

As described, the proposed changes should allow several already established small businesses in Palm Beach County to remain open, providing a valuable service and generating both personal income and revenue for the county and surrounding businesses, while creating no substantially negative impact to their residential neighborhood, and in fact possibly improving upon the appearance of their street.

Proposed changes to Palm Beach County ULDC
Article 4 – Use Regulations
CHAPTER B – SUPPLEMENTARY USE STANDARDS
Section 1 – Uses
A. Definitions and Supplementary Standards for Specific Uses
73. Kennel, Type I (Private)

73-1. Kennel, Type I-a (Private)

Any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, owned by the occupants of the premises.

(Remainder as per original **73. Kennel, Type I (Private)**)

73-2. Kennel, Type 1-b (Residential Boarding)

An owner occupied, single family dwelling that offers boarding and care of domestic animals, such as dogs and cats, to paying customers.

a. Limitations of use

A Residential Boarding Kennel shall be limited to the boarding and care of domestic animals. The breeding, raising, or sale of dogs, cats, or any other domestic animal is prohibited. The sale of domestic animals on site is prohibited. Property size and restrictions on the number of animals permitted shall be regulated by the PBCACC.

1) Private Kennel

Animals boarded or cared for on the premises must be housed in the primary dwelling. Accessory structures (fully or partially enclosed) dedicated solely for the boarding of paying customers' domestic animals are prohibited.

2) Fencing

Safety fences not to exceed six feet in height must enclose all outdoor property accessible to domestic animals kept on the premises.

3) No Change to Character of Dwelling

Safety fencing excepted, the residential character of the dwelling in terms of exterior appearance and interior space shall not otherwise be altered or changed to accommodate the boarding of domestic animals.

4) Advertising

No external evidence or sign shall advertise, display, or otherwise indicate the presence of the Residential Boarding Kennel, nor shall the street address of the Residential Boarding Kennel be advertised through signs, billboards, television, radio, newspapers, or on vehicles.

Biohazardous waste incinerators with an allowable operating capacity equal to or less than 1,000 pounds per hour and biohazardous waste autoclaves are permitted as an accessory use, subject to the following standard.

1) Setbacks

A minimum of 500 feet from any property line abutting a residential district or use. Expansion of existing facilities may be allowed with lesser setbacks, provided the expansion is approved by the DRO.

f. Collocated Medical or Dental Offices

Medical or dental offices shall be permitted as a collocated use to a hospital or medical center. [Ord. 2011-001]

72. Hotel, Motel, SRO, and Rooming and Boarding House

An establishment requiring a license by the State of Florida used, maintained or advertised as a place where furnished sleeping accommodations are supplied for short term rent to guests or tenants. Typical uses include hotels, motels, single room occupancy (SROs) and rooming and boarding houses. [Ord. 2006-004]

a. Commercial Districts and AZO Overlay

If permitted by Table 3 B.2.A, Airport Use Regulations, Table 3.E.1.B, PDD Use Matrix, or Table 4.A.3.A, Use Matrix, or a hotel, motel, SRO, or rooming and boarding house with a CL, CHO and CH FLU designation, or in the AZO Overlay, shall comply with the following: [Ord. 2006-004] [Ord. 2006-036]

1) Lot Size

A minimum of one acre or the minimum required by the district, whichever is greater.

2) Lot Width

A minimum of 100 feet or the minimum required by the district, whichever is greater.

3) Sleeping Units

A maximum of one per 1,000 square feet of lot area.

b. RM District

A rooming and boarding house is permitted only in the RM district with an HR FLU designation. The number of beds permitted shall be calculated consistent with a Type 3 CLF. Hotels, motels, and SROs are prohibited.

c. CRE District

A hotel, motel, SRO, boarding or rooming house shall only be located in a RR FLU designation as a Class A conditional use.

d. PO District

An existing hotel located in the PO district shall be considered a conforming use. [Ord. 2009-040]

e. Accessory Uses

Hotels and motels may include typical accessory uses, such as fitness centers, meeting rooms, conference centers, restaurants and lounges.

f. Lounge

An accessory lounge shall not exceed ten percent of the GFA of a hotel or motel. [Ord. 2006-004]

73. Kennel, Type I (Private)

Any building or land used, designed or arranged to facilitate the non-commercial care of domestic animals, such as dogs and cats, owned by the occupants of the premises. [Ord. 2006-036] [Ord. 2008-036]

a. Limitations of Use

A private kennel shall be limited to domestic animals owned by the occupants of the premises only, or a private non profit animal organization licensed by PBC ACC that is not open to the public and located on less than 2.5 acres. The care, breeding, boarding, raising, sale or grooming of dogs, cats, or any other domestic animal, bird, reptile or mammal is prohibited, except as permitted by PBCACC. The raising of domestic animals for sale is prohibited. The sale of domestic animals on site is prohibited. Property size and restrictions on the number of animals permitted shall be regulated by the PBCACC. [Ord. 2006-036] [Ord. 2008-037]

1) Setbacks

Enclosed structures or runs shall comply with the minimum setbacks applicable to the principal dwelling unit provided that openings do not face adjacent residential uses. [Ord. 2006-036]

2) Hobby Breeder

A person who breeds and/or raises, on his/her property, purebred dogs or cats capable of registration with the national or international dog or cat registry and does not engage in the sale to the public, during a consecutive 12 month period, of more than two litters or 20 dogs or cats, whichever is greater. The hobby breeder is further defined by the PBCACC pursuant to Ord. 89-2, as amended. [Ord. 2006-036]

3) Outdoor Runs

Safety fences not to exceed six feet in height shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge, a minimum of four feet at installation, shall be provided around the outdoor run. Outdoor runs or non-enclosed structures used by a hobby breeders shall not be located within 50 feet of any property line adjacent to a residential district or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036]

4) Private Kennel

Outdoor runs or non-enclosed structures shall not be located within 25 feet of any property line. [Ord. 2006-036]

b. Guard Dog Exemption

Adequate shelter required by ACC for any guard dog registered in accordance with ACC Ord. 98-022 shall be permitted in any Zoning district, and shall be exempt from the setback requirements of this section. [Ord. 2008-036]

74-1. Kennel, Type II (Commercial)

A commercial establishment, including any building or land, used for the raising, boarding, breeding, sale, or grooming of domesticated animals (e.g. dogs and cats), not necessarily owned by the occupants of the premises, for profit. [Ord. 2006-036]

a. Limitations of Use

A Type II commercial kennel shall be limited to the raising, breeding, boarding, sale, and grooming of domestic animals, (e.g. dogs and cats). [Ord. 2006-036]

1) Lot Size

A minimum of two acres. [Ord. 2006-036]

2) Frontage

A minimum of 100 feet fronting on and access from a collector or arterial street. [Ord. 2006-036]

3) Outdoor Runs

a) Setbacks

Outdoor runs or animal exercise area shall not be located within 50 feet of any property line adjacent to a residential district, use or where mixed use is required, or 25 feet of any property line adjacent to a non-residential district. [Ord. 2006-036] [Ord. 2008-037]

b) Standards

Outdoor runs or animal exercise area shall be hard surfaced or grassed with drains provided every ten feet and shall be connected to an approved sanitary facility. A minimum six-foot high safety fence shall be required around outdoor runs. If the safety fence is not opaque, a continuous solid opaque hedge a minimum of four feet at installation shall be provided around the outdoor run\area. [Ord. 2006-036]

4) AZO Overlay

Shall be a permitted use only if associated with services provided to passengers and airport employees. [Ord. 2006-036]

b. Accessory Residential Use

A Type II commercial kennel may be operated in the AGR district in conjunction with a residence. [Ord. 2006-036] [Ord. 2009-040]

c. PIPD

A Type II commercial kennel may be permitted in a commercial or light industrial pod of a PIPD subject to DRO approval, subject to compliance with the limitations of Plan FLUE Policy 2.2.4-b. [Ord. 2008-037]

74-2. Kennel, Type III (Commercial)

A commercial establishment operated entirely within an enclosed building used for the boarding, sale, or grooming of domesticated animals (e.g. dogs and cats), not owned by the occupants of the premises, for profit. [Ord. 2006-036]

a. Limitations of Use

A Type III kennel is intended to be entirely self contained within an enclosed building, and shall be subject to the following: [Ord. 2006-036]



**PALM BEACH COUNTY
PLANNING ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

**PRIVATELY INITIATED AMENDMENT (PIA) APPLICATION
TO AMEND UNIFIED LAND DEVELOPMENT CODE (ULDC)**

Application No. PIA 2013-05
Application: Modify the supplemental regulations and associated sections of the ULDC for Commercial Parking Lots
Applicant: Lots Palm Beach Kennel Club
Agent: Joseph J. Verdone, AICP, Carlton Fields
Project Manager: David Nearing, AICP, Site Planner I

APPLICATION SUMMARY:

The applicant is requesting that the Board of County Commissioners (BCC) support an amendment to the ULDC in the current 2013-01 Amendment Round, as follows:

CODE SECTION(S)	REQUIRED	PROPOSED BY APPLICANT
Art. 4.B.1.A.96, Parking Lots, Commercial	<ul style="list-style-type: none"> ▶ Limited to temporary (daily) parking or storage of vehicles; ▶ Valet parking is not specifically addressed; and, ▶ Shall "...not be located on a parcel adjacent to a residential district." 	To permit: <ul style="list-style-type: none"> ▶ Extended overnight parking; ▶ Use of valet services; and, ▶ When adjacent to parcels with a residential zoning district or parcels future land use (FLU) designation, subject to a minimum 250 foot separation distance.
Art. 6.A.1.D.17, Parking; General; Off-Street Parking Commercial Parking Lot	<ul style="list-style-type: none"> ▶ Commercial Parking lots can not be located on land contiguous to lands used or zoned residentially; ▶ No other business may be conducted on the lot; and, ▶ Where applicable, cannot use spaces required to meet minimum parking requirements for other uses (required to be within 600 feet). 	To permit: <ul style="list-style-type: none"> ▶ When adjacent to parcels with a residential zoning district or parcels future land use (FLU) designation, subject to a minimum 250 foot separation distance. ▶ Mobile washing and cleaning services; and, ▶ Within existing parking lots provided the spaces used for the commercial lot are in excess of those needed and the parking is valet.

STAFF RECOMMENDATION:

Staff recommends that this topic/request be included in the 2013-2014 Use Regulations Project. This would allow for the evaluation of Commercial Parking Lot standards concurrently with other similar uses. While not critical, permitting a relatively innocuous use such as "detailing" to take place in the commercial lot would permit the provision of a value added service which would be beneficial to those customers wishing to use the service. No sub-committee review is recommended.

If the BCC sees merits in this request, the applicant is requesting that staff be directed to process the amendment in the current 2013-01 Round.

BACKGROUND AND SUMMARY:

The Palm Beach Kennel Club includes a number of surface parking spaces in excess of the minimum required by the business. The owners have entered into an agreement with the Palm Beach International Airport to provide satellite parking without consulting PZ&B on any possible code provisions that might prohibit such a use. The parking operation was cited by Code Enforcement at which time it was determined that the use is not currently permitted by the ULDC due to restrictions on proximity to residentially zoned parcels, among other applicable regulations.

Under current regulations in Article 4, Supplementary Use Regulations, the Kennel Club would be prohibited from having a Commercial Parking Lot due to need for overnight parking, and the presence of adjacent residentially zoned property. Article 6, Parking, also precludes the use due to the proximity of residentially zoned property, but also due to the fact that there is another business on the property, the Kennel Club. The applicant would also like to clarify the valet service can be provided, and that there is an opportunity to provide mobile auto detailing within the commercial parking portion of their parking facilities.

Additional standards that may be required to address potential impacts might include: clarifying applicability of separation distance to include existing residential uses; clarify the use of valet services would be optional, but if used – the use of "bull penning" may be considered; landscape buffering, screening or parking lot modifications; security concerns for customers and adjacent businesses; and, mitigating 24 hour lighting, noise or other potential adverse impacts.

U:\Zoning\CODEREV\2013\LDRAB\Meetings\2-27-13 Kick off\4 Final Packet\14 Exhibit C2 - Commercial Parking Lots PIA.docx

County Administrator
Robert Weisman

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



REQUEST FOR ULDC LANGUAGE CHANGE

DATE: 1/22/13

Re: Code Section Article 4 note 96

From: _____

APPLICATION REQUIREMENTS

I request a change related to the following ULDC Language (attach copy of code section)

See attached Exhibit A

I have performed a word search in the ULDC and the following sections require change to complete this task

Article 4 Note 96

EXHIBIT A

ARTICLE X – COMMERCIAL PARKING LOT
SUMMARY OF AMENDMENTS
(Updated XX/XX/13)

1
2 **Part 1. ULDC Art. 4.B.1.A.96, Commercial Parking Lot (page 75 of 171), is hereby amended as**
3 **follows:**
4

Reason for amendments:

The proposed and intent of this amendment is to provide to provide the ability to establish a Commercial Parking Lot with a minimum 250 feet separation from a residentially zoned or designated parcel. These commercial parking lots are intended to serve the PBC Airport and other uses. This amendment will allow Commercial Parking Lots to be established pursuant to the ULDC as a standalone use, on multiple use sites that have demonstrated adequate parking is available on site, or on sites that already have excess parking not required by code. This amendment is consistent with the ULDC commercial parking standards and commercial parking use regulations.

The proposed code revision request would replace the ambiguous parcel proximity to residential criteria in ULDC use note # 96 of Article 4, with one that is more fairly measurable and enforceable for both the Zoning Division and property owners. The amendment will also clarify the intent of allowing overnight parking for on or off site uses.

Currently Commercial Parking Lots are permitted in commercial zoning districts as use subject to DRO approval however the existing location standard for a principal commercial parking lot is based on a proximity to adjacent residential parcel criteria. This existing proximity criterion doesn't provide flexibility to provide a consistent guidance for compatibility or establish a reasonable separation standard from an adjacent residential parcel. Additionally the existing proximity standard is very difficult to meet on a large commercial parcel that may be adjacent to several zoning districts at the same time despite having the ability to provide ample separation from the residential land to ensure compatibility. It should also be noted that commercially zoned property is almost always adjacent to a residentially zoned parcel in PBC. Furthermore, Section 6.A.1.D.4 currently provides for the collection of fees for the use of parking spaces that have been provided in excess of minimum standards and Section 6.A.1.D.14 allows for fees to be collected for approved valet parking operations without this same proximity limitation.

The proposed amendment would provide a measurable 250 foot spatial separation that is consistent with the current 24 hour commercial activity separation from residential land criteria of the ULDC. This new 250 foot spatial separation would provide sufficient and consistent separation protection from both residentially zoned and designated lands. Various other minor amendments to this code section are included to clarify the intent and to ensure consistency with other regulations within the ULDC. The amendment also is correcting a minor scrivener' errors carried forward from past editions.

5 **CHAPTER B SUPPLEMENTARY USE STANDARDS**

6 **Section 1 Uses**

7 **A. Definitions and Supplementary Standards for Specific Uses**

8 **96. Parking Lot, Commercial**

9 A lot used for temporary parking or storage for motor vehicles as a principal use for a fee and
10 subject to:

11 **a. Principal Use**

12 Parking spaces may be rented for daily parking. No other business of any kind shall be
13 conducted on the lot, including repair, service, display, or storage of other goods, except
14 mobile working and detailing.

15 **b. Proximity to Residential**

16 A commercial parking lot shall not be located on a parcel adjacent to a residential district.

17 **c. Storage**

18 Long trailers storage of vehicles shall be permitted in the IL district if screened from view
19 in accordance with the outdoor storage standards.

20

21
22
23 **Part 2. ULDC Art. 6.A.1.D.17, Commercial Parking Lot (page 29 of 39), is hereby amended as**
24 **follows:**
25

Reason for amendments: The proposed and intent of this amendment is to modify the existing proximity standards to provide the ability to establish a Commercial Parking Lot with a minimum 250 feet separation from a residentially zoned or designated parcel. These Commercial Parking Lots are intended to serve the PBC Airport and other uses. This amendment will allow Commercial Parking Lots to be

Notes:
Underlined indicates new text. If being relocated destination is noted in bolded brackets [**Relocated to:**].
~~Stricken~~ indicates text to be deleted.
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 A

ARTICLE X – COMMERCIAL PARKING LOT
SUMMARY OF AMENDMENTS
(Updated XX/XX/13)

established pursuant to the ULDC as a standalone use, on multiple use sites that can demonstrate adequate parking is available on site, or on sites that already have excess parking not required by code. This amendment will

This amendment is required to provide consistency between the ULDC commercial parking standards and proposed commercial parking use regulations that are being process concurrently with this request.

1 CHAPTER A PARKING

2 Section 1 General

3 D. Off-Street Parking

4 17. Commercial Parking Lot

5 a. General

6 A commercial parking lot shall not be contiguous to lands used or zoned for residential
7 purposes. Parking spaces may be rented for parking. No other business of any kind shall
8 be conducted on the lot, including repair, service, washing, display or storage of vehicles
9 or other goods. Review of parking lots and structures shall consider the proposed
10 operation of the lot. The standards of this Article, including signage, maneuvering, and
11 backup distances may be varied, based on the proposed operation.

12 b. Design

13 The site plans for a commercial parking lot shall be drawn to a scale no smaller than one
14 inch equals 50 feet and show the layout of the street connection and access ways,
15 drainage provisions, signs, surfacing, curbs or barriers, street connections and access
16 ways of lands located contiguous and directly across the street, and the location and type
17 of landscaping.

18 c. Access

19 Ingress and egress shall be located to present the least interference with traffic and the
20 least nuisance on any adjacent street. The location, size and number of entrances and
21 exits shall be subject to approval by the DRO.

22

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Notes:

Underlined indicates new text. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

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

Meeting

Date

Exhibit A

The proposed code changes are below:

ULDC Art. 4.B.1.A.96, Commercial Parking Lot (*changes shown in strike through and underline*)

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

96. Parking Lot, Commercial

A lot used for temporary parking or storage for motor vehicles as a principal use for a fee and subject to:

a. Principal Use

Parking spaces may be rented for daily or extended overnight parking. No other business of any kind shall be conducted on the lot, including repair, service, display, or storage of other goods, except mobile ~~working~~ washing and / detailing and valet services.

b. Proximity to Residential

A commercial parking lot shall not be located within 250 feet on a parcel adjacent to of a residential district or parcel with a residential FLU designation.

c. Storage

Long trailers storage of vehicles shall be permitted in the IL district if screened from view in accordance with the outdoor storage standards

Exhibit B

ULDC Art. 6.A.1.D.17, Commercial Parking Lot (*changes shown in strike-through and underline*)

CHAPTER A PARKING

Section 1 General

D. Off-Street Parking

17. Commercial Parking Lot

a. General

A commercial parking lot shall not be located within 250 feet contiguous to of lands used or zoned for residential purposes. Parking spaces may be rented for parking. No other business of any kind shall be conducted on the lot, including repair, service, washing, display or storage of incorporable or unlicensed vehicles, or other goods, except mobile washing / detailing and valet services. Review of parking lots and structures shall consider the proposed operation of the lot. The standards of this Article, including signage, maneuvering, and backup distances may be varied, based on the proposed operation. **Commercial parking may be approved within existing parking lots provided that all commercial parking spaces are within a segregated valet only parking area and the designated commercial parking spaces are in excess of the required minimum parking spaces for the principal use.**

b. Design

The site plans for a commercial parking lot shall be drawn to a scale no smaller than one inch equals 50 feet and show the layout of the street connection and access ways, drainage provisions, signs, surfacing, curbs or barriers, street connections and access ways of lands located contiguous and directly across the street, and the location and type of landscaping.

c. Access

Ingress and egress shall be located to present the least interference with traffic and the least nuisance on any adjacent street. The location, size and number of entrances and exits shall be subject to approval by the DRO.