



PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

FEBRUARY 27, 2019

BOARD MEMBERS

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Dr. Lori Vinikoor, Vice-Chair (District 5)**

Joanne Davis (District 1)

Vacant (American Institute of Architects)

Drew Martin, (District 2)

Vacant (Environmental Organization)

Philip L. Barlage (District 3)

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

James Knight (District 4)

Derek Zeman (Fl. Surveying and Mapping Society)

Myles Basore (District 6)

**Charles Drawdy (Association Gen. Cont. of
America)**

Robert J. Harvey (District 7)(Pending reappointment)

Abraham Wein (Member at Large/Alternate)

Daniel J. Walesky (Gold Coast Builders Assoc.)

Vacant (Member at Large/Alternate)

Anna Yeskey (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering

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

**WEDNESDAY, FEBRUARY 27, 2019 AGENDA
2300 NORTH JOG ROAD
ROOM VC-1E 47, VISTA CENTER
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. Adoption of November 14, 2019 Minutes (Exhibit A)
5. 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. ULDC AMENDMENTS-NEW

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C. ULDC AMENDMENTS-REVISIONS

D. PRIVATELY INITIATED AMENDMENTS

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| 1. Exhibit I PIA-2018-2043 Renewable Energy Solar Facilities | 21 - 21 |
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E. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

1. Proof of Publication
2. Consistency Determination for Exhibit I PIA 2018-2043

F. ADJOURN AS LDRC AND RECONVENE AS LDRAB

G. ANNUAL ORGANIZATION DISCUSSION

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| 2. Attachment 2 2018 LDRAB Attendance | 24 - 24 |
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H. STAFF COMMENTS

I. BOARD MEMBER COMMENTS

J. ADJOURN

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EXHIBIT A

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

(Updated 11/15/18)

Minutes of November 14, 2018 LDRAB/LDRC Meeting

On Wednesday, November 14, 2018, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1E-60), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Vice Chair, Dr. Lori Vinikoor, called the meeting to order at 2:03 p.m. Zona Case, Code Revision Secretary, called the roll.

Members Present: 10

Lori Vinikoor (District 5)
Joanne Davis (District 1)
Drew Martin (District 2)
Derek Zeman (Fl. Surveying & Mapping)
James Knight (District 4)
Myles Basore (District 6)
Terrence Bailey, (Fl. Engineering Society)
Daniel Walesky (Gold Coast Bld. Assoc.)
Anna Yeskey, (League of Cities)
Charles Drawdy (Assoc. Gen. Contractors of America)*

Vacancies: 1

Environmental Organization

Members Absent: 7

Wesley Blackman (PBC Planning Congress)
Philip Barlage (District 3)
Robert J. Harvey District 7)
Frank Gulisano, (Realtor's Assoc. of the Palm Beaches)
Xavier Salas, (AIA)
Abraham Wien (Member at Large, Alt. 1)
Winifred Park Said (Member at Large, Alt. 2)

County Staff Present:

Jon MacGillis, Zoning Director
Wendy Hernandez, Principal Site Planner
Jan Rodriguez, Senior Site Planner
Leonard Berger, County Attorney
Scott Rodriguez, Senior Planner, Planning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Dr. Vinikoor noted an add-delete sheet and asked the Board to approve, along with the agenda.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Mr. Knight, seconded by Mr. Bailey. Motion passed (9-0).

*Mr. Drawdy arrived at 2:05 p.m.

4. Adoption of October 26, 2018 Minutes (Exhibit A)

Motion to adopt the Minutes by Mr. Martin, seconded by Mr. Bailey. Motion passed (10-0).

5. Public Comments

There were no public comments

B. ULDC AMENDMENTS NEW

1. Exhibit B - Article 4 - Adult Entertainment and Place of Worship

Ms. Hernandez explained that the amendment exempts the requirement for Adult Entertainment to be subject to Conditional Use approval by the BCC from all thresholds in the code, as uses that exceed a maximum square footage in certain zoning districts are subject to BCC approval. The same amendment applies to Places of Worship in Part 2 of the Exhibit, and both address First Amendment issues.

Motion to approve by Mr. Knight, seconded by Ms. Davis.

Discussion: Mr. Martin opined that there should be an avenue for neighbors to voice concerns about Adult Entertainment. Mr. MacGillis explained that for approximately 20 years approval has been by Special Permit, administratively, and churches were approved under Conditional Use by the Board.

The Motion passed (10-0).

C. ULDC AMENDMENTS-REVISIONS AFTER 10/24 LDRAB

1. EXHIBIT C - ARTICLE 7 – LANDSCAPING

Ms. Hernandez indicated that this Exhibit was presented to the LDRAB previously and relates to Article 7, Landscaping, and how to rectify removal and replacement of trees. Since then the County Attorney's office and Zoning staff have been working with FPL on the relationship of trees planted in proximity to power lines. Ms. Hernandez incorporated a Power Point presentation with changes on the add/delete sheet, to clarify the modifications to the original presentation. She highlighted the following points:

EXHIBIT A

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

(Updated 11/15/18)

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- Part 1, page 3, Reasons for amendments are modified to remove overhead power lines from the Type 1 Waiver Table, as the Code is being modified to allow changes to the minimum tree sizes, palms and pines, and this will be done administratively by right.
- Part 2, page 4, minor change to the original standards for Removal and Replacement adding “proximity of the tree to the overhead electric utilities”.
- Part 3:
 - Page 5, adding reference and exemption from heights – allow shorter palms; line 7 Reasons for amendment, and lines 20-42 addition and reference to “Right Tree, Right Place”;
 - Page 6, lines 1-8, include graphic on how to measure large trees using language from “Right Tree, Right Place”
- Part 4:
 - Pages 6-7, added reference to an exemption from the average if there is an overhead utility;
 - Page 7, add/delete, lines 37-39, strike out exemption from minimum height as pines do not have varied heights.
- Part 5, page 9, line 6 add chapter reference.
- Part 6, page 10, lines 42-43, add reference to FPL “Right Tree, Right Place

The Vice Chair suggested looking at replacing the term “Right Tree, Right Place”, in case FPL changes that terminology. Mr. MacGillis recommended retaining it at this time.

Mr. Walesky inquired if the intent is to allow for variation of species. Mr. MacGillis explained that in the past the code stipulated 12ft trees, and last year change related to average height was adopted because of the difficulty in getting enough 12ft. trees. An average calculation was done to determine the amount of trees, and it was decided to keep the same number and allow height variation. Besides, the intent is not to have tall trees near the wire.

Mr. David Lee, representing FPL Company, referred to the strike out on page 1 of the add/delete sheet - the text located under setbacks on page 5, Section 5.a.5. Ms. Hernandez clarified that this is addressed on page 6, under Figure 7.C.5.a. Mr. Lee also added that he would like to ensure that trees that will become a problem to the power lines when they mature, causing potential outages, will not be planted. He also explained that FPL will be working with the Counties and if there is going to be a change of the term “Right Tree, Right Place” the company will advise, but he did not foresee a change of that term any time in the near future.

Motion to adopt by Mr. Knight, seconded by Ms. Davis.

Discussion: Mr. Martin expressed concern about replacing canopy trees with palms and said he would like to discourage this as palms are not conducive to wild life.

Ms. Davis pointed out the following for administrative correction:

Page 4, line 27 – “specie” – should be “species”. Correct wherever necessary.

Page 9, line 8 – “removed”- should be “removal”

Page 10, line 4, - the term “similar specie” was discussed and it was decided to use the language-”replace by a similar tree, palm or pine.”

The motion to adopt with corrections, passed (9-1). Mr. Martin voted nay

D. ADJOURN AS LAND DEVELOPMENT REVIEW ADVISORY BOARD (LDRAB) AND CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

1. Proof of Publication

The Vice-Chair acknowledged Proof of Publication and Mr. MacGillis also confirmed publication.

2. CONSISTENCY

The Chair acknowledged receipt of Consistency Determination from the Planning Division and Mr. Scott Rodriguez confirmed that the amendments to Exhibits B and C are consistent with the Comprehensive Plan.

Motion to accept Planning Department Consistency Determination by Mr. Knight, seconded by Ms. Davis. Motion passed (10 – 0).

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

F. PRIVATELY INITIATED AMENDMENTS (PIA’S)

1. Exhibit D, PIA-2018-2043 Renewable Energy Solar Facilities

Mr. Matthew Silver, FPL Project Manager, updated the Board on Solar energy facilities in Palm Beach County informing them that the company has close to 1000 mega-watts, 14 major facilities on line, and more coming this year. All sites have several unique advantages, namely, no lights at night, virtually

EXHIBIT A

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

(Updated 11/15/18)

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silent, no increased traffic as they are unmanned facilities, no water or fuel, are seated low to the ground and can power 15,000 homes. He showed an example of the sites and panels.

The presentation was turned over to Ms. Joni Brinkman, Urban Design Kilday Studios, who stated that the Privately Initiated Amendment (PIA) is being presented to the Board for their recommendation. There have been pre-application meetings with staff and the proposed amendments listed below will make changes in Articles, 3, 4 and 5:

- ✓ Revision of definition of solar energy
- ✓ Rezoning not required – (AP/AR)
- ✓ Not proposing setback changes
- ✓ Outside of Urban/Suburban Tier
- ✓ Re Article 7: exemption from planting requirements for ROW and perimeter buffers
- ✓ Barbed wire allowed for security purposes
- ✓ Property lines adjacent to existing residential and non-residential uses exempted from maximum height restriction.
- ✓ Looking forward for a favorable recommendation from the BCC to move forward.

Mr. MacGillis explained that the Board reviewed this years ago and there will be no commitment to specific language at this meeting but an opening up for reviewing by the BCC, and bringing back to the Board. Ms. Davis remarked on the buffers and screening and Dr. Vinikoor recommended that even if the fence is opaque, it should be buffered. Mr. Bailey questioned barbed wire adjacent to residential and suggested that this be carefully reviewed when it comes back to the Board. Mr. Silver responded that the design for the fencing has not been completed.

Motion for the proposal to go forward to the BCC by Mr. Martin, seconded by Ms. Davis. Motion passed (10-0).

F. STAFF COMMENTS

Ms. Hernandez advised that Ms. Maria Bello of the Planning Division would update the Board on the Workforce Housing Program. Ms. Bello reported that a BCC Workforce Housing Workshop was held on October 23, 2018, and using a Power Point Presentation, she showed the issues that were addressed. There were reports on WHP sale and rental pricing, results of the program to date, and recommendations on WHP ULDC Revisions (a 3 year + process). The presentation also outlined the proposed policy provisions and BCC direction on:

- Density bonus, which will require a Plan amendment
- Elimination of the “No incentive option”
- Conditions for reduction of Obligation and release of Obligation
- Income category flexibility.
- Bedrooms in proportion to market rate
- In-lieu-fees for townhouses, multi and single-family units.
- WHP Option at Public Hearing
- Conditions for Decoupling
- Exchange Program
- Specific calculation for off-site rental WH units
- WH obligation for Comprehensive plan amendments
- Proposed next steps

Ms. Bello added that the Economic Consultant recommends one more round of analysis and process as the code changes. The County will follow up with other agencies.

A brief discussion followed: Mr. Bailey suggested that cost be tied to CPI to keep pace with market and Ms. Bello responded that this is part of Board Direction. Mr. Walesky added that decoupling is essential but there should be language to allow for some process for extension. Mr. Knight opined that there is a huge disparity between the amount of apartments built for rent and the amount built for sale. Ms. Davis inquired about compatibility in design and Ms. Bello confirmed that this is already included.

D. BOARD MEMBERS COMMENTS

There were no comments from the Board.

E. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:30 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.

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EXHIBIT B

ARTICLE 4 – USE REGULATIONS SUMMARY OF AMENDMENTS

CR-2018-0056
(Updated 12/26/18)

1 Part 1. ULDC Art. 4.B.1.E.10.I, Nuisances [Related to Home Occupation] (page 23 of 208,
2 Supplement 24), is hereby amended as follows:
3

Reason for amendments: [Zoning/Code Enforcement]
1. To remove a subjective standard related to language about noise and default to acceptable sound levels pursuant to Art. 5, Table 5.E.4.B – Maximum Sound Levels. Table 5.E.4.B – Maximum Sound Levels provides measurable levels.
2. The Maximum Sound Levels table lists the maximum sound levels for residential, nonresidential and commercial uses. Objectionable nature referenced in the Home Occupation is subjective and difficult for the Code Enforcement staff to enforce or defend.

4 **CHAPTER B USE CLASSIFICATION**

5 **Section 1 Residential Uses**

6

7 **E. Accessory Residential Use Standards**

8 **10. Home Occupation**

9 **I. Nuisances**

10 No Home Occupation shall involve the use of any mechanical, electrical or other
11 equipment, materials or items which produce noise, electrical or magnetic interference,
12 vibration, heat, glare, smoke, dust, odor or other nuisance outside the residential building.

13 There shall be no storage of hazardous or noxious materials on the site of the home
14 occupation. ~~There shall be no noise of an objectionable nature from the Home Occupation
15 audible at adjoining property lines.~~

16
17

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EXHIBIT C

ARTICLE 5 – SUPPLEMENTARY STANDARDS FUEL, GAS, OR CHEMICAL STORAGE TANKS

CR-2018-057
(Updated 1/2/2019)

1 Part 1. ULDC Art. 1.B.1.A.7, Fuel, Gas or Chemical Storage Tanks (page 20-21 of 110,
2 Supplement 24), is hereby amended as follows:

Reason for amendments: [Zoning]
1. To clarify setbacks based on the zoning district setbacks or the Florida Building and Fire Prevention codes. Permitting staff indicated inconsistencies with interpretation and application.
2. In some cases, the 20' setback exceeded those identified in the NFPA 58 Gas Code and thereby made it difficult for the Applicant to comply.

3 **CHAPTER B ACCESSORY USES AND STRUCTURES**

4 **Section 1 Supplementary Regulations**

5 **A. Accessory Uses and Structures**

6

7

8 **7. Fuel, Gas, or Chemical Storage Tanks**

9 Above ground accessory fuel, gas, or chemical storage tanks, 3 feet or greater in height shall
10 be subject to the zoning district setbacks or the minimum setbacks required by the Florida
11 Building and Fire Prevention codes, whichever is greater, and screening. New and
12 replacement storage tanks of 20 feet and shall be ~~completely~~ screened from view if adjacent
13 to a residential use or FLU designation and visible from an adjacent R-O-W. The screening
14 shall consist of by a continuous solid an opaque barrier or equivalent landscaping a hedge a
15 minimum of four feet in height equal to the highest point of the storage tanks around the
16 perimeter of the tank enclosure.

17

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EXHIBIT D

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES REASONABLE ACCOMODATION

CR-2018-059
(Updated 1/04/19)

1 Part 1. ULDC Art. 2.C.5.F.4, Reasonable Accommodation (page 54 of 105, Supplement 24), is
2 hereby amended as follows:
3

Reason for amendments: [Zoning/County Attorney]
1. To clarify that when a facility that has received a Reasonable Accommodation has a change of owner/operator, a new request for reasonable accommodation is required.
2. This will provide staff the opportunity to review the reasonable accommodation request and either confirm that the facility will continue to operate as previously approved or receive a <u>new</u> determination based on a changed assessment.
3. I have included the entire Reasonable Accommodation provisions in this exhibit, in the event there is a decision to have the newly added regulations located elsewhere in the draft.

4 CHAPTER C ADMINISTRATIVE PROCESSES

5 Section 5 Types of Application

6 F. Reasonable Accommodation

7 1. Purpose

8 The purpose of this section is to establish procedures for processing requests for Reasonable
9 Accommodation from the County's Unified Land Development Code and related rules, policies,
10 practices and procedures, for persons with disabilities as provided by the Federal Fair Housing
11 Amendments Act (42 U.S.C. 3601, et. seq.) (FHA), or Title II of the Americans with Disabilities
12 Act (42 U.S.C. Section 12131, et. seq.) (ADA). Any person who is disabled, or qualifying
13 entities, may request a Reasonable Accommodation, pursuant to the procedures set out in this
14 section. [Ord. 2011-016] [Ord. 2018-002]

15 2. Applicability

16 An applicant shall be required to apply for all applicable Development Review processes
17 available in the ULDC prior to filing a request for Reasonable Accommodation, unless
18 compliance with available Development Review processes would deprive the Applicant, or
19 persons with disabilities served by the Applicant, of an equal opportunity to use and enjoy
20 housing. [Ord. 2015-006] [Ord. 2018-002]

21 3. Notice to the Public of Availability of Accommodation

22 The County shall endeavor to provide notice to the public, advising that disabled individuals or
23 qualifying entities may request a Reasonable Accommodation. [Ord. 2011-016] [Ord. 2018-
24 002]

25 4. Application Procedures

26 The application forms and requirements for submitting a request for Reasonable
27 Accommodation shall be on forms specified by the County Administrator or designee. [Ord.
28 2011-016] [Ord. 2018-002]

29 a. Application Contents

30 The following considerations shall be applicable for any application information or
31 documentation required: [Ord. 2011-016] [Ord. 2018-002]

32 1) Confidential Information

33 Upon submittal of any medical information or records, including but not limited to
34 condition, diagnosis, or history related to a disabled individual, an applicant may
35 request that the County, to the extent allowed by law, treat the information or records
36 as confidential. The County shall thereafter endeavor to provide notice to the disabled
37 individual, or their representative, of any request received by the County for disclosure
38 of the medical information or documentation previously requested to be treated as
39 confidential. The County will cooperate with the disabled individual, to the extent
40 allowed by law, in actions-initiated by such individual to oppose the disclosure of such
41 medical information or documentation, but the County shall have no obligation to
42 initiate, prosecute or pursue any-such action, or to incur any legal or other expenses,
43 whether by retention of outside counselor, or allocation of internal resources in
44 connection therewith, and may comply with any judicial order without prior notice to the
45 disabled individual. [Ord. 2011-016] [Ord. 2018-002]
46

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EXHIBIT D

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES REASONABLE ACCOMODATION

CR-2018-059
(Updated 1/04/19)

- 1 2) **Address of Applicant**
2 Address of the applicant is requested, unless governed by 42 U.S.C. §290d.d., in which
3 case the address shall not be required, but the applicant may be requested to provide
4 documentation to substantiate a claim verifying applicability. [Ord. 2011-016] [Ord.
5 2015-006] [Ord. 2018-002]
6 3) **Address of Housing**
7 Address of housing or other location at which accommodation is requested unless
8 governed by 42 U.S.C. 290d.d., in which case address shall not be required, but the
9 applicant may be requested to provide documentation to substantiate a claim verifying
10 applicability. [Ord. 2011-016] [Ord. 2018-002]
11 b. **Sufficiency Determination**
12 The County Administrator or designee shall determine whether the application is sufficient
13 or insufficient within ten days of submittal by reviewing the information required in the
14 application. If staff determines the application is not sufficient, a written notice shall be sent
15 to the applicant specifying the deficiencies within the ten day determination timeframe set
16 forth herein. [Ord. 2015-006] [Ord. 2018-002]
17 c. **Fee**
18 There shall be no fee imposed by the County for a request for Reasonable Accommodation
19 under this section or an appeal of a determination on such request, and the County shall
20 have no obligation to pay an applicant's, or an appealing party as applicable, attorneys'
21 fees or costs in connection with the request, or an appeal. [Ord. 2011-016] [Ord. 2015-
22 006] [Ord. 2018-002]
23 d. **County Assistance**
24 The County shall provide such assistance and accommodation as is required pursuant to
25 FHA and ADA in connection with a disabled person's request for Reasonable
26 Accommodation, including assistance with reading application questions, and responding
27 to questions related to completing application or appeal forms, among others, to ensure
28 the process is accessible. [Ord. 2011-016] [Ord. 2018-002]
29 e. **Findings for Reasonable Accommodation**
30 In determining whether the Reasonable Accommodation request shall be granted or
31 denied, the applicant shall be required to establish that they are protected under the FHA
32 or ADA by demonstrating that they are handicapped or disabled, as defined in the FHA or
33 ADA. Although the definition of disability is subject to judicial interpretation, for purposes
34 of this ordinance the disabled individual must show: [Ord. 2011-016] [Ord. 2015-006]
35 [Ord. 2018-002]
36 1) a physical or mental impairment which substantially limits one or more major life
37 activities; [Ord. 2011-016] [Ord. 2018-002]
38 2) a record of having such impairment; or [Ord. 2011-016] [Ord. 2018-002]
39 3) that they are regarded as having such impairment. [Ord. 2011-016] [Ord. 2018-002]
40 The applicant shall demonstrate that the proposed accommodations being sought are
41 reasonable and necessary to afford disabled persons equal opportunity to use and enjoy
42 housing. The foregoing, as interpreted by the Courts, shall be the basis for a decision upon
43 a Reasonable Accommodation request made by the appropriate PBC official. [Ord. 2011-
44 016] [Ord. 2015-006] [Ord. 2018-002]
45 f. **Authority**
46 The determination of which appropriate PBC official has the authority to consider and act
47 on requests, or appeals of a decision for Reasonable Accommodation, shall be consistent
48 with Art. 1.B.1.A, Authority. [Ord. 2011-016] [Ord. 2018-002]
49 g. **Action by Appropriate PBC Official**
50 A written response shall be issued within 45 days of the date of sufficiency advising the
51 applicant of the PBC official's action. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]
52 1) **Request for Additional Information Timeframes**
53 If additional information is required to make a final decision, the following shall apply:
54 [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]
55 a) Within 45 days of sufficiency determination, a written notice requesting additional
56 information may be requested, specifying what information is required. [Ord.
57 2011-016] [Ord. 2015-006] [Ord. 2018-002]
58 b) The applicant shall have 15 days from the date of the written notice to respond to
59 the request for additional information not to exceed 60 days from the date of the
60 sufficiency determination. [Ord. 2011-016] [Ord. 2015-006] [Ord. 2018-002]
61 (1) If the additional information provided by the applicant satisfies staffs' request,
62 a written determination shall be issued within 30 days. [Ord. 2011-016] [Ord.
63 2015-006] [Ord. 2018-002]

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EXHIBIT D

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
REASONABLE ACCOMODATION

CR-2018-059
(Updated 1/04/19)

- 1 (2) If the applicant fails to provide the requested additional information within the
- 2 15 day period, a letter shall be issued to the applicant advising the applicant
- 3 that the application is considered withdrawn. [Ord. 2011-016] [Ord. 2015-
- 4 006] [Ord. 2018-002]
- 5 **2) Determination**
- 6 In accordance with Federal law, the appropriate PBC official, shall: [Ord. 2011-016]
- 7 [Ord. 2018-002]
- 8 a) grant the accommodation request; [Ord. 2011-016] [Ord. 2018-002]
- 9 b) grant a portion of the request and deny a portion of the request; [Ord. 2011-016]
- 10 [Ord. 2018-002]
- 11 c) impose conditions upon the grant of the request; or [Ord. 2011-016]
- 12 d) deny the request. Any such denial shall be in writing and shall state the grounds
- 13 therefore. [Ord. 2011-016] [Ord. 2018-002]
- 14 **3) Notice of Proposed Decision**
- 15 All written determinations shall give notice of the right to appeal. The notice of
- 16 determination shall be sent to the requesting party (i.e. the disabled individual or his/her
- 17 representative) by certified mail, return receipt requested. [Ord. 2011-016] [Ord.
- 18 2018-002]
- 19 **h. Appeal**
- 20 Within 30 days after the appropriate PBC official has rendered a decision on a Reasonable
- 21 Accommodation, the applicant may appeal the decision. This timeframe shall be based
- 22 upon the date of the letter mailed to the requesting party. All appeals shall contain a
- 23 statement containing sufficient detail of the grounds for the appeal. Appeals shall be to a
- 24 Hearing Officer as set forth in this Code. The Hearing Officer shall, after duly noticing the
- 25 applicant of the public hearing for appeal, render a determination as soon as reasonably
- 26 practicable, but in no event later than 60 days after an appeal has been filed. Such hearing
- 27 shall be de novo. A Hearing Officer’s decision may be appealed to the 15th Judicial Circuit
- 28 Court by petition for writ of certiorari. [Ord. 2011-016] [Ord. 2018-002]
- 29 **i. Stay of Enforcement**
- 30 While an application for Reasonable Accommodation, or appeal of a determination of
- 31 same, is pending before the County, the County will not enforce the subject ULDC
- 32 requirement, or related rules, policies, practices or procedures, against the applicant. [Ord.
- 33 2011-016] [Ord. 2018-002]
- 34 **j. Time Limitation**
- 35 A Determination granting, partially granting, or granting with conditions, a Reasonable
- 36 Accommodation, may remain valid either for one-year from the date of issuance, or by the
- 37 date specified in a Development Order or associated Condition of Approval, otherwise it
- 38 shall become null and void. This provision shall retroactively apply to all prior
- 39 Determinations for a Reasonable Accommodation prior to the effective date of this
- 40 Ordinance. [Ord. 2017-002] [Ord. 2018-002]
- 41 **k. Change of Owner/Operator**
- 42 When a facility that has received a Reasonable Accommodation Approval changes
- 43 ownership, the new owner/operator must apply for a new reasonable accommodation. The
- 44 county will review the request and make a new “case-by-case determination based on an
- 45 individualized assessment”.
- 46
- 47

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EXHIBIT E

ARTICLE 4 – AGRICULTURE, BONA FIDE AGRITOURISM ACTIVITY

CR-2013-015
(Updated 01/30/19)

1 Part 1. ULDC Art. 4.B.6.C.1, Use Classification, Definitions and Supplementary Use Standards
2 for Specific Uses, Agriculture, Bona Fide (page 88-91 of 191, Supplement 25), is hereby
3 amended as follows:

Reason for amendments: [Zoning]
1. To confirm the activity of agritourism specific to a bona fide agricultural use pursuant to the state's interest in promoting agriculture. Agritourism may provide a secondary source of revenue by educating the general public about the agricultural industry in association with a bona fide agricultural use.
2. To recognize an agritourism activity as it relates to any bona fide agricultural use described in FS 570.85.

4 CHAPTER B USE CLASSIFICATION

5 6 C. Definitions and Supplementary Use Standards for Specific Uses

7 1. Agriculture, Bona Fide

8 a. Definition

9 Any plot of land where the principal use consists of the growing, cultivating and harvesting
10 of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock;
11 the production of animal products such as eggs, honey or dairy products; or the raising of
12 plant material. The following standards shall apply to a Bona-Fide Agriculture use, except
13 where pre-empted by State law.

14

15 g. Livestock Raising

16 The breeding, raising and caring for domestic animals including horses.

17 1) Urban Service Area (USA)

18 In the Urban Service Area, livestock raising shall comply with the following standards:

19 a) Lot Size

20 A minimum of five acres.

21 b) Setback

22 All accessory uses and structure, such as troughs, feed mechanisms and storage,
23 shall be setback a minimum of 100 feet.

24

25 h. Agritourism Activity – Refer to F.S. Chapter 570.86 for applicability.

26 ih. Accessory Agricultural Uses

27 These uses include “U-Pick-Em” operations; sale of on-site produced products; corrals;
28 pens; training facilities; dipping vats; processing of raw material; storage sheds; repair,
29 fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk
30 storage of petroleum products; shipping containers used for temporary storage; washing,
31 cutting, and packing of farm products, and canning, dehydration, and basic preparation of
32 raw food products prior to shipment, and outdoor storage of equipment.

33 ji. Agriculture Marketplace

34 A use that is accessory, incidental and subordinate, to a Bona-Fide Agriculture use in the
35 AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities
36 for visitors, which generates income for the owner or operator of the Bona-Fide Agriculture
37 use, adding economic viability to farming operations.

38 1) Approval Process

39 Class A Conditional Use.

40 2) Location Criteria

41

42
43 (Renumber remaining accordingly)
44

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EXHIBIT F

ARTICLE 14 – ENVIRONMENTAL STANDARDS

CR-2018-061
(Updated 2/1/19)

1 Part 1. ULDC Art. 4.B.10.B.7.c.5), Area of Record (page 195 of 226), is hereby amended as
2 follows:

Reason for amendments: [ERM] The purpose of this amendment is to clarify the process in order to terminate a restrictive covenant agreement.

3 CHAPTER B USE CLASSIFICATION

4 Section 10 Excavation Uses

5 B. Common Provisions and General Standards

6 7 7. Technical Standards

8 9 c. Reclamation Standards

10 11 5) Area of Record

12 All reclaimed littoral and upland planting areas shall be identified graphically and in
13 writing on a separate restrictive covenant. The graphic shall be signed and sealed by
14 a certified engineer or surveyor as applicable, recognized and approved by the FDPR.
15 If a plat is required, pursuant to Art. 11, Subdivisions, Platting and Required
16 Improvements, all planted littoral zones and upland reclamation planting areas shall
17 be identified by reference to the restrictive covenant. The plat and restrictive covenant
18 shall be reviewed and approved by the Zoning Division, ERM, and the County
19 Attorney's office prior to recordation. A copy of the plat, if applicable, and recorded
20 restrictive covenant shall be provided to ERM and PZB, prior to issuance of written
21 approval of the Notice of Intent to Construct. Within 30 days following plat recordation,
22 a copy of the recorded plat shall be provided to ERM and Zoning Division. An applicant
23 may submit a written request to ERM to approve the termination of a recorded
24 restricted covenant agreement provided the development order has been rescinded
25 and no excavation of any water management tract has occurred. A copy of the
26 termination of the restrictive covenant shall be provided to ERM. A restrictive covenant
27 may be amended upon written request by an applicant and approval by ERM. The
28 littoral area and reclaimed upland planting area shall be specifically and separately
29 reserved to the owner, or if applicable, to the property owners' association as its
30 perpetual maintenance responsibility, without recourse to PBC or any other
31 governmental entity or agency. The plat, if applicable, restrictive covenant and property
32 owners' association documents, shall contain the following statement:
33 It is a punishable violation of PBC Laws, Ordinances, Codes, Regulations and
34 approvals to alter the approved slopes, contours, or cross sections or to chemically,
35 mechanically, or manually remove, damage or destroy any plants in the reclaimed
36 areas and planted littoral zone except upon the written approval from the Director of
37 ERM or Zoning, as applicable. It is the responsibility of the owner or property owners
38 association, its successors or assigns, to maintain the required survivorship and
39 coverage of the reclaimed upland and planted littoral areas and to ensure on-going
40 removal of prohibited and invasive non-native plant species from these areas

41
42 Part 2. ULDC Art. 4.B.10.B.7.d.3), Area of Record (page 196 of 226), is hereby amended as
43 follows:
44

Reason for amendments: [ERM] The purpose of this amendment is to clarify the meaning of financial interest.

45 CHAPTER B USE CLASSIFICATION

46 Section 10 Excavation Uses

47 B. Common Provisions and General Standards

48 49 7. Technical Standards

50 51 d. Performance Guarantee Requirements

52 53 5) Execution

54 The performance guarantee shall be executed by a person or entity who owns a
55 property in part or in whole or has legal interest in the property with a legal or financial
56 interest in the property. Transfer of title to the subject property shall not relieve the

U:\Zoning\CODEREV\2019\2 - LDRAB\02-27-19\4- LDRAB Packet\CR-2018-061 Art. 4 and Art. 14 ERM Amendments.docx

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EXHIBIT F

ARTICLE 14 – ENVIRONMENTAL STANDARDS

CR-2018-061
(Updated 2/1/19)

1 need for the performance guarantee. The seller shall maintain, in full force and effect,
2 the original performance guarantee until it is replaced by the purchaser.

3
4 **Part 3. ULDC Art. 14.C.7.B.3, Establishing Upland Preserves (page 35 of 52), is hereby amended**
5 **as follows:**

Reason for amendments: [ERM] The purpose of this amendment is to specify the process ERM uses in order to establish upland preserve set-asides.
--

6 **CHAPTER C VEGETATION PRESERVATION AND PROTECTION**

7

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

9

10 **B. Approval of Development for Commercial Projects, Government Projects, Schools, New**
11 **Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and**
12 **Agricultural Operations 10 Acres in Size or Greater**

13

14 **3. Establishing Native Upland Preserves**

15 All approvals for parcels equal to or greater than four acres shall be evaluated by ERM for the
16 establishment of a native upland preserve. Parcels that have significant or unique areas of
17 native upland vegetation, regardless of parcel size shall be required to designate a native
18 upland preserve equivalent to at least 25 percent of the total native upland vegetation on site
19 or otherwise comply with this Chapter. ERM encourages upland preserve areas greater than
20 one half acre in size. New public park facilities constructed on parcels 20 acres in size or less
21 shall be exempt from the preserve requirements of this Chapter.

22 ~~Factors that will determine if a parcel has significant or unique areas of native vegetation~~
23 ~~include, but are not limited to the quality of the native ecosystem, overall quality of its biological~~
24 ~~diversity, the presence of listed species, the wildlife habitat, value grouping of native vegetation,~~
25 ~~and the compactness of the preserve and its proximity to other natural preserve areas and~~
26 ~~corridors.—The applicant shall provide an environmental assessment prepared by an~~
27 ~~environmental professional for parcels with significant or unique areas of native vegetation at~~
28 ~~time of initial application to determine the native upland preserve location, size and~~
29 ~~configuration for evaluation by ERM. The applicant is encouraged to meet with ERM to~~
30 ~~determine the extent of the assessment. The assessment shall include the following with photo~~
31 ~~documentation, at a minimum: Florida Land Use and Cover Classification System (FLUCCS)~~
32 ~~map, a list of native species, quality of the native ecosystem, overall identification and quality~~
33 ~~of the native species, presence of listed species, ecosystem type, uniqueness of wildlife habitat,~~
34 ~~quality and quality of native vegetation (canopy, understory and groundcover), compactness of~~
35 ~~the preserve and the proximity to other natural preserve areas and corridors.~~

36 a.

37 Permanent preserve boundary markers shall be installed and proper documentation
38 submitted to ERM prior to issuance of technical compliance or monitoring release, if
39 applicable, and shall be maintained by the parcel owner ~~in perpetuity in compliance with~~
40 ~~the approved Preserve Management Plan. The County may release the preserve if the~~
41 ~~applicant offers to relocate the preserve to an area that meets the criteria in 14.C.7.B.4.~~

42 b.

43 Said annual reports shall be delivered to ERM within 90 days upon written request, unless
44 extended by ERM in writing.

45

46 g.

47 Parcels with existing and approved preserve areas or that support endangered,
48 threatened, rare, and species of special concern will not be considered for a cash
49 payment in lieu of dedicating a preserve set aside. A parcel owner may submit a cash
50 payment in lieu of setting aside a native upland preserve provided the following criteria
51 are met:

52

53 b) The cash payment shall be equivalent to the per acre value of the ~~per~~ parcel, at
54 the time of permit application, multiplied by the number of acres required to be
55 preserved.

56

57 ~~d) If listed species are determined to be on the parcel, the applicant must~~
58 ~~demonstrate that the proposed action will not preclude the continued survival and~~
59 ~~viability of the listed species, or a plan must be approved by all applicable agencies~~
60 ~~for relocating those species. [Ord. 2008-040]~~

61 U:\Zoning\CODEREV\2019\2 - LDRAB\02-27-19\4- LDRAB Packet\CR-2018-061 Art. 4 and Art. 14 ERM Amendments.docx

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EXHIBIT F

ARTICLE 14 – ENVIRONMENTAL STANDARDS

CR-2018-061
(Updated 2/1/19)

1 Part 4. ULDC Art. 14.C.7.B.4, Preserves Previously Dedicated (page 37 of 52), is hereby
2 amended as follows:

Reason for amendments: [ERM] This amendment is intended to detail the process for relocating upland preserves that have been previously dedicated.

3 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

4

5 Section 7 Application, Process and General Standards

6 B. Approval of Development for Commercial Projects, Government Projects, Schools, New
7 Construction of Utilities, Road Right-of-Way Projects, Projects Requiring DRO Review and
8 Agricultural Operations 10 Acres in Size or Greater

9

10 4. Preserves under Dedication

11 a. An applicant may propose to relocate a preserve under dedication to an alternate on-site
12 or off-site parcel provided the proposed parcel relocation does not create multiple
13 preserves that are smaller in size than the original preserve unless ERM determines the
14 proposed smaller preserve(s) meets or exceeds the quality and meets or exceeds the
15 quantity of the habitat or vegetation of the existing preserve parcel at the time the
16 dedication was approved by ERM and relocation does not create fragmentation with any
17 other natural system. The applicant shall demonstrate compliance with the approved
18 Preserve Management Plan for the preserve under dedication and provide an
19 environmental assessment per Article 14.C.7.B.3. for the proposed parcel for evaluation
20 by ERM. If the original preserve is contiguous to another natural system then the request
21 will not be considered unless a more favorable habitat is offered.

22 b. A preserve under dedication that has endangered, threatened, rare, and species of special
23 concern, other than gopher tortoises being relocated under a Florida Fish and Wildlife
24 Conservation Commission permit, shall not be considered for relocation.

25 c. A preserve under dedication resulting from a violation or enforcement action shall not be
26 considered for relocation unless Section 14.C.7.B.4.a. and b. are satisfied.

27 5. Transferring of a Preserve under Dedication

28 A municipality may request that a preserve under dedication be transferred to their jurisdiction
29 provided: annexation has occurred, the County approved site plan development has not
30 occurred and the preserve under dedication is not a result of an enforcement action or violation.

31 ~~65.~~ Surplus Native Vegetation

32

33 ~~76.~~ Mitigation or Restoration

34

35 c. All vegetation planted to meet mitigation requirements shall be installed using best industry
36 standards and provided with mulch, irrigation and required maintenance to ~~insure~~ ensure
37 survival ~~in-perpetuity~~.

38
39 Part 5. ULDC Art. 14.C.8.D., Improved Parcels (page 39 of 52), is hereby amended as follows:

Reason for amendments: [ERM] The purpose of this amendment is to correct a spelling error.

40 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

41

42 Section 8 Exemptions

43

44 D. ~~Improval~~ Improved Parcels

46 Part 6. ULDC Art. 14.C.12.D), Restoration (page 41 of 52), is hereby amended as follows:

Reason for amendments: [ERM] The purpose of this amendment is to require a restoration plan for preserves that have degraded through neglect.

47 CHAPTER C VEGETATION PRESERVATION AND PROTECTION

48

49 Section 12 Violations

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EXHIBIT F

ARTICLE 14 – ENVIRONMENTAL STANDARDS

CR-2018-061
(Updated 2/1/19)

1

2 **D. Restoration**

3 **a.** Properties cleared after 1986 without an approval will be required to restore 9 trees per violation.
4 The restoration may be accomplished through on-site planting of native trees or equivalent native
5 vegetation approved by ERM, a contribution to the Palm Beach County Natural Areas Fund that is
6 equivalent to nine trees per violation, or the dedication of equivalent upland quality land cleared.

7 **[Ord. 2008-040] [Ord. 2012-027]**

8 **b.** If a preserve under dedication has degraded due to neglect or lack of compliance with the approved
9 Preserve Management Plan, the property owner shall provide a restoration plan to ERM per Article
10 14.C.12.D.a. Restoration of the preserve may occur in phases as approved by ERM.

11
12 **Part 7. ULDC Art. 14, Appendix 8 Invasive Non-Native Vegetation within Preserves (page 50 of**
13 **52), is hereby amended as follows:**

Reason for amendments: [ERM] The purpose of this amendment is to add species to the list of plants that are prohibited from preserve areas.

14
15 **APPENDIX 8: INVASIVE NON-NATIVE VEGETATION WITHIN PRESERVES**

Common Name	Scientific Name	Type
Arrowhead vine	<i>Syngonium podophyllum</i>	Vine
Asparagus fern	<i>Asparagus densiflorus</i>	Ground cover
Banyan	<i>Ficus bengalensis</i>	Tree
Beach naupaka	<i>Scaevola sericea</i>	Shrub
Bishop-wood	<i>Bischofia javanica</i>	Tree
Caesar weed	<i>Urena lobata</i>	Shrub
Cat's claw	<i>Mimosa pigra</i>	Shrub
Cat's claw vine	<i>Macfadyena unguis-cati</i>	Vine
Castor bean	<i>Ricinus communis</i>	Herb
<u>Chinese privet</u>	<u><i>Ligustrum sinense</i></u>	<u>Shrub</u>
Chinese tallow tree	<i>Sapium sebiferum</i>	Vine
<u>Coqon grass</u>	<u><i>Imperata cylindrica</i></u>	<u>grass</u>
<u>Coral ardisia</u>	<u><i>Ardisia crenata</i></u>	<u>Shrub</u>
<u>Dodder vine</u>	<u><i>Cuscuta exaltata</i></u>	<u>Vine</u>
Downy rose myrtle	<i>Rhodomyrtus tomentosus</i>	Shrub
Gold Coast Jasmine	<i>Jasminum dichotomum</i>	Shrub
Guava	<i>Psidium guajava</i>	Tree
<u>Guinea grass</u>	<u><i>Panicum maximum</i></u>	<u>Grass</u>
<u>Japanese climbing fern</u>	<u><i>Lygodium japonicum</i></u>	<u>Vine</u>
Java plum	<i>Syzygium cumini</i>	Tree
<u>Lantana</u>	<u><i>Lantana camara</i></u>	<u>Shrub</u>
Lather leaf	<i>Colubrina asiatica</i>	Vine
Laurel fig	<i>Ficus microcarpa</i>	Tree
Lead tree	<i>Leucaena leucocephala</i>	Tree
Lofty fig	<i>Ficus altissima</i>	Tree
Mahoe	<i>Hibiscus tiliaceus</i>	Tree
Mother-in-law tongue	<i>Sansevieria hyacinthoides</i>	Ground cover
<u>Natal grass</u>	<u><i>Melinis repens</i></u>	<u>Grass</u>
<u>Oyster plant</u>	<u><i>Tradescantia spathacea</i></u>	<u>Shrub</u>
Pothos	<i>Epipremnum pinnatum</i>	Vine
Portia tree or Seaside mahoe	<i>Thespesia populnea</i>	Tree
Rosary pea	<i>Abrus precatorius</i>	Vine
<u>Sewer vine</u>	<u><i>Paederia cruddasiana</i></u>	<u>Vine</u>
Shoebuttan ardisia	<i>Ardisia solanaceae</i>	Shrub
<u>Skunk vine</u>	<u><i>Paederia foetida</i></u>	<u>Vine</u>
St. Augustine	<i>Stenotaphrum secundatum</i>	Grass
Strawberry Guava	<i>Psidium cattleianum</i>	Tree
Stinking passion vine	<i>Passiflora foetida</i>	Vine
Surinam cherry	<i>Eugenia uniflora</i>	Shrub
<u>Torpedo grass</u>	<u><i>Panicum repens</i></u>	<u>Grass</u>
Tuberous sword fern	<i>Nephrolepis cordifolia</i>	Ground cover
<u>Turkey berry</u>	<u><i>Solanum torvum</i></u>	<u>Shrub</u>
Two leaf nightshade	<i>Solanum diphyllum</i>	Shrub
Wedelia	<i>Wedelia trilobata</i>	Vine
Wild balsam apple	<i>Momordica charantia</i>	Vine
Woman's tongue	<i>Albizia lebbek</i>	Tree
Winged Yam	<i>Dioscorea alata</i>	Vine
[Ord. 2005 – 002]		

17 U:\Zoning\CODEREV\2019\2 - LDRAB\02-27-19\4- LDRAB Packet\CR-2018-061 Art. 4 and Art. 14 ERM Amendments.docx

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EXHIBIT G

ARTICLE 4 – ADULT ENTERTAINMENT UPDATE FINDINGS OF FACT

CR-2018-003
(Updated 02/06/19)

1 Part 1. ULDC Art. 4.B.2.C.1.i, Adult Entertainment, Findings of Fact (page 30-31 of 194,
2 Supplement 25), is hereby amended as follows:

Reason for amendments: [Zoning/County Attorney]

1. The Findings of Fact section is being amended to reflect the most recent analysis of the availability of sites for adult entertainment uses.

3 CHAPTER B USE CLASSIFICATION

4 Section 2 Commercial Uses

5 C. Definitions and Supplementary Use Standards for Specific Uses

6

7 1. Adult Entertainment

8 ...

9 i. Findings of Fact

10 Based on the evidence and testimony presented at the October 5, 2004 preliminary reading
11 and the October 19, 2004 and November 16, 2004 Public Hearings before the BCC, and
12 the August 27, 2009 preliminary reading and the September 24, 2009 and October 22,
13 2009 Public Hearings before the BCC, and on the findings incorporated in: the “Final
14 Report to the City of Garden Grove: The Relationship Between Crime and Adult Business
15 Operations on Garden Grove Boulevard,” October 1991; “Adult Entertainment Businesses
16 in Indianapolis: An Analysis” conducted by the Department of Metropolitan Development,
17 Division of Planning, February, 1984; the “Study of the Effects of Concentration of Adult
18 Entertainment Establishments in the City of Los Angeles” conducted by the Los Angeles
19 City Planning Department for the Los Angeles City Council, June 1977; the study
20 conducted by the City of Austin Texas; the “Presentation to the Orange County
21 Commission” by the Metropolitan Bureau of Investigation (MBI) for the Ninth Judicial Circuit
22 (Orlando area); the expert affidavit prepared for Palm Beach County by Eric Damian Kelly,
23 Ph.D, FAICP, dated September 24, 2004; letter from Dale N. Tarvis, M.D.; “Analysis of
24 Availability of Sites for Adult Entertainment in Palm Beach County” prepared for Palm
25 Beach County by Duncan Associates, November 2003; Adult Entertainment Analysis for
26 Palm Beach County, Florida, Final Report, by Cooper Planning Consultants, January 2019;
27 the “Crime-Related Secondary Effects of Sexually-Oriented Businesses – Report to the
28 County Attorney, Palm Beach County, Florida” prepared by Valerie Jenness, Ph.D.,
29 Richard McCleary, Ph.D., James W. Meeker, JD, Ph.D, August 15, 2007; the “Survey of
30 Florida Appraisers – Effects of Land Uses on Surrounding Property Values” prepared for
31 Palm Beach County by Duncan Associates, December 2007 (Report 2008); and
32 information from Tampa, Florida detailing the effects of Adult Entertainment establishments
33 in the Tampa area; the BCC hereby finds the following:

34 ...

35

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EXHIBIT H

ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS (Nonconforming Lot, Potentially Buildable Lot and Exceptions to General Requirements)

CR-2018-032 (Updated 1/24/19)

Part 1. ULDC Art. 1.F.2.A, Applicability [Related to Nonconforming Lot and Nonconformities] (page 19-20 of 118, Supplement 24), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning/Land Development]. Rows 1-4 describe reasons for amendments regarding applicability criteria, setbacks, and single family dwellings.

CHAPTER F NONCONFORMITIES

Section 2 Nonconforming Lot

A. Applicability

This section shall only apply to non-conforming lots that do not meet the minimum lot acreage and dimensional criteria pursuant to Table 3.D.1.A, Property Development Regulations of this Code, if all of the following conditions are met: [Ord. 2008-037] [Ord. 2010-005]

1. Legal Access Requirements

a. Development of a Single-family Dwelling Unit

The lot has legal access in accordance with Art. 1.H.1.B.2, Legal Access. [Ord. 2008-037] [Ord. 2010-005]

b. Development of Non-residential and Residential Other than SFD

The lot has frontage on, and legal access to, a public R-O-W, or any other street that meets the requirements of Table 11.E.2.A, Chart of Access Hierarchy. [Ord. 2008-037] [Ord. 2010-005]

2. Legal Lot of Record

The lot complies with one of the following: [Ord. 2008-037] [Ord. 2010-005]

a. Is depicted on either a plat of record, affidavit of exemption, affidavit of waiver, plat waiver, or lot combination; or [Ord. 2008-037] [Ord. 2010-005] [Ord. 2014-025]

b. Existed prior to February 5, 1973 in its current configuration as evidenced by a chain of title; or [Ord. 2008-037] [Ord. 2010-005]

c. Art. 1.H.1.B.1.b, Option 2 - Creation on or Subsequent to February 5, 1973 and before June 16, 1992. [Ord. 2008-037] [Ord. 2010-005]

31. FLU and Zoning Consistency

The existing zoning or any rezoning is in compliance with the requirements of Art. 3.A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA). [Ord. 2008-037] [Ord. 2010-005]

42. Lot Recombination Requirements

Where applicable, the lot or lots have complied with the lot recombination requirements of Plan FLUE Policy 2.2.1-f, and Art. 11, Subdivision, Platting and Required Improvements. [Ord. 2008-037] [Ord. 2010-005]

B. Subdivision (Includes Lot Combinations)

Non-conforming lots may be combined with any other conforming or non-conforming lot without obtaining variance relief for non-conforming lot dimensions, inclusive of frontage, width, depth and size, if all of the following conditions are met: [Ord. 2008-037] [Ord. 2010-005]

1. The newly created lot complies with the lot dimensions of this Code, or reduces the non-conformity; and, [Ord. 2008-037] [Ord. 2010-005]

2. Can comply with the requirements of Art. 11, Subdivision, Platting and Required Improvements. [Ord. 2008-037] [Ord. 2010-005]

C. Residential Development Regulations

A nonconforming residential lot may utilize the following property development regulations for a single-family dwelling unit only, or for related accessory structures in the AR district in accordance with Art. 5.B.1.A.2.b, Nonconforming Lot Dimensions. [Ord. 2010-005] [Ord. 2016-042]

1. Minimum Setback Requirements

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Notes:

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EXHIBIT H

ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS (Nonconforming Lot, Potentially Buildable Lot and Exceptions to General Requirements)

CR-2018-032 (Updated 1/24/19)

Minimum setback requirements may be in accordance with the percentages listed below, but shall not be less than those for the RS district: [Ord. 2010-005] [Ord. 2016-042]

- a. If the minimum depth dimension is nonconforming: [Ord. 2010-005] Front: 30 percent of lot depth. [Ord. 2010-005] Rear: 20 percent of lot depth. [Ord. 2010-005] b. If the minimum width dimension is nonconforming: [Ord. 2010-005] Side Interior: 15 percent of lot width. [Ord. 2010-005] Side Street: 20 percent of lot width. [Ord. 2010-005]

....

Part 2. ULDC Art. 1.H.1, Lot of Record (page 29-30 of 18, Supplement 24), is hereby amended as follows:

Table with 1 column: Reason for amendments: [Zoning/Land Development]. Rows describe ordinance removal, subdivision confirmation, and language removal.

CHAPTER H – LOT OF RECORD

Section 1 – Potentially Buildable Lot

A. Applicability

The following provisions shall apply to a lot that is not depicted on either a plat of record, affidavit of exemption, or affidavit of plat waiver.

B. Standards

A lot may be considered buildable for the purpose of constructing a single family dwelling and accessory uses or structures only if all of the following criteria are satisfied:

1. Date of Creation

The lot was created under one of the following two options: [Ord. 2007-001]

a. Option 1 – Creation prior to February 5, 1973.

The lot existed prior to February 5, 1973 in its current configuration as evidenced by a chain of title. [Ord. 2007-001]

b. Option 2 – Creation on or subsequent to February 5, 1973 and before June 16, 1992.

1) The lot was created on or subsequent to February 5, 1973 and existed prior to June 16, 1992 in its current configuration as evidenced by a chain of title; and [Ord. 2007-001]

2) The lot complied with the density requirements of the Plan in effect at the time the lot was created, and [Ord. 2007-001]

3) The lot complies with one of the following:

a) Art. 3.D, Property Development Regulations (PDRS), Table 3.D.1.A, Property Development Regulations, or

b) Art. 11.A.4.B, Building Permits and Other Approvals; or

c) The lot exists in its present configuration as shown in the 1989 PBC FLU Atlas adopted August 31, 1989. [Ord. 2007-001]

2. Legal Access

The lot has legal access that ultimately connects to a right of way currently identified on the PBC Thoroughfare R-O-W Identification Map, as follows: [Ord. 2007-001] [Ord. 2013-001]

a. In accordance with Art. 11, Subdivision, Platting and Required Improvements, Table 11.E.2.A, Chart of Access Hierarchy; or [Ord. 2007-001] [Relocated to: ULDC Art.

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EXHIBIT H

ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS (Nonconforming Lot, Potentially Buildable Lot and Exceptions to General Requirements)

CR-2018-032 (Updated 1/24/19)

11.A.8.A, Subdivision, Platting, and Required Improvements, Exceptions to General Requirements]

b. From a recorded easement exclusively for the purposes of ingress and egress access, a minimum of 20 feet in width, granting the owner, its successors and assigns a perpetual right of useable access across all properties lying between said lot and a street, provided that the easement was in existence at the time the lot was legally created, and which remains in place. [Ord. 2007-001] [Ord. 2013-001] [Partially Relocated to: ULDC Art. 11.A.8.A, Subdivision, Platting, and Required Improvements, Exceptions to General Requirements]

Part 3. ULDC Art. 11.A.6.A, Subdivision, Platting, and Required Improvements, Planned Developments (page 10-11 of 45, Supplement 24), is hereby amended as follows:

Reason for amendments: [Land Development]
1. This amendment is to reflect current practice.

CHAPTER A GENERAL REQUIREMENTS

Section 6 Planned Developments

A. General

Any planned development which is to be subdivided shall comply with the requirements of this Article after approval of a Final Subdivision Plan by the DRO pursuant to Art. 2.C, Administrative Process. For the purpose of this Article, "Planned Development" shall mean any development within a Planned Development district as defined by this Code and regulated pursuant to Art. 3.D, Property Development Regulations (PDRs).

B. Subdivision of Commercial and Industrial Sites

A building site which constitutes all or a portion of a pod or lot designated for commercial or industrial use within a planned development, and for which the detailed development configuration and building permit issuance are subject to prior approval by the DRO of a final site plan, may be exempted by the County Engineer from the subdivision recordation requirement of Art. 11.A.4.B.1, and may be subdivided by fee title conveyance of individual internal lots. Such exemption may be granted by the County Engineer provided that: [Ord. 2014-025]

- 1. Legal access to each interior lot is provided by a common parking lot in full compliance with all requirements of Art. 11.E.2.A.2.c;
2. The layout, location, and construction limits of structures within the building site are regulated by required separation distances between structures rather than by setbacks from interior lot lines;
3. Individual interior lots are not subject to requirements for minimum area or dimensions under the property development regulations of Art. 3.D, Property Development Regulations (PDRs), applicable to the building site;
4. A statement of the developer's intent to subdivide the property pursuant to the platting exemption of this Art. 11.A.6.B, Subdivision of Commercial and Industrial Building Sites, and proposed subdivision lines with bearings and distances are included on the approved final site plan for the building site, in which case said site plan shall constitute the approved final subdivision plan for purposes of compliance with this Article; [Ord. 2011-001]
5. All lands within the perimeter of the building site are subject to a common recorded unity of control or other such maintenance and use covenants for access, parking, stormwater management, and other required common areas or facilities, as approved by the County Attorney pursuant to Art. 5.F, Legal Documents; and
6. The building site is delineated within on a single boundary platted lot of record depicting all existing drainage and utility easements of record and all required limited access easements, water management tracts, and common area tracts, and including appropriate dedications or reservations for same.

....

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EXHIBIT H

ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS (Nonconforming Lot, Potentially Buildable Lot and Exceptions to General Requirements)

CR-2018-032
(Updated 1/24/19)

1 Part 4. ULDC Art. 11.A.8.A, Subdivision, Platting, and Required Improvements, Exceptions to
2 General Requirements (page 11-12 of 45, Supplement 24), is hereby amended as follows:

Reason for amendments: [Land Development]

1. This will allow lots of record that may not have legal access to record new easements for access.

3 CHAPTER A GENERAL REQUIREMENTS

4 Section 8 Exceptions to General Requirements

5 A. Authority

6 The County Engineer is hereby empowered to make certain exceptions to the platting requirement
7 of Art. 11.A.3.A, Platting Requirement, and required improvements installation requirement of Art.
8 11.A.3.B, Required Improvements Installation Requirement, in accordance with the standards and
9 procedures set forth in this Section.

10 B. Legal Lots of Record

11 1. A lot that was created pursuant to one of the options below will be considered a legal lot of
12 record and shall not be subject to further subdivision approval:

13 a. The lot is depicted in its entirety on either a plat of record, affidavit of exemption, affidavit
14 of waiver, plat waiver, or lot combination; or

15 b. The lot existed prior to February 5, 1973 in its current configuration; or

16 c. The lot was created after February 5, 1973 and before June 16, 1992 by a subdivision of
17 a legal lot or lots into no more than two lots.

18 2. Legal Access

19 *The lot has legal access that ultimately connects to a right of way currently identified on the*
20 *PBC Thoroughfare R-O-W Identification Map, as follows: [Ord. 2007-001] [Ord. 2013-001]*

21 *a. In accordance with Art. 11, Subdivision, Platting and Required Improvements, Table*
22 *11.E.2.A, Chart of Access Hierarchy; or [Ord. 2007-001]*

23 *b. For existing legal lots of record for a single family home ~~From a recorded easement~~*
24 *exclusively for the purposes of ingress and egress access, a minimum of 20 feet in width,*
25 *granting the owner, its successors and assigns a perpetual right of useable access across*
26 *all properties lying between said lot and a street [Ord. 2007-001] [Ord. 2013-001]*
27 **[Partially Relocated from: ULDC Art. 1.H.1, Lot of Record]**

28 **BC. Certified Abstracted Boundary Survey**

29 When approved by the County Engineer, a certified abstracted boundary survey may constitute the
30 Subdivision Plan and when the subdivision is not encompassed by a Final Subdivision Plan
31 approved by the DRO. **[2014-025]**

32 **CD. Plat Waiver with Certified Boundary Survey**

33 If, after review of the preliminary subdivision plan, the County Engineer determines that the
34 proposed subdivision meets one of the conditions specified in Art. 11.A.8.C.1, Application for Plat
35 Waiver, the requirement to file a plat may be waived and an abstracted boundary survey shall be
36 recorded in lieu of a plat along with an affidavit documenting approval of said waiver and restrictive
37 covenants applicable to the subdivision, as prescribed by this Article. **[Ord. 2011-016] [Ord. 2014-**
38 **025]**

39

40
41 (Renumber remaining accordingly)

42
43
44 Part 5. ULDC Art. 11.E.2, Required Improvements, Access and Circulation Systems, Table
45 11.E.2.A-1 Chart of Access Hierarchy (page 35 of 45, Supplement 24), is hereby amended
46 as follows:

Reason for amendments: [Land Development]

1. This amendment will allow residential properties to have access to a Residential Access Street that is also a public road.

47
48
49

Table 11.E.2.A-1 - Chart of Access Hierarchy

MAJOR STREETS: Streets which constitute the traffic circulation network as contemplated under the Comprehensive Plan. Listed from highest to lowest category:
EXPRESSWAY

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EXHIBIT H

**ARTICLE 1 – GENERAL PROVISIONS, ARTICLE 11 – SUBDIVISION,
PLATTING, AND REQUIRED IMPROVEMENTS
(Nonconforming Lot, Potentially Buildable Lot and Exceptions to
General Requirements)**

**CR-2018-032
(Updated 1/24/19)**

ARTERIAL
PLAN COLLECTOR
MINOR STREETS: Streets which constitute the internal circulation network of a development and which are not classified as a MAJOR STREET. Listed from highest to lowest category.
NON-PLAN COLLECTOR
FRONTAGE ROAD
LOCAL
RESIDENTIAL ACCESS (private streets only):
40 FOOT
32 FOOT
ALLEY (secondary access only)
[Ord. 2014-025]

1
2
3
4
5
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Part 6. ULDC Art. 11.E.2, Required Improvements, Access and Circulation Systems, Table 11.E.2.A-2 Chart of Minor Streets (page 36 of 45, Supplement 24), is hereby amended as follows:

Reason for amendments: [Land Development]
1. Correct references to footnotes.

Table 11.E.2.A-2 - Chart of Minor Streets

CLASSIFICATION	MINIMUM WIDTH (FT.) STREET (b) PAVEMENT (c)		MAXIMUM ALLOWABLE ADT	ALLOWED AS LEGAL ACCESS FOR (a)	
				COMMERCIAL	RESIDENTIAL
Non-Plan Collector	80	24	13,100	X	
Marginal Access	50	24	N/A	X	X
Local Residential (d)					
Gutters	50	20	1,500		X
Swales	60	20	1,500		X
Local Commercial	80	24	13,100	X	X
Residential Access (e)					
One Sidewalk	40	20	800		X
No Sidewalk (ef)	32	20	40		X
[Ord. 2014-025]					
Notes:					
(a)	An 'x' under the commercial or residential column indicates the corresponding street classification is allowed as legal access.				
(b)	Street width refers to standard R-O-W or private street tract width.				
(c)	Pavement width represents two travel lanes of equal width and does not include the additional width of paved shoulder where required.				
(d)	Allowed as legal access for any type of residential provided that the maximum allowable ADT is not exceeded. Also, Streets within a rural subdivision shall be at least 60 feet wide when they are to be constructed without a wearing surface. [Ord. 2018-018]				
(e)	Use is restricted to private streets. [Ord. 2018-018]				
(ef)	Use is restricted to private streets providing access to up to four lots. [Ord. 2014-025]				

8

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February 14, 2019



Mr. Jon MacGillis
Director, Zoning Division
Palm Beach County Zoning Division
2300 N. Jog Road
West Palm Beach, FL 33411

Urban Planning and Design
Landscape Architecture
Communication Graphics

RE: Renewable Energy Solar Facility (Solar Farm) PIA Request

Mr. MacGillis,

This letter shall serve as a request to postpone the above referenced application, currently scheduled for the February 27th, 2019 Land Development Regulations Advisory Board (LDRAB) hearing. We would like to tentatively request that the application be postponed to a date certain and scheduled for the March 27th, 2019 LDRAB hearing and subsequently the April 25th, 2019 Board of County Commissioners hearing (BCC).

The Applicant originally submitted for the PIA on November 5, 2018, and has been diligently working with staff to address issues regarding the screening and perimeter buffers for renewable energy solar facilities. Based on the meeting held with staff on February 13th, 2019, the Applicant requests a postponement from the February 27th LDRAB hearing to the following regularly scheduled LDRAB hearing so that the Applicant has adequate time to make the revisions discussed with staff. The Applicant has agreed to submit the revised Privately Initiated Amendment for staff's review by Friday, February 15th, 2019.

Please let me know if you need any additional information in order to grant this request.

Sincerely,
Urban Design Kilday Studios

Ken Tuma,
Managing Principal

cc: Jeffrey Conte
Matthew Silver
Brian Seymour

610 Clematis Street
Suite CU02
West Palm Beach, FL 33401
561.366.1100 561.366.1111 fax
www.udkstudios.com
LCC000035

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**Attachment 1
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
2019 ATTENDANCE MATRIX**

(Updated 2/15/2019)

Seat	Member	District or Organization	Term Expires	2019 Dates												Rescheduled		
				1/23 Cancelled	2/27	3/27	4/24	5/22	6/26	7/24	8/21	9/25	10/23	11/13	12/18			
1	Joanne Davis	District 1	Feb. 8, 2022	-														
2	Drew Martin	District 2	Feb. 2, 2021	-														
3	Philip Barlage	District 3	Feb. 8, 2022	-														
4	James Knight	District 4	Feb. 2, 2021	-														
5	Lori Vinikoor	District 5	Feb. 8, 2022	-														
6	Myles Basore	District 6	Feb. 2, 2021	-														
7	Robert J. Harvey <i>(pending 3/12/19 hearing)</i>	District 7	Feb. 8, 2022	-														
8	Daniel Walesky	Gold Coast Builders Association	Feb. 2, 2021	-														
9	Anna Yeskey	League of Cities	Feb. 2, 2021	-														
10	Terrence Bailey	Florida Eng. Society	Feb. 8, 2022	-														
11	Vacant	American Institute of Architects	Feb. 2, 2021	-														
12	Vacant	Environmental Organization	Feb. 2, 2021	-														
13	Frank Gulisano	PBC Board of Realtors	Feb. 2, 2021	-														
14	Derek Zeman	Florida Society Prof. Surveyors	Feb. 8, 2022	-														
15	Charles D. Drawdy	Assoc. General Contractors of America	Feb. 8, 2022	-														
16	Wes Blackman	PBC Planning Congress	Feb. 2, 2021	-														
17	Vacant	Alternate #1	Feb. 8, 2022	-														
18	Abraham Wien	Alternate #2	Feb. 2, 2021	-														
Legend/Notes:																		
Y	Present	*Y*	Present (Participated via teleconference with quorum physically present and Board approval)															
1	Joanne Davis	replaced Michael Peragine	eligible for first meeting on May 23, 2018. Term ends February 8, 2022															
2	Drew Martin	replaced David Carpenter	eligible for first meeting on February 7, 2018. Term ends Feb. 2, 2021.															
3	Philip Barlage	replaced Barbara Katz	eligible for first meeting on Feb. 22, 2017. Term Feb 6, 2019 to February 8, 2022															
4	James Knight	reappointed on Dec. 16, 2014 for new term Feb. 4, 2015 to Feb. 2, 2021.																
5	Lori Vinikoor	reappointed on Jan. 26, 2016 for new term Feb. 6, 2019 to Feb. 8, 2022.																
6	Myles Basore	replaced Rena Borkhataria	eligible for first meeting on July 25, 2018. Term ends February 2, 2021															
7	Robert J. Harvey	replaced Henry Studstill	eligible for first meeting on May 24, 2017. Term February 6, 2019 to February 8, 2022 (pending 3/12/19 Hearing).															
8	Daniel Walesky	replaced Raymond Puzitiello	on Jan. 13, 2015. Position term is Feb. 5, 2013 to Feb. 2, 2016. Raymond Puzitiello resigned in Nov. 2014. Term wrong in appointment 2/4/2015 to 2/2/2018. Term Feb. 3, 2018 to Feb. 2, 2021.															
9	Anna Yeskey	appointed on August 15, 2018. Term Feb. 3, 2018 to Feb. 2, 2021.																
10	Terrence Bailey	reappointed on March 1, 2016 for new term Feb. 6, 2019 to Feb. 8, 2022.																
11	Jaime Plana	scheduled to replace Xavier Salas. Eligible for first meeting on appointed March 12, 2019, eligible for first meeting on March 27, 2019. Term ends Feb. 2, 2021.																
12	Vacant																	
13	Frank Gulisano	reappointed on Jan 2018 for new term Feb. 7, 2018 to Feb. 2, 2021.																
14	Derek Zeman	appointed on March 1, 2016. Eligible for 1 st LDRAB meeting on March 23, 2016. Term Feb. 6, 2019 to Feb. 8, 2022.																
16	Wes Blackman	reappointed on Jan. 13, 2015 for new term which expires Feb. 2, 2021.																
17	Winifred P. Said	replaced James Brake. Appointed on August 15, 2017 for term Feb. 2, 2016 to Feb. 8, 2019. Currently Vacant seeking either new nomination or reappointment of Ms. Said.																

**Attachment 1
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
2019 ATTENDANCE MATRIX**

(Updated 2/15/2019)

18	Abraham Wien replaced Leo Plevy. Eligible for first meeting on May 24, 2017. Term ends Feb. 2, 2021.
*	Special meetings will not be a factor in calculating total attendance.
**	Attendance reflects previous LDRAB member.
	ULDC Art. 2.G.2.B.1.c, Attendance: 1) "Lack of attendance is defined as a failure to attend three consecutive meetings... or, 2) "...a failure to attend at least 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 10 meetings are scheduled for 2015. A special meeting will be held on June 24, 2015. Minimum attendance – seven meetings of all meeting scheduled. (Cancelled meetings are counted towards the total of meetings attended). Members cannot miss any more than three meetings.

Zoning\CODERE\Code Amendments\2019\2 - LDRAB\02-27-19\5- Draft Minutes, Agendas and Other\Attach 1 - LDRAB Attendance Matrix 2018.docx

ATTACHMENT 2

USEFUL INTERNET LINKS FOR LDRAB/LDRC MEMBERS

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

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

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

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

- Palm Beach County Code of Ethics (Effective June 1, 2011):
http://www.palmbeachcountyethics.com/pdf/Code_of_Ethics_Ordinance_June_1_2011.pdf
- Palm Beach County Code of Ethics – Guide for Elected Officials and Advisory Board Members:
http://www.palmbeachcountyethics.com/pdf/Training_Guide_for_Elected_Officials_and_Advisory_Board_Members.pdf
- Quick Reference to Advisory Board Conflicts, Disclosures and Waivers:
http://www.palmbeachcountyethics.com/pdf/Advisory_Boards_Reference_Guide.pdf

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

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

Voting Conflict Form: <http://discover.pbcgov.org/pzb/zoning/ULDCPDF/LDRAB-LDRC-Voting-Conflict-Form-8b.pdf>.

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**UNIFIED LAND DEVELOPMENT CODE (ULDC)
AMENDMENT ROUND 2018-01
SUMMARY OF PROPOSED AMENDMENTS – SHORT FORM**

(UPDATED 07/26/2018)

BCC PUBLIC HEARINGS
JUNE 25, 2018 – REQUEST FOR PERMISSION TO ADVERTISE
JULY 26, 2018 – FIRST READING
AUGUST 23, 2018 – ADOPTION

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MEETINGS

FEBRUARY 28, 2018
MARCH 28, 2018
APR 25, 2018
MAY 23, 2018 (ALSO INCLUDES LDRC)

EXHIBIT A – Definition of “Addition” (page 22)

- Re-insert the inadvertently deleted definition of “addition”. The definition is necessary to clarify the type of construction that constitutes an addition to an existing structure.

EXHIBIT B– Administrative Modifications by the DRO (pages 23 - 24)

- Expand authority of the Development Review Officer (DRO) to modify prior Development Orders to allow: addition of access ways as a driveway when connecting to a civic pod containing government facilities; addition of cross access for connectivity between parcels in the Urban Redevelopment Area Overlay.

EXHIBIT C – Art. 2, Application Processes and Procedures and Art. 3 Overlays and Zoning Districts Minor Amendments (pages 24 - 28)

- Minor corrections to glitches identified after implementation of recently updated regulations in Art. 2, Application Processes and Procedures.
- Clarification procedures pertaining to notification, scheduling, reports and recommendations of Type 1 Variance applications.

EXHIBIT D – Planned Development Districts [Related to Zoning District Consistency with FLU Atlas] (page 29)

- To allow a prior Special Exception (SE) for a Planned Industrial Development District (PID) to correspond to the Light Industrial (IL) or General Industrial (IG) Standard Zoning District.

EXHIBIT E – Article 4.B, Use Regulations (pages 30 - 35)

- Delete provision that excludes the area utilized by a Congregate Living Facilities from the calculation of density when the use is part of a Planned Development District (PDD). The Comprehensive Plan allows to utilize up to 100% of the underlying residential density in MUPDs and MXPDs.
- PBC Facilities is requesting to give allowance to the Parks and Recreation Department and PBSO when replacing and installing new Caretaker Quarters larger than the current maximum allowable square footage to account for: storage, expanded operations, family members, and/or other site-specific factors.
- Delete all provisions applicable exclusively to Ambulatory Surgical Center and recognize the use as a typical use of a Medical or Dental Office.
- Clarify that Retail Sales and Veterinary Clinic are allowed uses to be collocated to Animal Shelter in zoning districts where those uses are not permitted.
- Establish 10,000 square feet as a threshold for a Fitness Center to be permitted by Right in a Commercial Pod of a Planned Unit Development (PUD) for consistency with similar zoning districts approval.
- Update the definition of Crematory to recognize other acceptable methods to processing human or animal remains.
- Clarify that existing provisions related to Type 2 Excavations do not apply to a work is performed by a public agency to address drainage of a public street.

EXHIBIT F – Art. 4.B.1.C, Single Family and Cottage Homes (pages 36- 41)

- To introduce a definition, property development regulations and a maximum square footage for a new housing type “Cottage Homes” (fka Tiny Homes) as a detached, single family housing type in Planned Unit Development Zoning District only.

Exhibit G – Article 4.B.2 Electric Vehicle Charging Station (pages 42 – 46)

- Establish new regulations and procedures to address new technology related Electric Vehicle Charging Stations (EVCS) "mechanical devices" as both a principal and accessory use on a residential and non-residential property.

EXHIBIT H - Landscape Service and Contractor Storage Yard (pages 47 - 51)

- Clarify existing provisions applicable to limited Landscape Service and limited Contractor Storage Yard in the AR/RSA Zoning District as exceptions to the Home Occupation (HO) regulations. Indicate

approval for the exceptions is the Development Review Officer (DRO) instead of HO Business Tax Receipt. The change in the approval process allows staff to review for compliance with Code.

EXHIBIT I – Equestrian Waste Management Facility [Related to BCC direction to remove provisions related to Pilot Program] (pages 52 - 55)

- Delete the Equestrian Waste Moratorium as the Comprehensive Plan has been amended to eliminate the Equestrian Waste Recycling Pilot Project and make the use prohibited in the Glades and Agricultural Reserve (AGR) Tiers as a result of concerns raised by the local farmers related to pollution, contamination of the groundwater, and use compatibility. The Land Development Regulation Advisory Board (LDRAB) Subcommittee recommended adding the prohibition to the Agricultural Reserve (AGR) Tier for the same reasons applicable to the Glades Tier.
- Clarify that composting of equestrian waste, animal waste and bio solids, including storage and disposal, shall be prohibited in a Composting Facility located in the Glades or AGR Tier.

EXHIBIT J – Supplementary Standards [Related to Art. 5 Landscape Islands and Outdoor Lighting in Public Parks] (page 56)

- Eliminate landscape islands to facilitate navigation and parking of boat trailers, maximize the yield of boat/trailer parking stalls, and preclude recurring damage to interior landscape and curbing at the County owned boat ramps.
- To allow certain County owned or operated park facilities to be exempt from outdoor lighting requirements when a park is closed before dusk and does not open before dawn.

EXHIBIT K – Art. 5.E.5 – Hours of Operation (pages 57 - 58)

- Amend provisions for stocking activities and deliveries of nonresidential uses when located within a specific distance to residential uses as the hours of operation are applicable to the use it is serving.
- Change the approval process that allows modification to Hours of Operation from Type 2 Variance approved by the Zoning Commission to Type 2 Waiver approved by the BCC.

EXHIBIT L – Art. 7.C, Landscape Buffers and Interior Landscape Requirements (pages 59 - 61)

- Allow an Administrative Waiver process for relocation of trees in perimeter Landscape Buffer in situation where an underground easement may pose an impact to the planting of a required canopy tree.
- Identify two scenarios where underground easements overlap a required landscape buffer so the trees can be relocated to a different area on the property. This is subject to the review and approval by the Development Review Officer through a Type 1 Waiver.
- Establish standards that allow encroachment of utility easements in landscape islands as long as the minimum space between the tree and the utility is provided to allow the tree to grow and allows a Type 1 Waiver for the relocation of the tree where there is not sufficient area to keep the tree in the island.

EXHIBIT M – Art. 9 Archaeological and Historic Preservation (page 62)

- Update antiquated references in Art 9 and provide consistent terminology per current practices of identifying and reviewing potential archaeological and historical sites.

EXHIBIT N – Art. 11, Subdivision, Platting and Required Improvements (pages 63 - 67)

- Allow for delegation of interpretation authority from County Engineer to the Director of Land Development and update Code references to reflect current practices.

EXHIBIT O – Traffic Performance Standards [Related to Proportionate Share Program] (pages 68 - 71)

- Florida law requires local governments that continue to implement a transportation concurrency system to allow applicants to meet required concurrency by entering into a proportionate share agreement.
- Update the Proportionate Share Program language to maintain consistency with Florida Statutes.
- Update language to reflect changes made during the biennial review of the Impact Fee Program.

EXHIBIT P – Art. 14, Environmental Standards (pages 94 - 95)

- Eliminate outdated Code language to provide consistency with a PZ&B document used by the Building Division related to native and non-native vegetation removal in Residential.
- Clarify the sizes of native trees and palms that need to be replaced if they cannot be relocated.
- Add an exemption from approval for single family and single two unit duplex parcels to get approval for the removal of native vegetation without a recorded Conservation Easement.

HEALTH REGULATIONS

Exhibit A – Article 15, Health Regulations (page 99)

- Health Department-Provide consistency between county's regulations and the state regulations in FAC 64-E6. Standards for Onsite Sewage Treatment and Disposal System.



**UNIFIED LAND DEVELOPMENT CODE (ULDC)
AMENDMENT ROUND 2018-02
SUMMARY OF PROPOSED AMENDMENTS – SHORT FORM**

(UPDATED 01/08/2019)

BCC PUBLIC HEARINGS
NOVEMBER 26, 2018– REQUEST FOR PERMISSION TO ADVERTISE
JANUARY 8, 2019 – FIRST READING
JANUARY 24, 2019 – ADOPTION

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MEETINGS

JULY 25, 2018
AUGUST 22, 2018
SEPTEMBER 26, 2018 (ALSO INCLUDES LDRC)
OCTOBER 24, 2018 (ALSO INCLUDES LDRC)
NOVEMBER 14, 2018 (ALSO INCLUDES LDRC)

Exhibit A Art. 1 and 12 - Statute Reference and Definition of Project

- Removed references to Florida Administrative Code Rules 9J-5 and 9J-24 as they were repealed in 2011
- Delete redundant language in the definition of Project

Exhibit B Art. 1, 3 and 4 - Special Permits

- Clarify the requirement for a Special Permits related to Recreation and Sports Vehicles by State Vehicle Code
- Delete references to Special Permit that have been revised to the Zoning Agency Review Application type.

Exhibit C Art. 1.3, 4 and 5, Temp Use – Real Estate Sales Model and Management

- Reduce redundancy in the definition of Temporary and Temporary Uses
- Relocate the requirements of Real Estate Sales Offices and Models to Article 4.B.11 Temporary Uses from Articles 3 and 5.
- Clarify process for entry features, gatehouses and utilities relating to release of a building permit.
- Clarify process for Temporary Uses subject to the Zoning Agency Review process and application.
- Add Real Estate Sales Models and Offices for PDDs, TDDs, and Standard Districts to the Use Matrixes.
- Relocation, add, and modify the Supplementary Use Standards for Real Estate Sales Models and Management Offices within PDD, TDDs and Standard Districts under the Temporary Uses.
- Amend code references for the relocated language

Exhibit D Art. 2 and 3 - Resubmittal and Modifications by the DRO [Housing Type]

- Clarify process requirements for Resubmittals
- Modify the Standards for Administrative Modifications to Prior Development Order for changes to housing classifications for PDDs or TDDs
- Amend the Housing Types table to Housing Classification, allowing modifications between Detached and Detached housing, Attached to Detached housing, Attached to Attached housing of the same heights. Using Classification allows modifications of housing types that are similar.

Exhibit E Art. 2 and 5, Accessory Uses and Structures - Temp Structures

- Amend and split the requirements for Emergency/Temporary Government/Utilities structures and construction staging areas from other Non-government/Utilities temporary structures
- Add authority of the Executive Director to be transferred to the Building Official or Zoning Director relating to Temporary Structures
- Delete requirements under tents as they are considered temporary structures

- Clarify temporary structures under a new section 5.B, with these structures only subject to Building permit review. Delete and relocate requirements for shipping containers. Consolidate language for Mobile home while constructing SF dwelling.

Exhibit F Art. 2, 3 and 5, Mechanical Equipment and Legal Documents

- Modify the requirements for mechanical equipment screening for Industrial Zoning Districts from roads, if a line of site analysis is provided.
- Remove the requirements for the Type I Waiver, for the above, in Article 2 the Processes and Procedures and within the GAO Overlay.
- Clarify the language for Major Encroachments into utility easements being prohibited.

Exhibit G Art. 3 – Public Civic Landscape Buffer

- Clarify the requirements for elimination of a perimeter landscape buffer, along a common property line for PO property that is adjacent to a Public Civic Pod of a PUD.

Exhibit H Art. 3, 4 and 7 - Green Market Community Vegetable Garden and Landscaping

- Clarify requirements for setbacks for accessory structures within the Westgate Area Community Redevelopment Area Overlay (WCRAO) that they do not need to be at the build-to lines, but comply with the location and setback requirements of Article 5.
- Clarify the requirements for Accessory Green Markets and Community Vegetable Gardens within the WCRAO and CCRT areas, maximum size, hours of operation, and exemptions from perimeter landscaping.
- Cross references exemption from perimeter landscaping for Accessory Green Markets and Community Vegetable Gardens within the WCRAO and CCRT areas, within Article 7.

Exhibit I Art. 4, Use Regulations, Financial Inst., Vet Clinic, Homeless Res Ctr, Place of Worship and Adult Entertainment

- Re-introduce provisions for Financial Institutions without Drive-Through facilities to be permitted by right within a MUPD with a CL and CLO FLU and less than 5,000 sq. ft. These were inadvertently omitted with the Use Regulations project.
- Re-introduce provisions for Financial Institutions with Drive-Through facilities to be allowed subject to DRO approval within a MUPD with a CL and CLO FLU and less than 5,000 sq. ft. These were inadvertently omitted with the Use Regulations project.
- Re-introduce provisions for Financial Institutions without Drive-Through facilities to be permitted by right within a MUPD with a CH and CHO FLU and less than 5,000 sq. ft. and 3 drive-through or less. These were inadvertently omitted with the Use Regulations project.
- To allow a Veterinary Clinic within the AGR zoning district with 5,000 sq. ft. or less to have a outdoor run.
- To update the PPM reference, modified by FDO, for Homeless Resource Center.
- To clarify the process of approvals for Adult Entertainment and Places of Worship exempting them from the square footage (size) thresholds within the Code. The required approval is an Administrative Approval by the Development Review Officer.

Exhibit J Art. 6, Parking

- Phase 1 modifications to our Parking regulations. Additional changes will be completed in Phase 2 in the 2019 Round of Amendments.
- Clarify the parking requirements within PDD's to allow uses to comply with the range of parking or requirements of Article 6.
- Modify parking requirements of Congregate Living Facilities to be consistent with ITE standards, thus reducing the minimum required parking by almost ½.
- Modify Professional Office and Accessory Offices to be 1/250 versus 1/200.
- Add parking requirements for new uses introduced with the use regulations project, ie Electric Vehicle Charging Stations, Public park, Animal shelter, Agriculture packing plant, Farmers market and Sea Plane facilities
- Modify the requirements for Queuing for Retail Gas and Fuel, deleting the queuing, but increasing the drive aisle widths adjacent to the gas canopies.
- Delete the standard that limits the number of parked vehicles on residential parcels
- Delete reduction of parking related to CRALLS as the State law limits traffic concurrency regulations, parking reduction is no longer viable CRALLS strategy.

Exhibit K Art 7, Landscaping

- Codification of a Policy and Procedures memorandum relating to the removal and replacement of vegetation.
- Clarify the enforcement of illegal tree removal.

- Add requirements for Vegetation within proximity of Overhead Utilities, including but not limited to setbacks, and use of smaller vegetation.

Exhibit L Art. 16, Airport Regulations

- Modify Article 16 related to modifications to Chapter 333, Florida Statutes, Airport Zoning
- Respond to comments received from the FDOT Aviation and Spaceports Offices adopted in Round 2017-01.
- Include references to GEO-Nav Maps to ease interpretation and application of Airport Zones.
- Add the LDRAB as the Advisory Board for the regulations regarding Airport Zoning, pursuant to Chapter 333.

Exhibit M PO Deviations

- Codify a PPM for PO Deviations processes and procedures within Article 2, 4, 5, 6 and 7.

Exhibit N Congregate Living Residential (CLR) and Codification of ORD 2017-036

- Codify the new CLR Future Land Use and Consistent Zoning Districts, within the ULDC
- Delete references to Minimum and Maximum densities as they were removed from the Plan.

Exhibit O Residential in MUPD

- Codify requirements for the allowance of residential within the MUPD zoning District as adopted by the Plan in 2017.
- Include standards for approval

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2019
PALM BEACH COUNTY ZONING DIVISION
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
CURRENT MEMBER LIST

Updated: February 15, 2019

SEAT	MEMBER (OCCUPATION)	DISTRICT OR ORGANIZATION	TERM ENDS
1	Joanne Davis (Environmentalist)	District 1 Commissioner Valeche	February 8, 2022
2	Drew Martin (Conservation Chair)	District 2 Commissioner Burdick	February 3, 2021
3	Philip L. Barlage (Retired Property Appraiser/ Officer COWBRA)	District 3 Commissioner Kerner	February 8, 2022
4	James Knight (Builder/Developer)	District 4 Commissioner Abrams	February 6, 2021
5	Lori Vinikoor (Community Activist)	District 5 Commissioner Berger	February 8, 2022
6	Myles Basore (Mgr. Food Safety Operations/Real Estate Advisor)	District 6 Commissioner McKinlay	February 3, 2021
7	Richard J. Harvey (Attorney) – <i>pending 3/12/19 hearing</i>	District 7 Commissioner Bernard	February 8, 2022
8	Daniel Walesky (Residential Builder)	Gold Coast Builders Association	February 2, 2021
9	Anna Yeskey (Dir. PBC Intergovernmental)	PBC League of Cities	February 6, 2021
10	Terrence N. Bailey (Engineer)	Florida Engineering Society	February 8, 2022
11	Pending	American Institute of Architects	February 2, 2021
12	Pending	Environmental Organization	February 2, 2021
13	Frank J. Gulisano (Realtor)	Realtor Association of the Palm Beaches	February 2, 2021
14	Derek Zeman (Surveyor)	Florida Surveying & Mapping Society	February 8, 2022
15	Charles Duane Drawdy (Commercial Builder)	Associated General Contractors of America	February 8, 2022
16	Wesley Blackman, AICP (AICP Planner)	PBC Planning Congress	February 2, 2021
17	Pending	Alternate #1	February 8, 2022
18	Abraham Wien (Environmental Architect)	Alternate #2	February 3, 2021

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ATTACHMENT 6

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

2019 MEETING DATES

(Updated 11/30/2018)

DATE	DAY
January 23, 2019	Wednesday (4 th)
February 27, 2019	Wednesday (4 th)
March 27, 2019	Wednesday (4 th)
April 24, 2019	Wednesday (4 th)
May 22, 2019	Wednesday (4 th)
June 26, 2019	Wednesday (4 th)
July 24, 2019	Wednesday (4 th)
August 21, 2019	Wednesday (4 th)
September 25, 2019	Wednesday (4 th)
October 23, 2019	Wednesday (4 th)
November 13, 2019**	Wednesday (3 rd)
December 18, 2019**	Wednesday (3 rd)
January 22, 2020	Wednesday (4 th)
Notes:	
<i>* Back-up dates to be used if necessary.</i>	
<i>** Meeting date rescheduled to accommodate holidays</i>	

Meeting location and start times are typically as follows:

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

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

U:\Zoning\CODEREV\2019\2 - LDRAB\Staff Documents\00 2019 LDRAB Meeting Dates.doc

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

TO: Interested County Staff, Related Agencies and Public in General
FROM: Jon MacGillis, ASLA, Zoning Director 
DATE: November 7, 2018
RE: **Deadlines/Scheduling for Proposed 2019 Unified Land Development Code (ULDC) Amendment Rounds: County Agencies and Privately Initiated Amendments**

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

This memo serves to notify County Agencies and individuals seeking Privately Initiated Amendments (PIA) of the scheduling for 2019 ULDC Amendment Rounds. To minimize redundancy and staffing needs, County Agencies are required to submit amendments in accordance with the timeframes and deadlines indicated below. Applicants proposing to submit PIAs are encouraged to utilize the County submittal dates but may also seek to proceed under a separate timeline; however, this may incur additional expenses to cover required legal advertisements. It is critical that all applicants coordinate with Zoning Division Staff to meet the established schedules and deadlines for any amendments.

ULDC Amendment Rounds:

The following lists the tentative deadlines, and Land Development Regulation Advisory Board (LDRAB) and Board of County Commission (BCC) Zoning Hearing dates for the two ULDC Amendment Rounds scheduled for 2019.

Dates may be subject to change. See the Zoning Division 2019 ULDC Amendment Schedule webpage at:

- <http://discover.pbcgov.org/pzb/zoning/ULDC/2019-Amendments-Schedule.aspx>.

ACTIVITY	ROUND 2019-01	ROUND 2019-02
Deadline to submit amendment requests to the Zoning Division	November 13, 2018	March 2, 2019
Deadline to submit backup documentation	December 6, 2018	May 8, 2019
LDRAB Update	November 14, 2018	March 28, 2019
BCC Initiation	January 8, 2019	April 25, 2019
LDRAB Meetings (1) (2)	January 23, 2019(3)	July 25, 2019
	February 27, 2019	August 28, 2019
	March 27, 2019	September 25, 2019
	April 24, 2019	October 23, 2019
	May 22, 2019	
BCC Hearing – Request for Permission to Advertise	June 27, 2019	December 5, 2019
BCC Public Hearing – 1 st Reading (4)	July 25, 2019	January 9, 2020
BCC Public Hearing – 2 nd Reading and Adoption (4)	August 22, 2019	January 30, 2020

NOTES:

- (1) LDRAB Agenda's will be scheduled by the Zoning Division.
- (2) On the last meetings of the Round, or as otherwise required, the LDRAB will also serve as the Land Development Regulation Commission (LDRC).
- (3) Tentative LDRAB Annual Meeting.
- (4) Some amendments may only require one public hearing.

**Palm Beach County
Board of County
Commissioners**

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

County Administrator

Verdenia C. Baker

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Affirmative Action Employer"*

Official Electronic Letterhead



DISTRIBUTION LIST

Honorable Melissa McKinlay, Mayor, and Members of the Board of County Commissioners
Jerry Allen, Deputy Director, Department of Airports
Robert P. Banks, Chief Land Use County Attorney
Ali Bayat, Utilities Assistant Director Operations and Maintenance, O&M Administration
Leonard Berger, Chief Assistant County Attorney
Todd J. Bonlarron, Assistant County Administrator
Eric Call, Director, Parks and Recreation
Lisa DeLaRionda, Director, Public Affairs Department
Bonnie Finneran, Director, Environmental Resources Management
Clinton B. Forbes, Executive Director, Palm Tran
Shannon Fox, Assistant County Attorney III
James E. Green, Director, Community Services
Sherry Howard, Deputy Director, Department of Economic Sustainability
Joanne M. Keller, Director of Land Development
Richard C. Radcliffe, Executive Director, League of Cities
Ronald W. Rice, Director, Cooperative Extension Service
Deborah Drum, Director, Environmental Resources Management
David L. Ricks, County Engineer
Dianne Sauve, Director, Animal Care and Control
Stephanie Sejnoha, Director, Public Safety Department
James C. Stiles, Director, Water Utilities
Gary M. Sypek, Director of Planning, Department of Airports
Nick Uhren, Executive Director, Metropolitan Planning Organization
Audrey Wolf, Director, Facilities Development and Operations

Lorenzo Aghemo, Director, Planning Division
Patricia Behn, Deputy Director, Planning Division
Scott B. Cantor, Assistant Director, Land Development
Bryan Davis, Principal Planner, Planning Division
Michael Howe, Senior Planner, Planning Division
Robert Kraus, Senior Site Planner, Environmental Resources Management
Maryann Kwok, AICP, Deputy Director, Zoning Division
Robert Santos-Alborná, Director of Code Enforcement
Willie Swoope, Impact Fee Manager, PZ&B
Houston L. Tate, Director, Office of Community Revitalization
Bruce Thomson, Principal Planner, Planning Division – Monitoring
Doug B. Wise, Director, Building Division

Dr. Alina Alonso, M.D., Director, Health Department
Kristin Garrison, Director, Planning and Real Estate, School District of Palm Beach County
Darrel Graziani, Environmental Administrator, Palm Beach County Health Department
Arthur Kirstein, IV, Agricultural Economic Development Coordinator, PBC Coop. Ext. Service
Bob A. Hamilton, Director, Park Planning, Research and Development Division, Parks and Recreation
Jean Matthews, Senior Planner, Parks and Recreation
Timothy Mayer, Director, Division of Environmental Health and Engineering
Eric McClellan, Director, Facilities Development and Operations Strategic Planning
Elizee Michel, Executive Director, Westgate Community Redevelopment Area

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Mary Lou Berger
Melissa McKinlay,

County Administrator
Verdenia C. Baker

"An Equal Opportunity
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Official Electronic Letterhead

MEMORANDUM

TO: Mack Bernard, Mayor, and
Members of the Board of County Commissioners
FROM: Jon MacGillis, ASLA, Zoning Director
DATE: January 9, 2019
RE: Initiation of Unified Land Development Code
(ULDC) Amendment Round 2019-01

This memo serves to solicit feedback from the Board of County
Commissioners (BCC) on the scheduling of ULDC amendments that have
been prioritized for inclusion in Round 2019-01.

This memo will be presented at the January 24, 2019 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/wh

Attachment 1 - Initiation of ULDC Amendment Round 2019-01

C: Digital Copy:
Amendment Round 2019-01

Email Copy:
Verdenia C. Baker, County Administrator
Patrick W. Rutter, Assistant County Administrator
Ramsay J. Bulkeley, PZ&B Executive Director
Wes Blackman, Chair and Members of the LDRAB
Robert Banks, Chief Land Use Assistant County Attorney
Leonard W. Berger, Chief Assistant County Attorney
Patricia Behn, Interim Planning Director
Maryann Kwok, AICP, Deputy Director, Zoning
Wendy Hernandez, Zoning Manager
Jan Rodriguez, Senior Site Planner, Zoning
Zoning Division Staff

ATTACHMENT 1
INITIATION – ULDC AMENDMENT ROUND 2019-01
 (Updated 01/08/2019)

SUMMARY OF KEY MEETINGS AND PUBLIC HEARINGS	
Land Development Regulation Advisory Board (LDRAB) Meetings:	BCC Zoning Hearings:
<ul style="list-style-type: none"> January 23, 2019 February 27, 2019 [Land Development Regulation Commission (LDRC)] March 27, 2019 [Land Development Regulation Commission (LDRC)] April 24, 2019 May 22, 2019 [Land Development Regulation Commission (LDRC)] 	<ul style="list-style-type: none"> June 27, 2019: Request for Permission to Advertise July 25, 2019: 1st Reading August 22, 2019: 2nd Reading, Final Adoption

AMENDMENT / TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
ARTICLE 2, APPLICATION PROCESSES AND PROCEDURES		
2.B Public Hearing	Zoning/ Planning	<ul style="list-style-type: none"> Update and modify the requirements for Monitoring of Development Orders, Phasing and Conditions of Approval.
2.B.7.F Development Order Abandonment	Zoning	<ul style="list-style-type: none"> Add language and criteria to clarify the process for an abandonment of a public hearing Development Order.
2.D.7 Reasonable Accommodation	Zoning/ County Attorney	<ul style="list-style-type: none"> Update language for Reasonable Accommodation (RA) clarifying that approval of the RA is not transferable to a new owner or use.
ARTICLE 3, OVERLAYS AND ZONING DISTRICTS		
3.B.14 Westgate Community Redevelopment Area Overlay (WCRAO)	Westgate	<ul style="list-style-type: none"> Addition of new property development regulations for duplexes and triplexes within the overlay; Modify the definition of Multi-family to include duplex and triplex housing types within Article 4; Modify the Minimum Lot frontage to clarify that SFD are permitted on lots with a minimum lot frontage of 50 feet, when on a public road, within the NRM and NG Sub-Areas; Amend Use Regulations to prohibit SFD, duplex and triplex in the NC Sub-area; and, Amend to allow Zero Lot line homes in some areas of the NRM and NG Sub-areas.
3.B Overlays- Codification of Planning ORD-2018-031 (pending and effective date)	Zoning/ Planning	<ul style="list-style-type: none"> Add language to establish rural residential enclave communities and homes within the Urban/Suburban Tier that have a Low Residential future land use designation; Add Overlay to identify Rural Enclaves; Add an exemption to the rezoning requirement for lots zoned Agricultural Residential (AR) with a residential future land use, in the Urban Suburban Tier, and are subdividing for a residential use, with a maximum 1 unit per acre. Add a note that RE is consistent with RR-5, RR-10, and RR-20, when the properties were RE prior to the 1989 Plan. Add language that allows home based sustainable agriculture on residential properties within any Tier. Allow horses, poultry, and livestock, in residential future land use designations, in any Tier, are subject to regulations based on parcels attributes. Add/clarify that non-residential uses may be allowed in residential zoning districts along major thoroughfares and roadway, but not residential streets.

ATTACHMENT 1
INITIATION – ULDC AMENDMENT ROUND 2019-01
 (Updated 01/08/2019)

AMENDMENT / TASK		LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
ARTICLE 4, USE REGULATIONS			
4.B Use Classification		Zoning/ Planning/ Land Development	<ul style="list-style-type: none"> Identify and modify Use Regulations standards for multiple uses that are required to be located on an arterial or collector road classification, and compare those requirements to those established Article 11, Subdivision, and/or Article 12 Traffic Performance Standards.
4.B.2 Use Classification- Agriculture: Agro-tourism		Zoning	<ul style="list-style-type: none"> Add language that clarifies the allowance for uses that support Bone-fide Agriculture through Florida Statutes that encourage Agro-tourism
4.B.2 Use Classification- Commercial: Landscape Service:		Zoning/ Planning/	<ul style="list-style-type: none"> Identify and modify Use Regulations for Landscape Services. Staff and Industry have been meeting on a regular basis in 2017 to ascertain how best to accommodate the Landscape Service use that is integrated with the nursery industry. After three subcommittee meetings in April, May and November, the subcommittee motion was to seek direction from the BCC to: <ul style="list-style-type: none"> Take into account more than 30 percent of the land area for accessory Landscape Service use, as that is the maximum percentage allowed for accessory uses; or, Consider a Comprehensive Plan amendment to address this Commercial use in residential or agricultural zoning districts.
4.B.2 Use Classification – Adult Entertainment		Zoning/ County Attorney	<ul style="list-style-type: none"> Incorporate amendments resulting from the Consultant's Report and review of site availability within the County.
4.B.10 Use Classification – Home Occupation		Zoning/ Code Enf. / County Attorney	<ul style="list-style-type: none"> Modify language relating to Nuisances under Home Occupation as it relates to noise of an "objectionable nature", and refer to Article 5, which describes maximum noise levels.
ARTICLE 5, SUPPLEMENTARY STANDARDS			
5.B.1.A Accessory Uses and Structures-		Zoning/ Building/ Fire	<ul style="list-style-type: none"> Modify language to clarify the setbacks for above ground fuel tanks.
5.G.1 Workforce Housing		Planning/ Zoning	<ul style="list-style-type: none"> Update the requirements for Workforce Housing based on Board Direction and Industry Meetings.
ARTICLE 6, PARKING AND LOADING			
6.A Parking; 6.B Loading Standards (Phase 2)		Zoning/ Land Development / Code Enforcement	<ul style="list-style-type: none"> Identify and Modify parking requirements for uses to respond to industry trends and current engineering studies; as well as the process and procedures to reduce parking through a Parking Demand Study and Shared Parking Agreement; Identify and modify the regulations for commercial vehicles located within Residential Zoning Districts for Residential uses.

ATTACHMENT 1
INITIATION – ULDC AMENDMENT ROUND 2019-01
 (Updated 01/08/2019)

AMENDMENT / TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS
ARTICLE 11, SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS		
11.A General	Zoning/ Land Development	<ul style="list-style-type: none"> Identify and Modify process and procedures for the review of legal lots. Additional Articles in the Code may be affected.
ARTICLE 14 ENVIRONMENTAL STANDARDS		
4.B.10 Excavation	ERM	<ul style="list-style-type: none"> Clarify the process in order to terminate a restrictive covenant agreement; Specify process to establish upland preserve set asides; Clarify the process for relocating upland preserves that have been previously dedicated; Add language to require restoration plans for preserves that have degraded through neglect; Add additional species to the list of plants that are prohibited in preserve areas;
14.C Vegetation Preserve and Protection		
14 Appendix		
PRIVATELY INITIATED AMENDMENTS (PIA) (MAY BE PROCESSED OUT OF ROUND)*		
FPL- Renewable Energy Solar Facility	Zoning	<ul style="list-style-type: none"> Phase 1 – Pioneer Road Property Owner’s Association- Establish a new Zoning Overlay for an area of approximately 508 acres covered by the Pioneer Road Neighborhood Plan which is West of Jog Road along the South side of Southern Boulevard. The Overlay will establish minimum property development regulations such as minimum lot size that preserve the rural character of the area and protect rural and estate home uses.
OTHER		
2019 Comprehensive Plan Text Amendments	Zoning/ Planning	Proposed 2019 Comprehensive Plan amendments may need the ULDC to be amended to address policies oriented to promote urban agriculture in the County where feasible.

ATTACHMENT 9

LDRAB SUBCOMMITTEES

2019
Land Development Regulation Advisory Board (LDRAB)
Subcommittees

LANDSCAPE SERVICE

The Subcommittee was established in 2017 to solicit feedback from industry, primarily in the AGR Tier, to ascertain how best to accommodate Landscape Service operations that are integrated with farming operations for the nursery industry, and other considerations.

After several meetings with Staff, industry and interested parties we continue to review and work on code with the latest Industry/Interested Parties meeting on February 13, 2019. The Subcommittee may be reconvening in March or April. It is estimated for completion with the 2019-01 Round of Code Amendments.

Subcommittee Web Page: <http://discover.pbcgov.org/pzb/zoning/Pages/LDRAB-Subcommittee-2019-01.aspx>

LDRAB Subcommittee Members in 2019:

Land Development Regulation Advisory Board (LDRAB) Accessory Landscape Service Use (ALSU) <small>(Updated 08/22/2018)</small>	
Subcommittee Members	Interested Parties
Philip L. Barlage LDRAB Member District 3	Mark Baker Maker Landscape Corporation
James Knight LDRAB Member District 4	Scott Bolling Master Gardeners Nursery and Landscaping Inc.
Lori Vinikoor LDRAB Member District 5	Richard "Chip" Carlson Richard Carlson, Esq.
Frank J. Gulisano Realtor's Association of the Palm Beaches	Todd Grande VTV, LLC
Drew Martin LDRAB Member District 2	Mark A. Perry Mark A. Perry, P.A.
	Michael P. Skenian Interested Party
	Candace Thomas Stout and Sons Landscaping
	Mark Travis M & P Services
	Brad Miller Miller Planning
	James Crowley Gunster PA
	James Norquest Gunster PA
	Marty Perry Perry Taylor Law
	Josh Nicols Schmidt Nicols
	Hank Tanzer Landscape Dynamics
	Susan Cone FNGLA Group Leader
	Michele Burns Heritage Farms Resident
	Risa McCarraher Heritage Farms Resident
	Susan Kennedy Jupiter Farms Resident
CURRENTLY NO LONGER SERVING AS A LDRAB MEMBER	
Michael Peragine LDRAB Member District 1	
Tommy Strowd Environmental Organization - Arthur. R. Marshall Foundation for the Everglades	

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Sunshine Law Overview for Advisory Board Members

All meetings of public agencies at which official acts are taken must be open to the public.

The term “official acts” includes not only the final act of the public agency, but **every step in the decision making process** which leads to the final act.

Personal Responsibility

The Sunshine Law applies to you because of **your role in the decision making process** - the recommendations made by this group will inform the ultimate decisions, or “official acts” taken by one or more public agencies.

The law is **broadly construed** to ensure the entire **decision making process** is open to the public. Courts have consistently found that the law is violated any time actions are taken to evade the open meeting requirement. This includes voting by secret ballot, straw polls, or any discussion, whether live, through written correspondence, or by email or electronic media, between two or more board members in private to discuss matters that will likely come before the board they serve.

Agency Responsibility

There must be **reasonable notice** of all meetings – sufficient to inform and enable interested persons so they can attend.

The meeting must be held at a place **accessible to the public**.

Minutes must be recorded and made available to the public.

Consequences

Knowingly violating the Sunshine Law is a **second degree misdemeanor** = \$500/6mos jail, or both.

Violations are also subject to \$500 **civil penalty**.

Agency decisions linked to violation **can be rendered void**, although in some situations, decisions have been reinstated after full, public airing of the decision at issue.

Agency must **pay attorney’s fees and costs** to person who successfully alleges Sunshine Law violation.