



April 17, 2013

**Department of Planning,
Zoning & Building**

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

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



**Palm Beach County
Board of County
Commissioners**

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Mary Lou Berger
Jess R. Santamaria

County Administrator

Robert Weisman

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

RE: April 24, 2013 LDRAB/LDRC Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC meeting on Wednesday, April 24, 2013. Reminder: The LDRC portion of the meeting will be a continuation of the March 27, 2013 meeting for the review of proposed Electrified Fence amendments.

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

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

Sincerely,


William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: April 24, 2013 LDRAB Agenda and Supporting Materials

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

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PALM BEACH COUNTY

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

APRIL 24, 2013

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Florida Atlantic Builders Assoc.)

Richard S. Kozell, III (District 1)

Joni Brinkman (Palm Beach League of Cities)

Barbara Katz (District 3)

Terrence N. Bailey (Florida Engineering Society)

Jim Knight (District 4)

Jerome I. Baumoehl (American Institute of Architects)

Lori Vinikoor (District 5)

Edward E. Tedtmann (Environmental Organization)

Mike Zimmerman (District 6)

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

Henry D. Studstill, (District 7)

Gary Rayman (Fl. Surveying and Mapping Society)

James M. Brake (Member at Large/Alternate)

Maurice Jacobson (Condominium Association)

Leo Plevy (Member at Large/Alternate)

Vacant (Association Gen. Cont. of America)

Board of County Commissioners

Steven L. Abrams
Mayor, District 4

Priscilla A. Taylor
Vice Mayor, District 7

Hal R. Valeche
Commissioner, District 1

Paulette Burdick
Commissioner, District 2

Shelley Vana
Commissioner, District 3

Mary Lou Berger
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Robert Weisman
County Administrator



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**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
WEDNESDAY, APRIL 24, 2013 AGENDA
2300 NORTH JOG ROAD
1ST FLOOR KEN ROGERS HEARING ROOM (VC-1W-47), 2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of March 27, 2013 Minutes (**Exhibit A**)

B. RECOGNITION OF FORMER BOARD MEMBER MARTIN KLEIN

C. ULDC AMENDMENTS

1. Exhibit B – Art. 1, General Provisions
2. Exhibit C – Art. 3, Overlays and Zoning Districts
3. Exhibit D – Art. 10, Enforcement
4. Exhibit E – Electrified Fences

E. CONVENE AS LDRC (CONTINUATION OF MARCH 27, 2013 MEETING)

1. Proof of Publication
2. Consistency Determination – Electrified Fences (Exhibit E above)

E. RECONVENE AS LDRAB

D. PRIVATELY INITIATED AMENDMENTS

1. Exhibit F – Title: Phase I, Initiation of Code Amendment, by Urban Design Kilday Studios. Request: To allow for detached accessory structures, a maximum of 200 square feet in size, to be permitted on individual Recreational Vehicle Planned Development District (RVPD) lots.

G. PUBLIC COMMENTS

F. STAFF COMMENTS

1. Status on the Use Regulations Project

G. ADJOURN

EXHIBIT A

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

Minutes of March 27, 2013 Meeting

On Wednesday, March 27, 2013 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:02 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 14

Wesley Blackman (PBC Planning Congress)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Henry Studstill (District 7)
Gary Rayman (Fl. Surveying & Mapping Society)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)**
Jerome Baumoehl (AIA)
Edward Tedtmann, Environmental Organization)
Richard Kozell (District 1)*
Barbara Katz (District 3)
Frank Gulisano (PBC Board of Realtors)
James Brake (Member At Large, Alt.)

Members Absent: 4

David Carpenter (District 2)
Maurice Jacobson (Condominium Association)
Raymond Puzitiello (Gold Coast Build. Assoc.)
Leo Plevy (Member At Large, Alt.)

Vacancies: 1

(Assoc. General Contractors of America)

County Staff Present:

Rebecca D. Caldwell, Executive Director, PZ&B
Jon MacGillis, ASLA, Zoning Director
Robert Banks, Chief Land Use County Attorney
William Cross, Principal Site Planner, Zoning
Bryan Davis, Principal Planner, Planning
John Rupertus, Senior Planner, Planning
Scott Rodriguez, Site Planner I, Zoning
David Nearing, AICP, Site Planner I, Zoning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Chair Blackman announced that there were two amendments to the agenda related to Exhibit B, Electrified Fence; changes to the proposed language, and a memo from the Planning Division confirming consistency of the proposed amendment with the Comprehensive Plan.

* Richard Kozell arrives at 2:05 p.m.

** Terrence Bailey arrives at 2:08 p.m.

3. Motion to Adopt Agenda

Motion to adopt the agenda, as amended by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (14-0).

4. Adoption of February 27, 2013 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Mr. Rayman. Motion passed (14-0).

B. RECOGNITION OF FORMER LDRAB MEMBERS: ROSA DURANDO, JOANNE DAVIS, AND MARTIN KLEIN

The Chair noted that Mr. Klein could not be present and would be presented with his plaque at a later date. The Chair noted that the other two individuals had not arrived yet. Therefore, the item was postponed.

C. ULDC AMENDMENTS

1. Exhibit B – Electrified Fences

Mr. Cross provided a brief introduction outlining that staff would make a short presentation and that the applicant should then be afforded the opportunity to make their presentation before the LDRAB takes up discussion of the proposed amendments.

Mr. Rodriguez provided a general overview of the key elements of electrified fences, and outlined the remaining differences between staff's and the applicant's proposed language which relates to aesthetics, screening height and buffers and spacing for warning signage. Mr. Cross noted that the the current schedule was to take the amendment before the BCC for request for permission to advertise on April 25, 2013.

Mr. Cross then noted that certain aspects of the applicant's proposal are intended to alleviate the need for variances. Currently, dangerous materials are not permitted, with limited exceptions for barbwire for uses such as water and wastewater plants where

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of March 27, 2013 Meeting

higher security is mandated by Federal law. Mr. Cross continued, noting that maximum fence heights are regulated by the ULDC, citing a non-residential example where fencing is limited to six feet in height within the front setback, and eight feet in height within the remaining setbacks. Any fencing not located within a setback may exceed the maximums. The intent is to prevent very tall fences from being installed on common property lines with adjacent properties, especially residential properties.

Mr. Cross then explained that the applicant is requesting a two foot increase in height. The applicants have agreed that if electric fencing is being installed on newly developed sites, landscaping meeting the current landscape requirements should be installed. However, per the amendments to the agenda, the applicant was now requesting that if an electrified fence is being retrofitted into an existing site, any deficiencies in landscaping need not be rectified.

Mr. Cross concluded that the applicant was proposing to permit electrified fencing with specific uses, several of which would be permitted within residential areas. He indicated that staff could see the need for this type of fence in industrial areas and for certain commercial uses; however, staff has concerns with residential locations or in commercial areas along roadways, in that it suggest blight and high crime in an area, and may have negative impacts on property values, redevelopment efforts, and aesthetics.

Present for the applicant were Chris Barry and Jon E. Schmidt for Jon E. Schmidt and Associates, Cindy Gsell, Sentry Security d/b/a Electric Guard Dog, and Cliff Hertz, Broad and Cassel.

Mr. Barry started the presentation for the applicant noting that one of Electric Guard Dog's clients, Marine Connection, did go through the variance process to permit an electric fence at their site. He noted that the poles shown on the staff Power Point were the large poles located at the corners of the site and the gates. The poles located between the large poles, approximately every 30 ft. are much smaller. It was the applicant's position that there was little difference between the appearance of chain link and the electrified fence.

Mr. Barry reiterated that the applicant was proposing standards for electric fencing that permitted taller fencing to prevent the need for multiple variances every time someone wished to install electric fencing. He elaborated that the request to not require nonconforming landscape buffers be brought into compliance, was due to the loss of site area to comply, especially for businesses with display area, such as boat sales.

The applicant played a video noting employees of the applicant touching the fence, noting that while it hurt, there were no marks, burns, etc. Based on the video, Mr. Hertz concluded the fence was not a "dangerous fence." Mr. Hertz further surmised that the electric fence itself has little impact on the aesthetic appearance of a site. That the wire is barely visible, with just three strands located above the outer fence. Mr. Hertz contended that if it becomes too onerous to install an electrified fence, people will continue to utilize such security measures as dogs. If there is concern about the aesthetics of electrified fencing along boundaries with residential property, the applicant is proposing the use of the mesh cloth material.

Ms. Gsell wished to clarify several points:

- the use of electrified fencing was to protect outdoor storage, not residential uses; and,
- Electric Guard Dog does not sell its product, it leases it.

Several members of the Board questioned what it would cost to lease the product. Ms. Gsell did not wish to be quoted, however, she thought it was in the neighborhood of \$0.50 – 1.00 per lineal foot.

Ms. Gsell finished by noting that they would concede to bring the height of the electrified fence poles down to the height of the gate.

Chairman Blackman asked if there were other companies in the business of electrified fencing not meeting or using the same standards. Ms. Gsell noted that her firm follows international standards, which are currently the only standards used to regulate the product.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of March 27, 2013 Meeting

Ms. Vinikoor asked if there had been any compromise to the 50 foot setback and other nonconformity issues discussed during the Subcommittee's meetings. Ms. Gsell reiterated that electrified fences area intended to protect outdoor storage, and moving the fence back 50 feet would result in loss of storage area.

Mr. Cross noted that there had been discussion of a compromise during the subcommittee meetings. In January (2013), the applicant had offered to provide a six foot screen along any R-O-W if they would be permitted to install the electrified fence two feet above the perimeter fencing. However, the offer was withdrawn in February. Ms. Gsell noted that the Sherriff indicated a concern with added buffering due to decreased visibility.

Ms. Gsell added that from the applicant's perspective, the need for the standards being proposed is to reduce the need for variances, to increase the speed at which electrified fences can be added to sites. Time is the issue due to losses from crime.

Ms. Caldwell interjected the following points:

- No security like an electrified fence will prevent employee theft;
- The international standards noted by the applicant are not recognized by the FL Building Code; and,
- If dogs, razor wire, and similar deterrents don't stop theft, neither will electrified fences.

Ms. Gsell countered that:

- The product is also an alarm system with external monitoring to notify if the current is broken; and,
- The IEC is currently the only organization with standards for this type of product, and its headquarters are here in the US.

Mr. Bailey inquired if there was some way to shorten the variance process, to which Mr. Cross noted that this had not been part of the original request and that there were other requirements such as providing public notices that would make it difficult to shorten current timeframes.

Ms. Katz indicated that there needed to be some give and take in the process. The applicant needed to compromise to come to a complete package. Mr. Rayman indicated that he still had a problem with electrified fences in general. He also has a problem with what appears to be the case where permitting an electrified fence would cause a nonconforming fence to be made conforming. Mr. Cross noted that the concepts were difficult to keep separate.

Mr. Knight inquired whether the replacement cost affects whether a nonconforming fence must be brought into compliance. Mr. MacGillis indicated that it would. Discussion briefly centered on the issue of replacement of nonconformities based on improvement value.

Mr. Gulisano noted that his problem was not with safety or aesthetics, but with the concept of encouraging the continuance of nonconforming fences. He felt that applicants should be required to go through the variance process so conditions could be attached regarding nonconforming fences.

Mr. Tedtmann asked why there was only a six to eight inch separation between the electrified fence and the perimeter fence, why not six feet? Ms. Gsell indicated that the intent was not to create an entrapment zone between the two fences. Also, there were maintenance issues. She explained that her company provides vegetative control chemicals to keep vegetation down along the electrified fence.

Mr. Kozell requested clarification regarding what are the main points of contention regarding this issue. Mr. Barry indicated aesthetics is the issue. Staff noted that the code requires that any chain link fence in a required landscape buffer must be vinyl coated. It must also be screened by landscaping. Discussion ensued regarding:

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of March 27, 2013 Meeting

- Site related nonconformities;
- Replacement and maintenance of nonconformities; and,
- Amortization of nonconformities.

Mr. MacGillis noted that the applicant is getting something which they did not have before, a new, and higher, electrified fence. There is concern that if an owner could add a new security fence to an existing nonconforming fence, would they be inclined to come in to make any site improvements which would require them to deal with the nonconformity, or would they just let it go that much longer. Since they are installing something new, they should provide buffering for the new fencing.

Ms. Katz asked what landscaping is being asked for if they don't move the fence. Mr. MacGillis indicated that it is possible that some type of sliding scale based on how wide the buffer outside the nonconforming fence is could be worked out.

At this point, the Chair called for temporary break in the proceedings to permit the presentation of the service award to Ms Joanne Davis, who was present in the audience.

B. RECOGNITION OF FORMER LDRAB MEMBERS: ROSA DURANDO, JOANNE DAVIS, AND MARTIN KLEIN

Mr. Blackman awarded Ms. Davis her plaque in recognition of her years of service to the LDRAB, including those years before it was known by its current acronym. Ms. Davis gave a few words of thanks and indicated how much she enjoyed her time on the Board.

C. ULDC AMENDMENTS (Continued)

1. Exhibit B – Electrified Fences

Mr. Cross resumed with a request to review the proposed language page by page. He noted that Mr. Rupertus and Mr. Davis of the Planning Division, were present if there were any specific questions regarding the Planning Division memo.

Page 9: Mr. Cross started by noting the exception to dangerous fences found on pages 9 and 10, and asked if there are any questions regarding these. The Board noted that the list included Flea Markets, Commercial Parking, and Laundry Services. There was a brief discussion on why such uses would need this type of security if there were no outdoor storage. A question was raised regarding what would happen if electrified fencing were approved for a site on the list of uses where it was permitted, but subsequently, the use of the site was changed to a use not on the list.

Staff also noted that because the applicant's request includes airports or could be used within the Westgate CRA, staff contacted both the Department of Airports (DOA) and CRA staff to discuss the issue. The DOA did not object to inclusion of airports in the amendment; however, the Westgate CRA voted to limit use to Industrial areas. They did not support the use in commercial or residential areas.

Mr. Barry noted that it was the applicant's intent to include only uses where outdoor storage was involved. Only uses with outdoor storage should be included. Mr. Cross indicated that this was not what the proposed amendment entailed and requested clarification from the applicant. Discussion ensued on provisions allowing use of electrified fences to protect mechanical equipment such as air conditioners.

Discussion again centered on retrofitting electrified fencing into existing sites with site related nonconformities. Mr. Hertz noted that any new sites will in fact be required to meet the current buffering, setback and height regulations. The main concern is addressing nonconforming fencing. It was also noted that there are no standards for electrified fencing in such recognized testing centers as ULI. It will be necessary for each site to obtain a certification from a field testing, before any installation can be completed.

Page 10: Discussion on the spacing of warning signage. The applicant is proposing to space it every 60 feet on the perimeter fence. Staff is requesting every 30 feet. Ms Gsell indicated that greater spacing looks better.

EXHIBIT A

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

Minutes of March 27, 2013 Meeting

Page 11: Discussion on the types of roadways required to comply with landscaping requirements.

At this point, Mr. Cross also indicated that during the course of the meeting, staff was able to come up with a possible solution to the Board's previous question about change of use from one where electrified fences were permitted to one where they are not. He noted that this could be treated similar to cases where accessory dwelling units are approved on a single-family lot, and the owner must sign a "kitchen removal agreement" in the event the use is discontinued,. A similar type of agreement could be fashioned for any site where and electrified fence is approved.

Mr. Bailey asked if they were installing electrified fencing at a new site, would they be granted the same visibility as that with nonconforming fencing. Staff indicated that a new development would not be granted the same exception being proposed for nonconformities. Mr. Bailey indicated that there is a need to provide some type of aesthetics to accomplish the intent of what the BCC has been wanting. Mr. Hertz indicated that they do not wish to give up the nonconforming status of their buffer. They are willing to do something, and long as it is not full-blown.

Motion to continue to the April LDRAB by Ms. Vinikoor, specifically to deal with the issues of buffering and height, seconded by Mr. Tedtmann.

Motion to continue to the April LDRAB meeting passed unanimously (14-0).

**D. CONVENE AS LDRC and
E. RECONVENE AS LDRAB**

The Chair noted that since LDRAB had moved to continue the Electrified Fence discussion to the April meeting, there was no need to convene as the LDRC.

F. PUBLIC COMMENTS

There were no public comments.

G. STAFF COMMENTS

1. LDRAB Revision of Rules of Procedure

Mr. Banks explained proposed amendments to the LDRAB "Rules of Procedure" which includes Article VI, Rules of Debate that the amendments implements an easy to use summary version of "Robert's Rules of Order."

Motion to accept the "Rules of Procedure" made by Ms. Vinikoor, seconded by Mr. Brake, motion passed (14-0).

2. Status of Privately Initiated Amendments

Mr. MacGillis informed the Board that the Commercial Parking Lot amendment had been withdrawn, and the Type I Private Kennel amendment was to go before the Board of County Commissioners at the March 28, 2013 Zoning Hearing.

Mr. MacGillis also advised that staff will be providing status updates on the Use Regulations Project starting at the next meeting in April.

H. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 4:35 p.m.

Recordings of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by: David Nearing

EXHIBIT B

ARTICLE 1 – GENERAL PROVISIONS
SUMMARY OF AMENDMENTS
(Updated 4/215/13)

1
2 Part 1. ULDC Art. 1.I.2.C.36.a [Related to definition of Coastal High Hazard Area] (page 47 of
3 119), is hereby amended as follows:
4

Reason for amendments: To revise the Coastal High Hazard Area definition for consistency with the Comprehensive Plan and State Statute. The Comprehensive Plan was amended in the 11-2 Round to revise the definition of Coastal High Hazard Area (CHHA) in the Introduction and Administration Element for consistency with the State's current definition. The proposed amendment will implement this change.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7 C. Terms defined herein or referenced Article shall have the following meanings:

8 36. Coastal High Hazard Area -

9 a. The area subject to high velocity waters, including, but not limited to, hurricane wave
10 wash or tsunamis- regulated by F.S. §163.3178(2)(h), as amended. The area is
11 designated on the FIRM as Zone VI-30.
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15 Part 2. ULDC Art. 1.I.2.S.49, Single Family [Related to Definitions] (page 99 of 119), is hereby
16 amended as follows:
17

Reason for amendments: [Zoning] Clarify that a Mobile Home may be considered as Single Family for the purposes of allowing a pot bellied pig as a household pet in accordance with Article 5.B.1.A.21, Pot Bellied Pigs.

18 CHAPTER I DEFINITIONS AND ACRONYMS

19 Section 2 Definitions

20 S. Terms defined herein or referenced Article shall have the following meanings:

21 49. Single Family –

22 a. for the purposes of Art. 4.B, the use of a lot or a structure for one detached dwelling unit,
23 excluding a mobile home but including a manufactured building.
24 b. for the purposes of Art. 5.B.1.A.21, Pot Bellied Pigs, single family shall include mobile
25 home dwellings.
26
27

28 Part 3. ULDC Art. 1.I.3, Abbreviations and Acronyms (page 117 of 119), is hereby amended as
29 follows:
30

Reason for amendments: [Zoning] 1) Art. 4.B.1.A.40, Day Care references the Agency for Health Care Administration and its acronym (AHCA); and, 2) Lifestyle Commercial Center development was introduced in the Code through Ordinance 2010-005, at that time the acronym definition was inadvertently left out. This amendment is to clarify LCC acronym as it is used through the Code.

31 CHAPTER I DEFINITIONS & ACRONYMS

32 Section 3 Abbreviations and Acronyms

....
AHCA Agency for Health Care Administration
....
LCC Lifestyle Commercial Center Development
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Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [**Relocated to:**].
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Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT C

EXEMPTIONS/APPLICABILITY FOR PRIOR APPROVALS
SUMMARY OF AMENDMENTS
(Updated 3/25/13)

1
2 Part 1. ULDC Art. 3.A.3.E, Exemptions/Applicability for Prior Approvals (page 18 of 229), is
3 hereby amended as follows:
4

Reason for amendments: [Zoning] To correct minor scrivener's errors that are inconsistent with "reason" for original amendment.

5 CHAPTER A GENERAL

6 Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)

7 E. Exemptions/Applicability for Prior Approvals

8 Any application for a Development Order that requires Public Hearing approval, excluding Status
9 Reports, EAC, Class B Conditional Uses, Type II Variances, and prior Special Exception or
10 Conditional Use for a Planned Unit Development (PUD), are ~~not~~ required to rezone. Other prior
11 Special Exceptions for Planned Developments such as PCD, PCND, PGCD, POBP or PID, are
12 encouraged but not required to rezone when submitting an application for amendment to the prior
13 approval, ~~unless exempted otherwise herein~~. Any application for a Development Order to any of
14 the prior approvals listed herein shall comply with the applicable requirements of the
15 corresponding district, except for any information permitted to be carried forward from a prior
16 approval. [Ord. 2011-016] [Ord. 2012-003]
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EXHIBIT D

ART. 10, ENFORCEMENT
SUMMARY OF AMENDMENTS
(Updated 03/29/13)

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Part 1. ULDC Art. 10.C.5.B., Fines and Penalties (page 9 of 12), is hereby amended as follows:

Reason for amendments: [ERM] The County contracts with the Florida Department of Environmental Protection (FDEP) to perform pollutant storage tank compliance verification within PBC. The change is to ensure that the County is authorized to impose penalties and fines under Chapter 403, F.S., as required by the Contract.

CHAPTER C GROUNDWATER AND NATURAL RESOURCES PROTECTION BOARD

Section 5 Administrative Fines; Costs; Liens

B. A fine, imposed pursuant to this Section, shall not exceed \$1,000 per day for a first violation and shall not exceed \$5,000 per day for a repeat violation, and in addition, may include all costs of repairs pursuant to Article 10.C.5.A, Whenever one of the GNRPB. For violations deemed irreparable or irreversible by the GNRPB, the GNRPB may impose a fine not to exceed \$15,000 per violation, pursuant to F. S. §162.09, as may be amended. In determining the amount of a fine, the GNRPB shall consider the following factors: (a) the gravity of the violation(s); (b) any actions taken by the violator to correct the violation(s); and (c) any previous violations committed by the violator. Notwithstanding the foregoing, penalties and fines imposed for violation of the Petroleum Storage Systems Ordinance or Petroleum Contamination Cleanup Criteria Ordinance, as either Ordinance may be amended, shall be imposed as set forth in F.S. § 403.121, as amended periodically, pursuant to the agreement approved by the Palm Beach County Board of County Commissioners (R2001-941) on June 19, 2001 and June 12, 2010 (R2010-0095).

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EXHIBIT E

ELECTRIFIED FENCES
SUMMARY OF AMENDMENTS
(Updated 4/15/13)

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Part 1. ULDC Art. 5.B.1.A.2.c, Dangerous Materials [Related to the Fences, Walls and Hedges] (page 9 of 92), is hereby amended as follows:

Reason for amendments: [Applicant] The initiation of this amendment was discussed at the Amend the September 27, 2012 BCC Zoning Hearing. The Board directed staff to process a publicly initiated ULDC amendment to be submitted (Phase II) on behalf of Electric Guard Dog, to allow for the use of electric security fencing in certain situations.

Staff issues are summarized as follows:

1. Staff generally concurs with the potential viability of the proposed electrified fencing as a deterrent to crime in industrial or in other similar areas with limited natural surveillance due to a lack of mix of uses within the area or limited hours of operation, among other factors.
2. However, staff has two primary areas of concern: Public safety and aesthetics, the latter of which is due to the “perception” that the need for enhanced security that is visible to the public suggests the appearance of slum and blight. Whereas the “perception” of environmental, crime or economic blight has historically been acknowledged as adverse to neighborhoods and communities, often hampering new investment or reducing quality of life.
3. Staff has reviewed several ordinances from jurisdictions that permit electrified fencing, and noted that a significant number limit use to industrial districts or similar areas, several explicitly prohibit within residential districts.

Pursuant to BCC direction, staff coordinated three Land Development Regulation Advisory Board (LDRAB) subcommittee meetings and worked with the applicant to address safety and aesthetic concerns where feasible. Re-submittals by the applicant responded to both staff and subcommittee input, but also included an expansion of the original request to include several additional uses (1st Submittal – November 28, 2012; 2nd – December 20, 2012; 3rd – January 24, 2012; and, 4th – February 6, 2012.

At time of publication, most staff issues had been resolved through additional safety and aesthetic requirements. Unresolved issues will be shown in a table format with the applicant’s request in the left hand column shown in the normal ~~strikeout~~ or underline format. Staff recommendations are shown in the right hand column, with any alternate recommendations or changes shown in double ~~strike-out~~ or underline format.

March 27, 2013 LDRAB: Additional revisions requested by the applicant to allow for exemptions for non-conforming fences were submitted to the LDRAB via the add/delete sheet. Extension discussion ensued regarding the merits of complying with current ULDC requirements and the item was continued to the April 24, 2013 LDRAB meeting.

April 9, 2013: After careful consideration, the applicant withdrew their request to allow “...an exemption for properties with adjacent to a non-conforming...” fence/wall, citing concerns that development of a compromise would be unlikely to accommodate all of the different non-conforming scenario’s. The applicant also indicated they were in agreement with the staff recommendation for the Location, Landscaping and Screening for Properties Fronting a R-O-W, subject to a minor clarification. At this time the only remaining issue is the spacing for required warning signage (applicant proposed 60’ – staff recommending 30’).

5 CHAPTER B ACCESSORY AND TEMPORARY USES

6 Section 1 Supplementary Regulations

7 A. Accessory Uses and Structures

8 2. Fences, Walls and Hedges

9 c. Dangerous Materials

10 ~~4)~~ Fences or walls in any zoning district, shall not be electrified or contain any
11 substance such as broken glass, spikes, nails, barbed wire, razors, or any other
12 dangerous material designed to inflict discomfort, pain or injury to a person or animal,
13 except as allowed below. [Ord. 2010-005] [Ord. 2011-001]

14 ~~12)~~ Barbed Wire Exceptions

15
16 **2) Electrified Fences - Exceptions and Regulations**
17 The use of electrified fences is prohibited except in instances as detailed below. The
18 County recognizes that electrified fences may be necessary to secure certain non-
19 residential uses or structures. Therefore, the County allows the installation of
20 electrified fencing, subject to the following:

21 **a) Allowable Uses for Electrified Fences**

Notes:

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EXHIBIT E

ELECTRIFIED FENCES
SUMMARY OF AMENDMENTS
(Updated 4/15/13)

Electrified fences shall only be allowed for the following uses:

- (1) Commercial uses, as follows:
 - (a) Auction, Outdoor;
 - (b) Auto Paint or Body Shop;
 - (c) Building Supplies;
 - (d) Contractor Storage Yard;
 - (e) Flea Market, Open;
 - (f) Landscape Service;
 - (g) Laundry Services;
 - (h) Parking Lot, Commercial;
 - (i) Repair and Maintenance, General;
 - (j) Self-Service Storage;
 - (k) Towing Service and Storage; and,
 - (l) Vehicle Sales and Rental;
- (2) Public and Civic uses, as follows:
 - (a) Airport; and,
 - (b) Government Services.
- (3) Recreation uses, as follows:
 - (a) Zoo; and,
 - (b) Marine Facility.
- (4) All uses listed as Agricultural Uses in Table 4.A.3.A, Use Matrix.
- (5) All uses listed as Utilities & Excavation uses in Table 4.A.3.A, Use Matrix.
- (6) All uses listed as Industrial Uses in Table 4.A.3.A, Use Matrix.
- (7) Accessory Outdoor Storage in accordance with Art. 5.B.1.A.3, Outdoor Storage.
- (8) Properties with a Conservation FLU designation, for the purposes of protecting publicly owned natural areas.
- (9) To secure permanent mechanical equipment except on individual residential lots.
- (10) The Zoning Director shall have the authority to allow the installation of electrified fences for any uses pursuant to Art. 4.B, SUPPLEMENTARY USE STANDARDS, when the applicant demonstrates a need to comply with Federal, State or Local Government regulations. The Zoning Director may require the applicant to perform mitigation in order to address compatibility with adjacent properties or visibility from adjacent street right-of-way.
- (11) An agreement to remove an electrified fence shall be executed prior to issuance of a Building Permit. The agreement shall require removal of the electrified fence if the use changes to other than an allowable uses listed above.

b) Standards

Electrified fences shall be installed, operated or maintained in compliance with the following:

- (1) **Technical Standards**
All electrified fences are subject to permitting and review by the Building Division and shall be designed, installed, operated and maintained in a manner not to be injurious to individuals.
- (2) **Exterior Non Electrified Fence or Wall**
Electrified fences and gates shall be attached to the interior of, or completely surrounded on the side facing the property exterior, by a non-electrified fence or wall that meets the following requirements:
 - (a) Minimum of six feet in height;
 - (b) The separation between the exterior, non-electrified fence or wall and the electrified fence shall be a minimum of four inches and a maximum of eight inches;
 - (c) When adjacent to or within 50 feet of a parcel of land with a residential FLU designation or use, the non-electrified fence shall include a solid material that will screen the electric fence from view and prevent a person from being able to penetrate the non-electrified fence; and
 - (d) Exterior fences such as chain link shall have openings no larger than two and three-eighths inches.

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EXHIBIT E

ELECTRIFIED FENCES
SUMMARY OF AMENDMENTS
(Updated 4/15/13)

1

Applicant's Proposed Language:	Staff Recommendation:
<p>3) <u>Public Warning Signage</u> <u>Electric fences shall be clearly identified with warning signs posted at intervals of not more than 60 feet with at least one sign on each exterior perimeter side of the non-electrified fence or wall and interior side of the electrified fence.</u></p>	<p>3) <u>Public Warning Signage</u> <u>Provide and maintain signage, subject to prior review by the Building Division, which satisfies the intent of the requirements contained in ISO-3864 or a current equivalent internationally accepted standard, and that such signage be placed within ten feet of all corners, not more than 30 feet apart, so as to be plainly visible. Exceptions to screening or landscaping requirements may be permitted where necessary to ensure visibility of signage.</u></p> <p><u>Electric fences shall be clearly identified with warning signs posted at intervals of not more less than 60 feet with at least one sign on each exterior perimeter side of the non-electrified fence or wall and interior side of the electrified fence.</u></p>

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(4) Height

The maximum height of an electrified fence and any attachments shall not exceed the height of any required exterior non-electrified fence or wall, or other required screening, by more than a maximum of two feet in height. Any portion of an electrified fence that exceeds the height of the non-electrified fence shall be limited to a maximum of two horizontally placed strands per vertical foot, a maximum of 12.5 gauge in diameter, with attachments spaced not less than 20 feet on center, excluding gates.

(5) Location, Landscaping or Screening

Applicant's Proposed Language:	Staff Recommendation:
<p>(a) <u>Properties Fronting Roadways</u> <u>Electrified fences may be permitted within front or side street setbacks only when the perimeter landscape buffer meets or exceeds the <u>vegetation standards of a Type 3 Incompatibility Buffer per Table 7.F.9.A, Incompatibility Buffer Standards.</u></u></p>	<p>(a) <u>Properties Fronting Roadways</u> <u>Electrified fences may be permitted within front or side street setbacks only when the perimeter landscape buffer meets or exceeds the vegetation standards of a Type 3 Incompatibility Buffer per Table 7.F.9.A, Incompatibility Buffer Standards. <u>The required incompatibility buffer wall may be replaced with a fence or hedge.</u></u></p>

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(b) All Other Properties

Electrified fences shall not be permitted within any required setback from property lines, unless the perimeter landscape buffer is in compliance with Art. 7, Landscaping.

(c) Within 50 Feet of Any Property Line

Any electrified fence located within 50 feet of any property line abutting a non-conforming landscape buffer shall be screened from view by landscaping, fences, walls or buildings, excluding the top two feet.

(d) Outdoor Storage

The use of electrified fences in outdoor storage areas shall only be permitted when in compliance with the following screening requirements, excluding the top two feet:

(1)When located in non-residential districts, the screening requirements of Art. 5.B.1.A.3, Outdoor Storage; and,

(2)When located in residential districts or for uses which allow outdoor storage by definition or in another section, shall be screened from view by landscaping, fences, walls or buildings.

(e) Mechanical Equipment

The use of electrified fences with mechanical equipment shall only be permitted when in compliance with the screening requirements of Art. 5.B.1.A.19, Mechanical Equipment, excluding the top two feet.

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EXHIBIT E

ELECTRIFIED FENCES
SUMMARY OF AMENDMENTS
(Updated 4/15/13)

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(6) Non-Conforming Dangerous Materials

If a property has non-conforming dangerous materials in areas that will be secured by the installation of electrified fences, the dangerous materials shall be removed prior to electrification or the issuance of a certificate of completion by the PBC Building Division for the electrified fence.

(7) URAO, IRO, LCC, WCRAO and TDD Limitations

(a) Electrified fences shall not be permitted in any URAO, IRO, LCC, or TDD developments constructed with a required build to line or any other area unless located behind buildings and in areas not accessible by the public.

(b) Electrified Fences within the WCRAO shall be prohibited in all Sub-areas except for the UI Sub-area.

Part 3. ULDC Art. 7.F.3.B, Location of Planting [Related to Walls and Fences in Buffers] (page 37 of 50), is hereby amended as follows:

Reason for amendments: [Applicant] Staff advised the applicant that existing location of planting requirements may adversely affect the operation of electrified fencing due to issues with access for plant and tree maintenance, or potential for shrubs or tree branches to inadvertently short out or set off alarm.

The applicant concurred and incorporated staff recommendations into the amendment application.

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 3 Walls and Fences

B. Location of Planting

A minimum of 75 percent of required trees shall be located between the exterior of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. Shrubs or hedges shall be installed on both sides of the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility buffer and located along the property line. **[Ord. 2007-013]**

1. Exception

Electrified fencing in accordance with Art. 5.B.1.A.2.c.2), Electrified Fence – Exceptions and Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is adjacent to.

Part 4. ULDC Art. 7.F.3.E, Chain Link Fences [Related to Walls and Fences in Buffers] (page 37 of 50), is hereby amended as follows:

Reason for amendments: [Applicant] Applicant concern that requirement for vinyl coated chain link fence may be misconstrued as being applicable to electrified fencing.

CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

Section 3 Walls and Fences

E. Chain Link Fences

Vinyl coated chain link fences are permitted only if used in the R-O-W buffer, installed behind an opaque six foot high hedge or approved by the BCC, or ZC. **[Ord. 2007-001] [Ord. 2007-013]**

1. Exception

An electrified fence in accordance with Art. 5.B.1.A.2.c.2), Electrified Fence – Exceptions and Regulations, shall not be required to be vinyl coated.

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EXHIBIT F



PALM BEACH COUNTY
 PLANNING ZONING AND BUILDING DEPARTMENT
 ZONING DIVISION

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

Application No. PIA 2013-05
Title: Phase 1, Initiation of Code Amendment
Request: To allow for detached accessory structures, a maximum of 200 square feet in size, to be permitted on individual Recreational Vehicle Planned Development (RVPD) lots.
Applicant: Urban Design Kilday Studios
Project Manager: William J Cross, AICP, Principal Site Planner

APPLICATION SUMMARY:

The applicant is requesting that the Board of County Commissioners (BCC) approve a request to initiate an amendment to the ULDC, as follows:

CODE SECTION	REQUIRED	PROPOSED BY APPLICANT
Art. 3.E.7.G.1, Permanent Structures or Additions	Permanent structures or additions attached to an RV, such as screen rooms, carports, or utility sheds, shall be prohibited.	Permanent structures or additions attached to an RV*, such as screen rooms, carports, or utility sheds, shall be prohibited. <u>Detached accessory structures, a maximum of 200 square feet in size, are permitted on individual RV* lots.</u>

* RV: Recreational Vehicle

STAFF RECOMMENDATION:

Staff recommends that this topic/request be included in Round 2013-02, as the 2013-14 Use Regulations Project is the current Code Revision priority. At this time, staff has not identified any significant concerns with the applicant's request for limited accessory structures; however, additional review may be required to ensure there are no conflicts with other regulatory requirements or the original purpose and intent for RV parks.

BACKGROUND AND SUMMARY:

As noted in the current ULDC requirement above, accessory structures are prohibited in RV parks. The ULDC states that the purpose and intent of a RVPD is to "...provide tourist oriented uses in a park-like environment for temporary residents." The temporary component has historically been enforced by standards limiting residency to a maximum of 180 days, mobility of RV's and record keeping by caretakers or proprietors are required. The applicant indicates that some RV parks are transitioning towards accommodating owners of larger upscale RV's who are seeking enhanced amenities. The applicant has also provided examples of where these types of accessory structures have been permitted in RV parks in Naples and Okeechobee County.

County Administrator
Robert Weisman

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



REQUEST FOR ULDC LANGUAGE CHANGE

DATE: March 22, 2013

Re: Code Section Article 3.E.7.G.1.

From: Urban Design Kilday Studios

APPLICATION REQUIREMENTS

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

Article 3.E.7.G.1.

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

There are no other code sections required to be amended to allow for the
proposed code amendment to Article 3.E.7.G.1.

Multiple horizontal lines for additional text input.

EXHIBIT X

PERMANENT STRUCTURES IN RVPD
SUMMARY OF AMENDMENTS
(Updated XX/XX/13)

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2 Part 1. ULDC Art. 3.E.7.G, Supplemental Standards [Related to Permanent Accessory
3 Structures in Recreational Vehicle Planned Development District (RVPD)] (page 184 of
4 229), is hereby amended as follows:
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Reason for amendments:

The proposed intent of this amendment is to allow for detached accessory structures, a maximum of 200 square feet in size to be permitted on individual RV lots. As the industry trends for typical recreational vehicle developments evolve due to market demands, the industry is seeing an increased demand for luxury motorcoach resorts. These resorts provide a variety of upscale amenities and various individual lot layouts. Each lot layout includes a pad and is outfitted with utility hookups and also may provide for cable/internet services.

A much desired upgrade option includes a detached accessory structure on the lot, which may serve as storage and for entertaining purposes. These structures are not dwelling units and may not be used as habitable structures. These often are served by utilities and may contain areas for storage, washer/dryer, mini kitchens and an entertainment area with a television.

The demographics of the purchasers of luxury motorcoaches expect such options as coach houses as part of the amenity packages available. The provision of the coach houses allows for a sustainable high quality planned development.

6 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

7 **Section 7 Recreational Vehicle Planned Development District (RVPD)**

8 **G. Supplemental Standards**

9 **1. Permanent Structures or Additions**

10 Permanent structures or additions attached to an RV, such as screen rooms, carports, or
11 utility sheds, shall be prohibited. Detached accessory structures, a maximum of 200 square
12 feet in size, are permitted on individual RV lots.

13 **2. Parking**

14 Parking or storage of vehicles in areas not designed or designated for parking or storage is
15 prohibited.

16 **3. Temporary Structures**

17 Temporary structures, such as construction trailers and security quarters, may be allowed,
18 subject to Article 5.B.1.B, Temporary Structures. A mobile home may be used as a
19 caretakers quarters, security quarters, watchmans trailer, or temporary structure.

20 **4. Storage**

21 The site plan shall contain an area for outdoor storage of boats, trailers, RV's, etc. if required
22 by the DRO.
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