



PALM BEACH COUNTY

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

SEPTEMBER 22, 2021

BOARD MEMBERS

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

Charles Millar (District 1)

Ned Kerr (District 2)

Ari Tokar (District 3)

Jim Knight (District 4)

Ben Morris (District 6)

Robert J. Harvey (District 7)

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

Anna Yeskey (Palm Beach League of Cities)

Terrence Bailey (Florida Engineering Society)

Lucille Hinnars (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)

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

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

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

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

Abraham Wien (Alternate At-Large #2)

Board of County Commissioners

**Dave Kerner
Mayor, District 3**

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

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

**Maria Sachs
Commissioner, District 5**

**Mack Bernard
Commissioner, District 7**

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

**Melissa McKinlay
Commissioner, District 6**

County Administrator

Verdenia C. Baker



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

This page left blank intentionally



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

WEDNESDAY, SEPTEMBER 22, 2021 AGENDA

**KENNETH S. ROGERS HEARING ROOM (VC-1W-47)/COMMUNICATIONS MEDIA TECHNOLOGY
(CMT)
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances
3. Additions, Substitutions, and Deletions
 - a. Staff
 - b. Board Member
4. Motion to Adopt Agenda
5. Adoption of Minutes – August 25, 2021 (Exhibit A)
6. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

PAGES

1. Exhibit B Art. 3, Airport Zoning Overlay Use Regulations Update 1 – 3
2. Exhibit C Art. 3 and 4, Residential Future Land Use Designations 4 – 14

C. PRIVATELY INITIATED AMENDMENTS – FINAL RECOMMENDATION (PHASE 2)

1. Exhibit D Art. 3 and 4, Boca Lago PUD Clubhouse 15 – 31
2. Exhibit E Art. 4, Dog Friendly Dining 32 – 39

D. CONVENE AS LDRC

1. Proof of Publication
2. Consistency Determination for Exhibits D and E 40 – 40

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

F. STAFF COMMENTS

G. BOARD MEMBER COMMENTS

H. ADJOURNMENT

This page left blank intentionally

EXHIBIT A

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

(Updated 09/15/21)

Minutes of August 25, 2021 LDRAB/LDRC Meeting

On Wednesday, August 25, 2021, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

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

Members Present: 13

Charles Millar (District 1, Commissioner Marino)
Ned Kerr (District 2, Commissioner Weiss)
Ari Tokar (District 3, Commissioner Kerner)* ***
Jim Knight (District 4, Commissioner Weinroth)
Dr. Lori Vinikoor (District 5, Commissioner Sachs)
Robert J. Harvey (District 7, Commissioner Bernard)*
Donald R. Barnes (Gold Coast Builders Association)
Anna Yeskey (League of Cities)
Lucille Hinners (American Institute of Architects)
Susan A. Kennedy (Environmental Organization)
Terrence Bailey (Florida Engineering Society)
Charles D. Drawdy (Assoc. General Contractors of America)
Wesley Blackman (PBC Planning Congress)

Members Absent: 5

Ben Morris (District 6, Commissioner McKinlay)
Frank Gulisano (Realtors Association of the Palm Beaches) *** ****
Jim Sullivan, Florida Surveying and Mapping Society
Tommy B. Strowd (Alternate At-Large #1)
Abraham Wien (Alternate At-Large #2)*

County Staff Present: 19

Jon MacGillis, Zoning Director*
Wendy N. Hernández, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner, Zoning
Barbara Pinkston, Principal Site Planner, Zoning*
Imene Haddad, Senior Site Planner, Zoning*
Timothy Haynes, Senior Site Planner, Zoning*
Rafik Ibrahim, Senior Site Planner, Zoning/Building*
Carlos Torres, Senior Site Planner, Zoning*
Ed Tombari, Senior Site Planner, Zoning*
Jerome Ottey, Site Planner II, Zoning
Alexander Biray, Site Planner I, Zoning
Phil Myers, Zoning Technician, Zoning
Scott A. Stone, Assistant County Attorney I
Lisa Amara, Principal Planner, Planning**
Bryan Davis, Principal Planner, Planning
Carolina Valera, Senior Planner, Planning*
Travis Goodson, Planner II, Planning*
Roberta Dusky, Environmental Program Supervisor, ERM*
Mark Meyer, Site Planner II, ERM*

Vacancies: 0

* Present via Webex Events.

** County Staff in audience.

*** Mr. Tokar and Mr. Gulisano arrived at 2:03 pm.

**** Mr. Gulisano left at 2:18 p.m. less than three-fourths of the meeting.

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

Motion to approve remote attendance by CMT based on extraordinary circumstances of the coronavirus pandemic for Mr. Harvey, by Dr. Vinikoor, seconded by Mr. Knight. The Motion passed unanimously (11-0).

3. Additions, Substitutions, and Deletions

None.

4. Motion to Adopt Agenda

Motion to adopt the Agenda, by Dr. Vinikoor, seconded by Mr. Knight. The Motion passed unanimously (12-0).

5. Adoption of Minutes – May 26, 2021 (Exhibit A)

Motion to adopt the Minutes, by Mr. Kerr, seconded by Mr. Barnes. The Motion passed unanimously (12-0).

6. Public Comments

None.

EXHIBIT A

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

(Updated 09/15/21)

Minutes of August 25, 2021 LDRAB/LDRC Meeting

B. ROUND 2021-02 INITIATION

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

Mr. Gagnon provided an overview of Code amendments anticipated for the Amendment Round.

a. Discussion

None.

*** Mr. Tokar and Mr. Gulisano arrived at 2:03 pm.

Motion to approve remote attendance by CMT based on extraordinary circumstances of the coronavirus pandemic for Mr. Tokar and Mr. Gulisano, by Dr. Vinikoor, seconded by Mr. Drawdy. The Motion passed unanimously (11-0).

C. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

1. Exhibit B – Art. 2, 7, 10, and 14, SFWMD Irrigation Guidelines

Mr. Gagnon explained the amendment updates and adds references to Ordinances initiated by County Administration based on the South Florida Water Management District's (SFWMD) irrigation conservation measures, and subject to concurrent Board of County Commissioners (BCC) approval. He further explained the amendment also updates unrelated Ordinances that have been repealed and replaced within the same text.

**** Mr. Gulisano left at 2:18 p.m. less than three-fourths of the meeting.

a. Discussion

None.

Motion to approve, by Mr. Knight, seconded by Mr. Drawdy. The motion passed unanimously (13-0).

2. Exhibit C – Art. 3, Planned Unit Development Standards and Measurement

Mr. Biray explained the amendment removes an obsolete reference to the Zoning Technical Manual, and corrects and clarifies terminology.

a. Discussion

Mr. Blackman asked for clarification that references to the "Plan" in the Code are for the Comprehensive Plan. Mr. Gagnon confirmed it was.

Motion to approve, by Dr. Vinikoor, seconded by Mr. Drawdy. The motion passed unanimously (13-0).

3. Exhibit D – Art. 3, Lake Worth Drainage District Canals as Preserve Areas

Mr. Gagnon explained the amendment is to ensure consistency with a concurrent Plan text amendment. Mr. Davis further explained the amendments are per BCC direction and provided a PowerPoint presentation, giving an overview of the Agricultural Reserve preservation and development process as it relates to a Zoning application proposing to utilize certain Lake Worth Drainage District (LWDD) canals as Preserve Areas.

a. Discussion

Mr. Davis responded to Board questions associated with impacts to density, applicability to future development applications, LWDD lands, and Preserve Areas. He also clarified that the Plan Policy proposed to be references within the Code is specific to one specific Zoning application.

Motion to approve, by Mr. Bailey, seconded by Dr. Vinikoor. The motion passed (12-1). Mr. Kerr dissented.

4. Exhibit E - Art. 4, Generators for Commercial Communication Towers

Mr. Ottey explained the amendment removes language limiting fuel types for Commercial Communication Tower generators in Article 4, defaulting requirements to Article 5.

a. Discussion

Dr. Vinikoor asked for clarification that diesel fuel types can be used for generators less than 125 kilowatts. Mr. Ottey confirmed it was.

Motion to approve, by Dr. Vinikoor, seconded by Mr. Drawdy. The motion passed unanimously (13-0).

C. CONVENE AS LDRC

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 2:33 p.m.

EXHIBIT A

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

(Updated 09/15/21)

Minutes of August 25, 2021 LDRAB/LDRC Meeting

1. Proof of Publication

Motion to accept Proof of Publication, by Dr. Vinikoor, seconded by Ms. Kennedy. The Motion passed unanimously (13-0).

2. Consistency Determination for Exhibits B and D

Mr. Davis stated the proposed Exhibits B and D are consistent with the Comprehensive Plan, including at the time of adoption for Exhibit D.

Motion to accept Planning Staff's recommendation, by Dr. Vinikoor, seconded by Mr. Drawdy. The Motion passed unanimously (13-0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 2:34 p.m.

E. STAFF COMMENTS

1. Introductions – Lisa Amara as Incoming Zoning Director and Phil Myers as New Zoning Technician

Mr. Gagnon introduced Lisa Amara as the new Zoning Director; Ms. Amara introduced herself. Mr. Gagnon also introduced the new Code Revision Zoning Technician, Phil Myers; Mr. Myers introduced himself.

2. LDRAB Subcommittees

Mr. Gagnon explained the Art. 7, Landscaping Subcommittee will be reconvened to focus on review of landscape buffer width and placement of walls or fences within landscape buffers; the approval processes for the planting, removal, replacement, and mitigation of street trees, and a preferred species list; and, incorporating biodiversity while promoting habitat for pollinators and wildlife. He answered questions from the Board regarding the scheduling and number of meetings, and how many Subcommittee members are required.

Motion to appoint Dr. Vinikoor, Mr. Bailey, Ms. Hanners, and Ms. Kennedy to the Subcommittee, by Mr. Knight, seconded by Mr. Kerr. The Motion passed unanimously (13-0).

F. BOARD MEMBER COMMENTS

Dr. Vinikoor and Mr. Blackman congratulated Ms. Amara on Zoning Director position. Mr. Stone responded to questions regarding the possibility of meetings going full virtual, and policy for Applicant and public participation. Ms. Hanners asked about the location of Subcommittee meetings. Mr. Gagnon responded previous Subcommittees used the room across the hallway, but members will receive further information when the schedule is finalized.

G. ADJOURNMENT

The Land Development Regulation Advisory Board meeting adjourned at 2:43 p.m.

Recordings of all LDRAB meetings are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5302.

This page left blank intentionally

EXHIBIT B

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
AIRPORT ZONING OVERLAY USE REGULATIONS UPDATE**

**CR-2021-0007
(Updated 09/15/21)**

Part 1. ULDC Art. 1.B.2.B.2.a.4), Overlays and Zoning Districts, Overlays, AZO, Airport Zoning Overlay, Applicability, Uses on Airport Properties, Use Regulations, Specific Use Regulations (pages 21-23, Supplement 30), is hereby amended as follows:

Reason for amendments: [Airports]
1. Recognize that the Palm Beach International Airport (PBIA) area is currently surrounded by Outdoor Entertainment uses such as Drive Shack to the east, Palm Beach Atlantic University Rinker Athletic Complex and Hilton Palm Beach Airport water ski course to the southeast, Trump International Golf Club to the south, and Palm Beach Kennel Club to the northwest, and designate “Entertainment, Outdoor” as a non-airport related use subject to DRO review.
2. Revise use names and types to ensure consistency with Code definitions and existing commercial, recreational, and industrial uses as listed in Table 4.B.2.A, Commercial Use Matrix, Table 4.B.3.A, Recreation Use Matrix, and Table 4.B.5.A, Industrial Use Matrix respectively.
3. To add the Machine and Welding Shop use into the AZO Use Matrix to expand the type of uses allowed in the subsidiary development areas to promote their development. This change recognizes, for example, that PBIA Parcel F, the area west of Military Trail, is being leased to predominately industrial developers for industrial users.

1 **CHAPTER B OVERLAYS**

2

3 **Section 2 AZO, Airport Zoning Overlay**

4

5

6 **B. Applicability**

7

8 **2. Uses on Airport Properties**

9 The provisions of this Section shall apply to airport-related and non-airport related uses within
10 the boundaries of the Airport Master Plans for those parcels with a U/T ~~Land Use~~FLU
11 designation and in the PO ~~Zoning d~~District for the four County-operated airports identified as
12 follows: PBIA, PBC Glades Airport, PBC Park Airport (a.k.a. Lantana Airport), and North Palm
13 ~~Beach County~~ General Aviation Airport. Development of these airports shall be in accordance
14 with the Airport Master Plans as required by Plan Objective TE 1.7, Future Airport Expansion.
15 **[Ord. 2006-036]**

16 **a. Use Regulations**

17

18 **4) Specific Use Regulations**

19 The following uses are permitted in the AZO on airport properties: **[Ord. 2006-036]**

20

Table 3.B.2.B – Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Residential Uses					
Caretaker Quarters	D	D	CG or IG		All
Commercial Uses					
....					
Vehicle or Equipment Sales and Rental, Heavy		A	CG or IL	40	All
....					
Vocational Institution	P	D	CG or IG	43	All
[Ord. 2006-036] [Ord. 2008-003] [Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2017-007] [Ord. 2018-018] [Ord. 2019-005]					

21

Table 3.B.2.B – Airport Use Regulations, Cont’d.

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Institutional, Public, and Civic Uses					
....					
Entertainment, Indoor [Relocated to: Recreation Uses]	P	D	CG or IL	3	All

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. B - CR-2021-0007 Art. 3, Airport Zoning Overlay Use Regulations Update.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT B

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
AIRPORT ZONING OVERLAY USE REGULATIONS UPDATE**

**CR-2021-0007
(Updated 09/15/21)**

Entertainment, Outdoor [Relocated to: Recreation Uses]	<i>P</i>		<i>PO</i>	<i>4</i>	<i>All</i>
Fitness Center [Relocated to: Recreation Uses]	<i>P</i>	<i>D</i>	<i>CG or IL</i>	<i>5</i>	<i>All</i>
Golf Course [Relocated to: Recreation Uses]		<i>D</i>	<i>CG or IL</i>	<i>6</i>	<i>All</i>
Park Public [Relocated to: Recreation Uses]		<i>P</i>	<i>CG or IG</i>	<i>9</i>	<i>All</i>
Park, Neighborhood [Relocated to: Recreation Uses]		<i>P</i>	<i>CG or IG</i>	<i>7</i>	<i>All</i>
....					
Recreation Uses					
Arena or Stadium or Amphitheater	P	A	CG	1	<u>1</u>
Entertainment, Indoor [Relocated from: Institutional, Public and Civic Uses]	<i>P</i>	<i>D</i>	<i>CG or IL</i>	<i>3</i>	<i>All</i>
Entertainment, Outdoor [Relocated from: Institutional, Public and Civic Uses]	<i>P</i>	<u><i>D</i></u>	<u><i>CG or PO</i></u>	<i>4</i>	<i>All</i>
Fitness Center [Relocated from: Institutional, Public and Civic Uses]	<i>P</i>	<i>D</i>	<i>CG or IL</i>	<i>5</i>	<i>All</i>
Golf Course [Relocated from: Institutional, Public and Civic Uses]		<i>D</i>	<i>CG or IL</i>	<i>6</i>	<i>All</i>
Park, Neighborhood [Relocated from: Institutional, Public and Civic Uses]		<i>P</i>	<i>CG or IG</i>	<i>7</i>	<i>All</i>
Park, Passive	P	P	CG or IL	8	All
Park Public [Relocated from: Institutional, Public and Civic Uses]		<i>P</i>	<i>CG or IG</i>	<i>9</i>	<i>All</i>
Agricultural Uses					
....					
Utilities Uses/Excavation Uses/Commercial Communication Towers					
....					
Recycling Center [Relocated to: Industrial Uses]	<i>D</i>	<i>D</i>	<i>CG or IG</i>	<i>11</i>	<i>All</i>
Minor Utility	P	D	CG or IG	7	All
Transportation Uses					
Airport	P		PO	1	All
Heliport or Vertiport	P	A	CG or IL	2	All
Transportation Facility	B	B	CG or IG	5	All
[Ord. 2006-036] [Ord. 2008-003] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2013-001] [Ord. 2017-007]					

1

Table 3.B.2.B – Airport Use Regulations, Cont’d.

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Temporary Uses					
....					
Industrial Uses					
....					
Machine or Welding Shop	<i>P</i>	<i>D</i>	<i>IL</i>		<i>All</i>
Multi-Media Production		D	CG or IG	10	All
....					
Recycling Center [Relocated from: Utilities/Excavation Uses/Commercial Communication Towers]	<i>D</i>	<i>D</i>	<i>CG or IG</i>	<i>11</i>	<i>All</i>
Recycling Plant	P	D	IG	12	All
....					
[Ord. 2006-036] [Ord. 2010-022] [Ord. 2017-007] [Ord. 2018-002]					
Key:					
P	Permitted by Right				
D	Permitted subject to approval by the DRO				
B	Permitted only if approved by the Zoning Commission (ZC)				
A	Permitted only if approved by the Board of County Commissioners (BCC)				
Use Applicable to Specific Airport:					
<u>1</u>	Palm Beach International Airport (PBIA)				
<u>2</u>	PBC Glades Airport				
<u>3</u>	PBC Park Airport (a.k.a. Lantana Airport)				
<u>4</u>	North PBC General Aviation Airport				
All	PBIA, PBC Glades Airport, PBC Park Airport (a.k.a. Lantana Airport), and North PBC General Aviation Airport				
Notes:					

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. B - CR-2021-0007 Art. 3, Airport Zoning Overlay Use Regulations Update.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT B

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
AIRPORT ZONING OVERLAY USE REGULATIONS UPDATE

CR-2021-0007
(Updated 09/15/21)

1.	For purposes of determining the applicable property development regulations (PDRs) for non-airport related uses, the corresponding zoning district's PDR identified in Table 3.D.1.A, Property Development Regulations shall apply to lot dimension, density, FAR, building coverage, and setbacks. [Ord. 2018-002]
2.	Reference Art. 4, Use Regulations for additional Supplementary Use Standards which includes exceptions, restrictions, or prohibitions. [Ord. 2017-007] [Ord. 2018-018]
3.	Temporary Use through the ZAR process. [Ord. 2018-002]

1
2

....

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. B - CR-2021-0007 Art. 3, Airport Zoning Overlay Use Regulations Update.docx

Notes:

Underlined indicates **new** text.

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

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

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

This page left blank intentionally

EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 4 – USE REGULATIONS RESIDENTIAL FUTURE LAND USE DESIGNATIONS

CR-2018-0063
(Updated 09/15/21)

Part 1. ULDC Art. 3.A.3.B, Overlays and Zoning Districts, General, Zoning District Consistency with the Future Land Use Atlas (FLUA), Standard Zoning Districts (pages 17 and 18, Supplement 30), is hereby amended as follows:

Reason for amendments: [Zoning/Planning]
1. Following the adoption of Planning Ordinance No. 2018-031, Residential Future Land Uses, certain Unified Land Development Code (the "Code") amendments are required to ensure consistency between the Plan and the Code associated with Rural Residential (RR) Future Land Use (FLU) designations and corresponding zoning districts, and allowing agricultural activities on lots in the County regardless of Tier and Service Area. The Ordinance also recognizes lots in the Agricultural Residential (AR) Zoning District as conforming, based on these lots being Legal Lots of Record.
2. To amend Table 3.A.3.B, Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts to allow for the AR Zoning District to be consistent with the urban residential FLU designations of Low Residential (LR), Medium Residential (MR), and High Residential (HR). A Table Note has also been added to show MR, 5 unit per acre (MR-5) to be consistent with the Residential Multifamily (RM) Zoning District. These amendments are in response to the changes to the Comprehensive Plan (the "Plan") as part of Planning Ordinance No. 2018-031, Residential Future Land Uses.
3. Pursuant to Planning Ordinance No. 2018-031, Residential Future Land Uses properties in the AR Zoning District with a residential FLU designation in the U/S Tier that have legally subdivided, are not required to rezone. This applies only when the subdivision is to accommodate a residential use with a one unit per acre density or a non-residential use allowed in the AR Zoning District. A Note has been added to reflect this provision.
4. Pursuant to Planning Ordinance No. 2018-031, Residential Future Land Uses, the Plan was modified to indicate that the Residential Estate (RE) Zoning District is consistent with RR, 1 unit per 5, 10, and 20 acres (RR-5, RR-10, and RR-20) FLU designations only for parcels that were zoned RE prior to the adoption of the 1989 Plan. The RE Zoning District has been added to the Table to recognize the existing properties, but not shaded. Note 15 has been added to show that only certain RE-zoned properties will be allowed to rezone to the consistent RR FLU designations.
5. To renumber the corresponding Notes consistent with the proposed changes.

1 **CHAPTER A GENERAL**

2

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

4

5 **B. Standard Zoning Districts**

6 Any application for a rezoning to a Standard Zoning District shall correspond to a FLU designation
7 indicated in the Table below. **[Ord. 2021-023]**

8

**Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts
(1)(2)(3)(4)(65)**

FLU Designation	Zoning District							
Agriculture/Conservation								
AP	AP	AR	PO					
AGR	AGR	AR	PO	AP				
CON	PC (123)	PO						
SA	AR	AGR (78)	PO	AP				
Residential								
RR-20	AR	PO	AP	RE (15)				
RR-10	AR	PO	AP	RE (15)				
RR-5	AR	PO	AP	RE (15)				
RR-2.5	AR	RE	PO	AP				
LR-1	AR	RE	RT	RS	PO	AP		
LR-2	AR	RE	RT	RS	PO	AP		
LR-3	AR	RE	RT	RS	PO	AP		
MR-5	AR	RE	RT	RS	RM (56)	PO	AP	
HR-8	AR	RE	RT	RS	RM	PO	AP	
HR-12	AR	RE	RT	RS	RM	PO	AP	
HR-18	AR	RE	RT	RS	RM	PO	AP	
CLR					RM	PO	AP	
WCR	AR (146)	PO	AP					

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. C - CR-2018-0063 Art. 3 and 4 Residential Future Land Use Designations.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 4 – USE REGULATIONS
RESIDENTIAL FUTURE LAND USE DESIGNATIONS

CR-2018-0063
(Updated 09/15/21)

1 CHAPTER C STANDARD DISTRICTS

2 Section 1 General

3

4 C. Residential Zoning Districts

5 1. AR, Agricultural Residential Zoning District

6 The AR Zoning District is to protect and enhance the rural lifestyle and quality of life of
7 residents in areas designated rural residential, to protect watersheds and water supplies,
8 wilderness and scenic areas, conservation and wildlife areas, and to permit a variety of uses
9 that require non-urban locations but do not operate to the detriment of adjoining lands devoted
10 to rural and residential purposes.

11 a. Previously Approved RSER and Non-Residential Uses

12 The previously approved site in the RSER Zoning District (Zoning Petition No. 1999-011,
13 Everglades Farm Equipment Co.) requested before the effective date of this Ordinance,
14 may be developed as a conforming use. [Ord. 2005-002] [Ord. 2011-016]

15 b. Special Agriculture Uses

16 Additional non-residential uses may be allowed in the AR Rural/Exurban Zoning District
17 in the Rural and Exurban Tiers with an SA FLU designation.

18 c. Agricultural Uses in the U/S Tier

19 1) Existing Agricultural Uses in the U/S Tier

20 Agricultural uses in the U/S Tier existing prior to or in accordance with any previously
21 adopted Code permitting agricultural uses, shall be considered conforming. Any
22 expansion of existing agricultural uses shall be subject to all applicable requirements,
23 unless pre-empted by State law. [Ord. 2011-016] [Ord. 2016-016]

24 2) New Agricultural Uses

25 Agricultural uses not listed as permitted in the U/S Tier may only be permitted subject
26 to Class A Conditional Use approval, unless pre-empted by State law. [Ord. 2011-016]

27

Part 3. ULDC Art. 3.D.1.A, Overlays and Zoning Districts, Property Development Regulations
(PDRs), PDRs for Standard Zoning Districts, PDRs (page 121, Supplement 30), is hereby
amended as follows:

Table with 1 column: Reason for amendments: [Zoning/Planning]. Rows 1-3 describe revisions to PDRs for Agricultural Residential (AR) lots, including lot size changes and tier designations.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. C - CR-2018-0063 Art. 3
and 4 Residential Future Land Use Designations.docx

Notes:

Underlined indicates new text.
Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated.
If being relocated destination is noted in bolded brackets [Relocated to:].
Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:].
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 4 – USE REGULATIONS
RESIDENTIAL FUTURE LAND USE DESIGNATIONS**

**CR-2018-0063
(Updated 09/15/21)**

Reason for amendments: [Zoning/Planning]

4. Until Ordinance No. 2016-016, codified at Supplement 20 of the Code, the Residential Transitional (RT) Zoning District PDRs were split between LR-1 and LR-2/LR-3. In Supplement 21, LR-3 was removed and HR-18 was added. No reasoning can be found as to why this change was made, but it also seems as if “to” was needed to be between LR-2 and HR-18. This amendment proposes the addition of “to,” indicating a span of the FLU designations that would apply. There are currently 1,683 acres of land within unincorporated PBC that have RT zoning with an LR-3 FLU designation and 22 acres with an MR-5 FLU designation. From how the RT Zoning District is currently shown in the Table, the aforementioned acreages are not accounted for. The addition of “to” will incorporate both FLU designations and make the Table consistent with existing acreages.

1 CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)

2 Section 1 PDRs for Standard Zoning Districts

3 A. PDRs

4 The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum
5 setbacks in each Standard Zoning District are indicated in Table 3.D.1.A, Property Development
6 Regulations unless otherwise stated. Front, side, side street, and rear setbacks shall be applied in
7 accordance with the lot orientation as defined by lot frontage. [Ord. 2005-041] [Ord. 2019-005]
8

Table 3.D.1.A – Property Development Regulations

Zoning District	FLU	Min. Lot Dimensions			Density (54)	Max. FAR (65)	Max. Building Coverage	Min. Setbacks (140)			
		Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
Agriculture/Conservation											
PC	-	1 ac.	-	-	-	-	-	50'	50'	50'	50'
AP	-	10 ac.	300'	300'	(1)	-	10% (132)	100'	50'	80'	100'
AGR	-	5 ac.	300'	300'	-	-	15%	100'	50'	80'	100'
Residential											
AR	<u>RR-20</u>	<u>20 ac.</u> (2)(3)(4)	300'	300'	-	0.15	15%	100'	50'	80'	100'
	<u>RR-10</u>	<u>10 ac.</u> (2)									
	<u>RR-5</u>	<u>5 ac.</u> (2)									
	<u>RR-2.5</u>	<u>2.5 ac.</u> (2)	<u>200'</u>	<u>200'</u>	-	-	<u>20%</u>	<u>50'</u>	<u>40'</u>	<u>50'</u>	<u>50'</u>
	<u>LR-1 to HR-18</u>	<u>1 ac.</u> (2)(3)	<u>100'</u>	<u>125'</u>	-	-	<u>30%</u>	<u>25'</u>	<u>15'</u>	<u>25'</u>	<u>25'</u>
RE	-	2.5 ac.	200'	200'	-	-	20%	50'	40'	50'	50'
RT (LR-1)	LR-1	20,000 sq. ft.	100'	125'	-	-	30%	25'	15'	25'	25'
RT (LR-2) HR-18	LR-2 to HR-18	14,000 sq. ft.									
RS	-	6,000 sq. ft.	65'	75'	-	-	40%	25'	7.5' (143)	15'	15'
RM	-	(54)	65'	75'	-	-	40%	25'	15'	25'	15' (121)
Commercial											
CN	-	0.5 ac.	100'	100'	-	-	25%	30'	30'	(109)	30'
CC	-	1 ac.	100'	200'	-	-	25%	30'	30'	(109)	30'
CG	-	1 ac.	100'	200'	-	-	25%	50'	15'	(109)	20'
CLO	-	1 ac.	100'	200'	-	-	25%	30'	15'	(109)	20'
CHO	-	1 ac.	100'	200'	-	-	25%	40'	15'	(109)	20'
CRE	-	3 ac.	200'	300'	-	-	40%	80'	50'	80'	50'
IR	-	N/A	50'	100'	-	(76)	40%	(87)	(87)	(87)	(87)
UI	-	N/A	50'	100'	-	-	N/A	(98)	(98)	(98)	(98)
UC	-	N/A	50'	100'	-	-	N/A	(98)	(98)	(98)	(98)
Industrial											
IL	-	1 ac.	100'	200'	-	-	45%	40'	15'	25'	20'
IG	-	2 ac.	200'	200'	-	-	45%	45'	20'	45'	20'
Institutional/Civic											
IPF	-	1 ac.	100'	200'	-	-	25%	50'	15'	25'	20'
PO	-	-	-	-	-	-	-	-	-	-	-

[Ord. 2005-002] [Ord. 2005-041] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2019-005] [Ord. 2020-020]

Notes:

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. C - CR-2018-0063 Art. 3 and 4 Residential Future Land Use Designations.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 4 – USE REGULATIONS
RESIDENTIAL FUTURE LAND USE DESIGNATIONS**

**CR-2018-0063
(Updated 09/15/21)**

1.	The only density allowed in the AP Zoning District is for properties in the LR-1 FLU category located north of Pahokee, on the east side of U.S. 441, for the unincorporated community of Canal Point, in the Glades Tier only. [Ord. 2005-002]
2.	The minimum lot size in the AR district corresponds to the FLU category as follows: RR-20 – 20 acres; RR-10 – 10 acres; RR-5 – 5 acres; RR-2.5 – 2.5 acres; and, U/S Tier – 5 acres.
32.	Non-conforming lots in the AR district A lot in the AR Zoning District that is a Legal Lot of Record and is one acre or greater shall be considered a conforming lot, however, if the lot does not have the minimum lot width or depth it may use the setback provisions in Art. 1.F.2, Non-Conforming Lot.
43.	AR lots with an RR-2.5 FLU designation may use the RE PDRs. [Ord. 2005-002] [Ord. 2016-042] A lot in the AR Zoning District that is a Legal Lot of Record and is less than one acre shall be considered conforming and may use the RS PDRs, provided it has a residential FLU designation.
54.	Density is determined by the FLU designation on each parcel of land, pursuant to FLUE Table 2.2.1-g.1, and other related Policies of the Plan. The number of units permitted on a parcel of land which complies with the applicable property development regulations and design standards, therefore, is an acceptable minimum lot size. [Ord. 2005-002] [Ord. 2005-041] [Ord. 2019-005]
65.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. The 0.15 FAR for the AR Zoning d District is applicable where the primary use of a lot is residential. [Ord. 2005-041]
76.	Maximum FAR shall be in accordance with Table 3.B.15.C, IRO FAR Increase. [Ord. 2010-005]
87.	Building setbacks shall be in accordance with Art. 3.B.15, Infill Redevelopment Overlay (IRO). [Ord. 2010-005]
98.	Building setbacks shall be in accordance with Art. 3.B.16, Urban Redevelopment Area Overlay (URAO). [Ord. 2010-022]
109.	Setback equal to width of R-O-W Buffer pursuant to Art. 7, Landscaping. [Ord. 2005-002] [Ord. 2005-041]
140.	Buildings over 35 feet in height may be permitted in accordance with Art. 3.D.1.E.2, Multifamily, Non-Residential Districts, and PDDs. [Ord. 2005-002] [Ord. 2005-041]
121.	Property previously developed with a RM or RH rear setback of 12 feet shall be considered conforming and subject to Art. 1.E, Prior Approvals. [Ord. 2005-002] [Ord. 2005-041]
132.	Maximum Building Coverage in the AP Zoning d District with an SA FLU designation may be increased to 15 percent. [Ord. 2017-007]
143.	Side setback for a SFD shall be increased to ten feet when adjacent to the ZLL side property line of a ZLL home, pursuant to Art. 3.D.2.B.1.d, ZLL Adjacent to Other Housing Types. The SF lot shall have an easement recorded pursuant to Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement. [Ord. 2020-020]

1
2

Part 4. ULDC Art. 4.B.6.C, Use Regulations, Use Classification, Agricultural Uses, Definitions and Supplementary Use Standards for Specific Uses (page 93, 94, and 98-103, Supplement 30), is hereby amended as follows:

Reason for amendments: [Zoning/Planning]
1. Ordinance No. 95-08 under the 1992 ULDC (the "Code") introduced provisions specific to the Urban/Suburban (U/S) Tier and based on Service Area, that sought to eliminate agriculture in the U/S Tier by way of specific limitations in the Code to implement Comprehensive Plan language that encouraged development within the U/S Tier. As part of Planning Ordinance No. 2018-031, Residential Future Land Uses, agricultural uses on lots are allowed regardless of Tier or Service Area, thus specific provisions that outline particular restrictions for agricultural uses in the U/S Tier and based on Service Area, are proposed to be stricken from the Code.
2. To correct the acronym for the Florida Fish and Wildlife Conservation Commission (FWC), which was changed in 1999, as a result of a merger agreement between the Florida Game and Freshwater Fish Commission and the Florida Marine Patrol to create the Florida Fish and Wildlife Conservation Commission.
3. Planning Ordinance No. 2018-031, Residential Future Land Uses, requires that specific agricultural activities related to livestock, poultry, and horses, regulated under the Bona Fide Agriculture use, be allowed regardless of Tier, but based on parcel attributes. This amendment proposes that the parcel attribute of lot size be applied to agricultural activities within residential zoning districts except the Agricultural Residential (AR) Zoning District, and remove the other requirements that are not related to parcel attributes.
4. The Palm Beach County Animal Care and Control (ACC) Ordinance (Ordinance No. 98-22) referenced for the licensing, registration and inspection for Aviculture, Hobby Breeder is being changed the FWC. The ACC Ordinance does not reference birds under the requirements for Hobby Breeder. This Ordinance only applies to dogs and cats. A representative of the ACC also confirmed that they do not license or provide registration for Aviculture. They will get involved if there are reports of animal neglect or nuisances. A representative from the FWC also further confirmed that they provide licensing and inspection services for Aviculture, exotic birds. This license required from the FWC is the Class III Wildlife Exhibition or Public Sale (ESC).
5. To remove language providing specific limitations to the Urban Service Area for Livestock Raising, as the Planning Ordinance No. 2018-031, Residential Future Land Uses, seeks to allow similar freedoms for agricultural uses in all Tiers.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. C - CR-2018-0063 Art. 3 and 4 Residential Future Land Use Designations.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 4 – USE REGULATIONS
RESIDENTIAL FUTURE LAND USE DESIGNATIONS

CR-2018-0063
(Updated 09/15/21)

Table with 1 row: Reason for amendments: [Zoning/Planning]
6. To remove the provision for "All Other Districts" under the Wholesale Nursery use, as the revised Tables 4.B.6.C are proposed to account for and have approval processes for all residential Zoning Districts.

1 CHAPTER B – USE CLASSIFICATION

2

3 Section 6 Agricultural Uses

4

5 C. Definitions and Supplementary Use Standards for Specific Uses

6 1. Agriculture, Bona Fide

7 a. Definition

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

13 ~~b. Agricultural Uses in the U/S Tier~~

14 ~~1) Applicability~~

15 ~~Uses legally established prior to the effective date of this Code in the U/S Tier shall be~~
16 ~~considered conforming. Any expansion of existing agricultural uses shall be consistent~~
17 ~~with all applicable requirements and subject to the review procedure identified in this~~
18 ~~Code.~~

19 ~~2) Uses Not Listed~~

20 ~~Agricultural uses not listed in Table 4.B.6.A, Agricultural Use Matrix, as permitted in~~
21 ~~the U/S Tier shall only be permitted as an interim use, subject to Class A Conditional~~
22 ~~Use approval.~~

23 ~~3) AR Zoning District~~

24 ~~The AR Zoning District shall be considered consistent with all FLU designations in the~~
25 ~~U/S Tier for the purposes of permitting interim agricultural uses only.~~

26 ~~4) Temporary Agricultural Uses~~

27 ~~Property which has an existing Development Order may also receive an additional~~
28 ~~Development Order for a temporary agricultural use in the U/S Tier in accordance with~~
29 ~~the standards for the specific agricultural use, however, the agricultural use shall not~~
30 ~~be eligible for an agricultural tax exemption.~~

31 ~~eb. Groves and Row Crops~~

32 The cultivation of fruits and vegetables as groves and row crops shall be subject to the
33 following additional standards in all zoning districts:

34 1) Lot Size

35 A minimum of five acres.

36 2) Setback

37 Structures and accessory activities shall be set back a minimum of 50 feet.

38 3) Hours of Operation

39 Operation of commercial vehicles over one ton rated capacity or gross vehicle weight
40 of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

41 4) Loading

42 All loading and unloading of trucks shall be restricted to the site and shall not be
43 permitted in any setbacks.

44 5) Spraying

45 No aerial application of any pesticides, fungicides, fertilizers, or any other chemical
46 shall be allowed.

47 ~~dc. Dipping Vats~~

48 ~~Dipping vats shall not be allowed in the AR Zoning District, unless approved as a Class B~~
49 ~~Conditional Use.~~

50 ~~ed. Pens and Cages~~

51 ~~In the AR and AGR Zoning Districts, pens, cages, or accessory structures shall meet the~~
52 ~~district setbacks for a principal use, or be set back a minimum of 50 feet from any property~~
53 ~~line, whichever is greater.~~

54 ~~fe. Game and Exotic Animals~~

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. C - CR-2018-0063 Art. 3 and 4 Residential Future Land Use Designations.docx

Notes:

Underlined indicates new text.

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

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

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

EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 4 – USE REGULATIONS
RESIDENTIAL FUTURE LAND USE DESIGNATIONS

CR-2018-0063
(Updated 09/15/21)

The Florida Fish and Wildlife Conservation Commission (FWC) regulates game farms or game animal care for private or commercial purposes.

1) **Exotic Animals**

Care for exotic animals (imported or non-native animal species) for private or commercial breeding purposes shall have a minimum lot size of five acres.

2) **Dangerous or Class 1 and 2 Animals**

Ownership, care, or keeping of dangerous or Class 1 and 2 animals, as defined by the F&WFC, shall require Class A Conditional Use approval and shall have a minimum lot size of five acres.

gf. **Livestock Raising**

The breeding, raising, and caring ~~for domestic animals including~~ horses, poultry, and livestock.

1) ~~Urban Service Area (USA) Residential Zoning Districts (Except AR)~~

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

a) **Lot Size**

A minimum of ~~five~~one acres.

~~b) **Setback**~~

~~All accessory uses and structure, such as troughs, feed mechanisms and storage, shall be set back a minimum of 100 feet.~~

~~c) **Large Animals**~~

~~The maximum number of large animals permitted for each acre shall not exceed five. Large animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure with one stall for each large animal is required when the total number of large animals exceeds three per acre. In addition, the following limitation on the number of specific large animals per acre shall apply: horses: five; swine: one; cattle: two; goats: two; sheep: two.~~

~~d) **Small Animals**~~

~~The maximum number of small animals permitted for each acre shall not exceed 100. Small animals shall include rabbits and fowl, excluding peafowl. Small animals shall be permitted in addition to large animals.~~

~~e) **Palm Beach County Animal Control Department (PBCACD)**~~

~~The Property Owner shall notify PBCACD as to the type of livestock and details of animal care to be provided.~~

~~f) **Processing and Slaughtering**~~

~~Processing and slaughtering shall be prohibited.~~

~~g) **Loading**~~

~~All loading and unloading of trucks shall be restricted to the site and shall not encroach any setback.~~

~~h) **Waste**~~

~~A plan outlining a method of waste removal shall be submitted to and approved by the PBC Health Department.~~

~~i) **Compatibility**~~

~~The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use or DRO approval.~~

....[Re-letter accordingly]

....
7. **Agriculture, Storage**

a. **Definition**

The storage of equipment or products accessory or incidental to a principal agricultural use.

b. **Storage**

1) Storage of hazardous waste or regulated substances shall comply with Local, State, and Federal regulations.

~~2) **Outdoor Agriculture Storage** shall comply with the following standards:~~

~~a) **Urban Service Area**~~

~~(1) **Setbacks**~~

~~Outdoor Agriculture Storage shall meet the principal use setbacks of the zoning district in which it is located.~~

~~(2) **Screening**~~

~~Outdoor Agriculture Storage shall be screened from view by a solid fence, wall or building.~~

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. C - CR-2018-0063 Art. 3 and 4 Residential Future Land Use Designations.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 4 – USE REGULATIONS
RESIDENTIAL FUTURE LAND USE DESIGNATIONS

CR-2018-0063
(Updated 09/15/21)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

(b2) Outdoor Agriculture Storage
Outdoor Agriculture Storage is only permitted in the RE, RT, RS, RM, CN, CC, and CG Zoning Districts as a Class B Conditional Use.

(1a) Exception
Outdoor Agriculture Storage is not permitted in a PDD with a commercial FLU designation.

3) Indoor Agricultural Storage shall be permitted in conjunction with a Bona Fide Agriculture use with or without a principal structure. Indoor storage shall be contained within a permanent structure. Agricultural Storage in a mobile home shall not be permitted. Agricultural Storage in a shipping container shall only be permitted in conjunction with a Bona Fide Agriculture use.

a) AR Zoning District in Urban Service Area (USA)
An enclosed structure shall be set back 100 feet from the front and side street and 50 feet from the side and rear property lines.

b) All Other Zoning Districts in Urban Service Area (USA)
An enclosed structure shall meet the principal use setbacks of the zoning district in which it is located.

....
9. Aviculture, Hobby Breeder

a. Definition
The raising and care of birds in captivity.

b. Lot Size
The minimum lot size shall be as follows:
1) Two acres: 40-200 birds.
2) Five acres: 201 or more birds.

c. Hobby Breeder Residential Zoning Districts (Except AR)
1) AR/USA

The raising of birds as a hobby in the AR/USA residential zoning districts except AR shall be permitted as an accessory use to a SFD subject to the following:

- a1) The hobby breeder shall not engage in the sale of more than 24 birds to the public during any consecutive 12-month period;
b2) The hobby breeder shall not provide care for more than 40 birds on a parcel of land at any time;
c3) The minimum lot size of two acres;
d4) Shelters, cages, and accessory structure shall be set back a minimum of 50 feet from all property lines;
e5) Outdoor shelters and cages shall be contained to specific areas on the site and screened from view on all sides by a minimum six-foot-high opaque fence or wall. The fence or wall shall be located within 20 feet of the containment area;
f6) The hobby breeder shall locate birds which excessively screech, chirp, crow, or make loud noises away from residential properties to the maximum extent possible. Birds considered a nuisance by the Sheriff's Office shall be removed from the site; and,
g7) Care, licensing, registration, and inspections shall be as required by the Animal Care and Control Ordinance FWC and other applicable statutes.

....
11. Equestrian Arena, Commercial

a. Definition
An establishment engaged in commercial spectator activities involving equestrian events, but excluding any establishment engaged in gaming, pari-mutual wagering, off-track betting, events, or activities held or broadcast for similar purposes.

- b. Tier
1) Urban/Suburban (U/S)
a) Lot Size
The minimum lot size shall be five acres.
b) Frontage
The project in which an equestrian arena is located shall front on and access from Collector or Arterial Street.
c) Hours of Operation
Outdoor activity shall be limited from hours of 6:00 a.m. to 10:00 p.m. daily.
d) Loudspeakers
Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. C - CR-2018-0063 Art. 3 and 4 Residential Future Land Use Designations.docx

Notes:
Underlined indicates new text.
Stricken indicates text to be deleted. Stricken and italicized means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets [Relocated to:].
Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from:].
.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT C

**ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 4 – USE REGULATIONS
RESIDENTIAL FUTURE LAND USE DESIGNATIONS**

**CR-2018-0063
(Updated 09/15/21)**

~~2) Rural, Exurban, Agricultural Reserve (AGR) and Glades~~

~~a)b. Location Frontage~~

The project in which an ~~e~~Equestrian ~~a~~Arena is located shall have frontage on a paved street.

~~b)c. Operating Hours Hours of Operation~~

Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily.

~~e)d. Loudspeakers~~

Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00 p.m.

~~ee. Setbacks~~

Riding, spectator viewing areas, and show rings shall not be located within 100 feet of any property line.

~~df. Compatibility~~

Design of the site shall assure no incompatibility with surrounding land uses. When an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use or DRO approval.

....
14. Nursery, Wholesale

a. Definition

The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.

b. Approval Process

Table 4.B.6.C – Residential Zoning Districts in the USA (Except AR)

ZAR (1)	≤ 5 ac.
DRO	> 5 ac. < 20 ac.
Class B Conditional Use	≥ 20 ac.
[Ord. 2018-002]	
Notes:	
1.	If no approved Final Site or Subdivision Plan <u>on record</u> , the application shall be subject to the Full DRO process.

Table 4.B.6.C – AR Zoning District in RSA

Permitted	≤ 10 ac.
ZAR (1)	> 10 ac. < 40 ac.
DRO	≥ 40 ac.
[Ord. 2018-002]	
Notes:	
1.	If no approved Final Site or Subdivision Plan <u>on record</u> , the application shall be subject to the Full DRO process.

~~1) All Other Districts~~

~~Permitted.~~

~~c. Tier~~

~~In addition to the above standards, a Wholesale Nursery in the U/S Tier shall comply with the following standards:~~

~~1) Lot Size~~

~~A minimum of one acre.~~

~~2) Setbacks~~

~~All structures and outdoor storage areas shall be set back a minimum of 50 feet from the property line. Shade Houses shall be subject to the requirements pursuant to Art. 4.B.6.C-17, Shade House.~~

~~3) Compatibility~~

~~The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the Property Owner shall satisfactorily mitigate the incompatibility prior to receiving a DO. [Ord. 2018-002]~~

~~4) Spraying~~

~~No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.~~

~~dc. AR Zoning District – AR~~

~~May be operated in conjunction with a residence.~~

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. C - CR-2018-0063 Art. 3 and 4 Residential Future Land Use Designations.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS ARTICLE 4 – USE REGULATIONS RESIDENTIAL FUTURE LAND USE DESIGNATIONS

CR-2018-0063
(Updated 09/15/21)

- 1 **ed. Accessory Use**
2 1) A Retail Nursery may be permitted as an accessory use to a Wholesale Nursery in the
3 AGR Tier.
4 2) An office is permitted as an accessory use, provided it is not a mobile home.
- 5 **fe. Parking and Loading**
6 All parking and loading shall occur on site.
- 7 **gf. Landscaping**
8 A buffer, pursuant to Art. 7, Landscaping, shall be provided along all property lines except
9 when the growing area is located adjacent to the property line of the site, as follows: **[Ord. 2019-039]**
10
11 **1) R-O-W and Incompatibility Buffer**
12 May be modified when the growing area is 50 feet or more in width, subject to the
13 provision of Art. 4.B.6.14.g.3), Alternative Buffer. **[Ord. 2019-039]**
14 **2) Compatibility Buffer**
15 Is exempt where the growing area is adjacent to a parcel of land that has an existing
16 agriculture use pursuant to Art. 4.B.6, Agricultural Uses. **[Ord. 2019-039]**
17 **3) Alternative Buffer**
18 a) A six-foot-high landscape barrier shall be installed within a buffer with a minimum
19 width of ten feet. **[Ord. 2019-039]**
20 b) The landscape barrier shall be satisfied by plant material for sale provided that the
21 plant material is grown in the ground, and spaced at least five feet on center. Plants
22 in container may be used in lieu of the in-ground planting. Any removed plants
23 shall be replaced, and shall be maintained to ensure there is a continuous visual
24 screen being provided at all times. **[Ord. 2019-039]**
25 **4) Barbed Wire**
26 The use of barbed wire shall be prohibited.
- 27 **hg. Storage**
28 Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor
29 storage standards contained in Art. 5.B, Accessory Uses and Structures. Outdoor bulk
30 storage in residential zoning districts shall be set back a minimum of 50 feet or the district
31 setback, whichever is greater.
- 32 **ih. Hours of Operation**
33 Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of
34 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.
- 35 **jl. Limitations of Sales**
36 Sales from a Wholesale Nursery are limited to exporters, distributors, landscape
37 contractors, retailers, or other businesses.
- 38 **kj. Site Plan**
39 Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM
40 requirements may exceed the DRO limitations contained in Art. 2.G.4.G, Development
41 Review Officer (DRO).
42
- 43 **16. Produce Stand**
44 **a. Definition**
45 An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized
46 house plants and other agricultural food products. The sale of grocery or convenience-type
47 foods or products shall not be permitted, unless stated otherwise herein.
48 **b. Permanent**
49 **1) Maximum Floor Area**
50 The square footage of the establishment shall include both the structure and all
51 accessory areas devoted to display or storage.
52 **2) Outdoor Display and Storage**
53 Outdoor storage shall be subject to the provisions in Art. 5.B, Accessory Uses and
54 Structures. Outdoor display of only fresh fruits and vegetables is permitted, along the
55 property's frontage, except within the required setbacks.
56 **3) Sale of Products**
57 **a) General**
58 Includes sales of agricultural food products such as jelly, jam, honey, and juice. No
59 ZAR process shall be permitted in conjunction with the stand except for seasonal
60 sales. Seasonal sales that require additional storage area may be permitted in
61 accordance with Art. 4.B.11.C.10, Temporary Retail Sales. No vending machines

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. C - CR-2018-0063 Art. 3 and 4 Residential Future Land Use Designations.docx

Notes:

Underlined indicates **new** text.

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

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

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

EXHIBIT C

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 4 – USE REGULATIONS
RESIDENTIAL FUTURE LAND USE DESIGNATIONS

CR-2018-0063
(Updated 09/15/21)

- 1 or other similar equipment shall be permitted on site. [Ord. 2018-002] [Ord. 2019-005]
2
3 b) ~~Urban/Suburban Tier~~
4 ~~The sale of packaged or canned food products may be permitted, where in~~
5 ~~compliance with the following:~~
6 ~~(1) The parcel has commercial Future Land Use designation; and~~
7 ~~(2) Sales area is limited to five percent of the total square footage of the structure,~~
8 ~~or 1,000 square feet, whichever is less.~~
9
10 4) Building Construction
11 The Produce Stand shall be contained in either an entirely enclosed or roofed open-
12 air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel
13 trailers, and other permanent or temporary structures shall not be used for storage or
14 display purposes.
15 5) AR/RSA and AGR Tiers Zoning Districts
16 In addition to the standards above, permanent pProduce sStands shall comply with the
17 following:
18 a) Locational Criteria
19 The structure and accessory area shall be:
20 (1) Located on an Arterial designated on the PBC Thoroughfare Plan; and
21 (2) Located at least 500 feet from adjacent existing residential uses.
22 b) Lot Size
23 The stand shall be located on a legal lot of record. A minimum of one acre shall be
24 allocated to the exclusive use of the stand and accessory parking area.
25 c) Setbacks
26 The structure and accessory area shall be set back at least 50 feet from the front
27 and side corner property lines. The rear and side interior setbacks shall meet the
28 minimum standards of the zoning district.
29 d) Approval
30 A permanent Produce Stand shall be a permitted use in the AGR and AR, and by
31 a DRO approval through the ZAR Process in the CN, CC, and CG districts. [Ord.
32 2018-002]
33 (1) AR and AGR Zoning Districts
34 The area devoted to the permanent Produce Stand exceeding 3,000 square
35 feet shall be approved subject to a Class A Conditional Use.
....

Part 5. ULDC Art. 5.B.1.A.21, Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, Livestock (page 36, Supplement 30), is hereby amended as follows:

Table with 1 row: Reason for amendments: [Zoning/Planning]
1. To remove specific language restricting domesticated livestock to the Rural and Exurban Tiers. Planning Ordinance No. 2018-031, Residential Future Land Uses, allows for domesticated livestock in any Tier.

CHAPTER B ACCESSORY USES AND STRUCTURES

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

....

21. Livestock

a. Standards of Approval

Domesticated livestock shall be allowed accessory to a Single Family residential use subject to the following standards: [Ord. 2012-027]

1) ~~Tier~~

~~Shall only be located in the Rural and Exurban Tiers and when not within a PUD. [Ord. 2012-027]~~

....

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. C - CR-2018-0063 Art. 3 and 4 Residential Future Land Use Designations.docx

Notes:

Underlined indicates new text.

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

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

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

This page left blank intentionally

EXHIBIT D
CR-2020-0028
(Updated 09/15/2021)

Application No.: PIA 2020-01201
Application Name: Boca Lago PUD Clubhouse
Applicant: Boca Holdings, LLC
Agent: Jeff Brophy, WGI
Telephone No.: (561) 687-2220
Project Manager: Jeff Gagnon, AICP, Principal Site Planner

TITLE: Unified Land Development Code (ULDC) Privately Initiated Amendment (PIA), Phase 2, "Boca Lago PUD Clubhouse."

REQUEST: Phase 2 PIA, to adopt amendments to Articles 3 and 4 of the ULDC in order to allow a Hotel or Motel as a Class A Conditional Use within a Commercial Pod of a Planned Unit Development (PUD), and to provide an exception for a Hotel or Motel use to the existing PUD Commercial Pod restriction requiring that uses, "provide professional services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD."

LDRAB OPTIONS:

1. To recommend denial of the proposed ULDC amendments.
2. To recommend approval of the proposed ULDC amendments with additional recommendations to the BCC.
3. To recommend approval of the proposed ULDC amendments as presented.

STAFF RECOMMENDATION: Staff recommends Board consideration of this Phase 2 PIA request, and that the Board provides a recommendation of approval or denial to the BCC accordingly.

APPLICATION SUMMARY: The Applicant is requesting to amend Articles 3 and 4 to expand the purpose of a Planned Unit Development (PUD) Commercial Pod for a Hotel or Motel use. The Unified Land Development Code (ULDC) currently limits uses within a Commercial Pod to uses primarily utilized by the residents of the specific development. The Applicant's amendment proposed to provide an exception for a Hotel or Motel use for primary utilization by individuals other than residents of the PUD, and is requesting to allow a Hotel or Motel as a Class 'A' Conditional Use in a PUD Commercial Pod associated with a Golf Course and Clubhouse. The Applicant had previously stated that the proposed amendments are required in order to increase the economic viability of an abutting golf course. Please note that these amendments are not site-specific and would have applicability throughout Unincorporated PBC.

ULDC ARTICLE	TITLE OF ARTICLE	PROPOSED REVISIONS OF CODE SECTIONS BY APPLICANT
Article 3	Overlays and Zoning Districts	3.E.2.E.2, Commercial Pod: <ul style="list-style-type: none"> • A Commercial Pod is intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD, <u>except as described in Art. 4.B.2.C.18, Hotel or Motel.</u>
Article 4	Use Regulations	4.B.2.C.18.e, Hotel or Motel, <u>Commercial Pod of a PUD:</u> 1) Approval Process <u>A Hotel or Motel may be allowed in a Commercial Pod of a PUD subject to a Class A Conditional Use approval and the following requirements:</u> <u>a) Compliance with Art. 3.E.2.E.2, Commercial Pod; and</u> <u>b) The Hotel or Motel shall be subject to the following location criteria:</u> <u>(1) Shall be located abutting a Recreation Pod with a golf course; and</u> <u>(2) Shall be located within a 1,000-foot radius of a Golf Course clubhouse facility, and pedestrian access shall be provided to connect these uses.</u>

BACKGROUND AND SUMMARY:

The PIA process is comprised of two Phases. The Board of County Commissioners previously initiated Phase 2 of this request during the initial Phase on February 25, 2021, following recommended approval (11-5) by the Land Development Regulation Advisory Board (LDRAB) on January 27, 2021.

HISTORY OF ULDC COMMERCIAL POD:

PUD regulations were originally adopted under Zoning Resolution No. 3-Y-69 on July 3, 1969. This language allowed for a neighborhood commercial center, provided the acreage of the pod was no larger than two percent of the total PUD acreage, provided the PUD was at least 100 acres. Additionally, it

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. D - PIA 2020-01201 CR-2020-0028 Art. 3 and 4, Boca Lago PUD Clubhouse.docx

EXHIBIT D
CR-2020-0028
(Updated 09/15/2021)

included location criteria that the commercial center was to be internal to the development and to serve the residents of the development.

Although PUD requirements have been amended over time, the concepts for Commercial Pod location, limitations on size, and whom the Commercial Pod serves, are generally the same. Pursuant to Ordinance No. 2003-067, approved by the BCC in December of 2003, the maximum land area of a PUD to be designated as a Commercial Pod changed from two percent to one percent. The location criteria under the current Code restricts its frontage and includes a setback for the pod from the perimeter of the PUD. Additionally, the intent of the Commercial Pod was that uses within are utilized primarily by PUD residents.

STAFF ANALYSIS OF STANDARDS:

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

The Board of County Commissioners previously initiated Phase 2 of this PIA request during the initial Phase on February 25, 2021, following recommended approval (11-5) by the Land Development Regulation Advisory Board (LDRAB) on January 27, 2021. County staff have reviewed and considered a variety of potential amendments in order to facilitate this PIA request, including the possibility of creating a new "Commercial Recreation" PUD Pod Type. Staff has worked closely with the applicant and believes that the proposed amendment is the best approach available to effectuate the request for a Hotel or Motel as a Class 'A' Conditional Use in a PUD Commercial Pod associated with a Golf Course and Clubhouse.

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

The proposed ULDC amendment does not violate state, federal, or other local laws.

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

The proposed amendment would be consistent with the Comprehensive Plan, and no Plan amendments are required.

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

The proposed amendment will not be in conflict with any other ULDC provisions as the amendment addresses the current Commercial Pod restriction. ULDC Article 3.E.2.E.2, Commercial Pod specifically states: "A Commercial Pod is intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD." The proposed amendment would provide an exemption for Hotel or Motel uses in order for primary utilization by individuals other than residents of the associated PUD.

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

The conversion of a golf course for new residential or commercial uses is not a new concept, however, the approach presented by the applicant is unique, and was not anticipated by the Plan or ULDC.

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

The Applicant was unable to provide an identical example, however, the PGA National Golf Club and the Trump National Golf Course were presented as conceptual examples. The PGA National Golf Club is located within a PUD with commercial future land use. This example demonstrates location of the commercial use, zoning, frontage, and design, however, Palm Beach Gardens has language in their code regarding PUDs stating that, "It allows for a flexible zoning district which is intended to provide an appropriate balance between the intensity of development and the ability to provide adequate capacity within the support service and facilities."

CONCLUSION:

Staff has evaluated the standards listed under ULDC **Article 2.D.3 and determined that the Applicant has satisfied** the required standards.

Staff recommends Board consideration of this Phase 2 PIA request, and that the Board provides a recommendation of approval or denial to the BCC accordingly.

ATTACHMENT A

PALM BEACH COUNTY - ZONING DIVISION

FORM # 117



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

PRE-APPLICATION APPOINTMENT (PAA) - PIA

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

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

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

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

Applicant or Agent Name: Lindsay Libes

Name of Firm/Company: WGI

Representing: Boca Holdings, LLC

Phone: 561.537.4542

Email: lindsay.libes@wginc.com

The proposed amendment is:

Countywide or;

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

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

B. Application Name: Boca Lago PUD

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

PCN: 00424719010110010

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

PIA INITIAL EVALUATION

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

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

2. Is the PIA request the result of:

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

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

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

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

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

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

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

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

Issued 01/31/2018
Web Format 2018

ATTACHMENT A

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

No. _____

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

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

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

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

STAFF NOTES AND COMMENTS

Articles to be amended:

Article 1:

Article 2:

Article 3:

Article 4:

Article 5:

Article 6:

Article 7:

Article 8:

ATTACHMENT B

18. Hotel or Motel

a. Definition

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

b. Approval Process

1) CRE District

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

2) TMD District – U/S Tier

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

3) PUD – Commercial Pod

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

c. Zoning District – PO District

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

2) Collocated Hotel

a) Approval Process – PARK FLU

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

b) Park Resource Base

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

c) Conceptual Master Plan

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

d) Frontage and Access

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

e) Site Plan – Affected Area

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

d. Accessory Services

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

ATTACHMENT C



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

REQUEST

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

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

BACKGROUND

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

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

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

ATTACHMENT C

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

REASON FOR AMENDMENT

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

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

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

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

ATTACHMENT C

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

Summary of Amendment Changes

Article 3.E.2.E.2

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

2. Commercial Pod

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

Section 2 Commercial Uses

A. Commercial Use Matrix

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

C. Definitions and Supplementary Use Standards for Specific Uses

....

18. Hotel or Motel

a. Definition

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

b. Approval Process

1) CRE District

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

2) TMD District – U/S Tier

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

3) PUD – Commercial Pod

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

ATTACHMENT C

PRIVATELY INITIATED AMENDMENT (PIA) STANDARDS

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT C

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

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

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

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

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

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

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

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

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

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

ATTACHMENT C

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

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

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



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

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

ATTACHMENT C

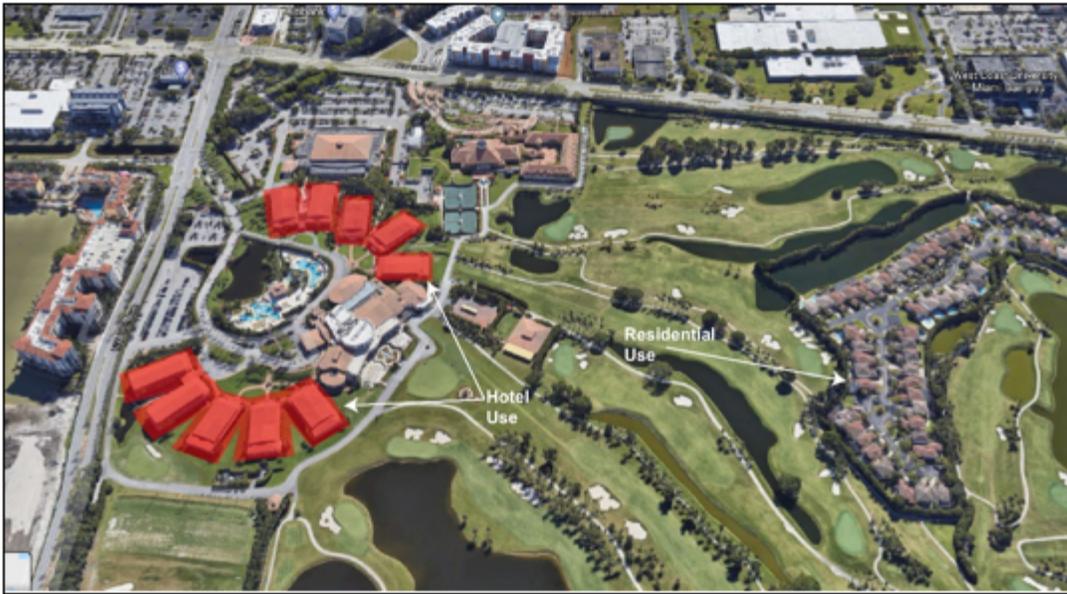


EXHIBIT 2: TRUMP NATIONAL DORAL (DORAL, FL)

CONCLUSION

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

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

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

ATTACHMENT D

Attachment D – Proposed Amendment to the ULDC

Part 1. ULDC Art. 3.E.2.E.2, Overlays and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), Pods, Commercial Pod (page 148, Supplement 30), is hereby amended as follows:

Reason for amendments: [Applicant]
<p>This amendment is necessary to allow the development of a Hotel in a Commercial Pod of a Planned Unit Development (PUD).</p> <p>The Golf Course industry has experienced a steady decline in participation and membership, especially in those instances where Golf Course facilities require equity memberships to allow play. Such is the case for the Boca Lago Country Club, which has since switched their memberships from equity to non-equity membership. The overall decline, however, continues to cause significant financial hardships for Golf Course operators and owners. In the case of the Boca Lago Country Club, rather than sell off portions of the Golf Course for redevelopment of residential uses and otherwise, the Applicant/Property Owner is petitioning for changes to the Unified Land Development Code (the “Code”) that allows for more inventive measures of maintaining the overall golf operations and the essence of the PUD as approved. More specifically, it is the intent of the Applicant to redesignate a small portion of the overall PUD to a Commercial Pod, where a Hotel use may be allowed subject to a Class A Conditional Use and compliance with the criteria set forth by the Code. In conjunction with the clubhouse facilities, the Hotel and its patrons will be able to enjoy and share the amenity areas and other accessory uses associated with a clubhouse facility.</p> <p>As previously mentioned, the Applicant is requesting to allow for the development of a Hotel within a Commercial Pod of a PUD. The Hotel will be affiliated with the existing Golf Course and the clubhouse. The clubhouse and the proposed Hotel will be located in the Commercial Pod, whereas the existing Golf Course will remain in the Recreation Pod. It is the intent of the Applicant to minimize the impact on any existing facilities and the residential uses of the PUD.</p>
Reason for amendments: [Zoning]
<p>The Zoning Division is processing a Privately Initiated Amendment (PIA) request seeking to modify the Code to accommodate a Hotel or Motel use within a Commercial Pod of a PUD. The PIA process is comprised of two Phases. The Board of County Commissioners (BCC) previously initiated Phase 2 of this request during the initial Phase on February 25, 2021, following recommended approval (11-5) by the Land Development Regulation Advisory Board (LDRAB) on January 27, 2021. This is a global amendment and not site specific, although the applicant has Applied for this PIA with a specific location in mind.</p> <p>In summary, this amendment would provide the opportunity for a Property Owner or Agent to submit an application for a Class A Conditional Use approval for a Hotel or Motel located within a Commercial Pod of a PUD if specific location criteria are satisfied. Additionally, there is currently a Commercial Pod restriction requiring that uses “provide professional services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD.” This amendment would exclude a Hotel or Motel use from this restriction so this use could serve individuals other than residents of the PUD.</p>

1	CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)
2
3	Section 2 Planned Unit Development (PUD)
4
5	E. Pods
6
7	2. Commercial Pod
8	A Commercial Pod is intended to provide personal services, retail opportunities, and
9	professional or business offices for use primarily by the residents of the PUD, <u>except as</u>
10	<u>described in Art. 4.B.2.C.18, Hotel or Motel.</u> A Commercial Pod shall be designated on the
11	Master Plan as follows:
12	a. Location
13	A Commercial Pod shall comply with the following location and design criteria:
14	1) Frontage
15	A Commercial Pod shall not have frontage on a public Arterial or Collector Street
16	traversing or bordering the PUD. Access shall be limited to an Arterial or Collector
17	Street internal to the PUD only.
18	a) Exception
19	A private Arterial or Collector Street traversing the PUD is exempt from this
20	requirement.

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. D - PIA 2020-01201 CR-2020-0028 Art. 3 and 4, Boca Lago PUD Clubhouse.docx

Notes:

Underlined indicates **new** text.

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

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

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

ATTACHMENT D

- 1
2
3
4
5
6
- 2) **Setback**
- a) A Commercial Pod shall be set back a minimum of 1,000 feet from the perimeter of the PUD.
 - b) A Commercial Pod shall be set back a minimum of 1,000 feet from a public Arterial or Collector Street traversing the PUD.
-

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. D - PIA 2020-01201 CR-2020-0028 Art. 3 and 4, Boca Lago PUD Clubhouse.docx

Notes:

Underlined indicates **new** text.

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

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

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

ATTACHMENT D

Part 3. ULDC Art. 4.B.2.C.18, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses, Hotel or Motel (page 41, Supplement 30), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Provide Supplementary Use Standards for a Hotel or Motel use when located in a Commercial Pod of a PUD.

1 **CHAPTER B USE CLASSIFICATION**

2

3 **Section 2 Commercial Uses**

4

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

6

7 **18. Hotel or Motel**

8 **a. Definition**

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

12 **b. Approval Process**

13 **1) TMD District – U/S Tier**

14 The use may be Permitted by Right when located in the CH FLU designation. **[Ord.**
15 **2020-020]**

16 **c. Zoning District – PO District**

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

18 **2) Collocated Hotel**

19 **a) Approval Process – PARK FLU**

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

22 **b) Park Resource Base**

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

28 **c) Conceptual Master Plan**

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

31 **d) Frontage and Access**

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

36 **e) Site Plan – Affected Area**

37 When a Site Plan is not required for the overall park site, the required Site Plan for
38 the Hotel shall regulate only the development area for the Hotel and access related
39 thereto.

40 **d. Accessory Services**

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

43 **e. Commercial Pod of a PUD**

44 **1) Approval Process**

45 A Hotel or Motel may be allowed in a Commercial Pod of a PUD subject to a Class A
46 Conditional Use approval and the following requirements:

47 a) Compliance with Art. 3.E.2.E.2, Commercial Pod; and

48 b) The Hotel or Motel shall be subject to the following location criteria:

49 (1) Shall be located abutting a Recreation Pod with a Golf Course; and

50 (2) Shall be located within a 1,000-foot radius of a Golf Course clubhouse facility,
51 and pedestrian access shall be provided to connect these uses.

52

This page left blank intentionally

EXHIBIT E
CR-2020-0028
(Updated 09/15/2021)

Application No.: PIA-2020-02168
Application Name: Dog Friendly Dining
Applicant: Lazy Dog Restaurants, LLC
Agent: Jared Taylor, Golden Property Development LLC
Telephone No.: (805) 440-7537
Project Manager: Jeff Gagnon, AICP, Principal Site Planner

TITLE: Unified Land Development Code (ULDC) Privately Initiated Amendment (PIA), Phase 2, "Dog Friendly Dining."

REQUEST: Phase 2 PIA, to adopt amendments to Article 4 of the ULDC in order to allow Dog Friendly Dining within designated outdoor dining areas for Type 1 and Type 2 Restaurants pursuant to F.S. § 509.233.

LDRAB OPTIONS:

1. To recommend denial of the proposed ULDC amendments.
2. To recommend approval of the proposed ULDC amendments with additional recommendations to the BCC.
3. To recommend approval of the proposed ULDC amendments as presented.

STAFF RECOMMENDATION: Staff recommends option 3, "To recommend approval of the proposed ULDC amendments as presented."

Staff supports Phase 2 of this PIA request, as this amendment would follow the guidance provided within F.S. § 509.233, and incorporate required ULDC provisions, in order to allow dog friendly dining within designated outdoor dining areas of Type 1 and Type 2 Restaurants.

APPLICATION SUMMARY: The Applicant is requesting that ULDC Article 4 be amended to incorporate regulations for dog friendly dining, per F.S. § 509.233, "Public food service establishment requirements; local exemption for dogs in designated outdoor portions." The ULDC currently does not address dog friendly dining. This amendment would provide the opportunity for dog friendly dining within designated outdoor dining areas of a Type 1 or Type 2 Restaurant use.

ULDC ARTICLE	TITLE OF ARTICLE	PROPOSED REVISIONS OF CODE SECTIONS BY APPLICANT
Article 4	Use Regulations	4.B.2.C, Definitions and Supplementary Use Standards for Specific Uses: Restaurant, Type 1/Restaurant, Type 2 h. Outdoor Dining Shall comply with the principal structure setbacks. 1) Dog Friendly Dining <u>Pursuant to F.S. § 509.233, as amended, a Type 1/2 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Permit from the Florida Department of Health in Palm Beach County in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233.</u> <u>a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area.</u> <u>b) A participating restaurant shall ensure that the Dog Friendly Dining Permit is available for inspection during hours of operation.</u> <u>c) A Dog Friendly Dining Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale.</u>

BACKGROUND AND SUMMARY:

Phase 1 of this PIA was reviewed by LDRAB on April 28, 2021, where the Board recommended initiation of this item to the BCC. Subsequently, the BCC Initiated Phase 2 on May 27, 2021.

The Applicant, Lazy Dog Restaurants, LLC, utilizes a unique business model where guests are encouraged to bring their dog to the restaurant for a shared dining experience; including a separate "Pup Menu" (which notes patio rules for dogs). The Applicant currently has restaurants located throughout the U.S., (California, Colorado, Georgia, Illinois, Nevada, Texas, Virginia), but primarily in California and Texas. They are

U:\Zoning\CODEREV\Code Amendments\2021\02- LDRAB\09-Sept 22 2021\5- LDRAB-LDRC Packet\Exh. E - PIA 2020-02168 CR-2021-0001 Art. 4, Dog Friendly Dining.docx

EXHIBIT E
CR-2020-0028
(Updated 09/15/2021)

looking to expand business operations to Palm Beach County, FL, with a site currently under construction within the Johns Glades West MXP, (PCN: 00-42-47-18-24-001-0000), on the southwest corner of Glades Road and 95th Avenue South, (east of U.S. Route 441).

The United States Food and Drug Administration Food Code, as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, (F.A.C. Rule 61C-4.010, Sanitation and Safety Requirements), prohibits non-service dogs in restaurants, however, F.S. § 509.233 provides the ability for local jurisdictions to permit an exemption for designated outdoor patio areas, as long as certain conditions are met. Jurisdictions throughout Florida have successfully incorporated regulations per F.S. § 509.233 in order to provide restaurants with the option to offer Dog Friendly Dining to their patrons. This list includes, but is not limited to, Edgewood, Islamorada, Jacksonville, Orlando, Palm Beach Gardens, Panama City, Pasco County, Sarasota County, St. Petersburg, and Winter Garden.

According to F.S. § 509.233, dogs are only allowed within designated outdoor dining areas and additional rules and procedures must be adhered to in order to ensure a safe and sanitary dining experience for all. If this proposed ULDC amendment is approved, application for and issuance of a Dog Friendly Dining Permit from the Department of Health in Palm Beach County is required. The applicant must adhere to all rules and regulations provided by F.S. § 509.233 and specific information is required, as follows:

- a) *The name, location, and mailing address of the subject public food service establishment.*
- b) *The name, mailing location, and telephone contact information of the permit Applicant.*
- c) *A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public R-O-Ws, including sidewalks and common pathways; and, such other information reasonably required by the Zoning Director, of designee. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.*
- d) *A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.*

The following operating procedures must be adhered to at all times by a Dog Friendly Dining permit holder according to F.S. § 509.233:

- a) *All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.*
- b.) *Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.*
- c.) *Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.*
- d.) *Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.*
- e) *Dogs shall not be allowed on chairs, tables, or other furnishings.*
- f) *All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.*
- g) *Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.*
- h) *At least one sign reminding employees of the applicable rules, including those contained in this Section, and those additional rules and regulations, if any, included as further conditions of the permit by the Zoning Director, or designee, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than 20-point font size.*
- i) *At least one sign reminding patrons of the applicable rules, including those contained in this Section, and those additional rules and regulations, if any, included as further conditions of the permit by the Zoning Director, or designee, shall be posted in a conspicuous location within the designated outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than 20-point font size.*

EXHIBIT E
CR-2020-0028
(Updated 09/15/2021)

- j) *At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half inches in width and 11 inches in height and printed in easily legible typeface of not less than twenty 20-point font size.*
- k) *Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.*

STAFF ANALYSIS OF STANDARDS (Art. 2.D.3):

- A. Extent to which any other alternatives to a Code amendment have been evaluated, a summary of any recommendations or direction provided by the BCC, County Staff in prior meetings, and where applicable, why the amendment is being requested in lieu of such alternatives;**
County staff met with the Agent for the Applicant on November 16, 2020, for the mandatory Pre-Application Appointment for a PIA request. Staff reviewed the ULDC and confirmed that it is silent on the proposed Dog Friendly Dining amendment. A Pre-Application Appointment Summary Letter was issued to the Agent on November 19, 2020, indicating no Staff concerns associated with submittal of a Phase I PIA Application for the subject Dog Friendly Dining ULDC Amendment.
- B. Does not violate State, Federal, or other local government laws;**
The proposed amendment would not violate any existing laws and would incorporate the requirements provided within F.S. § 509.233.
- C. Will be consistent with the Comprehensive Plan, or will otherwise be submitted pursuant to or concurrent with an application to amend the Plan;**
The proposed amendment would be consistent with the Plan. No Plan amendment is required.
- D. Will not be in conflict with any other ULDC provisions or amendment will also address the other inconsistencies;**
The proposed amendment would not be in conflict with any other ULDC provisions.
- E. The request has been demonstrated to be a new industry trend not anticipated by the Comprehensive Plan or ULDC;**
Although F.S. § 509.233 was originally adopted in 2006, jurisdictions throughout Florida have established local exemption ordinances from time to time as desired by constitutes. The exemption process provided by F.S. § 509.233 is considered a new trend not originally anticipated by the Plan or ULDC.
- F. Identification of examples of similar land development regulations adopted in other jurisdictions under the same circumstances, such as similar FLU designation or zoning districts, compatibility, buffering, roadway frontage, and other similar site considerations;**
As previously described, other jurisdictions that have implemented Dog Friendly Dining Regulations include, but are not limited to, Edgewood, Islamorada, Jacksonville, Orlando, Palm Beach Gardens, Panama City, Pasco County, Sarasota County, St. Petersburg, and Winter Garden.

CONCLUSION:

Staff has evaluated the standards listed under **Article 2.D.3 and determined that the Applicant has satisfied** the required standards.

Staff is recommending approval of the proposed ULDC amendments as presented with this Phase 2 PIA.

ATTACHMENT A

PALM BEACH COUNTY - ZONING DIVISION

FORM # 80



Palm Beach County Zoning Division
2300 N. Jog Road
West Palm Beach, Florida 33411
Phone: (561) 233-5200
Fax: (561) 233-5185

ULDC PRIVATELY INITIATED AMENDMENT (PIA) APPLICATION

Pursuant to the Unified Land Development Code (ULDC) Article 2.D, ULDC Privately Initiated Amendment (PIA), a PIA application may be submitted upon completion of the mandatory Pre-Application Appointment (PAA) and favorable decision by the responsible PBC Official. Refer to Article 2.D for all applicable standards and requirements. Submit Form #80a, PIA Supplemental Table in addition to this form.

1. APPLICANT INFORMATION

Agent: Jared Taylor	Name of Firm: Lazy Dog Restaurants LLC C/O GPD LLC
Address: 5847 Brace Road	City: Loomis State: CA Zip: 95650
Phone: 805 440 7537	Email: jared@goldenpropertydevelopment.com

* If Applicable

Applicant, if other than agent: Lazy Dog Restaurants LLC	
Address: 3337 Susan St. Suite 100	City: Costa Mesa State: CA Zip: 92626
Phone: (714)596-9960	Email: jhodge@lazydogrestaurants.com

2. REQUEST

Pre-Application Appointment Date: November 16, 2020

Description of PIA: (enter a brief description of the PIA request here and attach Form #80a - PIA Submental Table)

Creation of a Palm Beach County code/ordinance to allow "doggie dining" within Palm Beach County in response to State of Florida Department of Business and Professional Regulation (DBPR) code section F.S 509.233

3. GENERAL INFORMATION

The proposed amendment is:

Countywide Area Specific (Tier, Overlay, Zoning District, FLU)

A. Control No. (if applicable): _____ Control Name (if applicable): _____

B. Application Name: Lazy Dog Restaurant Doggie Dining

C. Property Control Number (PCN): (Attach separate sheet if needed, for additional PCNs)
PCNs: 00424718240010000

D. Is the PIA concurrent with a Comprehensive Plan FLUA or Text Amendment Application?
 YES NO If Yes, Zoning Application No.: _____

E. Is the PIA concurrent with another Zoning Application? YES NO
If Yes, Zoning Application No.: _____

F. Was the proposed PIA reviewed by the Palm Beach County Official that interprets the subject Article(s) in a Pre-Application Appointment? YES NO

This application is not complete without the submittal of the following documents:

1. **Justification Statement:** to address the purpose, project history, intent and objectives of this request, and responses to the Standards for a PIA, pursuant to the requirements of Art. 2.A and 2.D for the required information;
2. **Text changes to the Comprehensive Plan:** If the proposed ULDC is a concurrent with or as a result of changes to the Plan the Applicant shall provide all documentation associated with the proposed changes, submitted by the Applicant and any direction received from Staff;
3. Letter of support or non-support of the PIA from the Palm Beach County Official who interprets the Article(s) for the PIA;
4. Payment of all applicable fees.

ATTACHMENT B

The Florida Senate 2018 Florida Statutes

<u>Title XXXIII</u> REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS	<u>Chapter 509</u> LODGING AND FOOD SERVICE ESTABLISHMENTS; MEMBERSHIP CAMPGROUNDS <u>Entire Chapter</u>	SECTION 233 Public food service establishment requirements; local exemption for dogs in designated outdoor portions.
--	--	---

509.233 Public food service establishment requirements; local exemption for dogs in designated outdoor portions. —

(1) **LOCAL EXEMPTION AUTHORIZED.**—Notwithstanding s. [509.032\(7\)](#), the governing body of a local government may establish, by ordinance, a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted by the division, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(2) **LOCAL DISCRETION; CODIFICATION.**—

(a) The adoption of the local exemption procedure shall be at the sole discretion of the governing body of a participating local government. Nothing in this section shall be construed to require or compel a local governing body to adopt an ordinance pursuant to this section.

(b) Any ordinance adopted pursuant to this section shall provide for codification within the land development code of a participating local government.

(3) **LIMITATIONS ON EXEMPTION; PERMIT REQUIREMENTS.**—

(a) Any local exemption procedure adopted pursuant to this section shall only provide a variance to those portions of the currently adopted Food and Drug Administration Food Code in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(b) In order to protect the health, safety, and general welfare of the public, the local exemption procedure shall require participating public food service establishments to apply for and receive a permit from the governing body of the local government before allowing patrons' dogs on their premises. The local government shall require from the applicant such information as the local government deems reasonably necessary to enforce the provisions of this section, but shall require, at a minimum, the following information:

1. The name, location, and mailing address of the public food service establishment.
2. The name, mailing address, and telephone contact information of the permit applicant.
3. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the permitting authority. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.
4. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

(c) In order to protect the health, safety, and general welfare of the public, the local exemption ordinance shall include such regulations and limitations as deemed necessary by the participating local government and shall include, but not be limited to, the following requirements:

1. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs. Employees shall be prohibited from touching, petting, or otherwise handling dogs while

ATTACHMENT B

serving food or beverages or handling tableware or before entering other parts of the public food service establishment.

2. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

3. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.

4. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.

5. Dogs shall not be allowed on chairs, tables, or other furnishings.

6. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.

7. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.

8. A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

9. A sign or signs reminding patrons of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

10. A sign or signs shall be posted in a manner and place as determined by the local permitting authority that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.

11. Dogs shall not be permitted to travel through indoor or nondesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor area of the food establishment.

(d) A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

(4) **POWERS; ENFORCEMENT.**—Participating local governments shall have such powers as are reasonably necessary to regulate and enforce the provisions of this section.

(5) **STATE AND LOCAL COOPERATION.**—The division shall provide reasonable assistance to participating local governments in the development of enforcement procedures and regulations, and participating local governments shall monitor permitholders for compliance in cooperation with the division. At a minimum, participating local governments shall establish a procedure to accept, document, and respond to complaints and to timely report to the division all such complaints and the participating local governments' enforcement responses to such complaints. A participating local government shall provide the division with a copy of all approved applications and permits issued, and the participating local government shall require that all applications, permits, and other related materials contain the appropriate division-issued license number for each public food service establishment.

History.—s. 3, ch. 2006-72; s. 127, ch. 2007-5; s. 46, ch. 2009-195.

ATTACHMENT C

Attachment C – Proposed Amendment to the ULDC

Unified Land Development Code (ULDC) Amendment Explanation Statement:

This ULDC Amendment originated from a Privately Initiated Amendment (PIA) request to incorporate provisions provided within Florida Statutes (F.S.) § 509.233 to allow patrons to have their dogs within designated outdoor dining areas of Type 1 and Type 2 Restaurants. State Law currently prohibits dogs at restaurants unless a local exemption procedure is established and a Dog Friendly Dining Permit is issued to the restaurant. Certain conditions and management practices must be adhered to in order for a restaurant to receive a Dog Friendly Dining Permit, as further described within F.S. § 509.233.

Part 1. ULDC Art. 4.B.2.C, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 50 and 51, Supplement 30), is hereby amended as follows:

Reason for amendments: [Zoning]
1. Per F.S. § 509.233, add Dog Friendly Dining as an optional accessory use to outdoor dining areas associated with Type 1 and Type 2 Restaurants.

1 **CHAPTER B USE CLASSIFICATION**

2

3 **Section 2 Commercial Uses**

4

5 **C. Definitions and Standards for Specific Uses**

6

7 **33. Restaurant, Type 1**

8 **a. Definition**

9 An establishment equipped to sell food and beverages in one of the following methods:
10 drive-through sales to patrons in automobiles for takeout who place orders through a
11 window or remote transmission device; or sales to patrons for takeout or dining in, that
12 includes three or more of the following: food or beverage choices are advertised on a menu
13 board; countertop sales where payment is made prior to consumption; disposable
14 containers and utensils; limited service dining facilities with no hostess or waiters; and, self-
15 service or prepackaged condiments.

16

17 **h. Outdoor Dining**

18 Shall comply with the principal structure setbacks.

19 **1) Dog Friendly Dining**

20 Pursuant to F.S. § 509.233, as amended, a Type 1 Restaurant may allow patrons with
21 dogs within designated outdoor dining areas. Before allowing patrons' dogs on their
22 premises, a participating restaurant shall apply for and receive a Dog Friendly Dining
23 Permit from the Florida Department of Health in Palm Beach County in accordance
24 with the permit application requirements described in F.S. § 509.233. A restaurant shall
25 be subject to the minimum regulations and limitations described in F.S. § 509.233.

26 a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12
27 font or greater, in a location that is legible from the entrance of the designated
28 outdoor Dog Friendly Dining area.

29 b) A participating restaurant shall ensure that the Dog Friendly Dining Permit is
30 available for inspection during hours of operation.

31 c) A Dog Friendly Dining Permit is not transferable to a subsequent owner upon the
32 sale of a restaurant, and shall expire automatically upon any such sale.

33 **34. Restaurant, Type 2**

34 **a. Definition**

35 An establishment with no drive-through, equipped to sell food and beverages, served and
36 consumed primarily on the premises, that includes three or more of the following: host or
37 hostess assists patrons upon entry; food and beverage choices are offered from a printed
38 menu provided by wait staff at a table; orders are taken at the table; food is served on
39 dishes and metal utensils are provided; and, payment is made after meal consumption.

40

41 **f. Outdoor Dining**

42 Shall comply with the principal structure setbacks.

43 **1) Dog Friendly Dining**

44 Pursuant to F.S. § 509.233, as amended, a Type 2 Restaurant may allow patrons with
45 dogs within designated outdoor dining areas. Before allowing patrons' dogs on their
46 premises, a participating restaurant shall apply for and receive a Dog Friendly Dining
47 Permit from the Florida Department of Health in Palm Beach County in accordance
48 with the permit application requirements described in F.S. § 509.233. A restaurant shall
49 be subject to the minimum regulations and limitations described in F.S. § 509.233.

ATTACHMENT C

- 1 a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12
- 2 font or greater, in a location that is legible from the entrance of the designated
- 3 outdoor Dog Friendly Dining area.
- 4 b) A participating restaurant shall ensure that the Dog Friendly Dining Permit is
- 5 available for inspection during hours of operation.
- 6 c) A Dog Friendly Dining Permit is not transferable to a subsequent owner upon the
- 7 sale of a restaurant, and shall expire automatically upon any such sale.
- 8



**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**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor

Maria G. Marino
Gregg K. Weiss

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

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

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

FROM:  Bryan Davis, Principal Planner
Planning Division

DATE: September 16, 2021

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

The Planning Division has determined that the proposed ULDC amendments, Exhibits D and E of the packet provided by the Zoning Division, and scheduled for the September 22, 2021 LDRAB/ LDRC meeting, is generally consistent with the Comprehensive Plan.

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

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

T:\Planning\CURRENT\ULDC\Code Revisions\LDRAB-LDRC\2021\09 - September\9-22-21 LDRC Consistency Memo.docx