



**Department of Planning,  
Zoning & Building**

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

Planning Division 233-5300  
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**Palm Beach County  
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Commissioners**

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**County Administrator**

Robert Weisman

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January 29, 2014

Mr. Mike Zimmerman, Member  
Land Development Regulation Advisory Board (LDRAB)  
4660 71<sup>st</sup> Court South  
Lake Worth, FL 33463

**RE: January 29, 2014 Subcommittee Meeting**

Dear Mr. Zimmerman:

Attached please find the agenda and supporting material to assist you in preparing for the above mentioned meeting. The meeting will begin at 1:00 pm and the discussion will focus on Bambusa Malingensis, commonly known as Seabreeze Bamboo (Attachment 1).

Staff is seeking input from the Subcommittee based upon an issue brought to our attention. The issue deals with determining whether or not this species of bamboo should be considered a tree or a hedge, and whether or not it should be regulated by the Unified Land Development Code (ULDC).

A similar case was also previously brought before the Subcommittee on December 15, 2009 at the request of former Commissioner Karen Marcus. In that case one neighbor was not properly maintaining their bamboo and as a result it encroached onto the adjacent property. The Subcommittee discussed the issue and recommended to the Zoning Director, that the ULDC not be amended. Amending the ULDC would have unintended impacts that would affect the application of the Code provisions on other types of plants. Several bamboo experts in attendance concurred with the Subcommittee's findings, and offered to provide assistance with developing a maintenance plan. It was further decided that the issue between the neighbors was a civil matter that would not be remedied by amending the ULDC (Attachment 2).

Also attached is a copy of the agenda (Attachment 3) and the minutes from the last Subcommittee meeting (Attachment 4). Following our discussion we will also be providing a schedule for 2014 with an outline of topics that are still pending discussion.

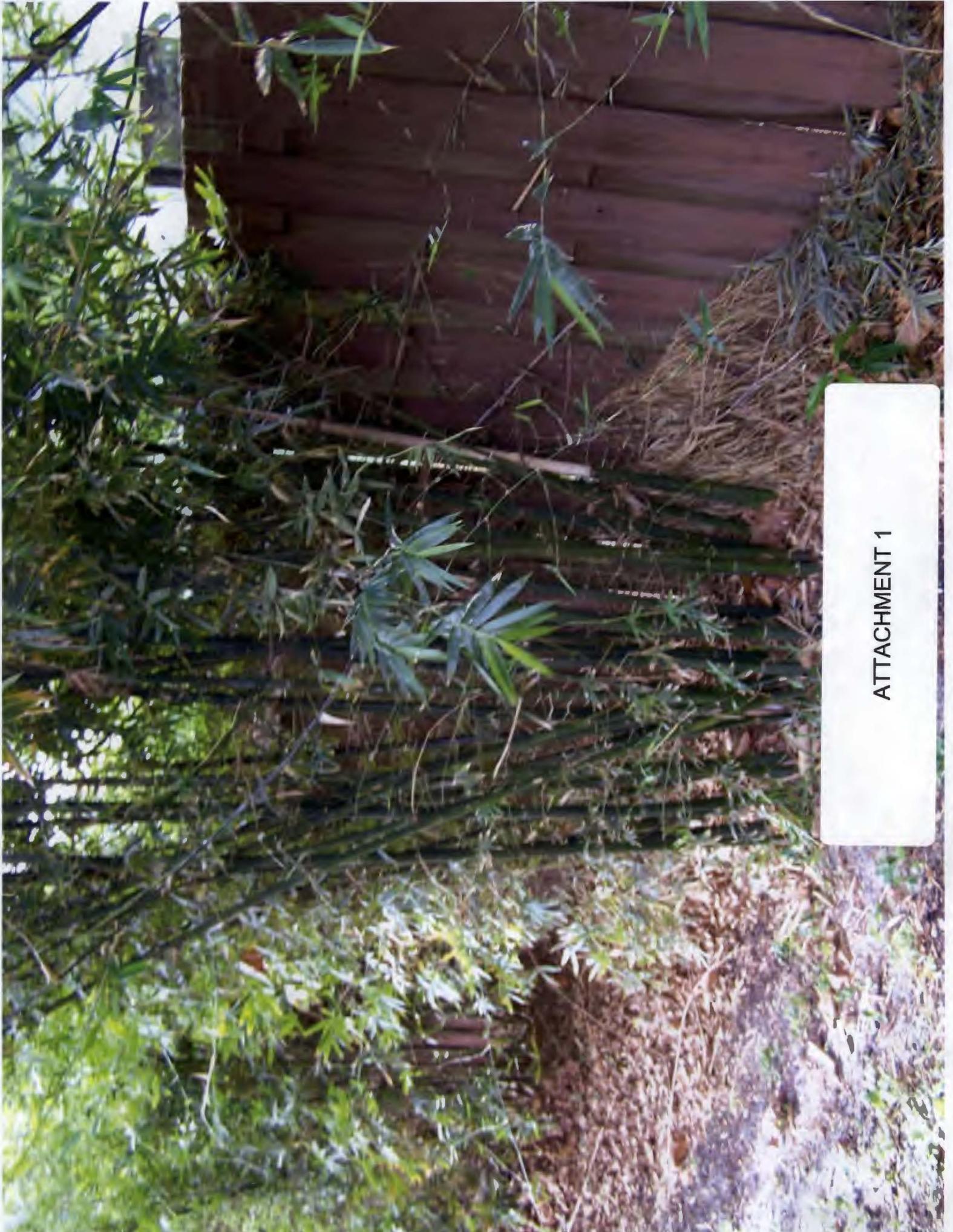
Should you have any questions, I may be contacted at (561) 233-5232.

Sincerely,  
  
Barbara Pinkston  
Principal Site Planner

BP/lc

**C: Attachments:** Attachment 1 - Photos of Bambusa Malingensis on site  
Attachment 2 - Letter to Mr. Saunders regarding: 2009 Subcommittee Recommendations & Meeting Minutes  
Attachment 3 - Agenda  
Attachment 4 - Minutes

**Email to:** Rebecca D. Caldwell, Executive Director, PZB  
Jon P. MacGillis, ASLA, Zoning Director  
Ramsay Bulkeley, Code Enforcement Director  
Maryann Kwok, AICP, Chief Planner, Zoning  
William Cross, AICP, Principal Site Planner, Zoning  
LDRAB Landscape Subcommittee Members and Interested Parties



ATTACHMENT 1





## ATTACHMENT 2



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Priscilla A. Taylor

**County Administrator**

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*"An Equal Opportunity  
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December 22, 2009

Mr. Robert Saunders  
11316 Avery Road  
Palm Beach Gardens, FL 33410

**RE: Landscape Subcommittee Meeting**

Dear Mr. Saunders:

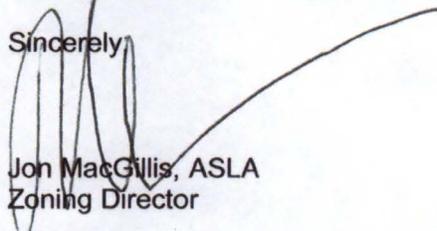
On December 15, 2009 the Land Development Regulation Advisory Board (LDRAB) Landscape Subcommittee convened to address an issue related to your neighbor's bamboo encroaching onto your property. Pursuant to your request, the subcommittee discussed the pros and cons related to classifying bamboo as a hedge or placing limitations on where it can be planted.

During the discussion, the subcommittee members advised that amending the Unified Land Development Code (ULDC) to address your particular issue with your neighbor would have unintended repercussions that would affect the application of landscape provisions to other types of plants. It was agreed that the situation between you and your neighbor could not be remedied through the ULDC amendment process and is considered a civil matter.

Based upon the discussion, the subcommittee found that the bamboo is not being properly maintained. Members of the subcommittee offered to meet with your neighbor to help find a solution to your dilemma by suggesting alternate types of bamboo or providing maintenance direction. Staff encourages you to consider the offer to help resolve the difficulties.

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

Sincerely,

  
Jon MacGillis, ASLA  
Zoning Director

JPM/bpn

c: Commissioner Karen Marcus, District 1  
Verdenia Baker, Deputy County Administrator  
Barbara Alterman, Esq., Executive Director, PZB  
Kurt Eismann, Code Enforcement Director  
David Carpenter, LDRAB Member  
Michael Zimmerman, LDRAB Member



**LANDSCAPE  
A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

**MINUTES OF THE DECEMBER 15, 2009 SUBCOMMITTEE MEETING**

**Prepared by Jon MacGillis, Zoning Director**

On Monday December 15, 2009, the Landscape Subcommittee met at the Vista Center, Room VC-1E-60-Conference Room, at 2300 North Jog Road, West Palm Beach, Florida. The meeting convened at 11:10 am and was called to order by Jon MacGillis.

**Attendance:**

**LDRAB Subcommittee Members:** David Carpenter, Mike Zimmerman, Jay Bridge

**Industry:** Mr. R. Allen Sistrusk, Tracy Calla, Ester Snyder, Rahn Skipper, Robert Saporito

**County Staff:** Jon MacGillis, Kurt Eismann, Barbara P. Nau, George Galle, Jon Powers, Rodney Swonger

**Interested Parties:** Mr. Robert Saunders

Jon MacGillis, Zoning Director, called the subcommittee meeting to order and asked for a motion to adopt the agenda. Mr. Carpenter made motion and it was seconded by Mr. Zimmerman.

Mr. MacGillis gave a brief introduction as to what would be discussed. He explained that he received a request from Mr. Saunders, a Palm Beach County resident, who has an issue with bamboo on his neighbor's property. He has requested staff to consider the bamboo a hedge so it would have to be cut back to 8 feet along the property line. Mr. MacGillis said he was seeking input from the LDRAB subcommittee members if a code amendment is warranted that would either prohibited or restrict the planting of bamboo on residential properties.

Mr. MacGillis requested Mr. Saunders to explain his situation to the committee so they were clear what the issues were.

Mr. Saunders explained that the bamboo on his neighbor's lot keeps hanging over his property line. This has resulted in him having to constantly trim the branches back and confrontations with the neighbor. He asked why this bamboo is not considered a hedge by definition so it has to be maintained at 8 feet in height. That way, Code Enforcement code cite the owner. He said he does not have an issue with the bamboo just how it is being maintained and is looking for help to resolve this matter.

The Committee Members discussed that the slide staff was showing of the bamboo was Hawaiian bamboo and yes it is aggressive and was planted in wrong place. However, if it was properly pruned or planted elsewhere on this site, it is not a "grass" that should be prohibited or restricted. Mr. Carpenter asked why the Zoning Director cannot interpret this as a hedge. Mr. MacGillis read the definition of hedge and shrub and stated that it does not meet definition and it would be difficult to cite the owner.

Several Industry representatives explained that bamboos are being used more often in landscape design since they do provide excellent screening. However, owners need to be aware of their aggressive growth habits and plant them so they do not conflict with neighbor's property.

The committee agreed that this is a maintenance issue and the ULDC does not need to be amended.

Mr. MacGillis stated he would converse with Mr. Eismann, Code Enforcement Director, and get back with Mr. Saunders on any other suggestions we may have to help him resolve this ongoing issue.

The meeting adjourned at 12:15 pm

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# ATTACHMENT 3



## **LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LANDSCAPE SUB-COMMITTEE**

**JANUARY 29, 2014 AGENDA  
2300 NORTH JOG ROAD, CONFERENCE ROOM VC-2E-12 – 2ND FLOOR  
1:00 PM – 2:30 PM**

### **A. CALL TO ORDER**

1. Introduction of Members, Staff and Interested Parties
2. Additions, Substitutions and Deletions to Agenda
3. Motion to Adopt Agenda

### **B. REVIEW SUMMARY FROM 11-13-2013 SUBCOMMITTEE MEETING (EXHIBIT A)**

### **C. PRESENTATION ON BAMBOO**

1. Running versus Clumping
2. Discussion of the current issues related to Bambusa Malingensis (Seabreeze)
3. Pros and cons of amending the ULDC to address the issues
4. Recommendation on how to proceed

### **D. DISCUSSION OF MEETING DATES FOR 2014**

### **E. UPDATE ON 2014-01 AMENDMENTS**

### **E. DISCUSSION OF TOPICS FOR 2014**

### **F. ADJOURN**



**LANDSCAPE SUBCOMMITTEE  
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

**NOVEMBER 13, 2013 SUBCOMMITTEE MEETING SUMMARY**

**Prepared by Rodney Swonger**

On Wednesday, November 13, 2013, the Landscape Subcommittee held their seventh meeting at the Vista Center, Room VC-2E-12-Conference Room, at 2300 North Jog Road, West Palm Beach, Florida.

**A. CALL TO ORDER  
9:38 am**

**1. Introduction of Members, Staff and Interested Parties**

**Subcommittee Members:** None Present

**Industry/public:** Collene Walter, Leo Urban, Drew Martin, Michelle Duchene, Chuck Mucciolo, Gladys Digirolamo, and Dan Siemsen

**County Staff:** Maryann Kwok, Barbara Pinkston, Rodney Swonger, Laurie Albrecht, William Cross, George Galle, Jon Powers, Michael Rawls, and Carl Bengtson

**2. Additions, Substitutions and Deletions to Agenda**

There were no additions, substitutions or deletions to the agenda.

**3. Motion to Adopt Agenda**

Agenda could not be adopted without Subcommittee members present.

**B. Review Summary From 8-21-2013 Subcommittee Meeting (Exhibit A)**

There were no comments on the summary.

**C. Review Proposed ULDC Wall Height (Exhibit B)**

Barbara explained that there was an incident where a single-family homeowner installed a wall that was in excess of code requirements. She stated that we need to take a more comprehensive look at how walls are measured in reference to Articles 1, 5, and 7, of the Unified Land Development Code (ULDC). Barbara said the focus is to review those sections of the ULDC, and see whether there are any possible Building Code changes in relation to elevation.

Barbara discussed what changes were made to Article 5 Fences, Walls, and Hedges height. She stated that the graphic in Article 1 Figure 1.C.4.C. will need to be modified to be consistent with the proposed changes in the code language. She said that Article 1 references the Building Code for finished grade, and that the Building Code no longer has a definition for finished grade.

**1. Discussion**

- Maryann discussed how the Zoning Division applies the code in terms of wall measurements..

- Collene drew diagrams on the board showing two properties side by side with no elevation change and two with two feet or more elevation change. She asked if a retaining wall could be permitted with or without a wall or fence on top and how tall the wall should be limited to. All agreed that we want to avoid solid walls being 10 feet high.
- There was further discussion on separating residential sites next to non-residential site.
- Bill wanted to make sure the Building Division addressed historical drainage and how to apply when retaining and standard walls were installed.
- Dan questioned Article 7 Figure 7.D.14.B, does it not address grade issues and can it be modified to address concerns.
- Bill clarified that the text applied to perimeter buffers and would need to be revised to apply to other scenario's, as written the figure shows one thing and the text says something else. This will need to be fixed.
- There was discussion on defining average grade or elevation.
- The group said there should be some options for on top of the retaining wall that would not be so intrusive.
- Maryann drew a diagram of a wall located in a fifteen (15) foot incompatibility, which is normally set 7 1/2 feet in from the property line and located on top on berm. This allows room on both sides of the wall for landscaping.
- Leo was concerned with not letting walls go higher than six (6) feet, when residents are parking boats or trailers.
- The group agreed that making hedges and walls the same height was a good solution. Eight (8) feet was the recommended height requirement.
- There was some concern with visibility in the back yard for sight issues, next to golf courses, waterways and preserves. They mentioned privacy walls in the back yards of Zero Lot Line Homes. This really did not meet the same issues. Leo mentioned that Ft. Lauderdale had some restrictions concerning the sight limitations.
- When wall permits applications are submitted to Building/Zoning for review, it is not known if a retaining wall exists or what the elevations are for the adjacent lots. George, mentioned not using a diagram, but limiting the wall height to eight (8) feet max. and if they do not want to meet this requirement the wall must meet the same setback as the structure.
- There was suggestions with treating larger lots and rural lots differently from small lots, if the fence is transparent.

## **2. Residential Wall Issues Recap**

- Retaining walls should be treated differently.
- Grades changes; cleaning up and adding language to make more clear.
- Allowing walls and fences to be eight (8) feet instead of six (6) feet.
- Allow non-opaque fence or structure on top of opaque fence or wall where necessary to address need for safety barrier on high side.
- Should line of sight or visibility be considered on water fronts, golf courses or preserves.
- Allowing non-opaque fences up to six (6) feet in the front setback.

### **3. New Language**

- Walls should be measured from the highest grade on commercial adjacent to residential and lowest grade on residential adjacent to residential. There may be some changes to Article 18. The new language will go to the 2014-001, and will go to LDRAB in April or May of 2014.
- Zoning will review diagrams in Article #1 and #7.
- Zoning will come up with some language of opaque vs. non-opaque.

### **D. Perimeter walls**

1. Perimeter buffer walls or non residential walls should be allowed to be eight (8) feet in height. Gladys, said this would help with security in their communities.

### **E. Next Meeting**

The next meeting is scheduled for January 29, 2014, 1:00 – 2:30 p..m.  
The meeting adjourned at 10:40 a.m.