



**SPECIAL MEETING
DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)
TUESDAY AUGUST 8, 2017 2:00 PM-4:00 PM
PZ&B – VISTA CENTER
2300 NORTH JOG RD., WEST PALM BEACH, FL 33411
HEARING ROOM CHAMBER (VC-1W-47)**

AGENDA

1. Opening Comments – Jon MacGillis
2. Article 2 Review and Comments – Attachment 1 - Maryann Kwok
3. Article 7 Review and Comments – Attachment 2 -Maryann Kwok
4. Adjourn

Article 2
Application Processes and Procedures
Summary of Amendments
August 8, 2017

Meeting with Subcommittee on
Chapters A and B on June 27, 2017
Chapters C and Chapter G on July 25, 2017

Chapter A – General

- Clarify Categories of Processes- Legislative, Quasi-judicial and Administrative
 - Examples of Legislative – County Initiated Rezoning and Privately Initiated Amendments to the ULDC
 - Examples of Quasi-judicial – Class A Conditional Use, Type 2 Variance, Type 2 Waivers, Development Order Amendments.
 - Examples of Administrative – Development Review Officer, Type 1 Variances, Type 1 Waivers, Administrative Modifications.
 - The term “Public Hearing” is a mechanism for due process, but for the purpose of Art.2, the Code will use Public Hearing to include those processes that are Legislative and Quasi-judicial.
 - Reference Chapter 2.G, Decision Making Bodies in Chapter A. Chapter G describes the power and duties of each Authority.
- **Annual Zoning Calendar** - Refer some critical dates in the Code to the Annual Zoning Calendar (Submittal/Comments/Resubmittal) for Public Hearing/Administrative/Type1 Variance. The calendar reference is repeated in Chapter B, Public Hearing and Chapter C, Administrative.
- **Pre-application Appointment** - Add PAA and encourage all official submittal of applications adhere to what were discussed at Pre-application Conference or at the Appointment.
- **Justification Statement** - Add Justification Statement as part of the Submittal requirement. Staff provides examples of Justification Statements after last DRAC meeting.
- Relocate requirements under Public Hearing process to Chapter B.
- Relocated requirements under Administrative process to Chapter C.
- Some requests such as TDRs will be a Class A Conditional Use.

Chapter B – Public Hearing Processes

- Reorganize and consolidate Public Hearing review procedures, which are currently located in different section of the Code in one place.
 - Review, Certification, Notification, Scheduling of hearings, staff reports, Postponements are in beginning of Chapter B.
 - Types of Applications listed in details: purpose, standards to evaluate, etc.
 - Reminder to Agents that Standards must be thoroughly addressed in the Justification statement.
- Clarify the role of DRO who only reviews, certifies and provides a recommendation to the ZC or BCC for their decision.
- Proposed deletion of Airport Variance based on updated State Stats.

- **Proceedings of Hearings** – proposed to require applicants present first and follow by Staff. The reason is since Staff has completed analysis and findings in the staff report. It is the responsibility of the applicant to present and defend the application.

Chapter D – Administrative Processes

- Clarify the role of DRO who final reviews those applications that are approved by ZC or BCC.
- Clarify the role of DRO as an approval authority or decision making person for those uses under Use Matrix, Development Thresholds, etc.
- Add **DROE** and **Types II and III Concurrent Review processes**.
- Combine **Zoning Review** under **Zoning Agency Review** since the timeline of the 2 processes is the same.
- **Annual Zoning Calendar** – Establish a new table, which includes processes and timeline. Submittal of application for different Sections of the Zoning Division varies from Monday, Tuesday and Wednesday, and some requests can be submitted on a weekly basis, and the remainder on a monthly basis.
- **Temporary Use** - Replace the request “Special Permit” with “Temporary Use”. The Authority or decision making person is DRO, and the process is Zoning Agency Review.
- **Special Permit** – this process is reserved for those Emergency Structures (disaster recoveries) and Temporary Government or Utility structures related to construction activities. [PENDING AMENDMENTS]
- **Administrative Modifications** - comparable to a DOA – Create **Tables** to clearly identify thresholds of Full DRO and Zoning Agency Review. Combine Zoning review under ZAR because it will be the same staff and same timeline.
- **Reasonable Accommodation (RA)** is a request and is subject to the ZAR process The requirements for RA will be relocated to Art.5.K, where all the miscellaneous type of requests are located.
- Type 1 and 2 CLFs are requests and subject to ZAR process, and will be further clarified under Art.4, Use Regulations, Supplementary Standards.

Chapter D – Privately Initiated Amendments (PIA)

- Establish submittal, review procedures for the PIA process.
- Acceptance of a PIA application to amend the ULDC shall be limited to
 - At the discretion of the responsible PBC Official in accordance with Art. 1.B.1.A, Authority, or
 - Mandatory where the Planning Division has accepted a PIA application to amend the Comprehensive Plan that will require a concurrent or subsequent amendment to the ULDC.
- **Phase 1**
The Phase 1 PIA allows an applicant to submit a preliminary request for staff evaluation and recommendation, presentation to the LDRAB for recommendation, and final presentation to the BCC to deny the request, or direct the responsible PBC Official to accept a request for a Phase 2 PIA, or other direction including scheduling, limitations or other similar.

- **Phase 2**

The Phase 2 PIA allows for the applicant to coordinate with staff and any interested parties, and may require a more detailed analysis and supporting documentation to substantiate the request. Upon certification, the application shall be presented to the LDRAB, also sitting as the LDRC, to obtain a final recommendation and determination of consistency with the Comprehensive Plan, prior to being scheduled for presentation to the BCC for Request for Permission to Advertise. Pursuant to approval of the request, one or more duly noticed Public Hearings are required, in accordance with F.S. 125.66.

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**Article 7
Landscaping
Summary of Amendments
August 8, 2017**

Landscape Subcommittee met on the following dates:

5/17/17 on Chapters A, General and Chapter B, Applicability and Processes

6/20/17 on Chapters C and D

7/12/17 on Chapters E,F, G

Chapter A – General

1. Clarify that planting requirements are based on the Managed Growth Tier System (MGTS) of the County's Comprehensive Plan.
2. Relocate existing MGTS Compliance language from Chapter C to Chapter A.
3. Relocate specific objectives under Art. 7.A.1.A. 1-8 (e.g. Appearance, Environment... Removal of Prohibited Plant Species, etc.) and combined them under the affiliated Design Principles in Art. 7.A.1.B. This proposed consolidation is to reduce redundancy between these 2 Sections of Art. 7, and provide more realistic types of design principles that can be applied to the site design, and for staff to review and evaluate the merits of the landscape design and use of plant materials.

Chapter B – Applicability and Approval Process

1. Relocate two sections related to Permit Review (Landscape Plan Review from Chapter H and Landscape Permit from Chapter E.2) to Chapter B.
2. Revise Type 1 Waiver for Landscaping Table to:
 - Make reference to section of the code where a Waiver is allowed (total of 10 Waivers)
 - Reduce Waivers and updated code to provide flexibility
 - Examples are Average Tree Height;
3. Landscape Plan is a requirement for Waiver requests. DRO may allow to show Waivers on the Site/Subdivision Plans.

Chapter C – Landscape Buffers and Interior Planting Requirements

1. Consolidate landscape buffer and interior landscape requirements under Chapter C, the proposed amendment will reorganize the order of the requirements starting with the types of buffers (R-O-W, Compatibility and Incompatibility); interior planting and other miscellaneous standards pertinent to the overall landscape layout and design for both the perimeter and interior of a property.
2. Add palm or pines as a requirement in R-O-W and Incompatibility Buffers since they are always included as Conditions of Approval.
3. Consolidate Interior landscaping, which includes foundation planting and any open spaces interior to a lot or a PDD/TDD under this Chapter.
4. **Interior Planting Calculation** - Clarify calculation for non-residential lots is based on pervious surface area only. The prior calculation was based on the entire lot area and is excessive in terms of planting requirements, and does not consider the deduction of buildings, parking lot, etc. Since the Code already requires perimeter buffers, landscape islands for parking areas and foundation planting; therefore, the proposed code will only

require planting in the previous surface areas only, and adjacent to the retention areas subject to the approval of the Land Development Division.

5. **Vehicular Use Area** - Establish landscaping for vehicular use areas for those auto-related or outdoor storage operations. Proposed 10% of the vehicular use areas that are open to the public.
6. **Other Articles** – Art 3.E, MUPD, specify that the Alternative Buffer is subject to a BCC through a Type 2 Waiver.
7. **AGR** - Relocate AGR PUD Landscape Buffer to Art. 7.
8. **Westgate Community Redevelopment Area** - All the WCRAO requirements for buffer or planting requirements are in Art.3.B.14.
9. **Foundation Planting for Freestanding ATM or Unmanned Retail Structure** – Only on non-point of service facades.
10. **Increase in Landscape Island Width** – 10 feet for all Tiers. 15 feet depth remains.
11. **Landscape Islands in Parking Area** - Allow increase in spacing for compact/electric cars. One landscape island for every 15 spaces for compact/electric cars in U/S Tier, and 12 cars for all other Tiers. (May introduce this amendment when updating Art. 6, Parking)
12. **Increased Island Interval** - Islands must be increased by one foot for each additional space. 12 maximum spaces in the U/S Tier and 10 maximum spaces in all other Tiers.
 - *Example: In U/S Tier, islands are required for every 10 spaces, if the proposed is to increase to 12 spaces, the proposed islands that are located at each end must be increased to 11 feet for each island. This is promoting sufficient area for tree growth, especially in a paved area where high heat is being generated.*
12. **Divider Median** – clarify how to apply divider median, see graphics. Every third aisle or sixth row of parking spaces. Increase median width to 10 feet for all Tiers.
13. **Landscape Diamond** – Only allow in URA, IRO, infill redevelopment small sites. Palms only.

Chapter D – Landscaping Standards

1. Under Ordinance 2016-042, the Code has been revised to specify how to measure size of a tree, palm and pine so that it is consistent with the latest version of the Florida Grades and Standards. Add reference to the Grades and Standards for Nursery Plants that was published by the Florida Department of Agriculture.
2. **Average Tree Height** – A maximum of 25% for trees at 8 feet. The remainder can be a range of height (must be 9 feet and up) so that the overall total average tree height is at 12 feet.
 - *Example, 100 trees are required at 12 feet each, the overall total average is 1,200 feet. Applicant can provide 25 trees at 8 feet, and a range of 9 to 14 feet trees to achieve the overall 1,200 total feet. This will allow the Applicant to use a variety of native species.*
3. Consolidate all Shrub requirements, which are currently located in different Sections of Article 7, Chapters D and F, and combine them under the new Chapter D.
4. Clarify that hedges, fences and walls are considered as **Landscape Barriers** to provide screening effect. Clarify that Hedge materials are shrubs that are closely planted together to form a visual barrier.
5. Allow vinyl coated chain link fence if installed behind a hedge in R-O-W buffer without a Type 2 Waiver process.

Chapter E –Existing Vegetation, Prohibited and Controlled Species

1. Establish procedures for Vegetation Barricade Permits.
2. Replace Tree with Vegetation. Vegetation includes trees, palms, pines.
3. Relocate the Tree Credit in Chapter E since credit is always affiliated with the Tree Preservation, replacement, etc.

Chapter F – Installation and Maintenance

1. Working with Shannon Fox, attorney on the consistency between Property Maintenance Code (PMC) and the ULDC. Proposed relocating the maintenance of the vacant residential lots to the PMC.
2. Clarify Phasing of landscape installation must follow the approved phasing for a development. For application that has no phasing (i.e. develop under one phase), then all the landscape requirements must be completed prior to the issuance of a Certificate of Occupancy of the facilities.
3. Install R-O-W Buffers (where property fronts) first if there are more than one phasing.

Chapter G – Enforcement

- Minor revisions.

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