



INTER-OFFICE COMMUNICATION  
PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING

TO: The Honorable Steven L. Abrams, Mayor, and  
Members of the Board of County Commissioners

THRU: Rebecca D. Caldwell, PZ&B Executive Director *RDC*

FROM: Jon MacGillis, ASLA, Zoning Director *JAM*

DATE: August 23, 2013

RE: **Unified Land Development Code (ULDC)  
Initiation of Amendment Round 2013-02**

Department of Planning,  
Zoning & Building

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Palm Beach County  
Board of County  
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County Administrator

Robert Weisman

This memo serves to solicit feedback from the Board of County Commissioners (BCC) on the initiation of amendment topics that have been prioritized for inclusion in ULDC Amendment Round 2013-02.

This item will be on the September 26, 2013 BCC Zoning Hearing for discussion under "Zoning Director Comments". In addition, staff will be scheduling meetings with each Commissioner in advance of the Hearing.

Attachment 1, Initiation of ULDC Amendment Round 2013-02, includes the Use Regulations Project, Zoning and other County Department Round 2013-02 amendment priorities, and current Privately Initiated ULDC Amendments.

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

JMWJC

Attachment 1 – Initiation of ULDC Amendment Round 2013-02

C: Verdenia Baker, Deputy County Administrator  
Wes Blackman, Chair and Members of the LDRAB  
Leonard Berger, Chief Assistant County Attorney  
Robert Banks, Chief Land Use Assistant County Attorney  
Lorenzo Aghemo, Planning Director  
Maryann Kwok, AICP, Chief Planner, Zoning  
William Cross, AICP, Principal Site Planner, Zoning  
Monica Cantor, Senior Site Planner, Zoning  
Zoning Division Staff

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**ATTACHMENT 1**  
**INITIATION - ULDC AMENDMENT ROUND 2013-02**  
 (Updated 8-23-13)

ULDC AMENDMENT ROUND 2013-02 SUMMARY OF KEY MEETINGS AND PUBLIC HEARINGS	
<b>BCC ZONING HEARINGS:</b>	<b>LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) MEETINGS:</b>
<ul style="list-style-type: none"> <li>▪ December 5, 2013: Request for Permission to Advertise</li> <li>▪ January 9, 2014: 1<sup>st</sup> Reading</li> <li>▪ January 30, 2014: 2<sup>nd</sup> Reading/Adoption</li> </ul>	<ul style="list-style-type: none"> <li>▪ July 24, 2013</li> <li>▪ August 28, 2013</li> <li>▪ October 23, 2013</li> <li>▪ November 13, 2013 (LDRC)</li> </ul>

PRIORITIZATION AND STAFFING:
<p>On a scale of <b>1 to 3</b>, staff has ranked both the priority and the level of staffing required for each of the proposed amendments, as follows:</p> <p><b>“Priority” Column:</b></p> <ol style="list-style-type: none"> <li>1 Indicates an issue required to ensure compliance with Federal or State law, or the Comprehensive Plan, or most in need of updating for relevancy or efficiency of operations.</li> <li>2 Generally refers to an issue that is highly recommended for inclusion but not required.</li> <li>3 Includes issues recommended for inclusion but may be postponed to a later Amendment Round.</li> </ol> <p><b>“Staffing” Column:</b></p> <ol style="list-style-type: none"> <li>1 Will require a higher level of staff resources, including but not limited to: need for in depth research, public or industry outreach, LDRAB Subcommittee’s or other Task Force, coordination with IPARC or LOC, or other labor intensive process.</li> <li>2 Generally requires a moderate level of staff resources, typically involving lower profile issues that still require public or industry outreach.</li> <li>3 Routine updates requiring lower levels of staff resources or time.</li> </ol>

AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS	PRIORITY	STAFFING
<b>USE REGULATIONS PROJECT</b> <b>[Two Year Task – 2012-2014]</b>	<b>Zoning</b>	Overhaul of ULDC standards for Use Regulations to simplify, streamline approval processes to maximum extent feasible, update to match current industry trends, and improve overall use, among others. Will entail: <ul style="list-style-type: none"> <li>▪ Update Definitions, Use Matrices (identifies where uses are permitted and approval process), Supplementary Standards and Thresholds.</li> <li>▪ Cross referencing of County standards and terminology with technical and industry resources, including the American Planning Association, the North American Industrial Classification System (NAICS) and others as may be identified through input during process.</li> </ul>	<b>1</b>	<b>1</b>

**ATTACHMENT 1**  
**INITIATION - ULDC AMENDMENT ROUND 2013-01**  
(Updated February 12, 2013)

AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS	PRIORITY	STAFFING
<b>USE REGULATIONS PROJECT</b> [Two Year Task – 2012-14]  <p style="text-align: center;">CONTINUED</p>		<ul style="list-style-type: none"> <li>▪ Expansive webpage outlining scope of project and providing opportunities for interested parties to complete surveys on specific uses classifications.</li> <li>▪ Establishment of LDRAB Subcommittee, with extensive outreach to solicit additional interested parties to participate in subcommittee proceedings.</li> <li>▪ Establishment of internal processes to coordinate with other Development Review agencies to solicit feedback on shortcomings and identify solutions or improvements.</li> <li>▪ Cross referencing of County standards with a minimum of 8 large jurisdictions within PBC, other State or National jurisdictions for emerging trends, etc.</li> <li>▪ Assessment of compliance with applicable Policies of the Plan.</li> <li>▪ Amend Art. 2.B.1.I.1, General, to clarify procedures for "permitted uses allowed in conjunction or in place of Conditional or Requested Uses."</li> </ul>	<b>1</b>	<b>1</b>
<b>Art. 1, General Provisions</b>				
<b>Eminent Domain</b>	<b>Zoning</b>	Establish provisions to allow for Type II Variance Relief for minor deviations to minimum lot size requirements listed under Art. 4.B.1.A, Supplementary Use Standards. <u>Staff initiated in response to Phase I Privately Initiated Amendment (PIA) to delete minimum lot size for a Hospital or Medical Center, application of Herta and Frank Suess, by Land Research Management, Kevin McGinley, agent. Approved by the BCC for inclusion in 2013-02 at August 22, 2013 BCC Zoning Hearing.</u>	<b>1</b>	<b>1</b>
<b>Art. 2, Development Review Procedures</b>				
<b>Development Review Office (DRO) – Update Administrative Approval Processes</b>	<b>Zoning</b>	Update DRO administrative approval processes to expand upon prior efforts to simplify and streamline Agency Review and Zoning Review processes, which have were developed to address minor amendments and revisions to prior approvals.	<b>1</b>	<b>1</b>
<b>Art. 2.G.2, General Provisions for Advisory Boards</b>	<b>Zoning</b>	Update requirements to be consistent with recent BCC amendments to the Resolution (R-2013-0193) governing the administration of County Advisory Boards.	<b>1</b>	<b>3</b>
<b>Art. 2.A.1.D.1.b, Zoning Commission (ZC)</b>	<b>Zoning</b>	Clarify that the ZC is not authorized to grant Variance relief where ULDC expressly states "prohibited."	<b>1</b>	<b>3</b>

**ATTACHMENT 1**  
**INITIATION - ULDC AMENDMENT ROUND 2013-01**  
(Updated February 12, 2013)

AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS	PRIORITY	STAFFING
<b>Art. 3, Overlays and Zoning Districts</b>				
<b>Art. 3.C.1.A.2.b, Previously Approved and Non-conforming Uses [Related to AGR Tier]</b>	<b>Zoning/ Planning</b>	Amend concurrent with Comprehensive Plan amendments to FLUE Policy 1.5-b [Existing Uses – AGR Tier] to clarify exemptions for social service facilities.	<b>1</b>	<b>1</b>
<b>Art. 3.D.1.E.4.a, Uses Exempt from Height Restrictions [Elevator Bulkhead]</b>	<b>Zoning/ Building</b>	Update term for structure housing elevator mechanical equipment when located at top of elevator on rooftops (may also include rooftop stairwell structures).	<b>1</b>	<b>3</b>
<b>Hours of Operation</b>	<b>Zoning</b>	Clarify 250 foot separation requirement from Residential districts for consistency: Amend 300 foot separation in Art. 3.E.2.E.2.f [Related to PUD Commercial Pod] and Art. 3.E.4.E.2.a [Related to MXPd] to be consistent with 250 foot separation in Art. 3.D.3.A.2.a, Hours of Operation.	<b>1</b>	<b>3</b>
<b>Economic Development Center (EDO) Future Land Use (FLU) Clarifications</b>	<b>Zoning/ Planning</b>	Clarify Zoning district consistency with the EDC FLU designation and additional site design requirements or use limitations established in the Comprehensive Plan.	<b>1</b>	<b>1</b>
<b>Art. 4, Use Regulations</b>				
<b>Special Events for Places of Worship in Residential Zoning Districts</b>	<b>Zoning</b>	Special Events are prohibited in Residential Zoning Districts, excluding the Agricultural Residential (AR) District. Staff has received several inquiries to approve Special Events in Residential Districts when located at Places of Worship. Staff requests confirmation by the Board on whether to retain the prohibition or respond to requests to expand provisions. If the Board elects to initiate an amendment, staff can fold it into Round 2013-02, or the 2013-14 Use Project, and involve the various Interest Groups in the discussion and drafting of code language. <u>Do you want staff to expand the Special Event provisions to include Places of Worship located in Residential Zoning Districts?</u>	<b>1</b>	<b>1</b>
<b>Recreational Vehicle Park Development (RVPD) Accessory Structures</b>	<b>Zoning</b>	<u>Request:</u> Phase II Privately Initiated Amendment (PIA), to allow for detached accessory structures, a maximum of 200 square feet in size, on individual RVPD lots. <u>Applicant:</u> L.A. Vander Putten by Urban Design Kilday Studios, Agent. <u>Phase I PIA approved by the BCC for inclusion in Round 2013-02 at May 23, 2013 BCC Zoning Hearing.</u>	<b>1</b>	<b>1</b>

**ATTACHMENT 1**  
**INITIATION - ULDC AMENDMENT ROUND 2013-01**  
(Updated February 12, 2013)

AMENDMENT/TASK	LEAD AGENCY	SUMMARY OF TASK REQUIREMENTS	PRIORITY	STAFFING
<b>Art. 4.C, Commercial Communication Towers</b>	<b>Zoning</b>	<u>Request:</u> Phase II Privately Initiated Amendment (PIA) amendment to allow Commercial Communication Towers in Recreation Pod of PUDs, subject to Class A Conditional Use approval and standards to be developed. <u>Applicant:</u> Vertex Development LLC, by Law Offices of Lauralee G. Westine, Lauralee Westine, agent. <u>Phase I PIA approved by the BCC for inclusion in Round 2013-02 at August 22, 2013 BCC Zoning Hearing.</u>	<b>1</b>	<b>1</b>
<b>Art. 5, Supplementary Standards</b>				
<b>Playground Equipment</b>	<b>Building</b>	Clarify applicability of building permits and setbacks for playground equipment on residential lots.	<b>1</b>	<b>1</b>
<b>Art. 5.B.1.A.19.a.2), Screening Requirements and Rooftop Solar Panels</b>	<b>Zoning</b>	Clarify applicability exemption of mechanical equipment screening requirements for rooftop solar panels and equipment.	<b>1</b>	<b>1</b>
<b>Art. 7, Landscaping</b>				
<b>General Updates to Landscape Code Requirements</b>	<b>Zoning</b>	<ul style="list-style-type: none"> <li>▪ Art. 5.B.1.A.2, Fences, Walls and Hedges – clarify standards for measurement of fences and wall height for adjacent parcels with different elevations.</li> <li>▪ Art. 1.1.2.G.14, Finished Grade – 1) To delete the reference deferring to the Florida Building Code (FBC) to define finished grade, as the term is not defined in the FBC; and, 2) To add new definition for finished grade.</li> </ul>	<b>1</b>	<b>1</b>
<b>Art. 11, Subdivision, Platting and Required Improvements</b>				
<b>General Updates</b>	<b>Land Development</b>	Update several sections to be consistent with current regulations and practices, and to clarify related requirements (includes amendments to related definitions in Art. 1.1, Definitions and Acronyms).	<b>1</b>	<b>1</b>
<b>Art. 14, Environmental Standards</b>				
<b>Art. 14.C, Vegetation and Preservation</b>	<b>ERM</b>	Amend single-family vegetation approval exemption.	<b>1</b>	<b>1</b>
<b>Other</b>				
<b>2013 Legislative Session</b>	<b>Zoning</b>	<b>PENDING:</b> Review of all new laws adopted in 2013 Session to determine if any ULDC amendments are required for consistency.	<b>1</b>	<b>PENDING</b>

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