

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
OCTOBER 22, 2014 MEETING

AMENDMENTS TO THE AGENDA
(Updated 10/21/14)

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#1	ULDC Table 2.G.3.A, LDRAB Expertise, Part 3, Page 71 of 86 (lines 2-5) LDRAB member organization, Gold Coast Builders Association, is in the process of becoming a chapter of the Florida Atlantic Builders Association therefore the name does not need to be changed.
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Reason for amendments: [Zoning]	
1.	Delete Condominium/HOA Association LDRAB position due to logistical considerations necessary to contact each individual HOA/COA, and doing so would likely result in an inordinate number of nominations. This seat was carried over from the Code Task Force (CTF), the predecessor to current Land Development Regulation Advisory Board (LDRAB).
2.	Update the name of the Residential Builder organization to reflect change from Gold Coast Builders to Florida Atlantic Builders Association.

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Table 2.G.3.A - LDRAB Expertise

Occupations	Organizations
1. Residential Builder	Gold Coast Builders Association Florida Atlantic Builders Association
2. Municipal Representative	League of Cities
3. Engineer	Florida Engineering Society
4. Architect	American Institute of Architects
5. Environmentalist	Environmental Organization
6. Realtor	PBC Board of Realtors
7. Surveyor	Florida Surveying and Mapping Society.
8. Citizen Representative	Condominium/HOA Assoc.
9. Commercial Builder	Assoc. General Contractors of America
10. AICP Planner	PBC Planning Congress
[Ord. 2010-022]	

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Notes:

- Double underlined indicates new text or previously stricken text to remain.
- ~~Double Stricken~~ indicates text to be ~~deleted~~.
- 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.



October 16, 2014

**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**

Priscilla A. Taylor, Mayor
Paulette Burdick, Vice Mayor

Hal R. Valeche
Shelley Vana

Steven L. Abrams
Mary Lou Berger
Jess R. Santamaria

County Administrator

Robert Weisman

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

RE: October 22, 2014 LDRAB Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB hearing on Wednesday, October 22, 2014.

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

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

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: October 22, 2014 LDRAB Agenda

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

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"An Equal Opportunity
Affirmative Action Employer"

PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

OCTOBER 22, 2014

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Michael J. Peragine (District 1)

Barbara Katz (District 3)

Jim Knight (District 4)

Lori Vinikoor (District 5)

Mike Zimmerman (District 6)

Henry D. Studstill, (District 7)

James M. Brake (Member at Large/Alternate)

Leo Plevy (Member at Large/Alternate)

Raymond Puzitiello (Florida Atlantic Builders Assoc.)

Joni Brinkman (Palm Beach League of Cities)

Terrence N. Bailey (Florida Engineering Society)

Jerome I. Baumoehl (American Institute of Architects)

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

Gary Rayman (Fl. Surveying and Mapping Society)

Vacant (Environmental Organization)

Vacant (Condominium Association)

Vacant (Association Gen. Cont. of America)

Board of County Commissioners

Priscilla A. Taylor, Mayor, District 7

Paulette Burdick, Vice Mayor, District 2

Hal R. Valeche
Commissioner, District 1

Shelley Vana
Commissioner, District 3

Steven L. Abrams,
Commissioner, District 4

Mary Lou Berger
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Robert Weisman
County Administrator



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2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

WEDNESDAY, OCTOBER 22, 2014 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of July 23, 2014 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B - Art. 2, Development Review Process
2. Exhibit C - Art. 11, Subdivision, Platting and Improvements
3. Exhibit D - Commercial Communication Towers Non Residential Zoning District Separation and Setbacks

C. PUBLIC COMMENTS

D. STAFF COMMENTS

1. Use Regulations Project Update
2. Kennel Use Meeting
3. Commercial Communication Tower Meeting

E. ADJOURN

EXHIBIT A

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

Minutes of July 23, 2014 Meeting

On Wednesday, July 23, 2014, the Palm Beach County Land Development Regulation Advisory Board (LDRAB) met in the Ken Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:02 p.m. Monica Cantor, Code Revision Senior Site Planner, called the roll.

Members Present: 14

Wesley Blackman (PBC Planning Congress)
Michael J. Peragine (District 1)
David Carpenter (District 2)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6) *
Henry Studstill (District 7)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)
Frank Gulisano (PBC Board of Realtors)
Edward Tedtmann, (Environmental Organization)
Leo Plevy (Member at Large, Alt.)
James Brake (Member At Large, Alt.)

Members Absent: 3

Jerome Baumöehl (AIA)
Gary Rayman (Fl. Surveying & Mapping Society)
Raymond Puzzitiello (Gold Coast Build. Assoc.)

County Staff Present:

Rebecca D. Caldwell, Executive Director, PZ&B
Lenny Berger, Chief Land Use County Attorney
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Lauren Dennis, Site Planner II, Zoning
Scott Rodriguez, Site Planner II, Zoning
John Reiser, Env. Program Supervisor, ERM
Robert Kraus, Senior Site Planner, ERM
Erin Fitzhugh Sita, Senior Planner, Planning

Vacancies: 2

(Assoc. General Contractors of America)
(Condominium/HOA Association)

2. Additions, Substitutions, and Deletions

None.

3. Motion to Adopt Agenda

Request to reorder the Agenda and present Item C immediately after Exhibit Item B.1, to facilitate consistency determination before the LDRC. Motion to adopt agenda with the changes by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (13 - 0)*.

4. Adoption of June 25, 2014 Minutes (Exhibit A)

Motion to adopt by Mr. Gulisano, seconded by Ms. Vinikoor. Motion passed (13 – 0)*.

* Mike Zimmerman arrived at 2:05 p.m.

B. ULDC AMENDMENTS

1. Exhibit B – Art. 14, Environmental Standards

• **Proposed Ordinance**

Mr. Berger clarified that the Wellfield Protection maps are referenced in the ULDC but are not included as an amendment in Article 14.

• **Exhibit B Attachment**

Mr. Reiser explained that the map was modeled based on information provided by the Water Utilities Department. The Department notifies ERM of removal or addition of wells throughout the County, which is based on the water consent use permits issued by South Florida Water Management District for the allocation of water.

Motion to approve by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (14 - 0).

C. CONVENE AS LDRC

1. Proof of Publication

Motion to approve by Mr. Knight, seconded by Mr. Carpenter. Motion passed (14 - 0).

Reordered Item

Exhibit Item B.1, Art. 14, Environmental Standards, was presented to the Land Development Regulation Commission (LDRC) for consistency with the Comprehensive Plan prior to the presentation of Exhibit Item B.2, as approved in the motion to reorder the agenda.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of July 23, 2014 Meeting

2. Consistency Determination Exhibit B.1. listed above

Ms. Fitzhugh-Sita stated that the proposed amendment in agenda item B.1 is consistent with the Comprehensive Plan.

Motion to approve consistency determination by Mr. Gulisano, seconded by Ms. Katz. The motion passed (14 – 0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

B. ULDC AMENDMENTS (Continued)

2. Exhibit C – Use Regulations Project – Residential Uses

Ms. Cantor presented a summary of the changes made to the Residential use classification which included:

- Separation of principal and accessory residential uses: The Use Matrix will include principal residential uses only, and accessory residential uses have been relocated to a new table that identifies the correlation between accessory and principal uses.
- Supplementary use standards will remain applicable to both principal and accessory uses.
- Art. 5, Supplementary Standards, related to Mobile Homes, contains new language that differentiates between Mobile Home dwelling and Mobile Home used as structure.
- The terms "dwelling" or "dwelling units" referenced under accessory uses were removed as they imply density, and accessory uses are not counted as density.

Ms. Cantor advised that some of the agricultural related residential uses may be revised after the Planning Division Agricultural Reserve (AGR) Tier workshop with the Board of County Commissioners.

Ms. Cantor stated that the Nursing or Convalescent Facility use will be addressed under Public and Civic Use classification as it was originally intended to be relocated to this use classification. After staff review it was decided that the use will remain under Residential Use classification and be included in this section at a later date since Residential uses have already been reviewed.

The following is a summary of the Residential Uses presented by the staff and the issues discussed by the Board:

- **Congregate Living Facility – Project Manager (PM): Lauren Dennis**
The proposed language deletes the specific types of facilities which are considered CLF's by definition; adds the Agency for Health Care Administration (AHCA's) term, "assistive care services"; adds a licensing requirement for Type 1 and Type 2 facilities, and changes the maximum number of residents for a Type 3 Facility.
 - Ms. Vinikoor recommended that Type 3 CLF standard related to maximum occupancy clearly indicate Future Land Use (FLU) designation and maximum density, and that Table 4.B.1.A Maximum Permissible Occupancy—be deleted accordingly. Members also questioned how the total occupancy would be calculated with regards to specific FLU designations (HR-12 and HR-18). Staff stated there may be additional changes to the multiplier in the future (i.e. not based on the census).
 - At the request of Mr. Carpenter, Mr. Berger clarified that certain type of Sober Homes have been classified as a single family home allowing a maximum of 4 unrelated persons to occupy the home, and this use is protected by the American with Disabilities Act (ADA). In cases where there are more individuals involved, application may be made for "reasonable accommodation".
- **Farm Residence - PM: Lauren Dennis**
Farm Residence was relocated to the new accessory use table. Changes are possible as a result of the Agricultural Reserve BCC Workshop.
- **Mobile Home Dwelling - PM: Lauren Dennis**
Standards applicable to Mobile Home accessory to Bona Fide Agriculture have been relocated under the principal use Bona Fide Agriculture. Standards contained in the use related to temporary use of "Mobile Home while constructing Single Family Dwelling" have been relocated to Article 5, Supplementary Regulations, along with similar provisions for temporary structures.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of July 23, 2014 Meeting

- The Board recommended deleting the reference to “occupancy by one household” in the definition as it is not referenced in any other housing type. Staff agreed to revise the definition.
- **Multifamily - PM: Scott Rodriguez**

The definition was revised to clarify that Mobile Homes cannot be used as Multifamily dwellings. Multifamily Residential (RM) Zoning District language was relocated from Article 3 to Article 4 to consolidate with use specific standards. The approval process was revised to show most restrictive in the Use Matrix for the RM Zoning District to address existing limits in the supplementary use standard for the Medium Residential, 5 units per acre, (MR-5) Future Land Use (FLU). Staff explained that standards may be revisited at a later time, pending tentative amendments to the Plan that may affect this use.
- **Single Family - PM: Scott Rodriguez**

Mobile home and manufactured home references were deleted for consistency with State Statutes.
- **Townhouse - PM: Scott Rodriguez**

Revised approval process to show most restrictive in Use Matrix for Single Family Residential (RS) Zoning District to reflect supplementary use standard applicable to RS with MR-5 FLU designation.
- **Zero Lot Line - PM: Scott Rodriguez**

Deleted Mobile Home and manufactured home references for consistency with State Statute and revised the approval process to show most restrictive in Use Matrix for RS Zoning District with MR-5 FLU designation.
- **General Standards for Accessory Uses - PM: Monica Cantor**

Staff explained the new accessory uses table and clarified that the symbol shown in front of accessory uses represent the type of approval process they are subject to. The following uses were relocated to the accessory uses table: Accessory Dwelling, Security or Caretaker Quarters, Estate Kitchen, Farm Residence, Farm Workers Quarters, Garage Sale, Groom’s Quarters, Guest Cottage, Home Occupation, and Type 1 Private Kennel.
- **Accessory Dwelling - PM: Scott Rodriguez**

The use title was revised from “Accessory Dwelling” to “Accessory Quarters” to be consistent with other non-density uses such as Groom’s Quarters, Caretaker Quarters and Farm Worker Quarters. The definition was revised to clarify that Accessory Quarters can be a separate living facility. The supplemental standards were revised to delete maximum number of bedrooms and baths; Utility Services was revised to ensure that an Accessory Quarters does not convert to a principal dwelling; and, a design and development standard applicable to Townhouse and Zero Lot Line was established to allow accessory quarters, if it fits on the lot and can meet the location criteria.
- **Security or Caretaker Quarters - PM: Scott Rodriguez**

The use title was simplified by deleting “Security” and the definition was revised to clarify that caretaker services-include security.
- **Estate Kitchen - PM: Scott Rodriguez**

Clarified an Estate Kitchen may be accessory to Single Family, Zero Lot Line and Farm Residence and a second kitchen does not mean a second residence.
- **Farm Residence - PM: Lauren Dennis**

Accessory to Bona Fide Agriculture is limited to Agricultural Production (AP) and AGR Zoning District, subject to possible changes pending Board direction to Planning Division on AGR Tier policies.

 - The Board discussed adding a standard to clarify that Single Family and Farm Residence cannot be permitted on the same site. This is dependent on the results of the AGR workshop.
- **Farm Workers Quarters - PM: Lauren Dennis**

Added square footage maximum standard and allowing a mobile home to be utilized.

 - Mr. Tedtmann requested explanation on the deletion of the clustering standard and inquired how non-conforming quarters which do not meet the proposed standards would be addressed. Staff will revise the reason related to clustering to explain deletion of the standard.
- **Garage Sale - PM: Scott Rodriguez**

Revised the definition to clarify the location of garage sales are temporary and only permitted in the front yard or garage of a dwelling unit. The Board questioned the use of the word “temporary” in the definition and how it is defined. Staff stated the existing standard limits the use to 72 hours maximum.

EXHIBIT A

PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of July 23, 2014 Meeting

- **Groom's Quarters - PM: Scott Rodriguez**
Relocated Groom's Quarters standards under Commercial and Private Stables since the use is accessory only to those two uses. Revised kitchen facilities removal standard to include specific time for the removal. Clarified approval process would require Class A Conditional Use when the number of Groom's Quarters was proposed to be 101 or more.
- **Guest Cottage - PM: Scott Rodriguez**
Revised definition to clarify Guest Cottage must be owner occupied. Revised supplemental standards to consolidate floor area regulations and the square footage consistent with Accessory Quarters.
 - The Board was of the view that there was insufficient reason to reduce the square footage (500 feet to 250 feet) for floor area, and recommended that staff retain the original. Staff agreed to retain the original 500 square foot floor area to ensure option to convert from Accessory Dwelling.
- **Home Occupation - PM: Lauren Dennis**
Changes to the definition, addition of cottage foods provisions, and instructional services provision changes.
- **Kennel Type 1 (Private) - PM: Scott Rodriguez**
Use proposed to be split into two uses: Type 1A relates to non-commercial care of cats and dogs owned by the occupant of single family, farm residence or zero lot line use, while Type 1B corresponds to a commercial use allowed in certain residential zoning districts.
 - Mr. Carpenter expressed concern about commercial use in residential districts and recommended staff eliminate Type 1B and Type 1A references until further action is taken by the BCC. Staff agreed to the recommendation and to have the change reflected in the final motion.
- **Runs and Kennels - PM: Monica Cantor**
Staff explained that standards related to outdoor runs, hedges, fences, setbacks and guard dog shelters currently contained under Type 1 Private Kennel were relocated to Article 5, Supplementary Standards.
- **Mobile Home - PM: Monica Cantor**
Staff explained this section was created in Article 5 to consolidate general utilization of Mobile Homes, either as dwelling units or structures.
- **Mobile Home While Constructing Single Family Dwelling- PM: Lauren Dennis**
Language relocated to Article 5 as stated earlier.

Motion by Ms. Vinikoor, seconded by Mr. Gulisano to approve staff's recommendations including: changes to CLF Type 3 to clarify maximum occupancy referenced in the Comprehensive Plan; delete from the Mobile Home Dwelling definition "for occupancy by one household"; include reason for the deletion of the clustering standard contained in Farm Workers Quarters; keep the maximum square footage of Guest Cottage at 500 square feet; and, remove the "A" from the Type 1 Kennel so it is not assumed that a Kennel Type 1 "B" will be permitted as commercial use in residential zoning districts. Motion passed (14 - 0).

E. PUBLIC COMMENTS

There were no public comments.

F. STAFF COMMENTS

Mr. Cross mentioned that Plan amendments in Round 2015-01 include changes to some Commercial policies which will be running concurrent with some of the changes to commercial uses that will be discussed as part of the Use Regulations Project.

G. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 4:12 p.m.

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

Minutes drafted by: Lauren Dennis
Scott Rodriguez
Monica E. Cantor

EXHIBIT B

ARTICLE 2
SUMMARY OF AMENDMENTS
(Updated 10/09/14)

1
2 Part 1. ULDC Art. 2.A.1.G.3, Application Procedures [Related to Plan Requirements], (page 13
3 of 87), is hereby amended as follows:
4

Reason for amendments: [Zoning] Pursuant to 2.A.1.D.1, clarify that the Plan Requirements identified under the General Application Procedures applies to other Zoning Division processes not only those subject to review by the Development Review Officer (DRO). Clarify FLU amendments are exempt from the Plan Requirements.

5 CHAPTER A GENERAL

6 Section 1 Applicability

7 G. Application Procedures
8 3. Plan Requirements

9 All applications or applicants submitting for a Public Hearing or an administrative approval
10 process, excluding FLU Amendments, shall submit a plan to the DRO or Zoning Director.
11 The type of plan shall be based upon the type of application request(s), and shall be
12 prepared to include graphics and tabular data consistent with the Technical Manual
13 requirements and standards. The plan shall provide sufficient information for County
14 Agencies to review in order to render ~~DRO~~ comments on the project for compliance with
15 applicable standards of the Code pursuant to Art. 2.B.1.B, Standards, Art. 2.B.2.B,
16 Standards, or Art. 2.D.1.E, Standards for Administrative Approval. In addition, the plan shall
17 be prepared in compliance with the following: [2009-040]
18

21 Part 2. ULDC Art. 2.D.3, Type IA and Type IB Administrative Variances (page 42-43 of 87), is
22 hereby amended as follows:
23

Reason for amendments: [Zoning]
1. Revise process name for Type 1A and Type 1B Variances to use Arabic numbers instead of Roman numerals for consistency.
2. Add reference to the general application procedures consolidated under Art. 2.A.1.G., to clarify the Application Procedures that are applicable to all development orders established in the ULDC including Type 1A and Type 1B Administrative Variances.

24 CHAPTER D ADMINISTRATIVE PROCESS

25 Section 3 Type ~~1A~~ and Type ~~1B~~ Administrative Variances

26
27 **B. Application Procedures**
28 All Type 1A and Type 1B Administrative Variances are subject to Art. 2.A.1.G, Application
29 Procedures.

30 **CB. Type ~~1A~~ Administrative Variances**
31 Type ~~1A~~ variances may be considered for the following: [Ord. 2006-036]
32

33 [Renumber Accordingly]
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Notes:

Underlined indicates new text.

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EXHIBIT B

ARTICLE 2
SUMMARY OF AMENDMENTS
(Updated 10/09/14)

Part 3. ULDC Table 2.G.3.A, LDRAB Expertise (page 71 of 86), is hereby amended as follows:

Table with 2 columns: Reason for amendments, [Zoning]. Row 1: Delete Condominium/HOA Association LDRAB position due to logistical considerations... Row 2: Update the name of the Residential Builder organization to reflect change from Gold Coast Builders to Florida Atlantic Builders Association.

Table 2.G.3.A - LDRAB Expertise

Table with 2 columns: Occupations, Organizations. Rows include Residential Builder, Municipal Representative, Engineer, Architect, Environmentalist, Realtor, Surveyor, Citizen Representative, Commercial Builder, AICP Planner.

Part 4. ULDC Art. 2.G.3 Appointed Bodies, (pages 73 and 76-77 of 87), are hereby amended as follows:

Reason for amendments: Consolidate qualifications for Code Enforcement Special Masters and Hearing Officers to ensure consistency; eliminate redundant Special Masters "Powers and Duties" section already provided in code enforcement provisions in Article 10; and, eliminate Hearing Officer requirement to produce reports for the BCC to reflect current practice.

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

B. Code Enforcement Special Masters

1. Creation and Appointment

Code enforcement hearings pursuant to this Code shall be conducted by designated Special Master. Applications for Special Master positions shall be directed to County Administrator pursuant to a notice published in a newspaper of general circulation. The BCC shall select a pool of candidates from the applications filed with County Administrator on the basis of experience and qualifications. County Administrator shall appoint Special Master to conduct hearings from the pool of candidates selected by the BCC as necessary. For a period of two years from the date of termination as holder of office, a former Special Master shall not act as agent or attorney in any proceeding before any decision-making body of PBC on any matter that was the subject of a proceeding which was considered by the former Special Master.

2. Qualification

Special Master shall have the following minimum qualifications:

- a. be a graduate of a law school accredited by the American Bar Association;
b. demonstrate knowledge of administrative laws, land use law, and local government regulation and procedures;
c. be a current member, in good standing, of the Florida Bar Association;
d. have such other qualifications that may be established by resolution of the BCC; and
e. in the event County Administrator does not receive a sufficient number of applications from qualified members of the Florida Bar Association, the BCC may select attorneys who are not members of the Florida Bar Association as candidates for Special Master.

3. Powers and Duties

Special Master shall have the following powers and duties:

- a. to hold hearings and to make findings of fact and conclusions of law as are necessary to enforce the provisions of this Code and the building, electrical, fire, gas, landscape,

Notes:

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EXHIBIT B

ARTICLE 2
SUMMARY OF AMENDMENTS
(Updated 10/09/14)

- ~~plumbing, and other codes of PBC if there has been a failure to correct a violation within the time specified by the code inspector, if the violation has been repeated, or is of such as nature that it cannot be corrected;~~
 - ~~b. to issue subpoenas compelling the presence of persons at Special Master hearings. Subpoenas may be served by the PBC Sheriff's Department, or other authorized persons consistent with Florida Law;~~
 - ~~c. to issue subpoenas compelling the production of evidence at code enforcement hearings;~~
 - ~~d. to take testimony under oath;~~
 - ~~e. to issue orders having the force of law commanding whatever steps are necessary to achieve compliance with this Code and PBC's building, electrical, fire, gas, landscape, plumbing, and other codes of PBC;~~
 - ~~f. to assess fines pursuant to Article 10.B.3, Administrative Fines, Costs, Liens;~~
 - ~~g. to lien property; and~~
 - ~~h. to assess costs pursuant to Article 10.B.3, Administrative Fines, Costs, Liens.~~
- [Renumber accordingly]**

....
G. Hearing Officers

1. Creation and Appointment

The County Administrator may, from a pool selected by the BCC, appoint one or more hearing officers to hear and consider such matters as may be required under any provision of this Code or under any provision of any other Palm Beach County Ordinance as may be determined to be appropriate by the BCC from time to time. Such hearing officers shall be selected pursuant to the procedures and minimum qualifications provided for in Article 2.G.3.B. Code Enforcement Special Master, and shall serve at the pleasure of the BCC for such period as is determined by the Board. Code Enforcement Special Masters, ~~as established and appointed pursuant to Article 2.G.1.A, Powers and Duties,~~ may serve ex officio as Hearing Officers as set forth in this Section. ~~Whoever shall accept an appointment as a hearing officer shall, for a period of one year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application for other matter before any decision-making body of PBC in any matter involving land that was the subject of a proceeding which was considered. [Ord. 2010-022]~~

~~**2. Minimum Qualifications**~~

~~A hearing officer shall have the following minimum qualifications:~~

- ~~a. be a graduate of a law school accredited by the American Bar Association;~~
- ~~b. demonstrated knowledge of administrative, environmental and land use planning and law and procedure; and~~
- ~~c. hold no other appointive or elective public office or position in PBC during the period of appointment.~~

23. Duties

A hearing officer shall have the following duties:

- a. to conduct hearings and issue administrative orders on such matters as may be requested by the BCC;
- ~~b. to render to the BCC a written report containing a summary of the testimony and evidence given and findings and recommendations regarding the specific standards applicable to the particular application for development permit;~~
- be.** to issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at the hearing; and
- cd.** to perform such other tasks and duties as the BCC may assign.

....

Notes:

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EXHIBIT C

ARTICLE 11 – SUBDIVISION, PLATTING AND IMPROVEMENTS
SUMMARY OF AMENDMENTS
(Updated 07/07/2014)

1 Part 1. ULDC Art. 11.A.7.E., Sequence of Phases (page 11 of 47), is hereby amended as
2 follows:
3

Reason for amendments: [Land Development] To remove density language from the subdivision code since density is governed by the Comprehensive Plan as well as by applicable plans pursuant to ULDC Art 2.A.1.G.3.d Master Plan, Art 2.A.1.G.3.e Site Plan and Art 2.A.1.G.3.f Subdivision Plan.

4 CHAPTER A GENERAL REQUIREMENTS

5 Section 7 Phased Developments

6 E. Sequence of Phases

7 When the Preliminary Subdivision Plan is to be constructed in phases, the following sequence
8 must be adhered to:

9 1. All required recreation areas and facilities to serve the entire development shall be platted or
10 otherwise provided pursuant to the procedures and phasing provisions of Article 5.F, LEGAL
11 DOCUMENTS; and,

12 ~~2. The gross density of an individual plat shall not exceed the maximum density permitted for
13 the entire development unless the remaining total of all previously recorded plats of record
14 and the plat under review produces an average density less than or equal to the approved
15 maximum density for the entire development; and~~

16 3.2. Where all or any portion of a water management tract is required to serve a proposed phase
17 of development, and has not been previously recorded and constructed, said water
18 management tract and its associated lake maintenance easement(s) shall be included and
19 constructed in their entirety as part of the plat and required improvements for that phase.

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EXHIBIT D

COMMERCIAL COMMUNICATION TOWERS
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1 Part 1. Table 4.C.3.I, Distance for Towers Located in Non-Residential District Separation and
2 Setbacks (pages 126 -128 of 171), is hereby amended as follows:
3

Reason for amendments: [Zoning] As part of the Use Regulations Project (URP), a two-year project to update the use definitions, approval processes and supplementary standards contained in the Unified Land Development Code (ULDC), staff identified scrivener's errors and minor glitches in the Commercial Communication Towers section. The Zoning Director has determined that several minor revisions to Table 4.C.3.I, Distance for Towers Located in Non-Residential Districts Separation and Setback, should be advanced in the 2014-02 ULDC Round of Amendments, as follows:

1. Ordinance 2010-022, which established the Urban Redevelopment Area Overlay (URAO) with the new zoning districts Urban Center (UC) and Urban Infill (UI), and Ordinance 2010-005, which established the Infill Redevelopment Overlay (IRO) and Lifestyle Commercial Center (LCC) Zoning Districts, inadvertently omitted standards for Commercial Communication Towers separation and setbacks.
2. Include Institutional and Public Facilities (IPF) Zoning District in the setbacks and separation table. Ordinance 2000-015 that introduced for the first time IPF Zoning District inadvertently omitted the district from the Commercial Communication Towers section during the rewrite of the Code in 2003.
3. Revise table title to better clarify that contents establish "Minimum" setbacks and separations, which also allows for the deletion of the redundant use of "Not Less Than".
4. Consolidate redundant standards repeated for each applicable zoning district and delete a related legend that was used inconsistently making the current table difficult to understand. This amendment looks to improve ease of use while allowing for the current three-page table to be reduced to one page.
5. Correct various typographical or clerical errors resulting from reformatting in 2003 as part of the Managed Growth Tier System (MGTS) Code Rewrite (Ord. 2003-067), including:
 - Residential districts were incorrectly included in table for Stealth, Camouflage and Monopole towers.
 - Several non-residential district columns were omitted in the table for Stealth, Camouflage and Monopole towers, including: Mixed Use Planned Development (MXPDP), Planned Industrial Park Development (PIPD), and Preservation/Conservation (PC) Zoning Districts.
 - Several monopole tower height categories were omitted, including: less than 60 feet, more than 100 feet and less or equal to 150 feet, and more than 250 feet.
6. Clarify that setbacks for Multiple Use Planned Developments (MUPDP) includes Commercial Low (CL) and Institutional (INST) FLU designations for consistency with use approval tables.
7. Delete duplicated standard contained in footnotes "B" and "C" and renumber accordingly.
8. Delete reference to Industrial Future Land Use (FLU) designation from footnote #2 applicable to towers in MXPDP shown in the old table. MXPDP is not consistent with Industrial (IND) FLU designation.
9. Delete note #4 in existing table related to Industrial FLU designation as it does not relate to any reference in the table. The note reference does not have any link since Ordinance 1998-1.
10. Delete note "> More Than", "< Less than" and "NMT Not More Than" in the footnote of the table as they are revised to better explain the applicable setbacks and separation standards for each tower type.
11. Clarify that separation and setbacks applicable to Self Support towers, Guyed towers adjacent to Existing and Vacant Residential as well as Monopole towers, are the same as those contained in the Residential Zoning Districts Separation and Setback table.

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EXHIBIT D

COMMERCIAL COMMUNICATION TOWERS
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1

**Table 4.C.3.I – Distance for Towers Located in Non-Residential Districts
Separation and Setback**

TOWER TYPE	AGR	AR/ RR	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND	
Stealth Towers	residential existing (3)	150% but NLT 100% from PL										
	residential vacant	NLT 100% from PL										
	non-residential Public ROW	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater
Camouflage Towers	residential existing (3)	150%, NLT 100% from PL										
	residential vacant	NLT 100% from PL										
	non-residential Public ROW	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater	20% of tower height or district setbacks whichever is greater

2

**Table 4.C.3.I – Distance for Towers Located in Non-Residential Districts
Separation and Setback – Continued**

Tower Type	AGR	AR/ RR	AR/ USA	RE	RT	RS	RM	PUD (1)	RVPD	MHPD	TND
Monopole Towers ≥ 60' and < 100'	residential	B	B	B	B	B	B	B	B	B	B
	non-residential	A	A	A	A	A	A	A	A	A	A
Monopole Towers > 150' and ≤ 200'	residential	B	B	B	B	B	B	B	B	B	B
	non-residential	A	A	A	A	A	A	A	A	A	A
Monopole Towers > 200' and ≤ 250'	residential	B	B	B	B	B	B	B	B	B	B
	non-residential	A	A	A	A	A	A	A	A	A	A

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EXHIBIT D

COMMERCIAL COMMUNICATION TOWERS
 NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
 SUMMARY OF AMENDMENTS
 (Updated 10/01/14)

1

**Table 4.C.3.I – Distance for Towers Located in Non-Residential Districts
 Separation and Setback – Continued**

TOWER TYPE		AP	CN	CLO	CC	CHO	CG	CRE	IL	IG	PO	MUPD	MXPD	PIPD	PC
Self-Support Towers ≤ 60'	<i>residential</i>	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 60' and ≤ 100'	<i>residential</i>	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 100' and ≤ 150'	<i>residential</i>	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 150' and ≤ 200'	<i>residential</i>	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 200' and ≤ 250'	<i>residential</i>	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Self-Support Towers > 250'	<i>residential</i>	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	<i>non-residential</i>	D	D	D	D	D	D	D	D	D	D	D	D	D	D

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EXHIBIT D

COMMERCIAL COMMUNICATION TOWERS
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1

**Table 4.C.3.1 – Distance for Towers Located in Non-Residential Districts
Separation and Setback – Continued**

TOWER TYPE		AP	CN	CLO	CC	CHO	CG	CRE	IL	IG	PO	MUPD	MXPD	PIPD	PC
Guyed Towers ≤ 60'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers >60' and ≤ 100'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 100' and ≤ 150'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 150' and ≤ 200'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 200' and ≤ 250'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Guyed Towers > 250'	residential	E	E	E	E	E	E	E	E	E	E	E	E	E	E
	non-residential	D	D	D	D	D	D	D	D	D	D	D	D	D	D
FDOT	residential	F	F	F	F	F	F	F	F	F	F	F	F	F	F
	non-residential	G	G	G	G	G	G	G	G	G	G	G	G	G	G
FPL	residential	F	F	F	F	F	F	F	F	F	F	F	F	F	F
	non-residential	H	H	H	H	H	H	H	H	H	H	H	H	H	H

Notes:

- A = Greater of district setback or 20% of tower height [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to Monopole Tower adjacent to non-residential]
- B = See Table 4.C.2.C for required separations and setback distances for Towers located in adjacent to residential districts
- C = See Table 4.C.2.C for required separations and setback distances for Towers located in adjacent to residential districts
- D = Lesser of 100% of tower height or minimum district setback substantiated by breakpoint calculations [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to Guyed Towers and Self Support Towers adjacent to non-residential]
- F = Minimum of 150 feet from abutting residential property line [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to FDOT and FPL adjacent to residential]
- G = Minimum of 75 feet from abutting non-residential property line [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to FDOT adjacent to non-residential]
- H = Minimum of 100 feet from any non-residential property line [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to FPL adjacent to non-residential]
- (1) = MUPD: Limited to Commercial High (CH) and Industrial (IND) FLU Categories [Partially relocated to consolidated Separation and Setbacks for Towers Located in Non-Residential Zoning Districts table, footnote #3 applicable to MUPD]
- (2) = MXPD: Limited to Commercial High (CH) and Industrial (IND) FLU Categories [Partially relocated to consolidated Separation and Setbacks for Towers Located in Non-Residential Zoning Districts table, footnote #4 applicable to MXPD]
- (3) = Percent measured as a separation between tower and adjacent residential structures [Relocated to consolidated table Separation and Setbacks for Towers Located in Non-Residential Zoning Districts, applicable to "Residential Existing" in all tower types]
- (4) = Limited to Industrial (IND) FLU Designation
- % = Separation or setback as a percentage of tower height [Relocated to consolidated Separation and Setbacks for Towers Located in Non-Residential Zoning Districts table footnote]
- < = Less than
- > = More than
- > = More than
- NMT = Not more than

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EXHIBIT D

COMMERCIAL COMMUNICATION TOWERS
NON-RESIDENTIAL DISTRICT SEPARATION AND SETBACKS
SUMMARY OF AMENDMENTS
(Updated 10/01/14)

1

Table 4.C.3.I – Minimum Separation and Setbacks for Towers Located in Non-Residential Zoning Districts

TOWER TYPE	Adjacent to	PC	AP	CN	CLO	CC	CHO	CG	CRE	UC	UI	IRO	IL	IG	IPF	PO	MUPD (3)	MXPD (4)	PIPD	LCC
Stealth Towers	Residential Existing (1)	150% separation and 100% setback from Property Line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Stealth Towers adjacent to Residential Existing]																		
	Residential Vacant (2)	100% setback from Property Line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Stealth Towers adjacent to Residential Vacant]																		
	Non-Residential and Public ROW	20% or district setbacks whichever is greater [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Stealth Towers adjacent to Non-Residential]																		
Camouflage Towers	Residential Existing (1)	150% separation and 100% setback from Property Line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Camouflage Towers adjacent to Residential Existing]																		
	Residential Vacant (2)	100% from setback Property Line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Camouflage Towers adjacent to Residential Vacant]																		
	Non-Residential and Public ROW	20% or district setbacks whichever is greater [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table Camouflage Towers adjacent to Non-Residential Public ROW]																		
Monopole Towers	Residential Existing (1)	600% separation and 150% setback from Property Line																		
	Residential Vacant (2)	150% setback from Property Line																		
	Non-Residential	20% or district setbacks whichever is greater																		
Self Support Towers	Residential Existing (1)	600% separation and 150% setback from Property Line																		
	Residential Vacant (2)	150% setback from Property Line																		
	Non-Residential	Lesser of 100% of tower height or district setback substantiated by breakpoint calculations [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (D)]																		
Guyed Towers	Residential Existing (1)	Lesser of 600% or 1,500' separation and 150% setback from Property Line																		
	Residential Vacant (2)	150% setback from Property Line																		
	Non-Residential	Lesser of 100% of tower height or district setback substantiated by breakpoint calculations [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (D)]																		
FDOT	Residential	150' setback from abutting residential property line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (F)]																		
	Non-residential	75' setback from abutting non-residential property line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (G)]																		
FPL	Residential	150' setback from abutting residential property line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (F)]																		
	Non-residential	100' setback from abutting residential property line [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (H)]																		
Notes:																				
(1) Percentage measured as a separation between tower and adjacent residential structures [Relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (3)]																				
(2) Measured from property line of tower location.																				
(3) Limited to Commercial High (CH), Commercial Low (CL), Institutional (INST) and Industrial (IND) FLU Designations [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (1)]																				
(4) Limited to Commercial High (CH) Designation [Partially relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (2)]																				
% Separation or setback as a percentage of tower height [Relocated from Distance for Towers Located in Non-Residential Zoning Districts Separation and Setbacks table, footnote (%)]																				

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