

Table 4.B.1.A, Minimum Renewable Wind Energy (Wind) Facility Setbacks or Separations

Structures	Minimum Separation (1)(2)			Minimum Setback (1)		
	Occupied Buildings within Project Boundary	Habitable Buildings within Project Boundary	Occupied or Habitable Buildings Outside of Project Boundary	Project Boundary		Public R-O-W
				Non-residential FLU	Residential or Conservation FLU	
Wind Turbines, MET Towers or other similar Wind Energy Systems	1.1 x Height	2.5 x Height	2.5 x Height	1.5 x Height	2.0 x Height	2.5 x Height
Accessory or Collocated Buildings or Structures	Apply district or accessory use PDRs as applicable.					
Notes:						
1. Setback or separation from Wind Turbines, MET Towers or other similar structures shall be measured from the base as depicted in Figure 1.C.4.E, Typical Example of Measurement of Separation from Structure.						
2. Definitions for Habitable and Occupied shall be in accordance with the Florida Building Code, as may be amended.						

3) Type II Variance for Setbacks or Separations

Requests for Type II Variances from the Setback or Separation requirements listed above shall be permitted in accordance with Art. 2, Development Review Procedures, and the following:

- a) The minimum proposed setback or separation is not less than 1.1 times the height of the structure;
- b) The applicant submits a study demonstrating that shadow flicker caused by the proposed Renewable Wind Energy Facility will not affect any occupied or habitable building or outdoor recreation area. Some shadow flicker not to exceed 30 hours annually may be approved as part of the Variance upon demonstration that the frequency range is not adverse to any segments of the public. The study shall be prepared by a licensed Engineer, Surveyor and Mapper, Architect, Landscape Architect, or other similar professional, including scientists specializing in Renewable Wind Energy technology.

~~3) Additional Setback~~

~~One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 35 feet. [Ord. 2010-005]~~

~~4.2) Setback and Separation from Lots Adjacent to Existing Residential Uses~~

~~Facilities located on lots adjacent to existing residential uses, Zoning districts or FLU designations, shall be setback a minimum of 110 percent of the height of the structure. The height shall be measured from finished grade to the top of the turbine blade. The setback shall be measured from the residential property line. [Ord. 2010-005]~~

~~3) Additional Setback~~

~~One additional foot of setback shall be required in addition to the minimum setback indicated above for each one foot of height, or fraction thereof, over 35 feet. [Ord. 2010-005]~~

~~5) Setback and Separation from Existing Habitable Structures~~

~~Wind Turbines shall be located a minimum of 1,000 feet from existing habitable structures, in accordance with Figure 1.C.4.E, Typical Example of Measurement of Separation from Structure.~~

~~4.6) Setback within from Multi-Parcel Wind Facilities in AP~~

~~Except for setbacks from habitable and occupied buildings as set forth in Table 4.B.1.A., Wind Turbines, MET Towers or other similar wind energy systems on parcels with an AP FLU designation and AP Zoning District, setbacks shall be measured from the Project Boundary, not from any lot lines located within the Project Boundary.~~

~~Wind Turbines, MET Towers or accessory structures on parcels with an AP FLU designation and Zoning district, may be exempt from Minimum Setback Requirements for lot lines located within the Project Boundary of a Renewable Energy Facility (Wind) approval. With exception to any residential or habitable structures, setbacks may be measured from the Project Boundary. This shall not include any portions of parcels that are not located within the overall project boundary.~~

....
k. Color

Towers, turbines and blades shall be painted non-reflective white or grey, or other non-reflective unobtrusive color and shall be consistent with any information provided at time of DO approval. Signage, equipment or project logo or labeling shall be prohibited on Wind Turbines, MET Towers or other similar wind energy systems.

(Page 226/Lines 27-29) Amend Exhibit V, Urban Redevelopment Area Overlay (URAO), Part , as follows:

3) Requirement for Parking Garages

Parking for any use in excess of five spaces per 1,000 square feet of non-residential floor area shall be located in a parking structure/garage, with exception to a Development Order for a project located on one parcel (inclusive of any outparcels) that requires a minimum of or provides 100 or fewer parking spaces. [Ord. 2010-022]

[Relocated from Art. 3.B.16.F.10.a.3)b), Threshold]



**BOARD OF COUNTY COMMISSIONERS
ZONING MEETING**

MONDAY AUGUST 29, 2011

9:30 A.M. 6TH FLOOR

JANE M. THOMPSON MEMORIAL CHAMBERS

CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication
- D. Swearing In
- E. Adoption of Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

REGULAR AGENDA

DIRECTOR COMMENTS

COMMISSIONER COMMENTS

ADJOURNMENT

Web address: www.pbcgov.com/pzb/

Disclaimer: Agenda subject to changes at or prior to the public hearing.

**AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AUGUST 29, 2011

CALL TO ORDER

- A. Roll Call - 9:30 A.M.
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication - Motion to receive and file
- D. Swearing In - County Attorney
- E. Motion to Adopt Agenda

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

- 1. **STR-2000-00006-4** Status Report for Resolution R-2000-1082 (Control Number 2000-0006). Property Owner: FJB Enterprises, LLC General Location: 1 mile west of Military Trail on the south side of West Atlantic Ave. Current Zoning: CG (**Hahn Property**)

Pages:

Size: 2.30 acres ±

BCC District: 5

MOTION: To postpone to Monday September 26, 2011.

- 2. **Z/CA-2011-00404** Title: an Official Zoning Map Amendment application of AS Hagen Ranch LLC by Cotleur & Hearing Inc., Agent. Request: to rezone from the Residential Transitional Suburban (RTS) District to the Commercial Low-Office (CL-O) Zoning District.

Title: a Class A Conditional Use of AS Hagen Ranch LLC by Cotleur & Hearing Inc., Agent. Request: to allow Medical or Dental Office

General Location: Southwest corner of Lantana Road and Hagen Ranch Road. (**Stunkel Medical Office**) (Control 1999-00033)

Pages:

Project Manager: Carrie Rechenmacher

Size: 2.30 acres ±

BCC District: 3

(affected area 2.09 acres ±)

Staff Recommendation: To postpone to Thursday October 27, 2011.

Zoning Commission Recommendation: Postponed 60 days (8-0)

MOTION: To postpone to Thursday October 27, 2011.

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. DISCLOSURES FOR THE CONSENT ITEMS

C. STATUS REPORTS - NEW

D. PREVIOUSLY POSTPONED ZONING APPLICATIONS

E. ZONING APPLICATIONS - NEW

- 3. **ZV/ABN/PDD/R-2009-03943** Title: a Development Order Abandonment application of Ronald Kendall by Jon E Schmidt & Associates, Agent. Request: to abandon the Special Exceptions granted under Resolutions R-1975-768 and R-1978-276 and Type II Variance granted under ZR-2010-17

Title: an Official Zoning Map Amendment to a Planned Development District of Ronald Kendall by Jon E Schmidt & Associates, Agent. Request: to allow a rezoning from the Light Industrial (IL) and the Agricultural Residential (AR) Zoning Districts to the Multiple Use Planned Development (MUPD) District.

Title: a Requested Use of Ronald Kendall by Jon E Schmidt & Associates, Agent. Request: to allow Gas and Fuel, Wholesale

General Location: Northwest corner of Benoist Farms Road and Wallis Road (**Kendall Industrial**) (Control 1975-00060)

Pages: 1 - 28

Conditions of Approval (17 - 20)

Project Manager: Autumn Sorrow

Size: 11.44 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to 17 Conditions of Approval as indicated in Exhibit C-1 and 3 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approval: 7-0

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon the Special Exceptions granted under resolutions R-1975-768, R-1978-276, and R-2010-017.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to a Planned Development District a rezoning from the Light Industrial (IL) and the Agricultural Residential (AR) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District Subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Requested Use to allow Gas and Fuel, Wholesale subject to the Conditions of Approval as indicated in Exhibit C-2.

- 4. **ZV/DOA-2011-00923** Title: a Development Order Amendment application of Indian Trail Improvement District by Urban Design Kilday Studios, Agent. Request: to delete land area; to reconfigure the site plan to add square footage; to modify and delete conditions of approval (Engineering, Landscape, Lighting and Signage); and to add two access points.

General Location: Approximately 0.25 mile South of Orange Blvd., on the west side of 140th Avenue North. **(Acreage Community Park)** (Control 2002-00019)

Pages: 29 - 50

Conditions of Approval (43 - 47)

Project Manager: Donna Adelsperger

Size: 28.98 acres ±

BCC District: 6

(affected area 27.76 acres ±)

Staff Recommendation: Staff recommends approval of the requests subject to 16 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approval, as amended: 7-0

MOTION: To adopt a resolution approving a Development Order Amendment to delete land area; to reconfigure the site plan; to add square footage; to modify/delete Conditions of Approval (Engineering, Landscape, Lighting and Signage); and to add two access points subject to the Conditions of Approval as indicated in Exhibit C-2.

F. CORRECTIVE RESOLUTIONS

G. ABANDONMENTS

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. DISCLOSURES FOR ITEMS PULLED FROM THE CONSENT AGENDA

C. PUBLIC OWNERSHIP ZONING DISTRICT - DEVIATIONS

D. PREVIOUSLY POSTPONED STATUS REPORTS

E. STATUS REPORTS - NEW

5. **STR-1980-00220-3** Status Report for Resolution R-2003-1130(Control No. 1980-220). Property Owner: Jeffery and Ethlyn Webb General Location: 0.2 miles south of Lake Worth Road, west side of Haverhill Road Current Zoning: Residential Multifamily (RM) **(Soldiers of the Cross)**

Pages: 51 - 54

Size: 1.52 acres ±

BCC District: 2

DISCLOSURE

MOTION: To approve a three-year time extension to commence development from July 24, 2011 to July 24, 2014.

6. **STR-2004-00233-2** Status Report for Resolutions R-2005-1043 and R-2005-1044 (Control No. 2004-233). Property Owner: Darrin Shapiro General Location: Approx. 0.5 mile north of Le Chalet Blvd on the west side of Military Trail Current Zoning: Commercial Low Office (CLO) **(Shapiro Property)**

Pages: 55 - 58

Size: 2.01 acres ±

BCC District: 3

DISCLOSURE

MOTION: To approve a three-year time extension to commence development from May 26, 2011, to May 26, 2014.

- 7. **STR-2003-00066-2** Status Report for Resolution R-2005-1124 (Control No. 2003-0066). Property Owner: Shad Arcade Inc General Location: Southeast corner of Westgate and Wabasso Dr. Current Zoning: CG (**Westgate & Wabasso Commercial**)

Pages: 59 - 62
 Size: 1.06 acres ±

BCC District: 2

DISCLOSURE

MOTION: To approve a three-year time extension to commence development from June 15, 2011 to June 15, 2014.

F. SMALL SCALE LAND USE AMENDMENTS AND ZONING APPLICATIONS

G. LARGE SCALE LAND USE PLAN AMENDMENT ADOPTION

H. PREVIOUSLY POSTPONED ZONING APPLICATIONS

- 8. **PDD/R-2009-03941** Title: an Official Zoning Map Amendment to a Planned Development District application of Coconut Northlake LLC by Land Design South Inc., Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District
Title: Requested Uses of Coconut Northlake LLC by Land Design South Inc., Agent. Request: to allow a Type I Restaurant and a Convenience Store with Gas Sales and an accessory car wash
General Location: Southwest corner of Coconut Boulevard and Northlake Boulevard. (**Shops at Indian Trails**) (Control 2006-00147)

Pages: 63 - 108
 Conditions of Approval (86 - 94)
 Project Manager: Joyce Lawrence
 Size: 30.71 acres ±

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 47 Conditions of Approval as indicated in Exhibit C-1 and 5 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Approval 7-0, as amended

MOTION: To adopt a resolution approving an Official Zoning Map amendment to allow the rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving of a Requested Use to allow a Type I Restaurant and a Convenience Store with Gas Sales including an accessory car wash subject to the Conditions of Approval as indicated in Exhibit C-2.

I. ZONING APPLICATIONS - NEW

J. ULDC AMENDMENTS**9. TITLE: ADOPTION HEARING
UNIFIED LAND DEVELOPMENT CODE (ULDC) - AMENDMENT ROUND 2011-01**

Staff Recommendation: Staff recommends a motion to adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending the Unified Land Development Code, Ord. 2003-067 and Ord. 2003-070, as amended.

Pages: 109 - 235

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067 AND ORDINANCE 2003-070, AS AMENDED, AS FOLLOWS: ARTICLE 1- GENERAL PROVISIONS; CHAPTER B, INTERPRETATION OF THE CODE; CHAPTER C, RULES OF CONSTRUCTION AND MEASUREMENT; CHAPTER E, PRIOR APPROVALS; CHAPTER I, DEFINITIONS & ACRONYMS; ARTICLE 2- DEVELOPMENT REVIEW PROCEDURES; CHAPTER A, GENERAL; CHAPTER B, PUBLIC HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; CHAPTER F, CONCURRENCY (ADEQUATE PUBLIC FACILITY STANDARD); CHAPTER G, DECISION MAKING BODIES; ARTICLE 3- OVERLAYS AND ZONING DISTRICTS; CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER C, STANDARD DISTRICTS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS); CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); ARTICLE 4- USE REGULATIONS; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE STANDARDS; CHAPTER C, COMMUNICATION TOWER, COMMERCIAL; CHAPTER D, EXCAVATION; ARTICLE 5- SUPPLEMENTARY STANDARDS; CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS; CHAPTER E, PERFORMANCE STANDARDS, CHAPTER G, DENSITY BONUS PROGRAMS; ARTICLE 6- PARKING; CHAPTER A, PARKING; ARTICLE 8- SIGNAGE; CHAPTER G, STANDARDS FOR SPECIFIC SIGN TYPES; ARTICLE 11- SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS; CHAPTER A, GENERAL REQUIREMENTS; CHAPTER B, SUBDIVISION REQUIREMENTS; CHAPTER D, PLATTING; CHAPTER E, REQUIRED IMPROVEMENTS; ARTICLE 12- TRAFFIC PERFORMANCE STANDARDS; CHAPTER A, GENERAL; CHAPTER B, STANDARD; CHAPTER C, TRAFFIC IMPACT STUDIES; CHAPTER D, PROCEDURE; CHAPTER F, APPEALS; CHAPTER G, AFFORDABLE HOUSING; CHAPTER H, CONSTRAINED FACILITIES; CHAPTER Q, PROPORTIONATE FAIR SHARE PROGRAM; ARTICLE 13- IMPACT FEES; CHAPTER A, GENERAL; CHAPTER B, COUNTY DISTRICT, REGIONAL, AND BEACH PARKS IMPACT FEE; CHAPTER C, FIRE-RESCUE IMPACT FEE; CHAPTER D, LIBRARY IMPACT FEE; CHAPTER E, LAW ENFORCEMENT IMPACT FEE; CHAPTER F, PUBLIC BUILDINGS IMPACT FEE; CHAPTER G, SCHOOL IMPACT FEE; CHAPTER H, ROAD IMPACT FEES; ARTICLE 16- AIRPORT REGULATIONS; CHAPTER C, AIRPORT LAND USE REGULATIONS; ARTICLE 18- FLOOD DAMAGE PREVENTION; CHAPTER A, FLOOD DAMAGE PREVENTION, RELOCATING ARTICLE 17, DECISION MAKING BODIES TO ARTICLE 2, DEVELOPMENT REVIEW PROCEDURES; CHAPTER G, DECISION MAKING BODIES; PROVIDING FOR: REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INTERPRETATION OF CAPTIONS; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

10. RECESS AS THE BOARD OF COUNTY COMMISSIONERS

CONVENE AS THE ENVIRONMENTAL CONTROL BOARD

TITLE: ADOPTION HEARING
UNIFIED LAND DEVELOPMENT CODE (ULDC) - AMENDMENTS TO ARTICLE
15, HEALTH REGULATIONS

Staff Recommendation: Staff recommends a motion to adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, sitting as the Environmental Control Board, amending the Unified Land Development Code, Ord. 2003-068, as amended.

Pages: 236 - 241

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SITTING AS THE ENVIRONMENTAL CONTROL BOARD, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 03-068, AS AMENDED, AS FOLLOWS: ARTICLE 15 - HEALTH REGULATIONS; CHAPTER A, (ENVIRONMENTAL CONTROL RULE I) ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS (OSTDS), PROVIDING FOR: REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INTERPRETATION OF CAPTIONS; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

ADJOURN AS THE ENVIRONMENTAL CONTROL BOARD

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

K. COMPREHENSIVE PLAN TEXT AMENDMENTS

L. OTHER ITEMS

11. This Amendment extends the term of the Interlocal Agreement through September 30, 2016.

District 1

Staff recommends to approve: the Fourth amendment to Amended and Restated Interlocal Agreement (97-1156D) between the Village of North Palm Beach, City of Palm Beach Gardens, Town of Lake Park, and Palm Beach County.

Pages: 242 - 248

MOTION: To approve the Fourth amendment to Amended and Restated Interlocal Agreement (97-1156D) between the Village of North Palm Beach, City of Palm Beach Gardens, Town of Lake Park, and Palm Beach County.

12. RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION R-2008-1754 AS AMENDED, THE OFFICIAL SCHEDULE OF FEES TO BE CHARGED FOR PLANNING, ZONING AND ADMINISTRATION APPLICATIONS, ADMINISTRATIVE REVIEW, SPECIAL PERMITS, LEGAL ADVERTISING DOCUMENTS AND REPRODUCTION OF RECORDS, AMENDING ZONING DIVISION FEE SCHEDULE, ADDING NEW FEE FOR MORTGAGE FORECLOSURE REGISTRATION PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Recommendation: Staff recommends a motion to adopt a resolution of the Board of County Commissioners of Palm Beach County, Florida, amending R-2008-1754, the Official Schedules of Fees to be charged by Planning, Zoning and Administration to amend previous Schedule of Fees.

Pages: 249 - 251

MOTION: To adopt a resolution of the Board of County Commissioners of Palm Beach County, Florida, amending R-2008-1754, the Official Schedules of Fees to be charged by Planning, Zoning and Administration to amend previous Schedule of Fees.

END OF REGULAR AGENDA

DIRECTOR COMMENTS

A. EXECUTIVE DIRECTOR

B. COUNTY ATTORNEY

C. PLANNING DIRECTOR

D. ZONING DIRECTOR

COMMISSIONER COMMENTS

ADJOURNMENT