



**CITY OF BOYNTON BEACH
PLANNING AND DEVELOPMENT BOARD
MEETING AGENDA**

DATE: Tuesday, August 27, 2019

TIME: 6:30 PM

PLACE: Intracoastal Clubhouse Park 2240 N. Federal Highway

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Agenda Approval**
- 4. Approval of Minutes**
 - 4.A.
- 5. Communications and Announcements: Report from Staff**
- 6. Old Business**
- 7. New Business**
 - 7.A. Approve request for abandonment of a portion of the unimproved NE 3rd Street right-of-way, north of NE 9th Avenue, in connection with the dedication of property from the Community Redevelopment Agency (CRA) and realignment, and extension of NE 3rd Street from NE 9th Avenue to Martin Luther King, Jr. Boulevard (ABAN 19-001). Applicant: Michael Simon, CRA Executive Director.
 - 7.B. Approve MLK Overlay and Use Matrix Revisions Part I (CDRV 19-006) - Amending the LAND DEVELOPMENT REGULATIONS: (1) Chapter 1. General Administration, Article II. Definitions; (2) Chapter 2. Land Development Process, Article II. Planning and Zoning Division Services; (3) Chapter 3. Zoning, Article III. Zoning Districts and Overlays, and Article IV. Use Regulations; and (4) Chapter 4. Site Development Standards, Article V. Minimum off-Street Parking Requirements, to implement modifications to MLK Overlay, modifications to rezoning-master plan application process, corrections pertaining to Mixed-Use zoning districts and revisions to Use Matrix, Residential and Lodging category. Applicant: City-initiated.
 - 7.C. Approve efficiency improvements to the Site Plan Review Process (CDRV 19-007) - Amending the LAND DEVELOPMENT REGULATIONS Chapter 2. *Land Development Process*, Article II. *Planning and Zoning Division Services*, Section 2. F. *Site Plan*, Including Time Extension and Modifications that begin implementing staff recommendations from the internal review of the City's development review process. Applicant: City-initiated.
- 8. Other**
- 9. Comments by members**
- 10. Adjournment**

The Board may only conduct public business after a quorum has been established. If no quorum is established within twenty minutes of the noticed start time of the meeting the City Clerk or her designee will so note the failure to establish a quorum and the

meeting shall be concluded. Board members may not participate further even when purportedly acting in an informal capacity.

NOTICE

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE PLANNING AND DEVELOPMENT BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (F. S. 286.0105) THE CITY SHALL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD AN INDIVIDUAL WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN AND ENJOY THE BENEFITS OF A SERVICE, PROGRAM, OR ACTIVITY CONDUCTED BY THE CITY. PLEASE CONTACT THE CITY CLERK'S OFFICE, (561) 742-6060 AT LEAST TWENTY (24) HOURS PRIOR TO THE PROGRAM OR ACTIVITY IN ORDER FOR THE CITY TO REASONABLY ACCOMMODATE YOUR REQUEST.



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

PLANNING AND DEVELOPMENT MEETING DATE: 8/27/2019

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD:

EXPLANATION OF REQUEST:

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?

FISCAL IMPACT:

ALTERNATIVES:

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION:

CLIMATE ACTION:

CLIMATE ACTION DISCUSSION:

Is this a grant?

Grant Amount:

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Minutes	5-28-19 P&D Minutes



MINUTES
PLANNING AND DEVELOPMENT BOARD
COMMISSION CHAMBERS, CITY HALL
INTRACOASTAL PARK CLUBHOUSE, BOYNTON BEACH, FLORIDA
TUESDAY, MAY 28, 2019, 6:30 P.M.

PRESENT:

David Katz, Chair
Trevor Rosecrans, Vice Chair
Butch Buoni
Will Hatcher
Chris Simon
Floyd Zonenstein
Golene Gordon, Alternate

STAFF:

Mike Rumpf, Director of Development
James Cherof, City Attorney
Rebecca Harvey, Sustainability Coordinator
Christopher Roschek, Engineering Div. Manager
Amanda Bassiely, Planner II
Luis Bencosme, Planner I
Lisa Tayar, Prototype, Inc.

ABSENT:

Malcolm Gropper
Lucas Vogel, Alternate

Chair Katz called the meeting to order at 6:32 p.m.

1. Pledge of Allegiance

2. Roll Call

Roll was called, and it was determined a quorum was present.

3. Agenda Approval

Upon motion duly made and seconded, the agenda was approved.

4. Approval of Minutes – None

5. Communications and Announcements: Report from Staff

Ms. Bassiely stated the City Commission approved the Harbor Cay set of applications (site plan, master plan, rezoning, future land use) and the Taco Bell site plan and conditional use. City was contacted by Palm Beach County Code of Ethics Training; Board needs to submit acknowledgement forms.

Chair Katz noted on the Taco Bell approval that this Board approved the project but not the conditional use. Then at the City Commission meeting City Attorney was asked by the Commissioners about the legality of conditional use, and answered that the City does not have “unbridled” conditional use. The question was, did the PDB do something wrong, or was the Board within their purview to deny conditional use. Mr. Cherof was not sure of the motivation of the Commissioners; the standard of the PRB is to conduct quasi-judicial hearings and make

recommendations. Chair Katz felt Mr. Cherof's comments steered the Commissioners toward worry of litigation because of the use of the phrase "unbridled discretion." Mr. Cherof said the Commission had already had their discussion at the time of his comments and were ready to vote; the PDB should listen for applicant's meeting of the Code criteria to have a project approved or not, then others can point out why there may be a deviation from the code. Right or wrong, specific conditions are up to the discretion of this Board.

6. Old Business – None

7. New Business

- A. Approve request for Conditional Use and Major Site Plan Modification (COUS 19-001 / MSPM 19-006) for 7-Eleven, Inc., to allow redevelopment for a new 2,540 sq. ft. convenience store, a 3,096 sq. ft. gas station canopy composed of six (6) pump stations, and related site amenities and improvements, on a 0.84 acre parcel located at 4798 N. Congress Avenue, in the C-3 (Community Commercial) zoning district. Applicant: Grant Distel, 7-Eleven, Inc.

Josh Long, Gunster Law Firm Project Planner, gave a presentation, along with representatives of 7-11 and Keith & Associates, Engineers. An overview of 7-11's campaign to change business model and image world-wide was given. Highlights included an aerial view, site plan, existing conditions, proposed site plan, and elevations. Removing the existing car wash will improve the circulation, ingress and egress, eliminate parking area conflicts, stacking. These plans meet all architectural regulations and the applicant has agreed with Staff recommendations and conditions of approval.

Mr. Simon asked if the station will remain Mobil gas; the answer was yes, 7-11 teams with Mobil and 7-11 owns the property.

Mr. Rosecrans wondered if the fuel tanks would be moved; Shane Laakso, Certified Planner with Keith & Associates, said the tanks are being moved further north and out of the way so when the tanks are refueled it is out of the way of traffic. Mr. Zonenstein asked about the capacity of the tanks; Roger Posey, Creighton Development, said there will be two 20,000 gallon underground storage tanks. Chair Katz wondered about environmental mediation from demolishing/moving the tanks; Mr. Posey said their environmental company follows 7-11's policies which are more strict than the State's processes, an assessment is done and submitted to the State for closure. Mr. Rumpf added that there are certain aspects that are permitted locally, in conjunction with outside agency reviews.

Chair Katz asked about the access off Hypoluxo which is often used as an entrance to the shopping center. Mr. Long said the City had identified that as a conflict and that access will be closed; the southern entrance will remain, but with the carwash removed, it will be an easier ingress.

There were no comments from the floor.

Motion made by Mr. Rosecrans, seconded by Ms. Gordon, to approve request for Conditional Use and Major Site Plan Modification (COUS 19-001 / MSPM 19-006) for 7-Eleven, Inc., to allow redevelopment for a new 2,540 sq. ft. convenience store, a 3,096 sq. ft. gas station canopy composed of six (6) pump stations, and related site amenities and improvements, on a 0.84 acre parcel located at 4798 N. Congress Avenue, in the C-3 (Community Commercial) zoning district, subject to conditions of approval as laid out by the City. In a roll vote, the motion passed unanimously (7-0).

Discussion: Chair Katz asked for clarification of conditional use; Mr. Bencosme said that gas stations require conditional use for a C-3 zoning, even if it is an existing gas station.

B. Review the proposed Sustainable Development Standards

Ms. Bassiely and Ms. Harvey gave an overview of the draft form of the standards, followed by a PowerPoint presentation by Ms. Harvey. This has been a collaboration between the Planning and Sustainability Departments, with the following highlights:

- The City has been considering sustainability in planning since 2010 with the first Climate Action Plan.
- Revision of Land Development Regulations (LDRs) as needed for policy and short-term land development decision making.
- Govern the City by green or sustainable LDRs with different tiers of design criteria.
- Reviewed other Florida cities' LDRs for framework.
- Climate Action Plan integrates with other plans in the City (CRA's Community Redevelopment Plan).
- Implementation Guide includes recommendation to review and amend the LDR.
- Greenhouse Gas Emissions are inventoried and reported annually (data from 2017 was given). Currently revising the Climate Action Plan and setting new Greenhouse Gas Emissions targets.
- Review of current standards:
 - Comparing Boynton Beach codes on sustainability to other cities.
 - Categorized current sustainable standards.
 - Green Building Program provides incentives to developers.
 - Establishes a green building fund to give back to community in form of rebates.
- Tiered point system ranges from 15-25 points, setting threshold for development.
- Certain City Projects are exempt (see presentation attached).
- Initial four items required of all developers:
 - White roofs for flat designs.
 - Warm white LED outdoor lighting.
 - Landscape plan with minimum 5% butterfly-attracting shrubs and trees.
 - Level 2 charging station for electric vehicles servicing two parking spaces for every 50 dwelling units; one per every fifty feet non-residential development.
- Required sustainability items, design options that can be chosen to utilize in specific projects to add up to point totals:
 - Energy.

- Recycling and waste reduction.
- Water conservation and management.
- Urban nature.
- Transportation.

Ms. Harvey closed stating it is felt this is the right approach for Boynton Beach with the broad array of sustainable options which can be made more stringent in the future as needed.

Ms. Gordon asked if the incentives come from the City or State. The Green Building Program is separate; the requirements described above are required for all developments to meet these standards. Green Building Program over and above the City incentives. There is a fee already established for all construction permits with the money going into a community sustainability funds for rebates and grants.

Mr. Simon needed further clarification. The best way to clarify City versus State is that the programs are separate, not built one upon another, specifically for certifying buildings. If the developer does not want to build green, there is still a small percentage fee (0.05% since 2011) of the total construction value paid into the fund; however, the energy efficiency program and other grants encourage builders to want to certify their buildings, hence the point thresholds being discussed tonight.

Ms. Bassiely added that the Green Building Program is already in place, that there is a current fee on all permits which funds the Green Building Program. It is an optional program, but what is being discussed is not that. Sustainable Development Standards are required of all develops except those that are expressly exempt. Based on the type of development, it is required to hit a certain number of points within the menu items of points.

- Mr. Simon had several additional questions and suggestions:
 - There was no mention of native plant material in the menu. Ms. Bassiely said it is already within the Codes, an attempt was made to specify items not already required by Code, which says “native or water-wise plants.”
 - Re: renewable energy, with solar panels, is the excess returned to power grid? By default, any property owner who builds a system larger than needed, the excess goes back to the grid per FPL/State policy.
 - Day lighting, such as sky lights. May be in draft, Ms. Harvey will check on it.
 - Suggested solar panels on parking garages.
 - Would like to see a larger green wall square footage on certain buildings. Ms. Bassiely said it is hard when creating menu options, which is why there is a tier system for features such as this which would garner extra points. Discussion of scenarios followed. Cost effectiveness is an issue as such walls require irrigation and care, so are often treated as an artful feature. Smaller walls were considered.
- Mr. Rosecrans wondered if it might be a little too easy to obtain 15-25 points. Ms. Bassiely related that several iterations of previous projects were studied and none of the met the minimums, so the points systems was gauged to start low, making it possible to revisit the criteria and revise upwards as needed (add options with different points or up the required

points necessary). The system appears to be flexible and will work for the needs to the different developers, so repetitive design should not be an issue. Many things are already required by code (bike facilities, etc.), so things like canopy trees or something not in the code are on the menu. There are no green roofs in Boynton Beach; some in South Florida, perhaps, but there is the hurricane issues to consider. Discussion followed of local examples of green roofs. Finally, if developers were consulted during the drafting of these Standards; Ms. Bassiely said no, not proactively, but there have been discussions since the draft was written.

- Mr. Simon wondered if there were recent developers who opted not to participate. Ms. Bassiely said not recently, when looking at past-approved projects the current point system was applied to them to get an idea where developments were coming based on this point system. The methods used were then discussed. As to the associated costs for these menu items, are the more expensive features awarded higher valued points; Ms. Bassiely said items vary drastically in costs, so different tiers of costs can be figured in. Also, to be considered could be requiring lower-cost items and have options for higher cost items.
- Chair Katz had several points to make:
 - Would like to see equal treatment of vehicles charging stations to handicap parking spots. While it has nothing to do with sustainability, would like to see that both receive appropriate consideration.
 - Once codified, will these Standard affect projects already in progress? Ms. Bassiely said no, once approved the standards would be applied going forward with new projects. Chair Katz clarified that all the construction going on, Town Square included, would not be affected and that would be a mistake to not hold the City's construction to these standards. Ms. Bassiely said there is a requirement in the Green Building Program that City buildings be built to the standards of the National or Statewide green building rating system, and certification of the City-owned properties and Town Square will be Green Grown Certified (a slightly different standard, but still accountable).
 - Would like to know more about skylights, where they would come into play and why. Ms. Bassiely said this is more for commercial projects, such as malls, larger buildings that can be offset by natural daylight.
 - Recycling requirements for restaurants (straws and plastic items) are in effect, but why not require restaurants to recycle other items like beer cans. Ms. Harvey said there is another program, Green Business Recognition Program, for restaurants which requires participation via a menu of items that can be chosen to suit the particular business. Rewards are good press, marketing, press releases, window decals, etc. However, these are more operational standards, not really geared towards development.
 - Regarding plants and trees, could the City initiate some kind of program with HOAs and others to plant shade trees in wide open areas like meadows and large swale areas? Ms. Harvey said the issue is being addressed through multiple programs, this being one of them, to include canopy trees in new developments. The Green Business Program will plant trees on private property to get qualifying points. Partnering is encouraged to give away free plantings and trees to private residents. The Climate Action Plan is being revised, and one of those sections is Urban

Forestry, strategies and priority actions for addressing tree canopies are being considered. Ms. Harvey will look into the role of trees in swales, there is room for education on that issue, and it is being considered. As far as unplanted public areas like existing parking lots, Ms. Harvey is looking to develop a full, City-wide assessment of the urban tree canopy to identify those areas, map them, and target priorities.

- Wondered why the sustainability fee less than the Art in Public Places fee? Suggestion was that perhaps there is something to be done to encourage elected officials to look at the sustainability fee and at least make it equal to the art fee.

Chair Katz opened the meeting for public comments.

- **Susan Oyer, 140 SE 27th Way**, who sits on the Sustainability Action Team, had several comments:
 - How to address small business owners, do they have to do the same things as corporate giants, do they have to hire landscape architects as some requirements could be cost prohibitive. Could it be do-it-yourself? Ms. Bassiely said the applicability section states that this does not apply to anything under 5,000 square feet; if above that, there are lower thresholds depending on the size of the lot, so a tier system has been built in to address affordability with landscaping. Some discussion followed on requirements for landscape approval.
 - Perhaps a slightly higher point value could be assigned for some items, such as the green wall feature, giving more points if the size of the wall is increased in some way. Discussion followed on how the point system works and that there is always room for improvement.
 - Will re-roofs count in these standards, as new insurance codes demand re-roofing every 15 years, houses every 20 years. Ms. Bassiely said in the applicability section, re-roofs are not included.
 - The CRA used to help pay for paint jobs, do they still? Ms. Bassiely said there are grants that help with that. To which Ms. Oyer suggested perhaps CRA should be in on this because of the white roofs, buildings, highly reflective paints, to incorporate into their grants.

The floor was closed to public comments.

- Mr. Simon stated that water and electric conservation are large items to consider, and it would be beneficial to up the points on those menu items to encourage conservation. Based on cost, consumption of electricity and water really must be taken into consideration. Ms. Bassiely said it could be revised before going to City Commission for more emphasis on that section.
- Mr. Rosecrans wondered what the timeline is going forward to implementation. Ms. Bassiely said it is ready to go before City Commission once suggestions are incorporated and returned to this Board for a motion to approve, or the draft can be brought back next month.

Consensus of this Board is to see a final draft before going to the City Commission. Ms. Bassiely will go over the comments and take any additional suggestions to revise the draft for the next meeting. Chair Katz said it is acceptable to have a special meeting to go over the new draft in order to get these Standards before the Commission sooner.

- C. Standards, Article I, Environmental Protection Standards, Section 4, Standards, to create regulations requiring proper application of fertilizer to protect water bodies, and amendments to Chapter 1, Article II, Definitions, to add corresponding definitions. Applicant: City-initiated.

Chris Roschek gave a PowerPoint presentation and led discussion on over-fertilizing and ways to maximize efficiency of fertilizers being used.

- There are regulatory drivers for adopting the ordinance, the Clean Water Act, the Florida Impaired Waters Rule, EPA, Florida Statutes requiring local governments located within watersheds of impaired bodies to adopt the Florida Friendly Fertilizer Ordinance.
- Background was given on the procedures in use and changes to be made to the Ordinance.
- Suggested amendments include prohibitions, fertilizer-free zones, and licensing of commercial applications. (This would apply to commercial applicators and not impair or affect any of the existing contracts the City has.)
- Exemptions under the Ordinance would be any properties that are bona fide farm operations. Other properties would include pastures used for grazing livestock and lands used for scientific research.
- Enforcement will be difficult, especially for private homeowners. The primary driver would be education, including door hangers, inserts in utility bills, public meetings and other outreach opportunities.
- Informative website: stormwaterandme.org
- Education of contractors.
- Provision of ordinance will be a means of enforcement through the Community Standards Board.
- The EDP is driving this program; it is fine if the City does not adopt the ordinance, but it is County- and State-wide.
- Nonetheless, there is a stiff fine if not adopted, so Staff recommends adoption.

Mr. Buoni noted that the Ordinance actually says, “any applicator,” which means every person that falls under any of the categories near the water. Enforcement will be a problem and could become a quagmire. Mr. Roschek agreed, it is difficult to enforce as most of the residential work is done over the weekends when Code Enforcement is not available. The education side is being stressed more than the enforcement side at this time.

Mr. Simon addressed the use of organic/natural fertilizer and wondered if the City is prepared to partner with local large-box stores to incentivize the sale of organic/natural fertilizers. Contractors also buy from the large-box stores, using the chemicals that are otherwise banned to commercial contractors. How can the State regulate and are the City grounds crews not covered? Mr. Roschek

said the parks grounds and different facilities will be brought into compliance when contracts are renewed.

Chair Katz asked about the “drop dead date” for adoption of the Ordinance. Mr. Roschek said the end of the fiscal year, or September 30th. Chair Katz suggested it is best to educate rather than enforce.

Motion made by Mr. Simon, seconded by Mr. Zonenstein, to approve the Standards, Article I, Environmental Protection Standards, Section 4, Standards, to create regulations requiring proper application of fertilizer to protect water bodies, and amendments to Chapter 1, Article II, Definitions, to add corresponding definitions. In a voice vote, the motion passed unanimously (7-0).

- D. Approve proposed code language implementing CRA Plan-Group 4 (CDRV 19-003) - Amending the LAND DEVELOPMENT REGULATIONS: (1) Chapter 1. General Administration, Article II. Definitions, Article III. Relationship to Comprehensive Plan, and Article IV. Redevelopment Plans; and (3) Chapter 3. Zoning, Article III. Zoning Districts and Overlay Zones, to continue implementation of revisions related to modification of the future land use categories and to other recommendations of the Community Redevelopment Plan, including creation of the Cultural District and Boynton Beach Boulevard Overlays. Applicant: City-initiated.

Ms. Bassiely explained the scope of the amendments are five-fold, the first two are to create overlay districts over Boynton Beach Blvd. and the Cultural District; the third is to update the MLK overlay (which already exists); the fourth and fifth are clean-up items, adding some definitions used in the overlays that currently do not exist in the Code, and to be consistent with the CRA plan. The overlay districts and proposed standards were described on the zoning map and discussed.

Mr. Simon wondered about the reduction of setbacks. Ms. Bassiely said there is not actually a reduction in setbacks; these are the build-to lines in mixed used districts, and described using the diagram. A pedestrian zone will have to be factored into the plans, which will create an image of a larger set-back. Mr. Simon asked about the overlay for the Cultural District boundary areas, the district encompasses quite a lot of residential properties; is there an intent to eventually develop that. Ms. Bassiely said yes, the District is quite small and more than two-thirds is already under development; only the center parcels are left for redevelopment.

Mr. Rosecrans asked about usable open space definition. Ms. Bassiely read from the proposed regulation and the language is on one of the slides (see attachment), explaining active uses: Active or passive spaces designed as public spaces or purposes for gatherings, socialization such as plazas, public plazas, gardens, dining, and/or private spaces for the primary use of residents, occupants of the property. This would include private amenity space that is usable open space, open green areas, plazas on urban corners, etc. Some districts have specific requirements; some of the space could be used for sustainable points, but will have to do both. Permeable requirements are already in the Code, but only in certain zoning districts (not in mixed-use).

Motion made by Ms. Gordon, seconded by Mr. Zonenstein, to approve proposed code language implementing CRA Plan-Group 4 (CDRV 19-003) - Amending the LAND DEVELOPMENT REGULATIONS: (1) Chapter 1. General Administration, Article II. Definitions, Article III. Relationship to Comprehensive Plan, and Article IV. Redevelopment Plans; and (3) Chapter 3. Zoning, Article III. Zoning Districts and Overlay Zones, to continue implementation of revisions related to modification of the future land use categories and to other recommendations of the Community Redevelopment Plan, including creation of the Cultural District and Boynton Beach Boulevard Overlays. In a voice vote, the motion passed unanimously (7-0).

8. Other – none.

9. Comments by Members

Chair Katz thanked the press for attending (Sun Sentinel reporter). Also, Chair Katz has attended three of the planning seminars and found a glossary of planning related terms; a copy of the 15-page glossary can be made through requests to Staff.

10. Adjournment

Upon motion duly made and seconded, the meeting was adjourned at 8:15 p.m.

Attachments: PowerPoint Presentation: Conditional Use and Major Site Plan Modification for
7-Eleven, Inc.,
PowerPoint Presentation: Proposed Sustainable Development Standards
PowerPoint Presentation: Environmental Protection Standards (Fertilizers)
PowerPoint Presentation: Proposed code language implementing CRA Plan-
Group 4

[Minutes prepared by M. Moore, Prototype, Inc.]



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

PLANNING AND DEVELOPMENT MEETING DATE: 8/27/2019

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD: Approve request for abandonment of a portion of the unimproved NE 3rd Street right-of-way, north of NE 9th Avenue, in connection with the dedication of property from the Community Redevelopment Agency (CRA) and realignment, and extension of NE 3rd Street from NE 9th Avenue to Martin Luther King, Jr. Boulevard (ABAN 19-001). Applicant: Michael Simon, CRA Executive Director.

EXPLANATION OF REQUEST:

The CRA has acquired property along the west side of the current NE 3rd Street right-of-way, and a parcel immediately north of the terminus of NE 3rd Street, in an effort to create an improved 50 foot wide street right-of-way connecting NE 9th Avenue to Martin Luther King, Jr. Boulevard. The abandonment, in conjunction with the dedication of land to the NE 3rd Street right-of-way, and ultimate construction of the road, will also provide an improved street frontage for the proposed future location of the Community Caring Center.

On July 9, 2019, the City Commission, sitting as the CRA Board, approved an agenda item to dedicate CRA-owned property for NE 3rd Street right-of-way and make application, and accept the abandonment of a portion of the existing right-of-way. This will allow the right-of-way to be straightened and extended to Martin Luther King, Jr. Boulevard. The small sliver portion of the right-of-way to be abandoned will be added to the CRA-owned lots for the proposed development of the Community Caring Center project.

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES? N/A

FISCAL IMPACT: N/A

ALTERNATIVES: None recommended.

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION: N/A

CLIMATE ACTION:

CLIMATE ACTION DISCUSSION: N/A

Is this a grant?

Grant Amount:

ATTACHMENTS:

Type	Description
▣ Staff Report	Staff Report
▣ Location Map	Location Map
▣ Drawings	Abandonment Legal Sketch
▣ Drawings	Dedication Legal Sketch
▣ Conditions of Approval	Conditions of Approval
▣ Development Order	Development Order

**DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
MEMORANDUM NO. PZ 19-023**

TO: Chair and Members
Planning & Development Board

FROM: Ed Breese
Planning & Zoning Administrator

DATE: August 7, 2019

SUBJECT: Request for abandonment of a portion of the unimproved NE 3rd Street right-of-way, north of NE 9th Avenue, and dedication of property from the Community Redevelopment Agency (CRA) to realign and extend NE 3rd Street from NE 9th Avenue to Martin Luther King, Jr. Boulevard (ABAN 19-001). Applicant: Michael Simon, CRA Executive Director.

NATURE OF REQUEST

Michael Simon, Executive Director of the Boynton Beach Community Redevelopment Agency (CRA), is requesting to abandon (ABAN 19-001) a small sliver of the unimproved NE 3rd Street right-of-way, while simultaneously dedicating property to the City to create a fully-aligned right-of-way connecting NE 9th Avenue to Martin Luther King, Jr. Boulevard (see attached Exhibits).

The following is a description of the zoning districts and land uses of the properties that surround the subject abandonment request:

North: Developed commercial and residential property, and the vacant land purchased by the CRA to straighten and extend NE 3rd Street through to Martin Luther King, Jr. Boulevard, zoned R2 (Duplex);

South: Right-of-way for NE 9th Avenue, then farther south warehouse structures and storage lot zoned M-1 (Industrial);

East: Vacant parcels owned by the CRA, zoned C2 (Neighborhood Commercial); and:

West: The remainder of the NE 3rd Street right-of-way, then the land purchased by the CRA to straighten and align NE 3rd Street, and farther west vacant residential properties, zoned R-2 (Duplex).

BACKGROUND

The CRA has acquired property along the west side of the current NE 3rd Street right-of-way, and a parcel immediately north of the terminus of NE 3rd Street, in an effort to create an improved 50 foot wide street right-of-way connecting NE 9th Avenue to Martin Luther King, Jr. Boulevard. The abandonment, in conjunction with the dedication of land to the NE 3rd Street right-of-way, and

ultimate construction of the road, will also provide an improved street frontage for the proposed home of the Community Caring Center.

On July 9, 2019, the City Commission, sitting as the CRA Board, approved an agenda item to dedicate CRA owned property for NE 3rd Street right-of-way and make application, and accept the abandonment of a portion of the existing right-of-way. This will allow the right-of-way to be straightened and extended to Martin Luther King, Jr. Boulevard. The small sliver portion of the right-of-way to be abandoned will be added to the CRA owned lots for the proposed development of the Community Caring Center project.

ANALYSIS

Owners of properties within 400 feet of the subject site were mailed a notice of this request and its respective hearing dates. The applicant has certified that they posted signage and mailed notices in accordance with Ordinance No. 04-007. A summary of the responses follows:

CITY DEPARTMENTS/DIVISIONS

Engineering	No objection.
Public Works/Utilities	No objection.
Planning and Zoning	No objection.

PUBLIC UTILITY COMPANIES

Florida Power and Light	No objection.
AT & T	No objection.
Florida Public Utilities	No objection.
Comcast	No objection.
Sprint	No objection.
MCI	No objection.
Century Link	No objection.

RECOMMENDATION

Based on the above-analysis, staff has determined that the subject abandonment, combined with the proposed right-of-way dedication, and subsequent roadway construction, serves a greater public purpose, and therefore recommends APPROVAL of the applicant's request, subject to the attached conditions. Any conditions requested by the Planning and Development Board or required by the Commission will be placed in Exhibit "C" - Conditions of Approval.

S:\Planning\SHARED\WP\PROJECTS\CRA ABAN 19-001 NE 3rd St. Dedication\Staff Report.doc



SKETCH AND LEGAL DESCRIPTION
A PORTION OF AUSTRALIAN BOULEVARD RIGHT OF WAY,
OF ARDEN PARK ADDITION TO BOYNTON FLA, P.B. 02, PG. 96

LEGAL DESCRIPTION:

A PORTION OF AUSTRALIAN BOULEVARD RIGHT OF WAY (ALSO KNOWN AS NORTHEAST 3RD STREET), OF THE PLAT OF ARDEN PARK ADDITION TO BOYNTON FLA, AS RECORDED IN PLAT BOOK 02, PAGE 96, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 156 OF THE SAID PLAT OF ARDEN PARK ADDITION TO BOYNTON FLA, THENCE RUN N00°36'53"E A DISTANCE OF 147.57 FEET, TO THE SOUTHWEST CORNER OF LOT 4 OF THE PLAT OF ROBERT WELLS' SUBDIVISION, AS RECORDED IN PLAT BOOK 11, PAGE 66; THENCE RUN ALONG THE SOUTH LINE OF SAID LOT 4 S90°00'00"E FOR A DISTANCE OF 18.87 FEET TO A POINT AT THE INTERSECTION OF THE SAID SOUTH LINE OF LOT 4 AND THE EAST RIGHT OF WAY LINE OF AUSTRALIAN BOULEVARD (ALSO KNOWN AS NORTHEAST 3RD STREET); THENCE RUN ALONG THE SAID EASTERLY RIGHT OF WAY LINE OF AUSTRALIAN BOULEVARD S07°53'54"W A DISTANCE OF 148.98 FEET TO THE **POINT OF BEGINNING**;

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 0.032 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. BEARINGS SHOWN ARE REFERENCED TO THE SOUTH R/W LINE OF MARTIN LUTHER KING JR. BOULEVARD, HAVING AN ASSUMED BEARING OF N90°00'00"E.
2. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER.
3. ALL RECORDING INFORMATION CONTAINED HEREIN REFERS TO THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, UNLESS OTHERWISE INDICATED.
4. THIS IS NOT A SURVEY. NO FIELDWORK WAS PERFORMED AT THIS TIME.

SURVEYOR'S CERTIFICATE

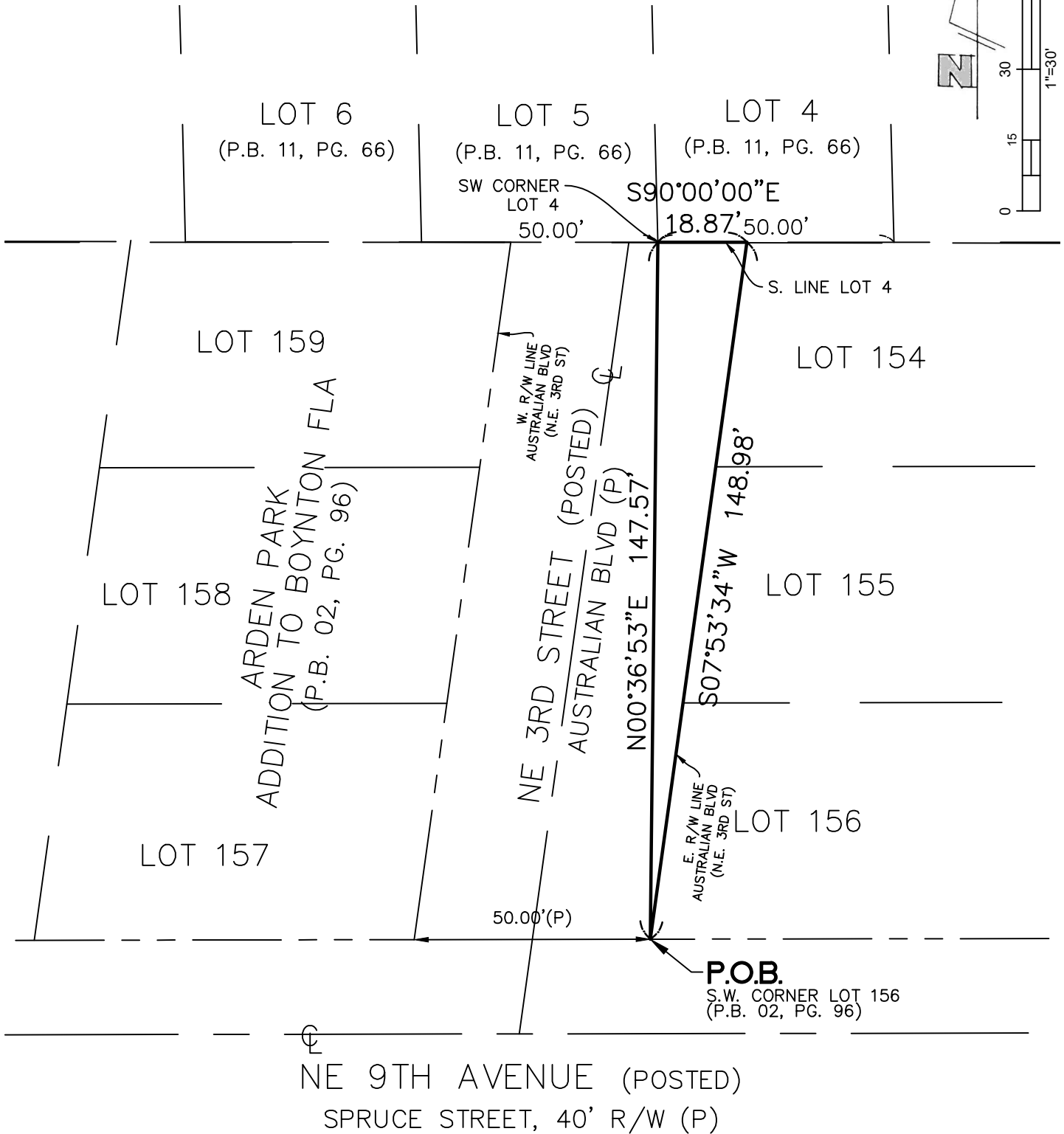
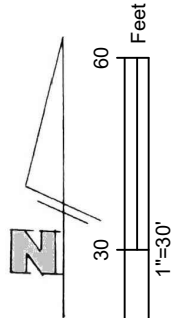
I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID INSTRUMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

WILLIAM J. WRIGHT, PROFESSIONAL SURVEYOR AND MAPPER, L.S. 6868

<i>WrightPSM, LLC</i> PROFESSIONAL SURVEYING AND MAPPING 1248 SE 12TH AVE DEERFIELD BEACH, FL 33441 (772) 538-1858 www.wrightpsm.com CERTIFICATE OF AUTHORIZATION NO. L.B.8186	SCALE: 1"=30'	DATE: 05/19/2019
	JOB NO. 18-0215	PAGE 1 OF 2

SKETCH AND LEGAL DESCRIPTION

A PORTION OF AUSTRALIAN BOULEVARD RIGHT OF WAY,
OF ARDEN PARK ADDITION TO BOYNTON FLA, P.B. 02, PG. 96



WrightPSM, LLC

PROFESSIONAL SURVEYING AND MAPPING
1248 SE 12TH AVE DEERFIELD BEACH, FL 33441
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CERTIFICATE OF AUTHORIZATION NO. L.B.8186

SCALE: 1"=30'

JOB NO. 18-0215

DATE: 05/19/2019

PAGE 2 OF 2

SKETCH AND LEGAL DESCRIPTION

LOT 5 OF ROBERT WELLS' SUBDIVISION, P.B. 11, PG. 66
AND A PORTION OF LOTS 157, 158, AND 159
OF ARDEN PARK ADDITION TO BOYNTON FLA, P.B. 02, PG. 96

LEGAL DESCRIPTION:

LOT 5 OF ROBERT WELLS' SUBDIVISION, AS RECORDED IN PLAT BOOK 11, PAGE 66, AND A PORTION OF LOTS 157, 158, AND 159, OF THE PLAT OF ARDEN PARK ADDITION TO BOYNTON FLA, AS RECORDED IN PLAT BOOK 02, PAGE 96, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 157 OF THE SAID PLAT OF ARDEN PARK ADDITION TO BOYNTON FLA, THENCE RUN N00°36'53"E A DISTANCE OF 147.66 FEET, TO THE SOUTHWEST CORNER OF LOT 5 OF SAID ROBERT WELLS' SUBDIVISION; THENCE RUN ALONG THE WEST LINE OF SAID LOT 5 N01°25'00"W A DISTANCE OF 155.00 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MARTIN LUTHER KING BOULEVARD (ALSO KNOWN AS NORTHEAST 10TH STREET); THENCE RUN ALONG THE SOUTH RIGHT OF WAY LINE OF SAID MARTIN LUTHER KING JR BOULEVARD N90°00'00"E A DISTANCE OF 50.00 FEET; THENCE RUN ALONG THE EAST LINE OF SAID LOT 5 S01°25'00"E A DISTANCE OF 155.00 FEET; THENCE RUN N90°00'00"W ALONG THE SOUTH LINE OF SAID LOT 5 A DISTANCE OF 31.12 FEET TO A POINT AT THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 5 WITH THE WEST RIGHT OF WAY LINE OF AUSTRALIAN BOULEVARD (ALSO KNOWN AS NORTHEAST 3RD STREET); THENCE RUN S07°53'34"W ALONG THE WEST RIGHT OF WAY LINE OF AUSTRALIAN BOULEVARD A DISTANCE OF 149.06 FEET TO THE **POINT OF BEGINNING**;

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 0.210 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. BEARINGS SHOWN ARE REFERENCED TO THE SOUTH R/W LINE OF MARTIN LUTHER KING JR. BOULEVARD, HAVING AN ASSUMED BEARING OF N90°00'00"E.
2. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER.
3. ALL RECORDING INFORMATION CONTAINED HEREIN REFERS TO THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, UNLESS OTHERWISE INDICATED.
4. THIS IS NOT A SURVEY. NO FIELDWORK WAS PERFORMED AT THIS TIME.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID INSTRUMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

WILLIAM J. WRIGHT, PROFESSIONAL SURVEYOR AND MAPPER, L.S. 6868

WrightPSM, LLC

PROFESSIONAL SURVEYING AND MAPPING
1248 SE 12TH AVE DEERFIELD BEACH, FL 33441
(772) 538-1858 www.wrightpsm.com
CERTIFICATE OF AUTHORIZATION NO. L.B.8186

SCALE: 1"=50'

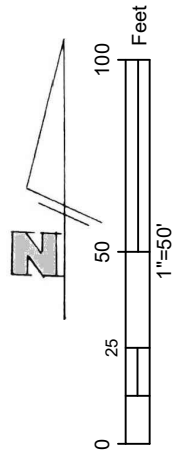
DATE: 05/19/2019

JOB NO. 18-0215

PAGE 1 OF 2

Page 20 of 56

**LOT 5 OF ROBERT WELLS' SUBDIVISION, P.B. 11, PG. 66
AND A PORTION OF LOTS 157, 158, AND 159
OF ARDEN PARK ADDITION TO BOYNTON FLA, P.B. 02, PG. 96**



2 OF 2

EXHIBIT "C"

CONDITIONS OF APPROVAL

Project Name: CRA Abandonment 19-001 / NE 3rd Street Dedication
 File number: ABAN 19-001
 Reference: ABAN 19-001

DEPARTMENTS	INCLUDE	REJECT
ENGINEERING / PUBLIC WORKS / FORESTRY / UTILITIES		
Comments: None.		
FIRE		
Comments: None.		
POLICE		
Comments: None.		
BUILDING DIVISION		
Comments: None.		
PARKS AND RECREATION		
Comments: None.		
PLANNING AND ZONING		
Comments: None.		
COMMUNITY REDEVELOPMENT AGENCY		
Comments: None.		
PLANNING & DEVELOPMENT BOARD CONDITIONS		
Comments: To be determined.		

DEPARTMENTS	INCLUDE	REJECT
CITY COMMISSION CONDITIONS		
Comments: To be determined.		

S:\Planning\SHARED\WP\PROJECTS\CRA ABAN 19-001 NE 3rd St. Dedication\COA.doc

**DEVELOPMENT ORDER OF THE CITY COMMISSION OF THE
CITY OF BOYNTON BEACH, FLORIDA**

PROJECT NAME: CRA Abandonment 19-001 / NE 3rd Street Dedication

APPLICANT: Michael Simon, Executive Director Boynton Beach CRA

APPLICANT'S ADDRESS: 710 N. Federal Highway, Boynton Beach, FL 33435

DATE OF HEARING RATIFICATION BEFORE CITY COMMISSION: October 1, 2019

APPROVAL SOUGHT: Request for abandonment of a portion of the unimproved NE 3rd Street right-of-way, north of NE 9th Avenue, and dedication of property from the Community Redevelopment Agency (CRA) to realign and extend NE 3rd Street from NE 9th Avenue to Martin Luther King, Jr. Boulevard (ABAN 19-001).

LOCATION OF PROPERTY: Portion of NE 3rd Street north of NE 9th Avenue.

DRAWING(S): SEE EXHIBIT "B" ATTACHED HERETO.

THIS MATTER was presented to the City Commission of the City of Boynton Beach, Florida on the date of hearing stated above. The City Commission having considered the approval sought by the applicant and heard testimony from the applicant, members of city administrative staff and the public finds as follows:

1. Application for the approval sought was made by the Applicant in a manner consistent with the requirements of the City's Land Development Regulations.

2. The Applicant
 _____ HAS
 _____ HAS NOT

established by substantial competent evidence a basis for the approval requested.

3. The conditions for development requested by the Applicant, administrative staff, or suggested by the public and supported by substantial competent evidence are as set forth on Exhibit "C" with notation "Included."

4. The Applicant's request is hereby
 GRANTED subject to the conditions referenced in paragraph 3 above.
 DENIED

5. This Order shall take effect immediately upon issuance by the City Clerk.

6. All further development on the property shall be made in accordance with the terms and conditions of this order.

7. Other: _____

DATED: _____

City Clerk



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

PLANNING AND DEVELOPMENT MEETING DATE: 8/27/2019

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD: Approve MLK Overlay and Use Matrix Revisions Part I (CDRV 19-006) - Amending the LAND DEVELOPMENT REGULATIONS: (1) Chapter 1. General Administration, Article II. Definitions; (2) Chapter 2. Land Development Process, Article II. Planning and Zoning Division Services; (3) Chapter 3. Zoning, Article III. Zoning Districts and Overlays, and Article IV. Use Regulations; and (4) Chapter 4. Site Development Standards, Article V. Minimum off-Street Parking Requirements, to implement modifications to MLK Overlay, modifications to rezoning-master plan application process, corrections pertaining to Mixed-Use zoning districts and revisions to Use Matrix, Residential and Lodging category. Applicant: City-initiated.

EXPLANATION OF REQUEST:

The Boynton Beach CRA Community Redevelopment Plan, adopted on October 4th, 2016, recommended significant changes to the structure of the future land use (FLU) classifications, defined 6 (six) new CRA districts and introduced district-specific design standards. Implementation began with amendments to the City's Comprehensive Plan in 2017, followed by staffs comprehensive evaluation of the Land Development Regulations (LDRs) and phasing-in comprehensive modifications.

The proposed amendments constitute the third revision of the LDRs, following the amendments adopted on May 16, 2019, and would affect Chapters 1, 2, 3 and 4. The most pertinent proposed amendments include:

- Revisions to the Martin Luther King Jr. Boulevard Overlay to amend the definition, add a list of prohibited uses, require commercial uses on the ground floor on the street frontage, and change the off-street parking requirements;
- Revisions to the Use Matrix (Table 3-28), *Residential and Lodging* section, concentrating on the urban mixed-use zoning districts to bring the matrix into consistency with the changes in city's vision embedded in the redevelopment plan; and
- Modifications to the rezoning, and master and site plan regulations for planned zoning districts, to create a more streamlined and flexible development process.

In addition, proposed amendments include modifications to the recently approved definitions of "Active/Commercial Uses on Ground Floor" and to definitions pertaining to the different categories of lodging.

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES? No impact on either programs or services

FISCAL IMPACT: No direct fiscal impact

ALTERNATIVES: None recommended

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION: N/A

CLIMATE ACTION: No

CLIMATE ACTION DISCUSSION: N/A

Is this a grant?

Grant Amount:

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Staff Report	CDRV 19-006 Staff Report
<input type="checkbox"/> Amendment	EXHIBIT A. LDR Amendments



**DEPARTMENT OF DEVELOPMENT
PLANNING AND ZONING
Memorandum PZ 19-024**

TO: Chair and Members
Planning & Development Board

FROM: Hanna Matras
Senior Planner

THROUGH: Ed Breese
Planning and Zoning Administrator

DATE: August 14, 2019

RE: Approve proposed code language implementing MLK Overlay and Use Matrix Revisions Part I (CDRV 19-006) - Amending the LAND DEVELOPMENT REGULATIONS: (1) Chapter 1. General Administration, Article II. Definitions; (2) Chapter 2. Land Development Process, Article II. Planning and Zoning Division Services; (3) Chapter 3. Zoning, Article III. Zoning Districts and Overlays, and Article IV. Use Regulations and (4) Chapter 4. Site Development Standards, Article V. Minimum off-Street Parking Requirements, to implement modifications to MLK Overlay, modifications to rezoning-master plan application process, corrections pertaining to Mixed-Use zoning districts and revisions to Use Matrix, Residential and Lodging. Applicant: City-initiated.

EXPLANATION

The Boynton Beach CRA Community Redevelopment Plan was adopted on October 4th, 2016. The Plan recommended significant changes to the structure of the future land use (FLU) classifications, defined 6 (six) new CRA districts and introduced district-specific design standards. In 2017, the City Comprehensive Plan was amended accordingly, and staff embarked on a comprehensive modifications to the Land Development Regulations (LDRs). The extensive nature of these changes—they affect nearly all chapters of the LDRs—forced the revisions to be processed incrementally.

The proposed amendments constitute the third revision of the LDRs, following the extensive modifications adopted on May 16, 2019. The latter included changes to zoning definitions and related site regulations, addition of two new overlays (for Cultural and Boynton Beach Boulevard districts) and changes to the existing ones (Martin Luther King Jr. Boulevard and the Urban Commercial District), as well as corrections to remove outstanding inconsistencies.

The proposed amendments (see Exhibit A) are summarized below:

- **Chapter 1. General Administration, Article II. Definitions.** Proposed changes include modifications to the recently approved definition of *Active /Commercial Uses on Ground Floor* and to definitions pertaining to different categories of lodging. The latter modifications would eliminate certain categories and simplify the remaining definitions.
- **Chapter 2. Land Development Process, Article II. Planning and Zoning Division Services.** Proposed modifications to rezoning, master and site plan regulations for planned zoning districts are designed to create a more streamlined and flexible development process.
- **Chapter 3. Zoning**
 - **Article III. Zoning Districts and Overlays.** Proposed changes include:
 - Corrections to the recently adopted chapter’s narrative and tables containing zoning district-specific building and site regulations to eliminate overlooked discrepancies in text and tables related to urban mixed-use zoning districts.
 - Additional modifications to the Martin Luther King Jr. Boulevard Overlay, supporting anticipated redevelopment plans, including:
 - revised locational definition;
 - addition of the requirement for the Commercial Uses on The Ground Floor on the boulevard’s street frontage; and
 - addition of a list of prohibited uses, similar to the other overlay districts.
 - **Article IV. Use Regulations.** The proposed amendments constitute the first part of the planned review of the *Use Matrix* (Table 3-28), covering its *Residential and Lodging* section and related notes. Most of the revisions focus on urban mixed-use zoning districts, aiming to bring the matrix into consistency with the changes in city’s vision embedded in the redevelopment plan.
- **Chapter 4. Site Development Standards, Article V. Minimum Off-Street Parking Requirements.** Proposed amendments would change the Martin Luther King Jr. Overlay’s off-street parking requirements, allowing for a fifty percent (50%) reduction for non-residential uses only.

CONCLUSION/RECOMMENDATION

Staff proposes these code amendments to continue implementing the CRA Community Redevelopment Plan and revising LDRs to support quality redevelopment and economic growth in the CRA and city-wide.

Attachments

CHAPTER 1. GENERAL ADMINISTRATION

ARTICLE II. DEFINITIONS

...

COMMERCIAL USES ON GROUND FLOOR - ~~Mixed-use projects within urban mixed-use zoning districts will meet ground floor ACTIVE/COMMERCIAL USE requirement by including commercial u~~Uses serving the general public such as retail, restaurants, bars, entertainment, personal services, and offices. ~~live work units. Resident-only serving amenities such as lounges, gyms, common rooms, and recreation spaces may be included in addition to the above uses.~~

ACTIVE USES ON GROUND FLOOR- Resident-only serving amenities such as lounges, gyms, common rooms and recreational spaces. Residential-only projects within urban mixed-use zoning districts will meet ACTIVE USE requirement by using design features—including street fronting access—to allow residential use to engage with the street and provide the opportunity for interaction. Such features may be combined with building amenities such as lounges, gyms, common rooms, and recreation spaces on the ground floor

...

HOTEL - A building or portion thereof offering temporary lodging of transient guests, with access to the guest rooms through the inside lobby, and accessory uses that may include conference facilities, restaurants, bars, and recreation, fitness amenities and retail.

~~A building or portion thereof containing fifty (50) or more guest rooms, efficiency units or suites designed for the temporary lodging of transient guests rented on a daily basis and occupied for less than thirty (30) days. Ancillary facilities may include conference facilities, restaurants, bars, recreation facilities, ballrooms, banquet rooms and meeting rooms. Access to the guest quarters shall be through an inside lobby and corridors or from an exterior court which is within a secured area.~~

~~**HOTEL, APARTMENT**—Any hotel building containing a mixture of sleeping rooms and apartment suites for transient guests only, and which shall not serve as the primary or permanent residence of the occupants. Buildings designed as hotel apartments shall have not more than one-third (1/3) of the total units devoted to apartment suites. Dining rooms and lounges shall be permitted as accessory uses. Hotel apartment suites shall have a minimum gross floor area of five hundred (500) square feet.~~

HOTEL, CONDOMINIUM ~~—See "Hotel, Extended Stay."~~ ("Condo Hotel") – A building with individually owned condominium units intended to be made a part of the hotel inventory to be rented to the public and operated by the hotel management.

~~**HOTEL, EXTENDED STAY**—Any all-suite hotel that provides visitors with a full kitchen and more than five percent (5%) of its rooms are occupied for at least thirty (30) days and no more than one hundred and eighty (180) days.~~

~~**HOTEL, TIMESHARE**—The term shall include, but shall not be limited to, any building or part thereof in which the right of use or occupancy of any unit circulates among various occupants for specific periods of time less than a full year during any given year but not necessarily for consecutive years in accordance with a fixed time schedule on a periodically recurring basis extending for more than one (1) year. The determination that a building, or part thereof, is a time sharing hotel shall be made without regard to the form of ownership of the property or of the units therein and shall be immaterial whether the right of use or occupancy is derived from a leasehold or fee interest.~~

~~**HOTELS, BOUTIQUE**—A small luxury hotel containing ten (10) to fifty (50) guest rooms. Meal service is usually breakfast only, but in some instances high quality dinner and/or lunch service and room service may also be provided.~~

...

MOTEL - A building or group of buildings providing lodging accommodations for transient guests, with guest rooms accessed individually from parking areas or external walkways. ~~A building or group of buildings designed to provide sleeping accommodations for transient or overnight guests. Each building shall contain a minimum of ten (10) residential units or rooms, which generally have direct access to a parking lot, street, drive, court, patio, etc.~~

~~**MOTEL APARTMENT**—Any motel building containing a mixture of sleeping rooms and apartment suites for transient guests only, and which shall not serve as the primary or permanent residence of the occupants. Buildings designed as motel apartments shall have not more than one third (1/3) of the total units devoted to apartment suites. Dining rooms and lounges shall be permitted as accessory uses. Motel apartment suites shall have a minimum gross floor area of five hundred (500) square feet.~~

CHAPTER 2. LAND DEVELOPMENT PROCESS

ARTICLE II. PLANNING AND ZONING DIVISION SERVICES

...

Sec. 2. Standard Applications

...

B. *Comprehensive Plan Amendments.*

1. General.

a. Purpose and Intent. The purpose of this subsection is to provide a means for amending the city's Comprehensive Plan in accordance with F.S. Chapter 163.

b. Authority. The City Commission has the authority to amend the Comprehensive Plan upon compliance with the provisions of F.S. Chapter 163 and of this subsection. The City Commission has designated itself as the Local Planning Agency (LPA) for the city.

c. Types of Amendments. Amendments to the Comprehensive Plan include text amendments and site-specific amendments to the future land use map (FLUM).

2. Text Amendment. A text amendment to the Comprehensive Plan shall only be initiated by the city.

3. Future Land Use Map (FLUM) Amendment.

a. General.

(1) The purpose of this subsection is to provide a means for changing the boundaries and/or classifications of the FLUM through site-specific amendments to the Comprehensive Plan.

(2) A request for FLUM amendment for parcels of 10 (ten) acres or fewer shall be considered ~~either large scale or~~ small scale, based on F.S. Chapter 163.

~~—(3) Applications for large scale FLUM amendments shall not be submitted more than two (2) times during any calendar year, except for those applications exempted by F.S. Chapter 163.~~

(4) All privately initiated FLUM amendments shall be accompanied by an application to rezone to a zoning district consistent with the requested FLUM classification. See Section 2.D. below for the process by which lands are rezoned to a different zoning district.

....

D. *Rezoning, Including Master Plan.*

1. General.

a. Purpose and Intent. The purpose of this subsection is to provide a means for changing the zoning district boundaries or designations through site-specific amendments to the official zoning map. It is not intended to relieve particular hardships or to confer special privileges or rights to any person, but only to make necessary adjustments in response to or based upon changed conditions.

b. Authority. The City Commission has the authority to amend the official zoning map upon compliance with the provisions of this subsection.

c. Initiation. Amendments to the official zoning map may be proposed by the owner (or agent) of the affected land or city-initiated.

d. Consistency with Future Land Use Map (FLUM) of Comprehensive Plan. No application to rezone lands may be submitted that would result in an inconsistency with the FLUM classification. See Section 2.B.3. above for the process by which to amend the FLUM classification.

e. Rezoning to Planned Zoning Districts. A master plan, ~~along with the concurrent filing and review of a site plan application,~~ shall be required when a privately-initiated application is made to rezone lands to a planned zoning district. A site plan may be submitted concurrently or at a later date. ~~The master plan shall be an integral component of the rezoning application; however, c~~City-initiated rezoning can proceed in advance of the master plan/site plan submittal. The master plan shall be

reviewed in accordance with Section 2.D.6. below. See Section 2.F. below for additional regulations pertaining to the site plan application.

....

6. Master Plan.

a. General. The purpose of this subsection is to set forth well-defined application processes, review criteria, and uniform procedures for the rezoning of lands to planned districts (as defined by Chapter 1, Article II).

- b. Submittal Requirements. Except as provided in Section 2.D.6.e below, ~~the applicant is required to complete the rezoning application (see Section 1.D. above), including that which pertains to master plan review, in addition to the site plan application,~~ and provide all documentation required by the respective application checklist.

- ~~When a project is to be completed in two (2) or more phases, more than one (1) phase may be included in a single site plan, or individual site plans may be submitted for each phase and filed concurrently with the submittal of the master plan. The Director of Planning and Zoning may waive the requirement that all site plans be submitted simultaneously, provided that the site plan for the first phase is representative of the subsequent phase(s) and adequate to show compliance with all applicable development standards and regulations.~~

c. Review Criteria. The master plan shall comply with the requirements of the respective zoning district regulations of Chapter 3, Article III and site development standards described in Chapter 4. In addition, the site plan shall be consistent with the master plan. See Section 2.F.3. below for the review criteria of a site plan.

d. Approval Process. A privately-initiated request to rezone ~~(and its accompanying master plan) shall be reviewed concurrently with the processing of the site plan application. Both applications~~ require review by the City Commission and shall be processed in accordance with Chapter 2, Article I, Section 3.

- e. Expiration. A master plan ~~, which is an integral component of a rezoning application to a planned zoning district pursuant to except as provided in Section 2.D.1.e. above,~~ shall remain valid unless the corresponding site plan expires, -or if the site plan is not adopted within 18 months of the date of the master plan approval. In these instances, the official zoning map retains the planned zoning district designation, but the property does not possess a valid development order or development permit, and no permits may be granted by the city on the subject property. The submittal and approval of ~~a new rezoning application, which includes~~ a new or modified master plan, and ~~concurrent a~~ site plan application, ~~except~~ as provided in Section 2.D.1.e. above, shall be required in order to commence development, redevelopment, or other site improvements.

f. Modification to Master Plan. Changes to master plans are either "minor" or "major" based on criteria within this section. A pre-application conference with staff is a prerequisite to filing an application for modification. The site plan must be consistent with the master plan; therefore, any request to modify a master plan may require the submittal of a concurrent request for site plan modification in accordance with Section 2.F.7. below. Staff shall consider the following factors in determining whether the proposed master plan modification is considered "major":

(1) The modification increases or decreases the buildable square footage (intensity) or number of dwelling units (density) by more than five percent (5%);

(2) The modification ~~either adds or~~ eliminates a point of ingress and egress;

(3) The modification ~~eliminates,~~ reduces, ~~or changes the location of~~ the cumulative area of each the required or provided open spaces, green spaces, and pedestrian plazas ~~such that it diminishes their value, performance, efficiency, effectiveness, practicality, by more than five percent (5%), changes the location of such spaces,~~ or does not otherwise meet the intent of these Regulations;

~~(4) The modification causes the development to be below the development standard for the~~

~~zoning district in which it is located or any other applicable standard in the Land Development Regulations;~~

(45) The modification alters the project so that the modified master plan does not resemble the approved master plan;

(56) The modification affects or does not comply with a condition of approval of the preceding development order; and

(67) The modification is proposed to a city-owned or operated facility and does not adversely impact adjacent properties and/or public lands.

g. Major Master Plan Modification.

(1) Submittal Requirements. See Section 1.D. above for the submittal requirements of this application.

(2) Review Criteria. The proposed master plan shall comply with the requirements of the respective zoning district of Chapter 3, Article III, and the site development standards described in Chapter 4.

(3) Approval Process. An application for major master plan modification requires review by the City Commission and shall be processed in accordance with Chapter 2, Article I, Section 3.

(4) Expiration. A master plan shall remain valid unless the corresponding site plan expires, or if the site plan is not adopted within 18 months of the date of the master plan approval. ~~There is no expiration of a major master plan modification.~~

(5) Miscellaneous. At the time the City Commission approves a request for a major master plan modification, any previously approved master plan, including any conditions of approval, shall be null and void. All future development shall be consistent with the master plan, as modified and approved by the City Commission, including all corresponding conditions of approval.

h. Minor Master Plan Modification.

(1) Submittal Requirements. The applicant shall submit a letter explaining the modification(s) along with the master plan (in the number of copies specified by the Division). The applicant shall also provide consent from the property owner to file an application for the minor master plan modification.

(2) Review Criteria. The proposed master plan shall comply with the following: 1) all applicable conditions of approval of the preceding master plan; 2) requirements of the respective zoning district of Chapter 3, Article III; and 3) the site development standards described in Chapter 4.

(3) Approval Process. The application shall be reviewed by staff and action will be taken by the appropriate administrative official. Upon approval of a minor master plan modification, all future development shall be consistent with the master plan, as modified, including all previously approved conditions of approval associated with the master plan.

....

F. *Site Plan, Including Time Extension and Modifications.*

....

8. Miscellaneous.

a. Site plan review shall be required in conjunction with a master plan when rezoning lands to a planned zoning district, ~~except~~ as provided in Section 2.D.1.e. See Section 2.D.6. above for additional regulations pertaining to the rezoning process. In such instances, the site plan shall be consistent with the master plan.

....

CHAPTER 3. ZONING

ARTICLE III. ZONING DISTRICTS AND OVERLAYS

Sec. 1. Overview.

...

C. Non-Residential Building and Site Regulations (Table 3-2).

NON-RESIDENTIAL	C-1	C-2	C-3	C-4	CBD	PCD	M-1	PID	RE C	PU
Density (dwelling units per acre):	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Flexible ¹²	N/A	N/A
Project Area, Minimum (acres)	N/A	N/A	N/A	N/A	N/A	3 ¹¹	N/A	25 ¹¹	N/A	N/A
Lot Area per unit , Minimum (square feet):	9,000	5,000	15,000	5,000	15,000	Flexible	10,000	Flexible	43,560	8,000
Lot Frontage, Minimum:	75	50	75	50	75	Flexible	0	Flexible	100	75
Lot Depth, Minimum:	120	100	N/A	100	100	N/A	N/A	N/A	N/A	N/A
Lot Coverage, Maximum:	40%	40%	40%	40%	75%	40% ¹⁰	60%	60%	N/A	N/A
Floor-Area-Ratio (FAR), Maximum:	0.40	0.50	0.50	0.50	N/A	0.50	0.50	0.50	0.50	1.00
Structure Height, Maximum (feet):	30 ⁹	25	45	45	45	45	45	45	45	45
Building Setbacks, Minimum (feet) ¹⁴ :										
Front	30	30	20	25	0	40	15	30	25	25 ¹³
Rear	20	20	20 ²	20 ⁵	20 ⁶	40	20 ³	30	25	25 ¹³
Interior side	10	15	0 ¹	15 ⁵	0	30	15 ⁴	20	25	15 ¹³
Corner side	10	20	20	15 ⁵	8 ⁷	30	15	30	25	15 ¹³
Building Setbacks, Minimum if abutting a residential district (feet) ¹⁴ :										
Rear	30	30	30	30	N/A	N/A	30	N/A	N/A	30
Interior side	30	30	30	30	N/A	N/A	30	N/A	N/A	30
Corner side	30	30	30	30	N/A	N/A	N/A	N/A	N/A	N/A
Waterfront yard	N/A	N/A	N/A	N/A	8 ⁸	N/A	N/A	N/A	N/A	N/A

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E. Mixed Use Urban Building and Site Regulations (Table 3-4).

MIXED USE, URBAN ^{13, 14}	MU-1	MU-2	MU-3	MU-4	MU-C
Lot Area, Minimum (acres):					
Public park	N/A	N/A	N/A	N/A	N/A

All other uses	0.50	0.75	1	1	1
Lot Frontage, Minimum (ft.)¹	100	100 ²	150 ²	200 ²	200 ²
Structure Ht., Minimum (ft.)	30	30	30	45	45
Maximum Height (ft.)³	45	65	75	100	150/125 ⁴
Maximum Density (DUs/Acre)^{10, 12}	20	40	50	60	80
Maximum F.A.R.¹¹	1.0	2.0	3.0	4.0	4.0
Build-to-line (ft.) ⁸					
All sides abutting a collector or arterial road	Factor of Pedestrian Zone Requirement ⁷				
Abutting a Local street	0 ⁷	0 ⁷	0 ⁷	0 ⁷	0 ⁷
Interior side	0 ⁷	0 ⁷	0 ⁷	0 ⁷	0 ⁷
Building Setback, Minimum (ft.) ⁸					
Rear abutting:					
Residential single-family	25 ⁵ /0 ^{5, 6}	25 ⁵	25 ⁵	25 ⁵	25 ⁵
Intracoastal waterway	25 ⁵	25 ⁵	25 ⁵	25 ⁵	25 ⁵
Side abutting					
Residential single-family	25 ⁵ /0 ^{5, 6}	25 ⁵	25 ⁵	25 ⁵	25 ⁵
Usable Open Space, Minimum (sq. ft.) ⁹	N/A	N/A	0.5%	1%	2%

1. May be reduced if frontage extends from right-of-way to right-of-way.
2. ~~Minimum of fifty (50) feet, if frontage is on a collector/local collector roadway.~~ [Project sites must front on two \(2\) intersecting rights-of-ways and must have an uninterrupted lot frontage.](#)
3. Maximum height on any street frontage is forty-five (45) feet. Maximum height on Intracoastal Waterway is thirty-five (35) feet consistent for a depth of a minimum of thirty (30) feet. Heights may require reduction where adjacent to a single-family zoning district where necessary to achieve the compatibility requirements of these regulations. Height bonus may be granted through participation in the Workforce Housing Program.
4. Maximum height reduced to one hundred twenty-five (125) feet for the entire project where property abuts any other MU or residential zoning district not separated by a right-of-way.
5. Plus one (1) additional foot for each foot of height over thirty-five (35) feet.
6. Where there is an intervening right-of-way of at least forty (40) feet.
7. Buildings and structures shall be located no farther than zero (0) feet from the property line, except in conjunction with providing required visibility at intersections, driveways; open spaces and public plazas; or when additional setback is necessary to provide for required "Pedestrian Zone (PZ). Building placement is a factor of roadway type and CRA district, which determines the minimum width and design of the PZ. ~~Except for the Downtown District, where the~~ [The minimum PZ width is 18', the minimum PZ in all other districts is 16 ft. is comprised of three components: 1\) a five \(5\) foot wide street tree area, measured from the back of the curb, or future curb on roads requiring a right-of-way dedication, 2\) an eight \(8\) foot wide sidewalk \(10 foot wide sidewalk when located within the Downtown District, as defined by the Community Redevelopment Area Plan\), free from obstructions, measured from the centerline of street trees, and 3\) an eight \(8\) foot wide active area, measured from the sidewalk. The PZ components may vary in placement order only on sites with conflicting right-of-way regulations. See Section 5.C.2. below for additional relief provisions from build-to line](#)

requirements. - See Section 5.C.2. below for additional relief provisions from build-to line requirements.

8. Locally registered historic structures are not required to meet these standards.

9. Usable open space shall be required for all developments two (2) acres in size or larger which shall be devoted to plazas or other public open space, excluding private recreation. See Chapter 4, Article III, Section 8 for additional regulations.

10. Projects within the Downtown Transit-Oriented Development District (the Station Area) ~~transit-core~~ shall have minimum densities as follows: MU-1 - ~~eleven-fifteen (11-15)~~, MU-2 - twenty-five (2025), MU-3 - thirty-five (3035), MU-4 - ~~forty-thirty-five (3545)~~ and MU-C - sixty-forty (4060) dwellings per acre. ~~(except that minimum density for the MU-C district applies to projects located within the entire station area).~~

11. Projects within the Downtown Transit-Oriented Development District (the Station Area) ~~transit-core~~ shall have a minimum FAR as follows: MU-3 - one and three-quarters (1.75), MU-4 (2.0) and MU-C - two (2.0). ~~(except that minimum FAR for the MU-C district applies to projects to be located within the entire station area).~~ Maximum FAR for MU-3 may be increased to 3.5 if abutting property with the Mixed Use High future land use classification.

12. The maximum density for projects within the Downtown Transit-Oriented Development District (the Station Area) may be increased up to twenty-five percent (25%) over the maximum density allowed in the underlying zoning district through participation in the City's Workforce Housing Program.

13. Mixed use projects within urban mixed use zoning districts will meet ground floor COMMERCIAL USE requirement by including commercial uses serving the general public such as retail, restaurants, bars, entertainment, personal services, and offices. Resident-only serving amenities such as lounges, gyms, common rooms, and recreation spaces may be included in addition to the above uses, but shall not fulfill the commercial requirement.

14. Residential-only projects within MU-1, MU-2, and MU-3 zoning districts located within the Federal Highway District and the Heart of Boynton District, as defined by the Community Redevelopment Area Plan, will meet ACTIVE USE requirement by using design features—including street-fronting access—to allow residential use to engage with the street and provide the opportunity for interaction. Such features may be combined with building amenities such as lounges, gyms, common rooms, and recreation spaces on the ground floor

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-016, passed 10-2-12; Am. Ord. 14-009, passed 7-1-14; Am. Ord. 15-006, passed 3-2-15; Am. Ord. 16-023, passed 1-3-17; Am. Ord. 17-023, passed 9-19-17)

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Sec. 2. Residential Districts.

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H. *IPUD Infill Planned Unit Development District.*

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3. Building and Site Regulations (Table 3-12). The following building/site regulations apply to the entire IPUD development.

BUILDING/SITE REGULATIONS	
IPUD District	
Minimum project area:	None
Maximum project area:	Less than 5 acres
Minimum lot frontage ⁴:	Flexible ¹
Minimum perimeter yard setbacks:	
Front:	Flexible ²
Rear:	Flexible ²
Interior side:	Flexible ²
Corner side:	Flexible ²
Maximum lot coverage:	50%
Minimum usable open space (per dwelling unit):	200 square feet
Maximum structure height:	45 feet ³

¹ Individual lots within an IPUD development contain flexible standards relative to minimum required lot frontage and lot area for each unit. Pursuant to Chapter 3, Article IV, Section 3.D., a marina use shall require a minimum lot frontage of one hundred fifty (150) feet and a minimum average width of two hundred (200) feet.

² The minimum required perimeter building setbacks of an IPUD are flexible except where adjacent to single-family residential zoning. Where adjacent to single-family residential zoning, the required perimeter building setbacks of the IPUD shall resemble the setbacks of the adjacent development based upon the orientation of structures with said development. Also, perimeter buildings shall have an increased setback of one (1) additional foot for every foot of building height in excess of thirty (30) feet. If vegetation, screening, or other barriers and/or creative design on the perimeter of an IPUD achieve compatibility with adjacent uses, the city may grant some relief from the aforementioned requirement. A structure shall be considered to be on the perimeter if there is no intervening building between it and the property line. Project design along abutting roadway(s), including setbacks, shall be based on existing development patterns or applicable recommendation from the respective development plan.

³ A lesser building height may be required for compatibility with adjacent development. See Note #2 above for additional setback requirements relative to building height.

~~⁴ Project sites must front on two (2) intersecting rights-of-ways and must have an uninterrupted lot frontage.~~

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Sec. 5. Mixed-Use (Urban) Districts.

A. General.

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3. Location and General Use Requirements.

a. General. The mixed use (urban) districts are intended for projects that promote sustainable design with respect to land use, energy conservation, resource management, and social equity. Rezoning to any of these districts is encouraged for proposed development or redevelopment on lands that are in close proximity to existing infrastructure, public and alternative transportation routes and modes, employment centers, community areas, or have sustained or are complicated by environmental contamination.

The mixed use (urban) zoning districts shall be applied to selected geographic areas east of I-95, where a mixture of uses and building intensities is intended to implement the CRA Community Redevelopment Plan and urban design guidelines including goals involving compact design, transit-oriented development, employment, population, transportation, housing, public facilities, and environmental quality. Permitted uses and associated standards for development vary between the zoning districts each reflecting the importance of the district's location and relationship to the downtown. Maximum heights, densities, and intensities of development are regulated to achieve, in part, the intended vision as established within the CRA Community Redevelopment Plan for each of the six planning districts, while ensuring land use compatibility. A master plan as a whole, comprised of individual buildings and parcels, would be reviewed for compliance with the requirements below pertaining to a residential component to the project, Active, and Commercial uses on the first floor of a project.

b. Mixed Use 1 (MU-1), Mixed Use 2 (MU-2), and Mixed Use 3 (MU-3).

(1) In order to complement the revitalization efforts in the downtown area, these zoning districts shall be applied to lands consistent with the Comprehensive Plan Future Land Use Map and CRA Community Redevelopment Plan. See the Community Redevelopment Plan for specific recommendations on locations and boundaries.

(2) These MU districts are appropriate for low- to mid-rise developments that provide for medium density residential and low to medium intensity commercial and office uses.

(3) The review of these applications will emphasize compactness, aesthetics and design quality, and physical compatibility with adjacent land uses.

(4) Except where limited by Table 3-22 in Chapter 3, Article III, Section 5.C., all new developments within the MU-1 and MU-2 districts that contain a non-residential use shall front on streets designated as "arterial", or "collector", roadways on the Functional Classification of Roadways Map. All projects within the MU-3 district proposed within the transit core must contain a residential component, and all projects proposed within these Mixed Use intensity districts that front on an arterial road must have space on the first floor devoted to Commercial or Active uses.

(5) Maximum height may be further limited in certain geographic areas to further applicable redevelopment plans and maintain compatibility with an abutting single-family district.

c. Mixed Use-4 (MU-4).

(1) The Mixed Use 4 (MU-4) district shall only be applied to land classified as mixed use-high (MXH) on the future land use map as recommended by the Community Redevelopment Plan.

(2) The MU-4 district is appropriate for high density/intensity development intended for designated nodes. Such developments shall include a mix of uses designed in a compact vertical style. Developments proposed within the Downtown Transit-Oriented Development District (the Station Area) must contain a residential component and have space on the first floor devoted to commercial uses for those portions of the project having frontage along a collector ~~Ocean Avenue~~ or an arterial road.

(3) All new developments within this district shall front on streets designated as "arterial" roadways on the Functional Classification of Roadways Map.

d. Rezoning of single-family districts. All requests to rezone any single-family residential district to a mixed use zoning district shall be subject to the following additional requirements:

- (1) Height, density and intensity of development shall be consistent with the CRA Redevelopment Plan for the applicable district;;
- (2) Ratio of lot frontage to depth that is no more than one (1) foot (frontage) to one and one-quarter (1.25) foot (depth);
- (3) Vehicular access to the property located to minimize impacts on adjacent single-family developments and meet safety standards; and
- (4) Landscape barriers provided, in accordance with the landscape regulations of this Code, where the rezoned property abuts single-family residential zoning.

e. Mixed Use Core (MU-C).

- (1) The Mixed Use C (MU-C) district shall only be applied to lands classified as mixed use-high (MX-H) on the future land use map.
- (2) The MU-C district is appropriate for high density/intensity development intended for the downtown area. Such developments shall include a mix of uses designed in a compact vertical style. Developments proposed within the Downtown Transit-Oriented Development District (the Station Area) must contain a residential component and have space on the first floor devoted to commercial uses for those portions of the project having frontage along [a collector Ocean Avenue](#) or an arterial road.
- (3) All new developments within this district shall front on streets designated as "arterial" roadways on the Functional Classification of Roadways Map.

f. Rezoning of single-family districts. All requests to rezone any single-family residential district to a mixed use zoning district shall be subject to the following additional requirements:

- (1) Height, density and intensity of development based on the standards indicated in Table 3-22;
- (2) Ratio of lot frontage to depth that is no more than one (1) foot (frontage) to one and one-quarter (1.25) foot (depth);
- (3) Vehicular access to the property located to minimize impacts on adjacent single-family developments and meet safety standards; and
- (4) Landscape barriers provided, in accordance with the landscape regulations of this Code, where the rezoned property abuts single-family residential zoning.

B. *Use(s) Allowed.* See "Use Matrix, Table 3-28" in Chapter 3, Article IV, Section 3.D.

C. *Building and Site Regulations.*

1. Building and Site Regulation (Table 3-22).

-MIXED USE, URBAN 13,14 (Overlay regulations may apply. See Section 8 below.)	MU-1	MU-2	MU-3	MU-4	MU-C
Lot Area, Minimum (acres):					
Public park:	N/A	N/A	N/A	N/A	N/A
All other uses:	0.50	0.75	1	1	1
Lot Frontage, Minimum (ft.) ¹	100	100 ²	150 ²	200 ²	200 ²
Structure Ht., Minimum (ft.)	30	30	30	45	45
Maximum Height (ft.)³	55	65	75	100	150/125 ⁴
Maximum Density (DUs/Acre)^{10, 12}	20	40	50	60	80
Maximum F.A.R.¹¹	2.5	3.0	3.0	4.0	4.0
Build-to-line (ft.)⁸:					

All sides abutting a collector or arterial road	Factor of Pedestrian Zone Requirement ⁷				
Abutting a Local street	0 ⁷	0 ⁷	0 ⁷	0 ⁷	0 ⁷
Interior side	0 ⁷	0 ⁷	0 ⁷	0 ⁷	0 ⁷
Building Setbacks, Minimum (ft.)⁸:					
Rear abutting					
Residential single-family	25 ⁵ /0 ^{5, 6}	25 ⁵	25 ⁵	25 ⁵	25 ⁵
Intracoastal waterway	25	25	25	25	25
Side abutting					
Residential single-family:	25 ⁵ /0 ^{5, 6}	25 ⁵	25 ⁵	25 ⁵	25 ⁵
Usable Open Space, Minimum (sq. ft.)⁹	N/A	N/A	0.5%	1%	2%

1. May be reduced if frontage extends from right-of-way to right-of-way.
2. ~~Reserved.~~ Project sites must front on two (2) intersecting rights-of-ways and must have an uninterrupted lot frontage.
3. Maximum height on any street frontage is forty-five (45) feet. Maximum height on Intracoastal Waterway is thirty-five (35) feet consistent for a depth of a minimum of thirty (30) feet. Heights may require reduction where adjacent to a single-family zoning district where necessary to achieve the compatibility requirements of these regulations. Maximum heights may be increased in the DTODD through participation in the Workforce Housing Program.
4. Maximum height reduced to one hundred twenty-five (125) feet for the entire project where property abuts any other MU or residential zoning district not separated by a right-of-way.
5. Plus one (1) additional foot for each foot of height over thirty-five (35) feet.
6. Where there is an intervening right-of-way of at least forty (40) feet.
7. Buildings and structures shall be located no farther than zero (0) feet from the property line, except in conjunction with providing required visibility at intersections, driveways; open spaces and public plazas; or when additional setback is necessary to provide for required "Pedestrian Zone" (PZ). Building placement is a factor of roadway type and CRA district, which determines the minimum width and design of the PZ. The minimum PZ is comprised of three components: 1) a five (5) foot wide street tree area, measured from the back of the curb, or future curb on roads requiring a right-of-way dedication, 2) an eight (8) ~~to ten (10)~~ foot wide sidewalk (10 foot wide sidewalk when located within the Downtown District, as defined by the Community Redevelopment Area Plan), free from obstructions, measured from the centerline of street trees, and 3) an eight (8) foot wide active area, measured from the sidewalk. The PZ components may vary in placement order only on sites with conflicting right-of-way regulations. See Section 5.C.2. below for additional relief provisions from build-to line requirements.
8. Listed eligible historic structures are not required to meet these standards.
9. Usable open space shall be required for all developments two (2) acres in size or larger which shall be devoted to plazas or other public open space, excluding private recreation. See Chapter 4, Article III, Section 8 for additional regulations.
10. Projects within the Downtown Transit-Oriented Development District (the Station Area) transit core shall have minimum densities as follows: MU-1 - ~~eleven-fifteen (15-11)~~, MU-2 - ~~twenty-five (25-20)~~, MU-3 - ~~thirty-five (35-30)~~, MU-4 - ~~forty-five thirty-five (45-35)~~ and MU-C - ~~sixty-forty (60-40)~~ dwellings per acre. ~~(except that minimum density for the MU-C district applies to projects located within the entire station area).~~
11. Projects within the Downtown Transit-Oriented Development District (the Station Area) transit core shall have a minimum FAR as follows: MU-3 - one and three-quarters (1.75), MU-4 (2.0) and MU-C - two (2.0). ~~(except that minimum FAR for the MU-C district applies to projects to be located within the entire station area).~~
12. The maximum density for projects within the Downtown Transit-Oriented Development District (the Station Area) may be increased up to twenty-five percent (25%) over the maximum density allowed in the underlying zoning district through participation in the City's Workforce Housing Program...

13. Mixed use projects within urban mixed use zoning districts will meet ground floor COMMERCIAL USE requirement by including commercial uses serving the general public such as retail, restaurants, bars, entertainment, personal services, and offices. Resident-only serving amenities such as lounges, gyms, common rooms, and recreation spaces may be included in addition to the above uses, but shall not fulfill the commercial requirement.

14. Residential-only projects within MU-1, MU-2, and MU-3 zoning districts located within the Federal Highway District and the Heart of Boynton District, as defined by the Community Redevelopment Area Plan, will meet ACTIVE USE requirement by using design features—including street-fronting access—to allow residential use to engage with the street and provide the opportunity for interaction. Such features may be combined with building amenities such as lounges, gyms, common rooms, and recreation spaces on the ground floor

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Sec. 8. Overlay Zones

A. Martin Luther King Jr. Boulevard Overlay

1. Intent. This overlay identifies a segment of the Martin Luther King Jr. Boulevard as an opportunity for redevelopment and revitalization. The ultimate design and site standards of this section are intended to create a traditional street corridor with pedestrian improvements, storefronts along the sidewalk, and a mixture of uses. The corridor is to contain an ambience supported by pleasant signage and building appearance, potted landscaping, store windows and public open spaces. This overlay is also appropriate for development of small properties to allow for consistency with the vision represented by the respective mixed use zoning district, and/or as an interim redevelopment mechanism until greater redevelopment occurs using the respective mixed use zoning district. All development within the Martin Luther King Jr. Boulevard corridor shall occur according to the provisions of the adopted plan as stated below.

2. Defined. The Martin Luther King Jr. Boulevard Overlay (MLKBO) is hereby established as the area defined by the parcels fronting on that portion of the Boulevard located east of Seacrest Boulevard and west of the railroad right-of-way, along with those parcels adjacent to the north and south ~~of these parcels that front on the Boulevard~~ if assembled and developed ~~edment~~ as a unified project. Also included in the Overlay are the parcels with commercial underlying zoning located between NE 9th Avenue and NE 11th Avenue. -

3. Use(s). Commercial Uses on the Ground Floor shall be required on the street frontage of MLK Jr. Boulevard. Allowed. (See "Use Matrix"—Chapter 3, Article IV, Section 3.D.).

a. Uses shall be determined by the underlying zoning district, see "Use Matrix Table 3-28" in Chapter 3, Article IV, Section 3.D, with the exception of the following prohibited uses:

Dwelling, Single- family (detached)

Dwelling, Two-family (duplex)

Automobile Rental

Automotive, Major Repair

Automotive, Minor Repair

Auto/Car Wash, Self- serve Bay

Auto Dealer, New

Auto Dealer, Used

Auto/Car Wash (Polishing, Waxing, Detailing)

Automotive Window Tinting/Stereo Installation/Alarms

Drive-thru facilities

Gasoline Station

Group homes Type I, II, III, and IV

Adult entertainment

b. Any other automobile-oriented uses not listed above are prohibited.

(1) An "automobile oriented use" shall be construed as a business which has a principal purpose of servicing an automobile or consists of a building type or feature which is designed for an automobile, such as drive-thru facilities.

c. Live-work units are permitted, but may not front MLK Jr. Boulevard and do not replace the required Commercial Uses on Ground Floor.

d. Additionally, no legally existing use shall be deemed non-conforming as a result of the MLKBO regulations.

4. Building and Site Regulations. Development within this overlay shall be in accordance with building and site regulations applicable to the underlying zoning district except as follows:
 - a. Parcels that have frontage along Martin Luther King Jr. Boulevard, Seacrest Boulevard, or NE 3rd Street shall provide for the required “Pedestrian Zone” (PZ). The minimum PZ is comprised of three components: 1) a five (5) foot wide street tree area, measured from the back of the curb, or future curb on roads requiring a right-of-way dedication, 2) an eight (8) foot wide sidewalk, free from obstructions, measured from the centerline of street trees, and 3) an eight (8) foot wide active area, measured from the sidewalk. The PZ components may vary in placement order only on sites with conflicting right-of-way regulations. See Section 5.C.2. below for additional relief provisions from build-to line requirements.
 - b. Notwithstanding the required build-to line and pedestrian zone requirements, portions of buildings and structures may be constructed in excess of the distance specified above, but not to exceed 15 feet when necessary to 1) optimize landscape design; 2) maximize on-site drainage solutions; 3) accommodate architectural features and building enhancements; and/or 4) to otherwise enhance public spaces such as sidewalks, plazas, fountains, or outdoor seating areas in order to further the purpose and intent of the Overlay. Major deviations from the build-to line requirement above (in excess of 15 feet) may be allowed, but only with sufficient justification and contingent upon the approval of a Community Design Appeal application (see Chapter 2, Article II, Section 4.B).
 - c. Minimum interior side, -and corner side, and rear setbacks ~~and rear setbacks~~ shall be in accordance with the Mixed Use 1 zoning district (see Section 5.C. above).
 - d. Maximum building height shall be shall be in accordance with the Mixed Use 1 zoning district (see Section 5.C. above) ~~fifty-five (55) feet~~. Buildings fronting Martin Luther King Jr. Boulevard shall be a maximum of thirty-five (35) feet consistent for a depth of ten (10) feet.
 - e. Minimum building height shall be thirty (30) feet.
5. Parking. As required by Chapter 4, Article V, Section 3.D.
6. Landscape and Streetscape Design. See Chapter 4, Article II, Section 4.B.5.

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C. Cultural District Overlay

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4. Uses. ~~Active-e~~Commercial Uses on Ground Floor shall be required on the street frontage of Ocean Avenue.

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D. Boynton Beach Boulevard Overlay (BBBO)

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4. Uses: ~~Active-e~~Commercial Uses on Ground Floor shall be required on the street frontage of Boynton Beach Boulevard.

ARTICLE IV. USE REGULATIONS

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Sec. 3. Use Regulations.

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D. Use Matrix (Table 3-28).

P = Permitted C = Conditional A = Accessory	Residential										Commercial						Mixed-Use						Indus t-rial		Misc	
	R-1-AAB	R-1-AA	R-1-A	R-1	R-2	R-3	R-4	IPUD%	PUD	MHP	C-1	C-2	C-3	C-4	CBD	PCD	SMU	MU-L1	MU-L2	MU-L3	MU-4	MU-HC	M-1	PID	PU	REC
RESIDENTIAL & LODGING																										
Accessory Dwelling Unit						P 36					P 36	P 36	P 36	P 36									P 36		P 20 36	P 20 36
Bed & Breakfast	C 37	C 37	C 37	C 37		C 37						C 37			C 37											
Dwelling, Single-family (detached)	P 34	P 34	P 34	P 34	P 34	P 19 34	P	P 34	P 34			P 18 19 34					P 34								A 20 34	A 20 34
Dwelling, Two-family (duplex)					P 34	P 19 34	P	P 34	P 34			P 18 19 34	P 34 38		C 34	P 34 38	P 34	P 34	P 34	P 34		C 34			A 20 34	A 20 34
Dwelling, Multi-family (including Townhomes)						P 19 34	P	P 34	P 34			P 18 19 34	P 34 39		C 34	P 34 39	P 34	P 34 6	P 34 6	P 34 6	P 6 34	P 6 34		P 27 34	A 20 34	A 20 34
Dwelling Units in Mixed Use Buildings						P 18 19 34						P 18 19 34			P 34		P 34	P 34 6	P 34 6	P 34 6	P 6 34	P 6 34		P 27 34	A 20 34	A 20 34
Group Home Type 1 (2 per room up to 10 residents, limited service)	P 40	P 40	P 40	P 40	P 40	P 40																				
Group Home Type 2 (2 per room up to 14 residents, limited service)					P 14 40	C 40	C 40		C 40																	
Group Home Type 3 (comprehensive service)						C 14 40	C 14 40		C 40		C 40	C 40	P 40			P 40		C 40	C 40	C 40	C 40					
Hotel & Motel													P 41	P 41	P 41	P 41	C 41	C 41	C 41	C 41	P 41	P 41		P 41		
Home Occupations	P 34	P 34	P 34	P 34	P 34	P 34	P 34	P 34	P 34								P 34	P 34	P 34	P 34	P 34					
Live-Work Units																	P 42	P 42	P 42	P 42	P 42	P 42		P 27		
Manufactured Home										P 34																
Townhouse						P 19 34	P	P 34	P 34			P 18 19 34	P 34		C 34	P 34	P 34	P 34	P 34	P 34	P 34	P 34		P 27 34	A 20 34	A 20 34

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6. General Note. This use is subject to requirements of Commercial/ Active uses on Ground Floor.~~For those projects with frontage on an arterial road, this use is allowed as a permitted use if the ground floor fronting the arterial is devoted to office or retail use; otherwise, conditional use approval shall be required.~~

a. Mixed-use projects within urban mixed-use zoning districts will meet the requirement for the Commercial Uses on Ground Floor by including commercial uses serving the general public such as retail, restaurants, bars, entertainment, personal services, and office.

b. Residential-only projects within MU-1, MU-2 and MU-3 zoning districts located within the Federal Highway District and the Heart of Boynton District (as defined by the CRA Community Redevelopment Plan) will meet the requirement for the Active Uses on Ground Floor by using recommended design features.

...

20. Reserved. ~~General Note. This use is allowed as an accessory use to any lawful Arts Campus located within the Ocean Avenue Overlay Zone.~~

...

38. Reserved. ~~Dwelling, Two-Family (Duplex).~~

a. ~~C 3 district and PCD district. A two family dwelling (duplex) shall comply with the R-2 district regulations. See Chapter 3, Article III, Section 2.E.~~

39. Reserved. ~~Dwelling, Multi-Family.~~

a. ~~C 3 district and PCD district. A multi-family dwelling shall comply with the R-3 district regulations. See Chapter 3, Article III, Section 2.F.~~

...

41. Hotel & Motel (includes ~~Boutique, Extended-stay, Apartment, Timeshare Apartment~~).

a. ~~C 3 District. Timeshare hotel shall comply with R-3 district regulations. Boutique hotels are not listed as permitted uses.~~

b. ~~C 4 District. Boutique hotels and timeshare hotels are not listed as permitted uses.~~

c. ~~CBD District. Apartment hotels require conditional use approval.~~

d. ~~PCD District. Timeshare apartments shall comply with R-3 district regulations. Boutique hotels are not listed as permitted uses.~~

~~e-a.~~ SMU District. Hotels require conditional use approval. ~~Apartment hotels, boutique hotels, and timeshare apartments are not listed as permitted uses.~~ Motels are prohibited uses.

~~f.b.~~ MU-1 District, MU-2 District, and MU-3 District.~~and MU-4 District. Hotels require conditional use approval. Timeshare hotels are not listed as permitted uses. Boutique hotels and mMotels are prohibited uses.~~

g. MU-4 District and MU-C District. ~~Boutique hotels require conditional use approval and must be integrated into a commercial or mixed use development and not exceed thirty percent (30%) of the gross floor area of the entire development. Apartment hotels and timeshare apartments are not listed as permitted uses.~~ Motels are prohibited uses.

h. PID district. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Hotel (H) land use option.

CHAPTER 4. SITE DEVELOPMENT STANDARDS

...

ARTICLE V. MINIMUM OFF-STREET PARKING REQUIREMENTS

...

Sec. 3. Special Reductions in Required Off-Street Parking.

...

D. *Martin Luther King Boulevard Overlay Zone*. Parking space requirements shall be calculated in accordance with Section 2 above. ~~and~~ Any required parking for non-residential uses shall be reduced by fifty percent (50%).

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CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

PLANNING AND DEVELOPMENT MEETING DATE: 8/27/2019

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD: Approve efficiency improvements to the Site Plan Review Process (CDRV 19-007) - Amending the LAND DEVELOPMENT REGULATIONS Chapter 2. *Land Development Process*, Article II. *Planning and Zoning Division Services*, Section 2. F. *Site Plan*, Including Time Extension and Modifications that begin implementing staff recommendations from the internal review of the City's development review process. Applicant: City-initiated.

EXPLANATION OF REQUEST:

In part to address customer service issues, staff commenced a comprehensive review of the City's development review process with the objective of improving efficiency, customer service and the image of the Department's operation. This effort began in May, 2019 and recommendations for improvement will be presented in phases as the evaluation project progresses.

The first round of changes are designed to make the site plan process more streamlined and efficient by allowing staff to grant administrative approval for more types of applications. The changes include:

- General: revisions to categories of applications to be exempted from site plan review.
- For new site plans:
 - Proposed criteria for identifying "major" site plan applications;
 - Revisions to the "Expiration" criteria to be applied to major site plans; and
 - Proposed new section for the "minor" site plan process.
- For modifications to site plans: revisions to the thresholds for determining "major" site plan applications.

The magnitude of reduction in review time varies by project type and size; however, processing time could be reduced by up to 3 months by reviewing an application administratively instead of through the full site plan review process. Projects that also require for example, the conditional use or variance processes (which require public hearings), would not be eligible for "minor" (e.g. administrative) processing.

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES? No impact on either programs or services

FISCAL IMPACT: No fiscal impact

ALTERNATIVES: None recommended

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION: N/A

CLIMATE ACTION: No

CLIMATE ACTION DISCUSSION: N/A

Is this a grant?

Grant Amount:

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Staff Report	Staff report
<input type="checkbox"/> Amendment	EXHIBIT A. LDR Amendments



DEPARTMENT OF DEVELOPMENT PLANNING AND ZONING

Memorandum PZ 19-026

TO: Chair and Members
Planning & Development Board

FROM: Hanna Matras
Senior Planner

THROUGH: Ed Breese
Planning and Zoning Administrator

DATE: August 20, 2019

RE: Approve proposed code language implementing revisions to the site plan process (CDRV 19-007) - Amending the LAND DEVELOPMENT REGULATIONS Chapter 2. Land Development Process, Article II. Planning and Zoning Division Services, Section 2. F. Site Plan, Including Time Extension and Modifications. Applicant: City-initiated.

EXPLANATION

The proposed changes are designed to make the site plan process more streamlined and efficient by allowing staff to grant administrative approval for more types of applications. The changes include:

- General: revisions to categories of applications to be exempted from site plan review
- For new site plans:
 - Proposed criteria for “major” site plan applications;
 - Revisions of the “Expiration” criteria to be applied to major site plans; and
 - Proposed new section for the “minor” site plan process.
- For modifications to site plans: revision of the thresholds for a modification to be classified as “major.”

CONCLUSION/RECOMMENDATION

Staff proposes these code amendments as a continuation of the LDRs’ assessment aimed to improve and modernize the development review processes in support of quality redevelopment and economic growth in the City.

Attachments

CHAPTER 2. LAND DEVELOPMENT PROCESS

ARTICLE II. PLANNING AND ZONING DIVISION SERVICES

...

Sec. 2. Standard Applications

F. Site Plan, Including Time Extension and Modifications.

1. General.

a. Purpose and Intent. The purpose of this subsection is to set forth uniform procedures, well-defined application processes, and information to guide the review of site plan submittals. The applicant shall schedule a pre-application conference with staff and bring the proposed site plan. ~~It is also the intent to provide for separate submittal requirements and expedited review processes for those developments that qualify as a sustainable development (as defined by Chapter 1, Article II, Definitions) and meets the intent of the city's green building initiatives.~~

b. Applicability. New site plans are either "minor" or "major" based on criteria within this section. The following applications shall be considered "major": ~~No building permits shall be issued for projects requiring site plan approval until after the plan has been approved by the city. The following work shall be required to undergo site plan review as required by this section:~~

~~—— (1) All new developments;~~

~~—— (2) All modifications to existing development that expand floor area, require increased parking, intensify the use of a structure, or change the occupancy of a building;~~

~~—— (3) Exterior remodeling, alterations, modifications; or~~

~~—— (4) Community gardens containing storage and/or agricultural structures that are greater than one hundred (100) square feet as provided for in the Supplemental Regulations (Chapter 3, Article V, Section 3).~~

(1) Site plans containing more than ten (10) new multifamily dwelling units;

(2) Site plans for new non-residential structures over 15,000 square feet;

(3) Site plans requiring an application for Conditional Use;

(4) Site plans requiring a relief application; and

(5) Site plans for city-owned or operated facilities that causes a significant impact to abutting and adjacent properties, as determined by the Planning & Zoning Administrator.

c. Exemptions. The following work shall not be required to undergo site plan review as required by this chapter:

(1) The construction of a single-family home or a duplex;

~~—— (2) Interior renovations, except projects as specified in Section 2.F.1.b.(2) above;~~

~~—— (3) Installation of fire sprinklers;~~

~~—— (4) Replacement of existing electrical components;~~

~~—— (5) Installation of fire alarms; or~~

~~(6) Voluntary life safety responsive projects when endorsed by the Fire Marshal, Director of Development or Director of Planning and Zoning.~~

(2) Internal modifications to a structure including plumbing, electrical, and mechanical with no effect to the exterior of the structure;

(3) Any modification of an existing structure that does not increase the total size of the structure and does not change the building footprint;

(4) Addition of awnings, canopies, or ornamental structures;

(5) Pools, including redesign and relocation;

(6) Other minor structural additions or alterations, including stairs, porches, terraces, fencing, etc.;

(7) Garages and accessory structures in residential districts;

(8) New structures and additions to existing structures of fewer than 1,000 gross square feet in non-residential zoning districts;

(9) Any modification of, or addition to an existing site necessary to implement a Corrective Action Plan and/or the City's Chronic Nuisance Property Code (See Part II. Code of Ordinances, Chapter 15).

~~d. Waiver of Site Plan Review. Notwithstanding compliance with the concurrency regulations of Chapter 1, Article VI, the Director of Planning and Zoning or designee may waive the requirement for site plan review based upon all of the following factors:-~~

~~(1) The remodeling, alteration, or redevelopment does not change the preexisting appearance or configuration of the buildings or site;~~

~~(2) The remodeling, alteration, or redevelopment does not reduce emergency vehicle access to the buildings or site;~~

~~(3) The change of use would not represent an increase in the minimum number of required off-street parking spaces;~~

~~(4) Compliance with the city's development regulations is maintained. The work shall be subject to site plan review in those instances when an applicant disputes a determination from the Director of Planning and Zoning regarding compliance; and~~

~~(5) Any work, improvement, or modification to a developed site or building that meets the intent of the city's green building initiatives.~~

2. Major Site Plan

a2. Submittal Requirements. See Section 1.D. above for the submittal requirements of this application.

b3. Review Criteria. The site plan shall comply with the following: 1) requirements of the respective zoning district regulations of Chapter 3, Article III and; 2) Site Development Standards described in Chapter 4, Article XII; ~~and 3) the best development practices in the sustainable and green checklist.~~ See Section 2.D.6.c. above for additional regulations regarding the requirement that the site plan be consistent with the master plan when rezoning lands to a planned zoning district.

c4. Approval Process. An application for site plan approval requires review by the City Commission and shall be processed in accordance with Chapter 2, Article I, Section 3.

d5. Expiration.

(1)a. General. Upon approval of a site plan by the City Commission, the applicant shall have eighteen (18) months to secure a building permit from the Development Department.

~~—— b. Sustainable Development. If approved as a sustainable development, the applicant for a sustainable project shall be required to secure a building permit in the time period in accordance with Table 2-2:~~

~~—— (1) Table 2-2.~~

Property Size (in square feet)	Number of Dwelling Units (Residential Only)	Time Period
<40,000 s.f.	<80 du	3 years
>40,000 s.f.	>80 du	5 years

~~— In addition, the applicant shall be required to submit an annual progress report to the Director of Planning and Zoning indicating the status of the project and any updates demonstrating its completion. The city reserves the right to revoke the development order of any sustainable development after the initial eighteen (18) months if it is subsequently determined that it is not a sustainable development. In these instances, the applicant may request a site plan time extension in accordance with Section 2.F.6. below.~~

~~(2)e.~~ Null and Void. All previous approvals shall be null and void if the applicant is unable to secure a building permit within the above timeframes. For the purposes of this section, minor permits issued by the Departments of Development or Public Works (e.g. clearing and grubbing; walls and fences; docks, land development; utilities; etc.) shall not constitute the type of permit necessary to extend the life of a development order for site plan review purposes.

~~e.6.~~ Time Extension.

~~(1)a.~~ General. An applicant may request to extend the approval of a site plan for an additional time period, not to exceed eighteen (18) months, provided that such request for extension is filed prior to the date of the expiration of the original eighteen (18)-month period. For the purposes of the subsection, a "site plan" shall be construed to include either a new site plan or a major site plan modification. There is no limit to the number of extensions that may be requested.

~~(2)b.~~ Submittal Requirements. See Section 1.D. above for the submittal requirements of this application.

~~(3)e.~~ Review Criteria. The site plan time extension shall comply with the requirements of the respective zoning district regulations of Chapter 3, Article III and site development standards described in [Chapter 4](#). In addition, the following information shall be used to justify an application for site plan time extension:

~~A.(4)~~ Are there any recently adopted amendments to the Comprehensive Plan, redevelopment plans, or Land Development Regulations that would cause the approved site plan in its current configuration to become noncompliant?

~~B.(2)~~ In determining good faith, some factors to be considered are the following: 1) the extent to which a land development permit (if applicable) has been applied for by the applicant and/or approved by the Engineering Division; 2) when construction approved by such land development permit has occurred (construction which is commenced immediately preceding expiration generally indicating a lack of good faith); 3) the extent to which there has been a bona fide continuous effort to develop but because of circumstances beyond the control of the applicant, it was not possible to meet the time limitation; and 4) the applicant has applied for or secured any building permits, or other types of permits from external agencies, including anticipated dates for the issuance of the aforementioned permits?

~~C.(3)~~ Has the applicant paid any impact fees, including utilities or art in public places?

~~D.(4)~~ Does the site plan comply with the concurrency requirements and of Palm Beach County and the city's Land Development Regulations?

~~E.(5)~~ Other pertinent information can the applicant provide that would justify the request for site plan time extension?

~~(4)d.~~ Approval Process. An application for site plan time extension requires review by the City Commission and shall be processed in accordance with [Chapter 2, Article I, Section 3](#).

~~(5)e.~~ Expiration. Upon approval of site plan time extension by the City Commission, the applicant shall have the time approved by the City Commission to secure a building permit from the Development Department. All previous approvals shall become null and void if the applicant is unable to secure a building permit within the above timeframe.

~~(6)f.~~ Extension. The applicant may file a subsequent request for site plan time extension beyond that of the original extension; however, each subsequent request for site plan time extension shall be valid for a time period not to exceed one (1) year. Each subsequent request for site plan time extension shall be filed prior to the expiration date of the preceding site plan time extension period.

~~(7)g.~~ Miscellaneous. The original conditions of approval of the site plan are still applicable and must be addressed, unless otherwise approved by the City Commission. In granting such extensions the City Commission may require modification to or impose additional conditions of approval to the site plan.

3. Minor Site Plan

a. Submittal Requirements. See Section 1.D. above for the submittal requirements of this application.

b. Review Criteria. The site plan shall comply with the following: 1) requirements of the respective zoning district regulations of Chapter 3, Article III and 2) Site Development Standards described in Chapter 4, Article XII. See Section 2.D.6.c. for additional regulations regarding the requirement that the site plan be consistent with the master plan when rezoning lands to a planned zoning district.

c. Approval Process. The application shall be reviewed by staff and action will be taken by the appropriate administrative official.

d. . Expiration.

(1) General. Applicant shall have eighteen (18) months to secure a building permit from the Development Department.

(2) Null and Void. All previous approvals shall be null and void if the applicant is unable to secure a building permit within the above timeframes. For the purposes of this section, minor permits issued by the Departments of Development or Public Works (e.g. clearing and grubbing; walls and fences; docks, land development; utilities; etc.) shall not constitute the type of permit necessary to extend the life of a development order for site plan review purposes.

e. Time Extension

(1) General. An applicant may request to extend the approval of a site plan for an additional time period, not to exceed eighteen (18) months, provided that such request for extension is filed prior to the date of the expiration of the original eighteen (18)-month period. For the purposes of the subsection, a "site plan" shall be construed to mean a minor site plan. There is no limit to the number of extensions that may be requested.

(2) Submittal Requirements. See Section 1.D. above for the submittal requirements of this application.

(3) Review Criteria. The site plan time extension shall comply with the requirements of the respective zoning district regulations of Chapter 3, Article III and site development standards described in Chapter 4. In addition, the following information shall be used to justify an application for site plan time extension:

A. Are there any recently adopted amendments to the Comprehensive Plan, redevelopment plans, or Land Development Regulations that would cause the approved site plan in its current configuration to become noncompliant?

B. In determining good faith, some factors to be considered are the following: 1) the extent to which a land development permit (if applicable) has been applied for by the applicant and/or approved by the Engineering Division; 2) when construction approved by such land development permit has occurred (construction which is commenced immediately preceding expiration generally indicating a lack of good faith); 3) the extent to which there has been a bona fide continuous effort to develop but because of circumstances beyond the control of the applicant, it was not possible to meet the time limitation; and 4) the applicant has applied for or secured any building permits, or other types of permits from external agencies, including anticipated dates for the issuance of the aforementioned permits?

C. Has the applicant paid any impact fees, including utilities or art in public places?

D. Does the site plan comply with the concurrency requirements and of Palm Beach County and the city's Land Development Regulations?

E. Other pertinent information can the applicant provide that would justify the request for site plan time extension?

(4) Approval Process. An application for site plan time extension requires review by the Planning & Zoning Administrator.

(5) Expiration. Upon approval of site plan time extension the applicant shall have the time approved by the Planning & Zoning Administrator to secure a building permit from the Development Department. All previous approvals shall become null and void if the applicant is unable to secure a building permit within the above timeframe.

(6) Extension. The applicant may file a subsequent request for site plan time extension beyond that of the original extension; however, each subsequent request for site plan time extension shall be valid for a time period not to exceed one (1) year. Each subsequent request for site plan time extension shall be filed prior to the expiration date of the preceding site plan time extension period.

(7) Miscellaneous. The original conditions of approval of the site plan are still applicable and must be addressed, unless otherwise approved by the Planning & Zoning Administrator. In granting such extensions staff may require modifications to or impose additional conditions of approval to the site plan.

47. Modification to Site Plan.

a. General. An applicant may request to modify an approved site plan. Changes to site plans are either "minor" or "major" based on criteria within this section. The applicant shall schedule a pre-application conference with staff ~~and bring the proposed site plan and any other affected plan or exhibit to the meeting to facilitate a preliminary review of the Site Plan. Site Plan Modifications shall be~~ Staff shall consider the following factors in determining whether the proposed site plan modification is considered "major" if any of the following apply:

(1) The modification increases the buildable square footage of the development by more than 15,000 square feet or twenty-five percent (~~20~~5%), whichever is greater; the threshold increases to twenty-five percent (~~25~~40%) if the project is certified by a third-party green certification process. considered a sustainable development and meets the intent of the city's green building initiatives.

~~———(2) The modification reduces the provided number of parking spaces below the required number of parking spaces.~~

(~~2~~3) The modification causes the development to be below the development standard for the zoning district in which it is located or any other applicable standard in the Land Development Regulations.

(~~3~~4) The modification has an adverse effect on adjacent or nearby property or reduces required physical buffers, such as fences, trees, or hedges.

(~~4~~5) The modification adversely affects the elevation design of the structure or reduces the overall design of the structure below the standards stated in the community design plan.

(~~5~~6) The modified development does not meets the concurrency requirements of the Boynton Beach Comprehensive Plan.

(~~6~~7) The modification alters the project so that the modified site plan does not reasonably resemble the approved site plan.

(~~7~~8) The modification affects or does not comply with a condition of approval of the development order.

(~~8~~9) The modification ~~is proposed~~ to a city-owned or operated facility ~~and~~ causes a significant ~~de minimus~~ impact to abutting and adjacent properties and/or public lands.

b. Major Modification.

(1) Submittal Requirements. See Section 1.D. above for the submittal requirements of this application.

(2) Review Criteria. The proposed major site plan modification shall comply with the requirements of the respective zoning district regulations of Chapter 3, Article III and site development standards described in [Chapter 4](#).

(3) Approval Process. An application for major site plan modification requires review by the City Commission and shall be processed in accordance with [Chapter 2, Article I, Section 3](#).

(4) Expiration. Upon approval of a major site plan modification by the City Commission, the applicant shall have eighteen (18) months to secure a building permit from the Development Department. All previous approvals shall be null and void if applicant is unable to secure a building permit within the above timeframe.

For the purposes of this section, minor permits issued by the Departments of Development or Public Works (e.g. clearing and grubbing; walls and fences; docks, land development; utilities; etc.) shall not constitute the type of permit necessary to extend the life of a development order for a major site plan modification.

(5) Extension. An applicant may request to extend the approval of a major site plan modification for a time period not to exceed eighteen (18) months, provided that such request for extension is filed prior to the date of the expiration of the original eighteen (18)-month period. The request shall be processed in accordance with Section 2.F.6. above.

(6) Miscellaneous. At the time the City Commission approves a request for a major site plan modification, any previously approved site plan, including any conditions for approval, shall be null and void. All future development shall be consistent with the master site plan, as modified and approved by the City Commission, including all corresponding conditions of approval.

c. Minor Modification.

(1) Submittal Requirements. The applicant shall submit a letter explaining the modification(s) along with the affected plans and exhibits (in the number of copies specified by the Division). The applicant shall also provide consent from the property owner to file an application for the minor site plan modification.

(2) Review Criteria. The proposed minor site plan modification shall comply with the requirements of the respective zoning district regulations of Chapter 3, Article III and site development standards described in [Chapter 4](#).

(3) Approval Process. The application shall be reviewed by staff and action will be taken by the appropriate administrative official. Upon approval of a minor site plan modification, all future development shall be consistent with the site plan, as modified, including all previously approved conditions of approval associated with the site plan.

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