



CITY OF BOYNTON BEACH PLANNING AND DEVELOPMENT BOARD MEETING AGENDA

DATE: Tuesday, May 26, 2020

TIME: 6:30 PM

PLACE: Zoom online meeting

IMPORTANT NOTICE: This public hearing will be conducted using means of communication media technology. If you wish to join the meeting using a computer or smart phone you only need to register prior to noon on May 26th. Register by sending an e-mail to pzmailbox@bbfl.us, indicating whether you desire to speak on an item (indicate which item(s)), or if you only plan to listen to and/or view the meeting provide your name and phone number so you may be contacted if needed. The agenda, electronic link for the meeting and access instructions will be available at the City's web site within two days of the meeting. If you cannot join the meeting, written comments can be e-mailed to the above e-mail address which will be read into the record by City staff.

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Agenda Approval**
4. **Approval of Minutes**
 - 4.A. Approve board minutes from the 04/28/20 Planning & Development Board meeting.
5. **Communications and Announcements: Report from Staff**
6. **Old Business**
7. **New Business**
 - 7.A. **REQUEST:** Approve amendments to the LAND DEVELOPMENT REGULATIONS (CDRV 20-002), revising Chapter 3. Zoning: (1) Article III. Zoning Districts and Overlays, Section 1.B. and Sections 2.C and 2.E., to set maximum building height consistent with Single-Family regulations and to modify development standards for selected non-conforming lots; and (2) Article IV. Use Regulations, Section 3.D. Use Matrix, to revise the locational criteria and regulations for Automobile Rental and to allow Professional & Technical Schools in Industrial (I) pods within Quantum Park, and to allow Self-Service Storage in the C-4 zoning district; and (3) Article V. Supplemental Regulations, Section 3.D. Swimming Pools and Spas, amending locational criteria, and to add Section 3.AA, In-ground Storm Shelters.
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 forty-eight (48) 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: 5/26/2020

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD: Approve board minutes from the 04/28/20 Planning & Development Board meeting.

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	Amended 04-28-20 Minutes

**Minutes of the Planning and Development Board Meeting held on Tuesday
online via the Zoom Platform
on Tuesday, April 28, 2020, at 6:30 p.m.**

Present:

James DeVoursney, Chair
Trevor Rosecrans, Vice Chair
Susan Oyer
Butch Buoni
Chris Simon
Tim Litsch
Lyman Phillips, Alternate
Jay Sobel, Alternate (non-voting)

Staff:

Ed Breese, Planning & Zoning Administrator
James Cherof, City Attorney

Absent:

Darren Allen

Chair DeVoursney called the meeting to order at approximately 6:30 p.m.

1. Pledge of Allegiance

Susan Oyer led the Pledge of Allegiance to the Flag.

2. Roll Call

Roll call was taken. A quorum was present.

3. Agenda Approval

Motion

Ms. Oyer moved to approve the agenda. Mr. Buoni seconded the motion. The motion unanimously passed.

4. Approval of Minutes

February 25, 2020

Motion

Mr. Simon moved to approve the minutes. Mr. Buoni seconded the motion. The motion unanimously passed.

5. Communications and Announcements: Report from Staff

None.

6. Old Business

7. New Business

Chair DeVoursney announced the applicant will present items 7A and B together with separate motions.

Attorney Cherof explained there are three items to be approved: a Land Use Amendment, a rezoning and a Site Plan Modification. The Land Use Amendment is a legislative matter, not quasi-judicial, but since the items are combined, he asked the applicant if they minded presenting the items together and requested anyone planning to testify be put under oath.

Bradley Miller, the applicant, had no objections. Attorney Cherof administered an oath to all those intending to testify.

7.A. REQUEST: Approve Madison on the Avenue Future Land Use Map Amendment from Local Retail Commercial (LRC) to Special High Density Residential (SHDR).

REQUEST: Approve Madison on the Avenue Rezoning from C-2 Neighborhood Commercial to IPUD Infill Planned Unit Development.

7.B. Approve Madison on the Avenue Major Site Plan Modification for the construction of a multifamily residential development consisting of ten (10) townhomes within two (2), two-story structures and the associated residential amenities, parking, landscaping, and lighting on a 0.67-acre property. Applicant: Jarod Doros, JW D Builders.

Bradley Miller, Miller Land Planning, representing the applicant, explained the subject site is on the south side of SE 23rd Avenue, slightly west of Federal Highway. It is surrounded by multi-family residential developments including Coastal Bay and Kensington Place. The property has an existing medical office and older medical structures, which the applicant intends to redevelop. The surrounding properties to the north have multi-family residential uses. The Taco Bell is to the northeast and medical offices are to the northwest before the railroad tracks.

The applicant sought changes to the land use, zoning and master site plan as requested above. The zoning showed the C-2 district allows the existing medical office use and the request proposed IPUD. Mr. Miller noted IPUD was added to the Code to

provide flexibility of development regulations because the site is a small parcel. There are also regulations to offset flexibility to ensure there are enough recreational areas within the development for the intended residents.

The plan reflected two buildings. Access to the property was through the northwest corner with a single driveway. Building one, the northern building, was closer to the street, consistent with the CRA Redevelopment Plan. Mr. Miller spoke with City staff about the CRA Redevelopment Plan, and it was determined, as opposed to using their recommendation of mixed used with the same 20 dus per acre density that allows for only residential uses, it would be better to use the SHDR zoning, given the surrounding zoning to the east and west. The development will have an interior court and each unit will have two-car garages. Access to the garage is on the south side of the building and pedestrian access is on the north side. Landscaping will be along the perimeter of the site. There is an existing fence on the west property line abutting Kensington Place.

Mr. Miller reviewed the landscape plan, the sustainability development standards and the building elevations and requested the change to the land use and zoning for the townhouse development and master site plan. He reviewed the staff reports, which supported the application, and announced they agree with all conditions of approval.

The roof and two floors will be concrete slabs. Mr. Buoni asked about emergency vehicle entry and the turnaround radius. Mr. Miller explained they had a meeting with the Fire Chief and his client agreed to add fire sprinklers to the buildings. Fire reviewed the plan and signed off. A smaller fire truck can maneuver within the complex, but a larger truck may have difficulty. Mr. Miller also explained his office sent a mailing to Coastal Bay and Kensington about the proposed development, offering to speak with them, but there was no response.

Ms. Oyer asked about handicapped parking spaces and learned they are not required with this residential style. She inquired about the four electric vehicle charging stations. Mr. Miller pointed out all the garages will be wired to allow for conversion to electric vehicle charging stations. Ms. Oyer queried if there would be any plantings in the recreational areas to attract butterflies. She also inquired about security, noting there were no coverings on the lower ground floor windows facing 23rd Avenue. Mr. Miller explained interior security was not discussed with his client, but new construction nearly always includes interior security alarm systems and RING. As to windows facing the road, the occupants can use interior shades and the owner can handle screening from the interior of the house. Car break-ins, can be avoided if owners use their garages. Further discussion followed about traffic on SW 23rd Avenue and retiming the traffic light on Federal Highway along with other traffic improvements, as had been mentioned with the previously approved Taco Bell application. Mr. Miller responded he would check with the County Traffic Department on the timing of the light. They had also reviewed secondary access for this site, but grade changes between the properties prohibited the transition. Their traffic study transitioning from a commercial to residential use showed a net increase of daily traffic, but it is spread out along the full day so there was zero net

difference during peak hours. The development would not add to stacking and a turning lane would not be needed. Ms. Oyer was concerned how occupants would enter and leave their homes when the Taco Bell opened. Mr. Miller explained it was reviewed by the City and the County and it was acceptable. Mr. Miller was aware there were traffic concerns, and noted the comments and will review them.

The project consisted of for-sale townhomes, but it was possible some units would be rented due to the market. Mr. Simon asked about the garages and learned they would be prewired for the correct voltage to allow for EVC stations, if not completely rewired, but the conversion was at the owner's expense and addressed in the design plans. Mr. Simon asked if there was a significant grade difference between the east and south property lines and was informed the east side was greater than the south. He noted there was a prior project with similar circumstances where the only way into the property was through another development. The residents of the development had something to say about it, but since it was the only way into the development, it was not completely ruled out. If there was a future potential to do so, it would be a positive. Mr. Simon asked if the windows and doors were impact graded. Mr. Miller again explained it would be addressed with the design plans, but new construction must comply with hurricane standards and the windows would be impact windows.

Mr. Simon inquired why the CRA steered Mr. Miller away from the mixed-use zoning designation in favor of the SHDR. Mr. Miller explained it was recommended by City staff. The mixed use applied to the property allowed for straight residential, so they opted to stick with the SHDR and IPUD zoning instead.

The palms were specified at 16 feet and the building height was 26 feet. The palms on the north side of the building would be closer to the top rail of the balconies on installation. Mr. Simon thought the proximity to the balconies would be problematic and encroach onto the balcony space or hit the high railing in high winds. He suggested moving palms a few feet further away. He inquired if there was a push back to change some palms. Alternating and shifting to reduced canopies would create a more compact canopy and height to soften the building. The buffer on the west and south sides was adequate and the east was fine.

Chair DeVoursney asked about garbage and recycling and learned it will be via roll out containers to SE 23rd Avenue and then rolled back the same day. Garbage for building two would be located on the north side of building one. In regard to comment 11, pertaining to aesthetics and the blank wall on building one, Mr. Miller explained they wrapped the balcony around which in addition to the landscaping materials helped break up the façade.

Ms. Oyer noted, in reference to level two electric vehicle chargers in all the garages, the chargers are \$500 on Amazon and the City has an Energy Edge Program which offers rebates.

Additional brief discussion followed roll out containers are used all along 23rd Avenue. Mr. Simon supported if possible, if Kensington Bay could accommodate on-site trash pickup, this development follow suit. He also thought a green wall on the west façade on buildings one and two would help soften the west elevation. Mr. Litsch noted the buildings have garages and the driveway aprons can accommodate two additional vehicles, allowing for guest parking.

Chair DeVoursney opened Public Comment. There was one applicant requesting to speak, but they were not in the meeting. Public Comment was closed.

Ms. Oyer did not object to the project, but had concerns about traffic which she thought should be taken into consideration.

Mr. Simon wanted to potentially add a Condition of Approval when they vote, to revisit the landscape features on the west facade of buildings one and two, and modify and allow more screening via landscape on the north façade for the owners of the units and the public views.

Motion

Ms. Oyer moved to approve Madison on the Avenue Future Land Use Map Amendment from Local Retail Commercial (LRC) to Special High Density Residential (SHDR). Mr. Buoni seconded the motion. Roll was called. The motion unanimously passed.

Motion

Ms. Oyer moved to approve the Madison on the Avenue Rezoning from Neighborhood Commercial (C-2) to Infill Planned Unit Development (IPUD). Trevor Rosecrans seconded the motion. Roll was called. The motion passed unanimously.

Motion

Ms. Oyer moved to approve the Madison on the Avenue Major Site Plan Modification for the construction of a multi-family residential development consisting of ten (10) townhomes with two (2) two-story structures and the associated residential amenities parking, landscaping and lighting on a 0.67-acre property with the conditions added by Mr. Simon. Mr. Buoni seconded the motion. Roll was called. The motion unanimously passed 6-0.

7.C. REQUEST: Approve Mirafior Apartments Future Land Use Map Amendment from Medium Density Residential (MDR) to High Density Residential (HDR).

REQUEST: Approve Mirafior Apartments Rezoning from R-3 Multi-Family Residential District to IPUD Infill Planned Unit Development District.

7.D. Approve Miraflor Apartments Major Site Plan Modification for the construction of a multifamily residential development consisting of 58 rental apartments within five (5), two/three-story structures with associated residential improvements on 3.87 acres requested to be rezoned to IPUD. Randall K. Rush of Seacrest Properties, LLC.

There was agreement to present items C and D together. Attorney Cherof advised anyone intending to testify would be sworn in individually before testifying.

Bradley Miller, Miller Land Planning, representing the applicant presented the request to develop the above single-family community similar to the previous application. He identified the site on a map and gave its location. The north boundary of the site is the northern boundary of Boynton Beach and is situated between Seacrest Boulevard and I-95. To the north is Palm Beach Memorial Park. The south is Pine Point Village Condos and there is a single-family community to the east in the County. Pine Point Village is in the City and the cemetery is in the County. In 2006 and 2007, Mr. Miller was involved with the property and the owner worked with the cemetery as there was a surplus parcel sold to him. It was annexed it into the City and approved for 40 townhome units; however, the recession occurred and the property was not developed.

The current application is to change the Future Land Use to High Density Residential (HDR) and to rezone the property to Infill Planned Unit Development (IPUD) with a needed master site plan approval. The IPUD zoning will allow for flexibility and a better plan and project configuration. Mr. Miller reviewed the driveway entering the property was an "S" shaped, generated by Palm Beach County to align to Mentone Road. Both to the north and southeast of the drive is a dry detention with a grassed area with a landscape perimeter around it. The community has five different buildings totaling 58 units with parking between them and two recreational areas encompassing 12,320 square feet: one was a tot lot and the other was a passive recreational area.

There are two types of buildings, but all five of them have a three-story and a two-story component. The traffic circulation allowed for Fire and EMS vehicles to circulate and turn around in the complex. There are 142 parking spaces, with five handicapped spaces, which exceeded the total required parking. There is one handicapped space for each building, which complies with ADA requirements. There are continuous sidewalks which connect from the western side by building one all the way through to Seacrest Boulevard. There is an existing bus stop just south of the entryway and the developer agreed to provide a shelter for the bus stop to match the development. There is buffering around entire perimeter and interior of the project. The west side has another dry detention area and a sound wall halfway. The developer has spoken with FDOT and they will conduct a study in the next few years to see if the sound wall should move forward. They will have three areas for EVC stations accommodating six vehicles. The ground floor of the eastern most building on the south end will have a community office and mail kiosk. There are four covered bike racks. On the north boundary, they

proposed to have an aluminum rail fence and landscaping to provide separation from the cemetery. There are grave sites on the eastern side and the cemetery is aware of their locations. The cemetery will dig deeper and closer to existing gravesites than the development will need. The eastern building is set back 10-feet from the property line and building four is nine-feet away.

The west recreation area is a tot lot with benches and play areas and is more active. The eastern recreational area has pavilions and is passive with barbecue grills and benches creating a picnic area. There was enhanced landscaping on the south properties by Pine Point Villas and a strong hedge with trees. The chain link fence on Pine Point Villas property would remain. The south property line has an overhead power line so trees must be specific, which is included in the landscape architect's design. The trees will help provide screening. The western most building which is closest to the south property line is 53 feet away. The IPUD requirements require the same or greater setbacks than the adjacent structures have, and Pine Point Villa units are 25 feet away from the property line so they are more than double. The density is under 15 dus per acre; they incorporated sustainable development standards and the development has a Floribbean architectural style.

Mr. Miller announced they are requesting approval of the Future Land Use designation to High Density Residential (HDR), a rezoning to IPUD and accompanying Master Site Plan and they agree with all the Conditions of Approval.

Mr. Litsch asked if the chain link fence on the south end of the adjacent property stopped at Seacrest or turned the corner and continued down Seacrest Boulevard when heading south. Mr. Miller did not know, but was aware the sidewalk goes to the bus stop. Mr. Litsch thought people from the development to the south may skirt the fence and trespass on Miraflor property. Mr. Miller explained the sidewalk from Miraflor leads out to a public sidewalk on Seacrest so anyone can access to the bus shelter. The bus shelter is between the sidewalk and driveway. Mr. Miller thought the landscaping would prevent this.

Mr. Rosecrans asked about vibration damage and learned there is a memo in the file about methods to control any potential damage.

Mr. Buoni noted 58 two and three-bedroom rental apartments with two and three bedrooms will have about 100 people and asked if there will be enough of a waiting area for students at the bus stop. Mr. Miller explained the bus stop is a Palm Tran stop. The project received its approval letter from the school district indicating they can accommodate the students, but they did not indicate whether they would drive a school bus into the site or not. He presumed they would not, but the shelter could serve a double use. Mr. Buoni also inquired if there was enough distance to reduce the sight lines from Pine Point Village, so people would not feel they are being looked down on from the three-story units. Mr. Miller thought there was and pointed out the end units

were two stories. There are three different layers of landscaping to buffer the cemetery notch.

Ms. Oyer opined most of the condo occupants in Pine Point are snowbirds. She asked if the tiny tot park would have some type of activity for older children such as a basketball court. She inquired if police or EMS could use the cemetery access road, but the road is more blocked off. Mr. Miller explained the very western drive aisle was designed, so in the future, if fire needed to connect through the property it could be modified to do that. There would likely be a breakaway fence or a lock box to accommodate fire rescue and also to prevent the residents from creating a short cut.

Ms. Oyer asked about landscaping materials used and thought Florida Slash Pine could be used instead. She also thought the City was overwhelmed with apartments and questioned the location of the apartments in the middle of an area with single-family homes or condos. She thought condos, villas or townhomes would be better. She did not think it was the right place and there were issues with crime across the street. She did not think it was compatible with the neighborhood.

Mr. Miller explained the real use here was multi-family and the market becomes involved with it being rentals or condos. If the market trend is apartments, then that is what is built. If it changes to market, the project could change to market. Ms. Oyer supported having something for youth to do to keep them occupied and away from drugs and problems.

Mr. Simon commented the site layout and building orientation works well and does limit the views. He agreed with Ms. Oyer's comments about the number of apartments, but thought the orientation created an environment more conducive to congregating than would occur in single-family home across the street. He asked if shifting the tot lot could provide the room for half a basketball court and thought additional recreational areas and lighting should be looked into. He inquired if the depth of the dry retention areas was based on the volume of runoff of the paved areas. Mr. Miller explained the parking lot has culverts and drainage that connect to dry detention areas, which are no more than four-feet deep and the outfall would be discharged onto Seacrest Boulevard. There may be additional run off, but there is a berm around the entire area. Mr. Simon inquired because it could be an additional area for youth to play in when it is dry. Mr. Simon inquired if there have been traffic studies that indicated a light may be appropriate. Mr. Bradley responded the volume did not warrant a light and studies were submitted to the City and County. The traffic studies show they do not even need turn lanes.

Mr. Simon asked about the sidewalk along Seacrest and if a gate would discourage people from wandering onto the premises and about dumpster locations. Mr. Miller explained fencing was not proposed for the entrance, only a landscaped area. Mr. Miller did not know how often trash pickup would occur. Mr. Simon asked if having 58 units was based on the project being a rental property and recouping cost. Mr. Miller explained part of the reason the 40 units did not come to fruition, whether for sale or

rent, was escalating building costs and the fewer the units, the higher the price. This development did not apply for the City's workforce bonus program, and are market rate units, but Mr. Miller explained the prices would fall within the workforce housing ranges.

Chair DeVoursney asked if the Fire Department would require access through a stabilized emergency access on the north side of the property and learned they would. Mr. Miller explained they have no idea what the cemetery plan was, but it was part of the report and discussion that they be able to go in and compact the area. He noted there is an area that looks like a buffer that was approved with grass and the gate is there with a Knox Box so there is no continuous flow to enter. No one knows it is there, but Fire and EMS know in the event they need to get through it. Mr. Miller explained the project is in the City and the cemetery is in the County. If it came about, the County would ask for it to be done.

Chair DeVoursney drove the property and commented he could not access it directly off Seacrest so he went into the cemetery, drove up to the turnaround staying right under the overhang, and then drove onto the property making sure he did not disturb any grave sites. He inquired what would occur if Fire had to access the entrance and there was an ongoing funeral. Mr. Miller explained the site circulation is designed for large fire trucks to make turns in and out of the driveway off Seacrest, and they are not relying on the Fire Department to use the connection. Fire and EMS could use the same driveway. Chair DeVoursney asked if they could have security arms so cars cannot drive in and out of the property, after the first turn when the driveway turns to the south. Mr. Miller responded the problem with arms and gates is the turn-away situation. If they do not have access, how do you get back out. The area is tight due to the configuration. A Rooms to Go truck could go up to the gate, but not have access to enter and would have to back out onto Seacrest. It would take away open space and drainage, and he did not know if they could even get the radius. If they had circulation through the site and complied with regulations for large fire trucks to circulate, a Rooms to go truck could get through. Chair DeVoursney spoke about Pine Point Villas and was aware most entryways into the condos face east and west. Chair DeVoursney asked about the buffering of the units two and four and the entryway facing south. It looked like open concrete, and he likened it to the Preserve and not having enough green. He asked if the bus stop would have a separate lane and learned it would not. Palm Tran feels it is safer to stop out in traffic then to pull off and merge into traffic.

Chair DeVoursney opened public comments.

Attorney Cherof administered an oath to Nellie Tauro. Ms. Tauro asked if, before construction, they would let cemetery owners know what will be happening noting there are several spaces where loved ones are buried and how long will construction be. As for access through the cemetery, it is a peaceful place where families go to mourn loved one, and traffic would be an interruption. She also asked if they could change the fence to have more of a sound/visual area and if it would be placed before construction.

Mr. Steve Lucas, President of Pine Point Villas was sworn in. He noted the City has a welcome sign at the apex of Pine Point Villas and the cemetery. For the last 25 years, Pine Point Villas thought the property line was from the existing bush and fencing all the way to the back, which was not the case. He asked if property markers would be installed as it pertained to the project and wanted to know if the developer has looked at the cemetery and the distance from the crematorium from the units being proposed. He requested the front yardage of the project.

Attorney Cherof administered the oath to Betty Maciolek, 221 Pine Point Drive, Pine Point Villas, Boynton Beach. Ms. Maciolek asked about the square footage of the apartments and thought garbage pickup would occur twice weekly, like theirs. Pine Point Villas has two dumpsters, and they come on Mondays and Thursdays drive through to the back of the complex by the I-95 wall and pick them up from there. She commented it was a monstrous thing to see the truck to turn around and she did not think the project could accommodate the first dumpster. She disagreed the property should be changed to high density residential, pointing out the area has single-family homes and there are nightly problems with motorcycles racing on Seacrest. She thought a traffic light would be needed. She did not support the project and further commented Pine Point Villas has a fence and hedge. Their fence turns the corner and heads south to another bus shelter by their complex so they would not use the bus stop.

Attorney Cherof administered an oath to Carole Wheeler, but it appeared she did not have audio.

No other public comments were received.

Mr. Litsch agreed about basketball courts and thought the lower southwest corner could accommodate a half court, which would also be up against I-95.

Mr. Rosecrans noted the project has 17 excess parking spaces, but was concerned a basketball court would attract non-residents.

Ms. Oyer thought basketball or a few half courts was constructive as opposed to other activities, noting there are gangs north of the project. She suggested keeping any court near the tot lot so parents could see all their children at the same time. She also did not like the proposed pines trees.

Mr. Simon suggested more native plantings and spoke about the south buffer. If the watering is unchecked, the plants will have a lot of issues. He suggested as a potential condition of approval, using more drought tolerant native plants. As to the limited landscape in the interior, He thought the scale of the three-story buildings and the planting by the base of the stairwell was under-scaled. He suggested increasing the landscape to soften the façade of the building.

Chair DeVoursney was concerned about the sound wall along I-95 and noted the study is still in the works.

Mr. Miller advised Ms. Tauro they can provide her with advance notice of construction to be aware of the schedule and anticipated construction would be six to 12 months. He noted her suggestion of considering a wall instead of a fence on the north property line and would discuss it prior to the City Commission meeting, but pointed out walls require footers, which would result in digging closer to the grave sites. He advised sometimes a fence and hedge is better.

In regard to the emergency circulation, access was discussed with staff, and there is no condition of approval for it, but if it occurred, there would be coordination involved with the cemetery to address it. It would be a controlled situation for emergency access. There would not be a host of traffic going through the cemetery. Mr. Miller read slide 24 into the record as follows:

“They have agreed to have three-foot erosion control screening along the property line, a six-foot construction fence along that property line and wind-screening along that property line. The landscaping and final aluminum rail fence is more likely to go in closer to the end of construction so it does not get damaged through the construction process and it finishes off the property edge.”

As for the comments made by Mr. Lucas, he announced they could mark the property corners with the surveyors and he appreciated the comments about the crematorium and are aware of it being there. The cemetery who will work with the Health Department. The project frontage is 161 feet. The square footage of the single-family apartments are 1,000 to 1,100 square feet and are a mix of two- and three-bedrooms. There are 25 two-bedrooms and 33 three-bedroom units. Dumpster access was previously addressed. The circulation was reviewed and Public Works had no concerns about access to the dumpsters and he agreed pick-up would likely be twice a week. There is a long list of requirements to trigger a traffic signal, but the project does not need one and the County would not allow for a signal if the project did not warrant one. He agreed with Mr. Rosecrans' comments about the basketball courts and further agreed they need a good management company to keep the project running right. They will review the recreational areas to see if they could be adjusted. The pines Mr. Simon alluded to would be eliminated and mitigated on site.

Mr. Buoni, after listing to Mr. Lucas, Ms. Maciolek and Ms. Oyer's comments, had some concerns. He understood the project was a rental community and commented in reference to the crematorium, the prevailing winds are from the east. He complimented Mr. Miller on the design.

Ms. Oyer proposed, if the crematorium is an issue, switching building two to the south side and moving the park to the north to have more of a buffer from the crematorium.

Mr. Miller did not see it as a potential problem and repeated they would work with the cemetery in the future and was comfortable with building one's location.

Mr. Simon inquired about signage and learned there will be a small monument sign to the south side of the driveway and there is a condition of approval they submit a full design plan at time of permit. He gave his recommendations for plants to Mr. Miller.

Motion

Ms. Oyer moved to approve Miraflor Apartments Future Land Use Map Amendment from Medium Density Residential (MDR) to High Density Residential (HDR). Mr. Buoni seconded the motion. Roll was called. The motion passed 5-1 (*Mr. Rosecrans dissenting.*)

Ms. Oyer moved to approve the Miraflor Apartments Rezoning from R-3 Multi-Family Residential District to IPUD Infill Planned Unit Development District. Mr. Buoni seconded the motion. Roll was called. The motion passed 6-0.

Motion

Ms. Oyer moved to approve the Miraflor Apartments Major Site Plan Modification for the construction of a multifamily residential development consisting of 58 rental apartments within five (5), two/three-story structures with associated residential improvements on 3.87 acres requested to be rezoned to IPUD. Randall K. Rush of Seacrest Properties, LLC. with a condition of approval to include an age appropriate recreational activity or basketball court. Mr. Simon seconded the motion also to include to revisit the foundation landscape plan for more screening for the building façade. Ms. Oyer agreed to the amendment. Roll call was taken. The motion passed 6-0.

7.E. REQUEST: Approve amendments to the Comprehensive Plan Utilities Element to include an update to the 10-year Water Supply Facilities Work Plan.

Mike Low, Deputy Director Utilities, reviewed the City is required to provide an update, every five years according to their 10-year Water Supply Facilities Work Plan and the Lower East Coast Water Supply Plan and then incorporate the update into the Comprehensive Plan within 18 months. The City has already submitted a draft to the SFWMD and will submit the update to the City Commission next month. The Utility service area extends beyond City limits and the plan is to ensure there is enough water to service the population. The plan contained population estimates to the year 2040. There are four other developments, one of which was already included in the plan, apart from a takeover by the Utility Department of Hypoluxo's system. Over all, they anticipate supplying water to over 137K people by 2040. The City averages 131 gallons per capita a day, with a maximum of 154 gallon per day for all purposes. The anticipate in 2040 they will need 18 million gallons per day to meet demand, matched against their

consumptive use permit. The City must identify where they will obtain their water. Mr. Low reviewed throughout the planning period, they have a surplus of demand throughout the planning period. The Consumptive Use Permit issued in 2009 has a 20-year return and the City is responding to a 10-year review. Before 2029, the City will start the process of renewing that permit. This will be taken to the City Commission, sent to Tallahassee and adopted into the Comprehensive Plan by June/July.

Mr. Rosecrans inquired about sea level and salt water intrusion into the wellfield. He noted there was no surficial aquifer at the east well field. Mr. Low explained it was already considered and they already reduced allocation in the eastern wellfield and two wells further to the east have a minimum allocation. Some of the wells are by the canals and in areas where they are more readily replenished by surface penetration through the soil.

Ms. Oyer understood they do not put fluoride in the water. Mr. Low explained it was not part of the 10-year water supply. There was naturally occurring fluoride in the water, and they are working towards supplementing it. Mr. Groff explained the fluoride system were removed during construction and one of them failed, but the City just obtained a grant and are moving back towards adding fluoride as directed by the City Commission. She asked about maps and noted normally Board member receive the information handed to them. She requested a paper copy of the four map pages. She will email the pages she wanted.

Mr. Simon noted higher density projects will come forward plus in-migration, but he did not oppose projects to help conserve resources. Mr. Low explained Boynton Beach has one of the lowest per capita consumption rates in the region and is under half that is used in Boca Raton. They have reduced losses in distribution and have one of the lowest in the country. The City stretches its resources, which is also why they do studies and reuse projects.

Chair DeVoursney inquired about potable and reclaimed water. Mr. Groff explained dirty water is cleaned and sent back as reclaimed water for irrigation. Mr. Buoni noted his community cut its water use in half by using reclaimed water and the City is in the middle of a major reuse expansion plan.

Mr. Rosecrans asked about the reuse program and what percent of wastewater is reused. Mr. Groff responded the wastewater plant is considered a 100% reuse plant, but they do not have enough customers, so some water is returned into deep well injection. The City is adding 4 million gpd, which will result in 70% of the plant's water being reused. They cannot be at 100% until they develop other alternative sources. Mr. Groff noted it is 70% on average, but on peak days they will use 100% after the reuse expansion. He also advised they share the plant with Delray Beach.

Mr. Simon asked if new projects are required to have reclaimed water for irrigation and learned the answer was sometimes. It is a cost saving to the developer if it is available.

The City does not offer it to single family homes at the moment as it is too expensive. It is better when constructing larger projects and it is offered where it is available.

Chair DeVoursney noted customers can call Utilities to find out if they have a leak and to find out about other water saving services. Mr. Groff agreed. They are working on tools to enable customers to go online and see how much water they are using. Mr. Buoni noted the Utility Department is also proactive, as Utilities contacts entities with high use.

There were no comments from the public.

Motion

Mr. Rosecrans moved to approve amendments to the Comprehensive Plan Utilities Element to include an update to the 10-year Water Supply Facilities Work Plan, Item 7E. Mr. Buoni seconded the motion. Roll call was taken. The motion carried 6-0.

8. Other

9. Comments by members

Ms. Oyer reminded all last week was Earth Week and the Sustainability Team put together a Climate Action Plan. She encouraged the members to review it and to tell their friends about it.

10. Adjournment

Motion

Mr. Buoni moved to adjourn. Ms. Oyer seconded the motion. The motion unanimously passed. The meeting adjourned at 9:43 p.m.

Catherine Cherry
Minutes Specialist



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

PLANNING AND DEVELOPMENT MEETING DATE: 5/26/2020

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD: REQUEST: Approve amendments to the LAND DEVELOPMENT REGULATIONS (CDRV 20-002), revising Chapter 3. Zoning: (1) Article III. Zoning Districts and Overlays, Section 1.B. and Sections 2.C and 2.E., to set maximum building height consistent with Single-Family regulations and to modify development standards for selected non-conforming lots; and (2) Article IV. Use Regulations, Section 3.D. Use Matrix, to revise the locational criteria and regulations for Automobile Rental and to allow Professional & Technical Schools in Industrial (I) pods within Quantum Park, and to allow Self-Service Storage in the C-4 zoning district; and (3) Article V. Supplemental Regulations, Section 3.D. Swimming Pools and Spas, amending locational criteria, and to add Section 3.AA, In-ground Storm Shelters.

EXPLANATION OF REQUEST:

Proposed changes to the Land Development Regulations include:

Maximum Building Height in Single and Two-Family (R-2) Residential Zoning District

- Staff recommends changing the maximum allowable building height for the R-2 zoning district from 25 feet to 30 feet to achieve consistency with the single-family zoning districts. The maximum building height for a single family home in the single family zoning districts was increased from 25 feet to 30 feet in the 1990's. It was likely an oversight that the R-2 district was excluded from this amendment. Single-family homes are allowed within the R-2 district, and its logical that single family homes and duplexes should be regulated uniformly.

Swimming Pools Located Within Front and Corner Side Yard Setbacks

- Staff proposes to allow pools to be constructed within the front or corner side yard for homes on corner lots, where spatial constraints would preclude construction of a pool in the requisite rear or interior side yard. Pools would have to be setback a minimum of 15 feet from the front or side corner property lines and screened with a minimum 4-foot tall opaque fence, wall or landscape buffer; no screen enclosures would be permitted.

Automobile Rental Locations

- Staff proposes to add this use to additional commercial zoning districts such as the C-3 District which commonly consists of large shopping plazas and power centers that may be able sacrifice the parking spaces needed for the rental fleet. Operational criteria will include the requirement that the use be located on properties at major road intersections. Any outdoor vehicle storage on site will require Conditional Use approval.

In-ground Storm Shelters

- Staff proposes in-ground storm shelter regulations for residents who, rather than fortify the exterior of their residence or construct safe rooms within the home, prefer to utilize an in-ground storm shelter as their means of protection. With South Florida being prone to hurricane strikes, and the tornadoes spawned by them, this type of shelter can provide another form of protection. Staff decided to draft this code amendment following several inquiries by a property owner who is very interested in adding a shelter to his back yard. Currently, the LDRs are void of such regulations.

Self-Service Storage Locations

- Staff proposes to expand the permitted locations for Self-Service Storage businesses by adding this use to C-4 General Commercial zoning district, except on locations that front an arterial road. Currently, the use is permitted within the Industrial zoning district (M-1) and conditionally permitted within four (4) other zoning districts.

Professional & Technical Schools Locations

- This amendment would expand the permitted locations for Professional & Technical Schools within the PID (Planned Industrial District) to lots that have an Industrial (I) land use option within Quantum Park.

Nonconforming Lots Standards

- Staffs Housing Work Group continues to evaluate the City's regulations and processes for opportunities to eliminate barriers to construction of affordable and workforce housing, and now forwards for consideration this code change that targets a group of non-conforming lots within some of the older neighborhoods in the City. Left as either remnants from prior lot splits, or were vacated after regulations increased leaving them currently unbuildable due to current deficient lot size or frontage requirements. In order to allow single-family residences to be built on these lots, staff proposes modified development standards including revisions to lot area, lot frontage, setbacks, as well minimum livable area. Not only would the amendments create buildable lots, but they would allow for the construction of small, and even more affordable houses. This amendment furthers the City's goal of increasing the inventory of attainable housing.

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

FISCAL IMPACT: No fiscal impact

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
<input type="checkbox"/> Staff Report	CDRV 20-002 Staff Report
<input type="checkbox"/> Exhibit	EXHIBIT A. Proposed LDR Amendments



**DEPARTMENT OF DEVELOPMENT
PLANNING AND ZONING
Memorandum PZ 20-007**

TO: Chair and Members
Planning & Development Board

FROM: Hanna Matras
Senior Planner

THROUGH: Ed Breese
Planning and Zoning Administrator

DATE: May 12, 2020

RE: Approve amendments to the LAND DEVELOPMENT REGULATIONS, revising Chapter 3. Zoning: (1) Article III. Zoning Districts and Overlays, Section 1.B. and Sections 2.C and 2.E., to set maximum building height consistent with Single-Family regulations and to modify development standards for selected non-conforming lots; and (2) Article IV. Use Regulations, Section 3.D. Use Matrix, to revise the locational criteria and regulations for Automobile Rental and to allow Professional & Technical Schools in Industrial (I) pods within Quantum Park, and to allow Self-Service Storage in the C-4 zoning district; and (3) Article V. Supplemental Regulations, Section 3.D. Swimming Pools and Spas, amending locational criteria, and to add Section 3.AA, In-ground Storm Shelters.

PROPOSED CHANGES

- Maximum Building Height in Single and Two-Family (R-2) Residential Zoning District:

A discrepancy was noted within the maximum allowable building heights within residential zoning districts, in which all of the Single-Family districts allow a maximum height of 30 feet, while the Single and Two-Family (R-2) zoning district only allows a maximum height of 25. This inconsistency was a result of an oversight when the maximum allowable building height in Single-Family districts was increased from 25 feet to 30 feet in the 1990s, and the Single and Two-Family (R-2) zoning district was overlooked. For consistency purposes in like zoning districts, staff views this amendment as a housekeeping matter, designed to permit a maximum building height of 30 feet across the single-family and duplex zoning districts.

- Swimming Pools Located Within Front and Corner Side Yard Setbacks:

In an effort to provide flexibility for homeowners on corner lots, where building orientation of the house or other site improvements preclude the ability to construct a pool in the requisite rear or interior side yard, staff recommends a minimal code amendment to allow pools to be constructed

within the front or corner side yard. To bolster the rationale for the proposed amendment to allow encroachments into these yards, currently an administrative adjustment may be granted to allow a house to be expanded to within 20 feet of the front or corner side yard property lines. Further, in 2018, the code was amended to allow covered front porches to encroach into the front setback by up to 10 feet, permitting a minimum setback of 15 feet from the front property line. As these other improvements have been construed to be non-impactful within the required setbacks, staff's proposal would allow in-ground swimming pools to be no closer than 15 feet from the front or side corner property lines. The pool would need to be visually screened with a minimum 4-foot tall opaque fence, wall or landscape buffer, which are currently allowed in any front or side yard setback. Screen enclosures and the like would not be permitted in these areas, to minimize the visual impact on the neighbors.

- Automobile Rental Locations:

To address a recognized need to provide greater flexibility in the locational criteria for the siting of automobile rental businesses, and fulfill the needs of the City's growing population, staff proposes adding this use to additional zoning categories, creating a series of operational criteria (including the requirement that they be located on properties at major road intersections), and requiring Conditional Use approval of any outdoor vehicle storage on site.

- In-ground Storm Shelters:

Staff has been requested to explore regulations for in-ground storm shelters. While some residents choose to fortify the exterior of their residence, and some have constructed safe rooms within the home, a contingent of residents throughout the country, especially in the mid and southwest prefer to utilize an in-ground storm shelter as their means of protection during a storm. With South Florida being prone to hurricane strikes, and the tornadoes spawned by them and other tropical systems, this type of shelter can provide another form of protection. Though not typical in Florida due to the high water table, those who reside on higher ground could take advantage of these proposed regulations.

- Self-Service Storages Locations:

In recognition of the increased demand for this use fueled by the City's growing population, staff proposes to expand the permitted locations of Self-Service Storage locations by adding this use to an additional zoning category. Currently, the use is permitted within the Industrial zoning district (M-1) and conditionally permitted within four (4) other zoning districts. This amendment permits Self-Service Storage within the City's C-4 General Commercial zoning district, except on locations that front an arterial road.

- Professional & Technical Schools Locations:

This amendment would expand the permitted locations for Professional & Technical Schools within the PID (Planned Industrial District) to lots that have an Industrial (I) land use option within Quantum Park.

- Nonconforming Lots Standards:

Older residential areas of the City have several nonconforming lots that are currently unbuildable due to lot size and frontage requirements. In order to allow single-family residences to be built on these lots, staff proposes modified development standards including revisions to lot area, lot frontage, setbacks, and minimum livable area. This amendment furthers the City's goal of increasing the inventory of attainable housing.

CONCLUSION/RECOMMENDATION

Staff proposes these code amendments to continue revising LDRs to support quality redevelopment and economic growth in the CRA and citywide.

CHAPTER 3. ZONING

ARTICLE III. ZONING DISTRICTS AND OVERLAYS

Sec.1. Overview

B. Residential Building and Site Regulations (Table 3-1).

RESIDENTIAL	R-1 AAB	R-1 AA	R-1 A ¹³	R-1	R-2 Duplex ¹³	R-3 Multi	R-4 Multi	IPUD	PUD	MHPD
Density (dwelling units per acre):	5	5.5	6	7.5	10	11	15	Flexible ¹⁰	Flexible ¹⁰	Flexible ¹⁰
Project Area, Minimum (acres)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5+	10+
Lot Area per unit, Minimum (square feet):	9,000	8,000 ⁸	7,500	6,000	4,500	4,000 ¹²	4,000 ¹²	Flexible	Flexible	4,200
Lot Frontage, Minimum (feet):	90	75	60	60	75	100	100	Flexible	Flexible	N/A
Living Area, Minimum A/C (square feet):	1,800	1,600	1,400	1,200	750	750	650	Flexible	Flexible	N/A
Lot Coverage, Maximum:	45%	45%	45%	50%	40%	40%	50%	50%	N/A	N/A
Floor-Area-Ratio (FAR) for Non-Residential, Maximum:	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Structure Height, Maximum (feet):	30	30	30	30	25 30	45 ⁶	45	45 ⁷	45 ⁶	30
Building Setbacks, Minimum (feet):										
Front:	25	25	25	25	25	40	20	Flexible ⁵	Flexible ⁵	20
Interior side:	10	10 ⁸	7.5	7.5	10	20	20	Flexible ⁵	Flexible ⁵	5
Corner side:	25 ⁴	25 ⁴	25 ⁴	25 ⁴	25 ⁴	40	20	Flexible ⁵	Flexible ⁵	10 ¹¹
Rear:	20 ⁴	20 ⁴	20 ⁴	20 ⁴	25 ⁴	40	40	Flexible ⁵	Flexible ⁵	10 ¹¹
Special rear yard setback reductions for 1-story building additions abutting:	Maximum Percentage of Reduction:									
I-95 or railroad tracks:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A	N/A
Intracoastal Waterway (ICWW):	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A	N/A
Lake:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A	N/A
Golf course:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A	N/A

RESIDENTIAL	R-1 AAB	R-1 AA	R-1 A ¹³	R-1	R-2 Duplex¹³	R-3 Multi	R-4 Multi	IPUD	PUD	MHPD
Canal wider than 150 feet:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A	N/A
Canal narrower than 150 feet:	33%	33%	33%	33%	N/A	N/A	N/A	N/A	N/A	N/A
Commercial/industrial:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A	N/A
Public/private park:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A	N/A
Perimeter wall abutting non-residential:	50%	50%	50%	50%	N/A	N/A	N/A	N/A	N/A	N/A
Administrative Adjustment:	Maximum Percentage of Reduction (to standard yard setback):									
Front yard:	20%	20%	20%	20%	N/A	N/A	N/A	N/A	N/A	N/A
Side yard:	20%	N/A	20%	20%	N/A	N/A	N/A	N/A	N/A	N/A
Rear yard:	25%	25%	25%	25%	N/A	N/A	N/A	N/A	N/A	N/A
General Notes:	1, 2	1, 2	1, 2	1, 2	3	3	1, 3	9	9	11

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¹³. [Parcels within the Heart of Boynton District, as defined by the CRA Community Redevelopment Plan that \(1\) were originally platted or \(2\) were existing parcels as of April 1, 2020 may use the development regulations within this section to develop a single-family residence:](#)

<u>Modified Development Standards*</u>	
<u>Lot Area per unit, Minimum (square feet):</u>	<u>N/A</u>
<u>Lot Frontage, Minimum (feet):</u>	<u>N/A</u>
<u>Living Area, Minimum A/C (square feet):</u>	<u>750</u>
<u>Building Setbacks, Minimum (feet):</u>	
<u>Front:</u>	<u>15</u>
<u>Interior side:</u>	<u>5</u>
<u>Corner side:</u>	<u>5</u>
<u>Rear:</u>	<u>10</u>

[*Parcels located within the Martin Luther King Jr. Overlay District are not eligible](#)

Sec.2. Residential Districts

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C. R-1-A Single-family Residential District.

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3. Building and Site Regulations (Table 3-7). The following lot and building requirements shall be observed:

BUILDING/SITE REGULATIONS³ R-1-A District	
Minimum lot area:	7,500 s.f.
Minimum lot frontage:	60 feet
Minimum yard setbacks:	
Front:	25 feet
Rear:	20 feet
Special rear yard setback reduction for single-story building:	
Abutting: I-95 or railroad tracks:	50%
Abutting: Intracoastal:	50%
Abutting: Lakes:	50%
Abutting: Golf Course:	50%
Abutting: Canals wider than 150 ft	50%
Abutting: Canals narrower than 150 ft	33%
Abutting: Perimeter walls of community that abut other than residential:	
Abutting: Commercial or Industrial	50%
Abutting: Public or private park:	50%
Interior side:	7.5 feet
Corner side:	25 feet ²
Minimum living area:	1,400 s.f.
Maximum lot coverage:	45%
Maximum structure height:	30 feet

¹ These special rear yard setback reduction provisions shall not supersede any setbacks that are recorded on a plat.

² On corner lots, the side setback adjacent to the street shall be not less than one-half (1/2) the front yard setback. However, where orientation of adjacent lots on both street frontages provides typical front yard setbacks, the corner lot shall provide for front yard setbacks along both streets. When two (2) front yard setbacks are provided for on a corner lot, no rear yard setback shall be required, only side yard setbacks shall be imposed.

³ [Parcels within the Heart of Boynton District, as defined by the CRA Community Redevelopment Plan that \(1\) were originally platted or \(2\) an existing parcel as of April 1, 2020 may use the development regulations within this section to develop a single-family residence:](#)

<u>Modified Development Standards*</u>	
<u>Lot Area per unit, Minimum (square feet):</u>	<u>N/A</u>

<u>Lot Frontage, Minimum (feet):</u>	<u>N/A</u>
<u>Living Area, Minimum A/C (square feet):</u>	<u>750</u>
<u>Building Setbacks, Minimum (feet):</u>	
<u>Front:</u>	<u>15</u>
<u>Interior side:</u>	<u>5</u>
<u>Corner side:</u>	<u>5</u>
<u>Rear:</u>	<u>10</u>

*Parcels located within the Martin Luther King Jr. Overlay District are not eligible

.....

E. *R-2 Single and Two-family Residential District.*

...

3. Building and Site Regulations (Table 3-9). Existing and/or planned single-family homes shall conform to the R-1 district requirements; however, for duplex homes, the following lot and building requirements shall be observed:

BUILDING/SITE REGULATIONS ⁴ <i>R-2 District</i>	
Minimum lot area (per unit):	4,500 s.f. ¹
Minimum lot frontage:	75 feet
Minimum yard setbacks:	
Front:	25 feet ²
Rear:	25 feet ³
Interior side:	10 feet ²
Corner side:	25 feet ^{2,3}
Minimum living area:	750 s.f.
Maximum lot coverage:	40%
Maximum structure height:	25 <u>30</u> feet

¹ Single-family dwellings shall be constructed on lots that are no less than six thousand (6,000) square feet.

² Overlay regulations may apply. See Section 8 for regulations pertaining to overlays.

³ On corner lots, the side setback adjacent to the street shall be not less than one-half (1/2) the front yard setback. However, where orientation of adjacent lots on both street frontages provide typical front yard setbacks, the corner lot shall provide for front yard setbacks along both streets. When two (2) front yard setbacks are provided for on a corner lot, no rear yard setback shall be required, only side yard setbacks shall be imposed.

⁴ Parcels within the Heart of Boynton District, as defined by the CRA Community Redevelopment Plan that (1) were originally platted or (2) an existing parcel as of April 1, 2020 may use the development regulations within this section to develop a single-family residence:

<u>Modified Development Standards*</u>	
<u>Lot Area per unit, Minimum (square feet):</u>	<u>N/A</u>
<u>Lot Frontage, Minimum (feet):</u>	<u>N/A</u>
<u>Living Area, Minimum A/C (square feet):</u>	<u>750</u>
<u>Building Setbacks, Minimum (feet):</u>	
<u>Front:</u>	<u>15</u>
<u>Interior side:</u>	<u>5</u>
<u>Corner side:</u>	<u>5</u>
<u>Rear:</u>	<u>10</u>

*Parcels located within the Martin Luther King Jr. Overlay District are not eligible

ARTICLE IV. USE REGULATIONS

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Sec. 3. Use Regulations.

.....

D. Use Matrix (Table 3-28).

P = Permitted C = Conditional A = Accessory	Residential										Commercial						Mixed-Use						Industrial			Misc	
	R - 1 - A A B	R - 1 - A A	R - 1- A	R -1	R -2	R -3	R- 4	IPUD	PU D	MH P	C -1	C -2	C -3	C -4	CB D	PCD	SM U	MU -1	MU -2	MU -3	MU -4	MU -C	M -1	PI D	P U	REC	
EDUCATIONAL																											
College, Seminary, University											P	P	C			C		P 15	P 15	P 15					P		
Day Care	C 3 3 8 7	C 3 3 8 7	C 3 3 8 7	C 33 87	C 87	C 87			P 8 87		C	C	C	C	C	C 87	P 11	P 11 14	P 11 14	P 11 14	P 11	P 11	P 22				
School, Industrial & Trade														C									P 22	P 26			
School, Primary and Secondary	C 3 3	C 3 3	C 3 3	C 33	C	C			P															P 25	P		
School, Professional & Technical						P 18					P	P 18	P	P	P	P	P 15	P 15	P 15	P 15		P 15		P 24 26 27 31			
Tutoring and Testing Centers											P	P	P	P	C	P	P 11	P 11	P 11	P 11	C 11	C 11	P 22	P 24 27 31			

....

24. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Commercial (C) land use option.

...

26. General Note. This use is allowed within the PID, except that if proposed in Quantum Park, it shall be restricted to a lot that has an Industrial (I) land use option.

27. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has a Mixed Use (MU) land use option fronting on an arterial roadway or on a MU lot with a development order that is not solely for residential development.

...

31. General Note. This non-industrial use is allowed within the PID district provided it is located on a lot that has an Office (O) land use option. No drive-through facility shall be allowed in connection with this use.

....

D. Use Matrix (Table 3-28).

P = Permitted C = Conditiona 1 A = Accessory	Residential										Commercial						Mixed-Use						Industrial			Misc
	R- 1- AA B	R- 1- A A	R-1- A	R- 1	R-2	R-3	R-4	IPUD √	PU D	MH P	C -1	C -2	C -3	C- 4	C B D	PC D	SM U	M U-1	M U-2	M U- 3	MU- 4	MU -C	M-1	PI D	P U	REC
Storage, Self- Service														P 90			C 5 11 90	C 5 11 90	C 5 11 90	C 5 11 90			P 90			

5. General Note. This use shall be prohibited on the first floor, [or not visible from rights-of-ways](#).

...

90. Storage, Self-Service.

...

e. M-1 District.

(1) Buffers. All perimeter buffers adjacent to residentially-zoned property shall contain a continuous wall or hedge and trees, installed no less than twenty-five (25) feet on-center.

(2) Exterior Storage. In connection with a self-service storage facility, open storage of boats, motor, or recreational vehicles of the type customarily maintained by private individuals for their personal use and commercial vehicles shall be permitted provided the following:

(a) The outdoor storage area shall not exceed forty percent (40%) of the area of the site.

(b) Outdoor storage areas shall be entirely screened from public and private rights-of-way and non-industrial properties. Screening materials shall be comprised of a buffer wall, eight (8) feet in height, or by the project's principal and/or accessory building(s) or a combination thereof. Trees, installed no less than twenty-five (25) feet on-center, in conjunction with shrubs and/or other foundation plantings, shall be placed on the outside of the buffer wall, within a landscaping strip of at least five (5) feet in width. The shrubs and foundation plantings shall be at least four (4) feet in height at the time of installation. However, their inclusion may be waived by the Director of Planning and Zoning if determined to be unnecessary.

[f. C-4 District](#)

[\(1\) Use is not permitted on an arterial road.](#)

.....

D. Use Matrix (Table 3-28).

P = Permitted C = Conditional A = Accessory	Residential										Commercial						Mixed-Use						Indust- 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-1	MU-2	MU-3	MU-4	MU-H	M-1	PID	PU	REC	
COMMERCIAL Retail Sales (Cont'd)																											
Pharmacy & Drug Store											P 1 57	P 2 57	P 57	P 57	P 57	P 57	P 17 57	P 17 57	P 17 57	P 17 57	P 17 57	P 17 57		P 15 27 57			
Restaurant						P 18 58					A 58	P 2 58	P 58	P 58	P 58	P 58	P 17 58	P 17 58	P 17 58	P 17 58	P 17 58	P 17 58	P 58	P 27 58	A 20 58	A 20 21 58	
Restaurant, Take-out						P 18			P 2 8			P 2	P	P	P	P	P 17	P 17	P 17	P 17	P 17	P 17	P 59	P 28	A 20	A 20 21	
Showroom warehouse (single-product line)													P 10 0			P 10 0	P 10 0							P 10 0			
Specialty Food Store						P 18						P 2	P	P	P	P	P	P	P	P	P 2 11	P		P 27			
Tile and Carpet													P	P		P	P 10 17	P 17	P 17	P 17		P 17	P 22	P 24 28			
COMMERCIAL Services																											
Auto Broker													P	P	P	P				P		P	P	P			
Auto/Car Wash (Polishing, Waxing, Detailing)												A 60	C 60	C 60		C 60								A 60			
Auto/Car Wash, Self-serve Bay													C	C		C											
Automobile Rental													A 61	C 61	P 61	C 61	P 16 61			P 16 61	P 16 61	P 16 61					
Automotive, Minor Repair												A 62	C 62	P 3 62		C 62							P 3 62	A 62			
Automotive, Major Repair																							P 3 13 63				
Automotive Window Tinting/Stereo Installation/Alarms												A 64	P 64	P 64		C 64							P 64	P 26			
Bar & Nightclub													C	C	C	C	C 16		C 14 16	C 14 16	C 16	C 16		C 27			
Caterer												P	P	P	P	P							P 22	C			

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60. Auto/Car Washes (Polishing, Waxing, Detailing).
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61. Automobile Rental.

a. C-3 District, ~~C-4 District, and PCD District.~~ ~~Allowed as an accessory use to automotive, minor repair.~~ Conditional use approval is required if use will require on-site storage of vehicles ~~In addition, the following criteria must be met:~~

(1) ~~Location. On sites greater than seventy five (75) acres and only within a separate building in a shopping center a~~ Automobile Rental ~~is allowed~~ shall be subject to the following additional conditions:

- (a) ~~Location. The customer service area shall be located within the building being used for an automotive, minor repair;~~ Automobile Rental establishments shall be located at three-way or four-way intersections involving arterial and collector rights-of-way, as designated by the Comprehensive Plan;
- (b) ~~Vehicle Storage. No more than twelve (12) automobiles shall be stored on-site for the purpose of rental, and such automobiles shall be stored in marked stalls;~~ Vehicles for rent may only be stored in marked stalls if said parking stalls are in excess of the minimum required parking spaces for the site/use(s). A maximum of 20 vehicles may be stored in these marked stalls. An additional amount, up to another 20 vehicles, may be allowed within service areas or non-circulation areas of the site, if determined by staff to be feasible and non-detrimental to service and emergency operations, as well as general vehicular circulation. No required landscaping shall be removed to accommodate the supplemental parking area;
- (c) Vehicle Maintenance. No fueling or ~~refueling~~ servicing of automobiles shall be permitted on-site. Car washing and vacuuming may be allowed if conducted in a service area not visible from any right-of-way, or if located within a fully enclosed building;
- (d) Pre-existing Uses. Any pre-existing and licensed Automobile Rental establishment will not be considered non-conforming and may apply to increase their rental inventory through the Conditional Use process.

~~— b. C-4 District. Automotive, minor repair is allowed as an accessory use to automobile rental, provided that the service and maintenance of the fleet vehicles is relegated to the rental operation and not open to the public.~~

~~— c. PCD District. Uses listed as conditional uses would be considered permitted uses if the following conditions are met:~~

~~— (1) If shown on the originally approved master plan;~~

~~— (2) Uses will not be subject to the minimum acreage requirements of the C-3 zoning district if the site meets the minimum acreage requirement for rezoning to PCD; and~~

~~— (3) All portions of any building dedicated to such use are separated from residentially zoned property by a distance of two hundred (200) feet.~~

~~d. b.~~ MU-3 District, MU-4 District, and MU-C District, and SMU District. The indoor storage/~~display~~ of fleet rental vehicles shall be required. ~~are permitted but shall not exceed ten thousand (10,000) square feet. Conditional Use approval shall be required if all or a portion of the inventory is located within a parking garage/structure.~~

(1) Automobile Rental shall be subject to the following additional conditions:

(a) Location. Automobile Rental establishments shall be located at three-way or four-way intersections involving arterial and collector rights-of-way, as designated by the Comprehensive Plan.

~~(1)~~(b) Access. Shall not be directly from any major roadway.

~~(2)~~(c) Storage. No outside storage of materials, parts, and ~~vehicles.~~ equipment.

~~(3)~~(d) Design. Pursuant to Chapter 4, Article III, Section 3. A.7., overhead doors shall not be visible from any major roadway frontage.

(e) Vehicle Storage. All rental vehicles must be located within marked stalls and only in parking spaces in excess of the minimum required parking spaces for the site/use(s). Said spaces shall be marked for the sole use of the rental operation only.

(f) Vehicle Maintenance. No fueling or servicing of automobiles shall be permitted on-site. Car washing and vacuuming may be allowed if conducted in a service area not visible from any right-of-way, or if located within a fully enclosed building.

(g) Pre-existing Uses. Any pre-existing and licensed Automobile Rental establishment will not be considered non-conforming and may apply to increase their rental inventory through the Conditional Use process.

62. Automotive, Minor Repair.

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ARTICLE V. SUPPLEMENTAL REGULATIONS

Sec.1. General

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Sec. 3. Common Building Appurtenances, Freestanding Structures, and Site Amenities, Excluding Walls and Fences.

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D. *Swimming Pools and Spas.* Unless otherwise regulated by a master plan or site plan for a planned development, in-ground and above-ground swimming pools and spas (less than thirty-six (36) inches in height) shall be setback at least eight (8) feet from rear and side interior property lines; however, such required setbacks may be reduced to two (2) feet in instances where the rear or side interior yard, whichever is applicable, abuts a body of water, golf-course, an improved road, railroad, or highway right-of-way, or a non-residential property. The required setback may be further reduced in such situations, but only upon the determination of the Director of Planning and Zoning when determined necessary to 1) comply with all applicable rules and regulations; 2) be of minimum scale that will make possible the reasonable use of land; and 3) have no impact to abutting properties.

For clarification, the provision to reduce setbacks shall only be available within the yard(s) along property lines abutting the qualifying undevelopable or non-residential lands. Above-ground swimming pools and spas greater than thirty-six (36) inches in height shall be setback ten (10) feet from rear and side interior property lines. ~~In all instances, swimming pools and spas shall not be allowed within the required front or corner side yards, including forward of the front or side corner building lines.~~ Swimming pools and spas shall be restricted to rear and interior side yards, except in circumstances as noted below on corner lots.

To provide flexibility on corner lots while also preserving the intended appearance of the streetscape, an in-ground pool or spa shall be allowed in the front and corner side yards, with a minimum setback of fifteen (15) feet from the property line abutting the right-of-way, when the orientation of the house and site improvements preclude the siting of an in-ground pool and/or spa within the rear or interior side yards. The swimming pool must be screened with an opaque fence, wall, or dense landscaping installed at a minimum of four (4) feet in height (note that other regulations may be applicable for fence heights and setbacks within the Supplemental Regulations section of the Land Development Regulations). No appurtenance associated with the pool may extend above the height of the visual screening installed (i.e. screen enclosure, shade structure/tiki hut, or other similar equipment/structure), unless elsewhere permitted in the Land Development Regulations.

1. **Private Pump Housing and Equipment.** Private pump housing and equipment for swimming pools (and spas) shall be setback at least three (3) feet from the rear and interior side property lines and adequately screened where visible from abutting rights-of-way or properties zoned for single-family residential dwellings. Private pump houses and equipment shall not be

allowed within the required front or corner side yards, including forward of the front or corner side building lines, unless approved for an administrative adjustment if it is determined that no other on-site location is available or feasible. See [Chapter 2, Article II, Section 4.A.](#) for the regulations pertaining to the administrative adjustment process.

2. Miscellaneous. See the Florida Building Code for additional regulations regarding barrier requirements around a swimming pool.

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Z. Electric Vehicle (EV) Charging Station.

1. **Permits Required.** The installation of an EV charging station shall comply with all applicable regulations and permitting requirements required by life-safety/building codes and these land development regulations.

2. **Allowable Location(s).** EV charging stations shall be allowed in all zoning districts, but only in connection with a lawful principal use. In addition, the following restrictions shall apply:

a. In residential zoning districts, EV charging stations shall not be available for public usage, except for where used in connection with a non-residential use;

b. All EV charging stations shall be located within a conforming parking space or upon an on-site area that is specifically designed and designated for EV charging. For nonresidential uses, any parking stall with EV charging is allowed to be used in the computation for meeting the minimum number of required off-street parking spaces. The preferred location shall be such that a single EV charging station could service two (2) parking stalls.

c. The provision for an EV charging station may vary based on the design and use of the primary parking lot; however in all instances, the proposed location must ensure the safe and efficient flow of vehicular and pedestrian traffic. EV charging stations, including its associated equipment and power cords, shall not traverse sidewalks, accessible routes, or other pedestrian areas. Likewise, the placement of each EV charging station shall not conflict with landscaping to the extent that the purpose and intent of the landscape code is no longer met.

d. No EV charging station shall be installed within a designated handicap space unless it is specifically designed and intended for handicap use only;

e. Level 3 EV charging stations shall be prohibited in all residential zoning districts or in connection with any residential use; and

f. A vendor may be allowed to install EV infrastructure on public lands or rights-of-way, but only contingent upon the granting of all necessary approvals and/or agreements with the City Commission and all applicable agencies.

3. **Signage.** Also see [Chapter 4, Article IV, Section 4.D](#) for special signage that is allowed in connection with EV charging stations.

4. **Maintenance.** EV charging station equipment shall be maintained in all respects, including the proper functioning of the charging equipment. A current phone number and other contact information shall be provided on the charging station equipment for the party responsible for maintenance and operation of the equipment.

5. **Safety.** Information on the EV charging station must identify voltage and amperage levels and time of use, fees, or safety information. When the EV charging station space is perpendicular or at an angle to curb face and charging station equipment, adequate equipment protection such as wheel stops or bollards shall be used.

6. Data to be Available. To allow for maintenance and notification, owners of any new public EV charging station shall provide information on the station's geographic location, date of installation, equipment type and model, and owner contact information. This information shall be submitted to the Director of Public Works.

7. Restrictions. The property owner of a public EV charging station shall have the authority to place restrictions on the number of hours that an EV is allowed to charge, in order to deter indefinite charging/parking.

AA. In-ground Storm Shelter.

1. Allowable Location(s). In-ground shelters shall be allowed in all residential zoning districts, but only in conjunction with a lawful principal use. In addition, the following restrictions shall apply:

a. The shelter may only be allowed in the side interior yard under the following conditions:

(1) The shelter may not be placed in any easements.

(2) No more than three (3) feet of the structure extends above ground;

(3) Any portion of the structure above ground must be setback a minimum of three (3) feet from the side property line, and may not extend forward of the front building line.

b. The shelter may be located in the rear yard under the following conditions:

(1) The shelter may not be placed in any easements.

(2) The structure may not exceed the height of the principal structure within fifteen (15) feet of the rear property line.

(3) Between fifteen (15) feet and five (5) feet of the rear property line, the structure may not exceed a height of five (5) feet.

(4) A minimum five (5) foot rear setback is required.

(5) The portion of the shelter located above ground shall be calculated in the maximum allowable lot coverage.

~~AA.~~ BB *Miscellaneous.*

1. Amusement Rides. Miscellaneous structures, such as coin-operated rides and other amusement devices, shall only be allowed within the principal structure, excluding those used in conjunction with an arts, entertainment, and recreational establishment.

2. Donation Bins. See [Chapter 4, Article III, Section 3.F.3.](#) for additional standards regarding donation bins.

3. Helicopter Pads (aka Helistops). See City Code of Ordinances [Part II, Chapter 15](#), Article V for regulations regarding aircraft landing facilities.

4. Animal Enclosures. See City Code of Ordinances [Part II, Chapter 4](#) for the regulations regarding animal enclosures (dog houses).

5. Newsracks. See City Code of Ordinances [Part II, Chapter 15](#), Article VI for regulations regarding newsracks.

6. Other Structures and Amenities. All other amenities and structures that are similar, but not specifically mentioned in the above, shall require applications to the Director of Development.

(Ord. 10-025, passed 12-7-10; Am. Ord. 12-002, passed 3-6-12; Am. Ord. 12-016, passed 10-2-12; Am. Ord. 13-020, passed 7-2-13; Am. Ord. 16-014, passed 7-5-16; Am. Ord. 17-038, passed 1-2-18; Am. Ord. 19-007, passed 2-5-19)