

## 2019 DOWNTOWN ACTION COMMITTEE (DAC)

VARIANCE, REZONING, SPECIAL USE, SPECIAL REVIEW, AND DOWNTOWN MASTER PLAN TEXT



City of West Palm Beach  
Planning Department  
401 Clematis Street,  
P.O. Box 3366  
West Palm Beach, Florida 33401

Phone (561) 822-1435 - Fax (561) 822-1460

### **INSTRUCTIONS**

1. An appointment must be scheduled with a member of the Urban Design Division, to submit the application. A meeting will help determine what application and fee requirements are applicable. If you have any questions regarding the application, please contact them at (561) 822-1435.
2. The application must be complete at the time of the submittal.
3. All **PLANS** submitted **MUST be FOLDED.**
4. All **PLANS** must be submitted in **ELECTRONIC FORMAT** (jpeg or pdf on CD).

**NOTE:** The file number assigned to your case must be written on any permit application(s) for the Urban Design Division in order to process the plans in an expeditious manner.

### **GENERAL INFORMATION**

**CONTINUANCE:** Any application may be continued for a period not to exceed sixty (60) days at the request of the Downtown Action Committee (DAC), if the authority requesting the continuation determines there is a need for further study or additional information.

**WITHDRAWAL:** Any application may be withdrawn by the applicant or designated representative by giving a written notice to the City Urban Designer. An application may be withdrawn from the agenda at a public hearing at the request of the applicant or designated representative and requires a majority vote by the Board.

**REFUND:** Public hearings are advertised in the Palm Beach Post's legal notice section. Any application that is withdrawn after the advertisement of the legal notice and before the public hearing will be refunded the application fee minus any fee that is required for advertising and mailers.

### APPLICATION SUMMARY

Please refer below to determine the materials required for a specific type of application. The Planning Director or his/her designee has the discretion to require from the applicant additional studies, data, or analysis upon an evaluation of the application. The application may not move forward until this additional information is provided. The Planning Director or his/her designee shall allow the applicant reasonable time to prepare and submit this information.

Application Type	Deadline & Meeting Dates	Application Fee	Advertisement Fee	Additional Advertisement Fee	Application (Page 7)	Address Lists, Envelopes	Affidavit	Warranty Deed & Owner's Consent	Project Fact Sheet	Justification Letter	Variance Standards	General, Specific, Residential Standards	Special Review Standards	Survey**	Site Plan & Landscape Checklist	Architectural Drawings**	Site Plan & Landscape Plan	Letter Size Copies of Plans	Photographs of Properties	Neighbor's Letter of Support
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	
Administrative Appeal	X	\$400	\$216		1	1	1	1	1	1				12	1	12	12	1	1	#
Class B Special Use Permit – Non-Residential & Mixed Uses Each additional waiver	X	\$1,350	\$216		1	1	1	1	1	1		1		12	1	12	12	1	1	#
	X	270																		
Class B Special Use Permit – Re-establish Commercial Use	X	\$500	\$216		1	1		1	1	1		1		12	1	12	12	1	1	#
DAC Demolition Review	X	\$600	\$216		1	1	1	1	1	1				12	1	12	12	12	1	#
DAC Special Review	X	\$1,000	\$216		1	1	1	1	1	1			1	12	1	12	12	12	1	#
Rezoning	X	\$3,000	\$216	*	1	1	1	1	1	1				12	1	12	12	1	1	#
Text Amendment – DMP Text Change	X	\$3,000	\$216	*		1	1	1	1	1				12	1	12	12	1	1	#
Variance – Non-Residential and Mixed Use Each additional Variance or Waiver	X	\$1,500	\$216		1	1	1	1	1	1	1			12	1	12	12	1	1	#
	X	\$300																		
Variance – Single Family (Includes on Accessory Apartment) Each additional Variance or Waiver	X	\$600	\$216		1	1	1	1	1	1	1			12	1	12	12	1	1	#
	X	\$120																		
Variance – Multifamily Residential Each additional Variance or Waiver	X	\$1,000	\$216		1	1	1	1	1	1	1			12	1	12	12	1	1	#
	x	\$200																		

\* Cases which go before the Planning Board and City Commission require additional advertising fees.  
 (1-12) Number in square indicates the number of copies of indicated item.  
 (X) Indicates items required for a complete application.  
 (#) Recommended

**A. APPLICATION DEADLINE**

All application deadlines are strictly enforced. The applicant should have an appointment with a member of the Urban Design Division prior to submitting the application. Should the project require review by the Plans and Plats Review Committee (PPRC) as deemed necessary by the Urban Designer, the public hearing for the DAC shall be the following regularly scheduled DAC meeting. Please meet with the Urban Design Staff to determine if this is necessary.

**APPLICATION DEADLINE**

All application deadlines are strictly enforced. **All applications must be in the Urban Design Division’s office no later than 3:00 p.m. on the day of the deadline.** Partial applications will not be accepted for placement on the Board’s agenda until all such materials are submitted.

Application Deadline	Downtown Action Committee City Commission chambers 9:00am
December 11, 2018	January 9, 2019
January 8, 2019	February 13, 2019
February 12, 2019	March 13, 2019
March 12, 2019	April 10, 2019
April 9, 2019	May 8, 2019
May 7, 2019	June 12, 2019
June 11, 2019	July 10, 2019
July 9, 2019	August 14, 2019
August 13, 2019	September 11, 2019
September 10, 2019	October 10, 2019 (Thursday)
October 8, 2019	November 13, 2019
November 12, 2019	December 11, 2019
December 10, 2019	January 8, 2019
January 14, 2020	February 12, 2020
February 11, 2020	March 11, 2020

• **APPLICATION**

Complete the application on **Page 7**. Note the definition of the following categories:

*Applicant* - an individual or company renting, leasing or purchasing the subject property who have a vested interest.

*Owner* - the person(s) or company listed on the deed for the property.

*Contact Person* - the agent or representative for the applicant and/or the owner.

**B. APPLICATION FEES**

Submit the appropriate application fee as indicated on **Page 2**. Make all checks/money orders payable to the City of West Palm Beach. The application fee is **non-refundable** after the public hearing. Large-scale projects and those subject to Special Review will require a review by City staff at the Plans & Plats Review Committee as a Formal Site Plan Review.

**C. LEGAL ADVERTISING & MAILER FEES**

Public hearings are advertised in the *Palm Beach Post's* legal notice section and regular mail. The total cost of advertising is based upon the current *Palm Beach Post* rates. Cases that go before the Planning Board and City Commission require additional advertisement and mailer fees.

**D. APPLICATION (page 7)**

The applicant must provide copies of the first page of the application.

**E. ADDRESS, LABELS, & ENVELOPES**

The applicant must provide the following:

1. One (1) sets of address labels. Set shall be affixed to size #10 envelopes for each property owner within 500 feet of the property lines and have the City's address as the return address as follows: **City of West Palm Beach, Planning Department 401 Clematis Street, P.O. Box 3366, West Palm Beach, Florida 33402.** *Envelopes must be affixed with stamps.*
2. One (1) copy of a list of the same property owner's addresses within 500 feet of the subject property line.
3. One (1) copy the map provided by the Palm Beach County Property Appraiser's Office along with the labels and list mentioned above, showing those properties within 500 feet of the subject property line.

The applicant can provide these items by contacting the Palm Beach County Property Appraiser's Office, with the completed form on **Page 8**, located at:

301 North Olive Avenue, 5th floor,  
West Palm Beach, Florida 33401.  
Phone Number: (561) 355-2881.

**F. AFFIDAVIT**

The AFFIDAVIT on **Page 9** of this application is signed by the individual who obtained the above information from the Palm Beach County Property Appraisers Mapping Office.

**G. WARRANTY DEED**

A copy of the last recorded Warranty Deed **and** written consent of all property owners and as applicable:

1. If a Contract Purchase, a copy of the Purchase contract and written consent of the owner; or
2. If an authorized agent, a copy of the Agency Agreement and written consent of the owner; or
3. If a lessee, a copy of the lease agreement and written consent of the owner; or
4. If a corporation or other business entity, the name of the officer or person responsible for the application and written proof that said representative has the delegated authority to represent the corporation or other business entity; or
5. If a group of contiguous property owners, written consent of the owners of a least (50) percent of the property described in the application.

## **OWNER'S CONSENT**

The Owner's Consent Form, provided on **Page 10**, needs to be completed when the owner is not applying for the request.

1. **Authorized Agent** - provide a copy of the Agency Agreement.
2. **Contract Purchase** - provide a copy of the purchase contract.
3. **Lessee** - provide a copy of the lease agreement.
4. **Corporation or other business entity** - provide a copy of the Articles of Incorporation and a Certificate of Good Standing from the State.
5. **Group of contiguous property owners** - provide a written consent of at least fifty percent (50%) of the property owners described in the application.

## **H. PROJECT FACT SHEET**

The Fact Sheet provided on **Page 11** should be filled out where applicable per project.

## **I. JUSTIFICATION STATEMENT**

Supply a typed statement addressing the following (12 copies):

1. General description of the request;
2. Related background information on the project and site; and
3. Justification, special reasons or basis for the request.

## **J. VARIANCE STANDARDS**

All applications for a variance must complete the Variance Standards form found on **Pages 12-14** of this application. Contact a planner for assistance.

## **K. GENERAL, SPECIFIC, RESIDENTIAL USE STANDARDS**

1. All applications for a Class B Special Use Permit must complete the General Use, Specific Use and Residential Use Standards forms found on **Pages 15-18** of this application. Contact a planner for assistance.
2. All applications for a Class B Special Use Permit requiring any waivers must complete the Waiver Standards form found on **Page 19-20** of this application. Contact a planner for assistance.
3. All applications for a Class B Special Use Permit must complete the Additional Use Standards form that has been provided by the Planning Department as an **ATTACHMENT** to this application.

## **L. SPECIAL REVIEW STANDARDS**

All applications for special review must complete the Special Review Standards form found on **Pages 21-22** of this application.

## **M. SURVEY**

1. The survey shall be signed and sealed by a registered surveyor showing all improvements on the subject property and the computation of total acreage to the nearest one-hundredth (1/100) of an acre (12 copies).
2. The survey shall not be over one (1) year old and all easements and rights-of-way shall be shown on the survey.
3. Survey **MUST** show dimensioned sidewalk widths.

**N. SITE/LANDSCAPE CHECKLIST**

A scaled set of drawings is necessary to review the application. If the information can be conveyed at a scale in a smaller set dimension is preferred. Staff recommends an **11"x17"** format to scale. Project data on **Page 23** is required for review.

**O. ARCHITECTURAL DRAWINGS**

Signed and sealed architectural drawings (floor plans and elevations and/or perspectives) of all proposed buildings, signs, fences and other structures for the project. Note: The Planning Director may determine if signed and sealed drawings are not required in limited cases.

Drawings must show the following:

1. Locations of neighboring buildings in plan.
2. Locations of neighboring buildings in elevations.
3. Elevations shall be color or rendered to indicate building materials and landscaping.
4. Sidewalk widths shall be indicated in plan.

**P. SITE PLAN, LANDSCAPE PLAN**

When applicable, provide Landscape Architectural drawings of all proposed buildings, signs, garden walls, landscape material, pavements and other structures for the project.

**Q. TABLOID-SIZE COPY OF THE PLANS**

An 11" x 17" color set of the site plan, floor plans, all elevations, survey, landscape plan, and any other illustrations.

**R. PHOTOGRAPHS OF SITE**

1. Pictures of all angles of the property. Place pictures on the form provided on **Page 22** of this application, or provide as separate copies.
2. Digital photo files shall accompany print photographs. Staff recommends that the applicant have the images transferred to digital format at the time of photo development at the photo processing center.

**S. OTHER REQUIREMENTS**

The following are recommended items for submittal:

1. Letters of support from surrounding neighbors or property owners.
2. We strongly suggest that the applicant meet with the Neighborhood and Business Association in the area. Also, where applicable, meetings with the Downtown Development Authority and Community Redevelopment Agency may be required.

City of West Palm Beach  
Planning Department  
401 Clematis Street, P.O. Box 3366  
West Palm Beach, Florida 33402  
Phone: (561) 822-1435  
Fax: (561) 822-1460

Regulation Date: \_\_\_\_\_  
FOR CITY USE

**FOR OFFICIAL USE ONLY  
(RECEIVED DATE STAMP)**

**D. APPLICATION FORM**

PROJECT NAME: \_\_\_\_\_

ADDRESS OF PROPOSED REQUEST: \_\_\_\_\_

LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_

PROPERTY CONTROL #: \_\_\_\_\_  
(18 Digits)

APPLICANT: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
City, State and Zip Code

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

OWNER NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
City, State and Zip Code

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

(I) (WE) affirm and certify that (I) (WE) understand and will comply with the provisions and regulations of the City of West Palm Beach Zoning Code. (I) (WE) further certify that the above statements and the statements and showings made in any paper or plans submitted herewith are true to the best of (my) (our) knowledge and belief. Further, (I) (WE) understand that the application, attachments and fees become part of the Official Records of the Planning Department and are not returnable. (I) (WE) also recognize that if one or more deficiencies exist in the application, (I) (WE) will be notified of the deficient items, and the department shall take no further action on the application until the required information is submitted. (I) (WE) understand that misrepresentation of information contained within this application may be cause to void any development approvals associated with this application.

Signature of the Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**E. REQUEST FOR ADDRESS DATA RUN**

NAME OF COMPANY AND/OR INDIVIDUAL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

DESCRIPTION OF RUN OR AREA REQUESTED:

A 500 foot radius around the subject property as measured from the property line. The list includes properties within the circle and any property which touches the line of the circle.

**Legal description of property:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CHECK ONE:

\_\_\_\_\_ NAL PRINT-OUT

\_\_\_\_\_ LABELS

XXX COMPUTER PRINT-OUT & LABELS

XXX TAX-ROLLS

\_\_\_\_\_ HOMEOWNERS ASSOCIATION

XXX INDIVIDUAL  
OWNERS NAMES OF EACH CONDO UNIT\*

I, THE UNDERSIGNED, WISH TO ORDER THE ABOVE DESCRIBED DATA RUN.

I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR ANY CHARGES INCURRED.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\*If applicable.







**H. PROJECT FACT SHEET**

**PROJECT DATA**

Project Name \_\_\_\_\_

Total Site Area (Acres) \_\_\_\_\_ (Square Feet) \_\_\_\_\_

**PROJECT DATA**

	Proposed	Parking	
		Required	Provided
Residential (units)			
Office (sq. ft.)			
Retail (sq. ft.)			
Hotel (rooms)			
Other			
Total Gross Building Area			
Total site area (acres)			
FAR			

**ZONING AND LAND USE**

	Existing Zoning	Describe Existing Use(s)
Subject Area		
North		
South		
East		
West		

**J. VARIANCE STANDARDS**

The variance request is for \_\_\_\_\_  
Purpose of the variance request

according to Article \_\_\_\_\_, Section \_\_\_\_\_.

As provided in Chapter 166, Florida Statutes, to authorize any variance from the provisions of this Chapter, the application must be determined by the review authority that the application be consistent with the criteria for granting variances listed below according to Article II, Section 94-38 (d) (6) City of the West Palm Beach Zoning Code.

- A. The special conditions and circumstances exist which are peculiar to the land, structure or building involving and which are not applicable to other lands, structures or building in the same zoning type district.

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- B. The special conditions and circumstances necessitating the variance do not result from the action of the applicant.

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- C. The granting of a variance requested will not confer on the applicant any special privilege that is denied to other lands, building or structures in the same zoning type district.

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**J. VARIANCE STANDARDS**

D. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning type district and would work unnecessary and undue hardship on the applicant.

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E. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

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F. The granting of a variance will be in harmony with the general intent & purpose of these regulations and The Downtown Master Plan.

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G. The variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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**J. VARIANCE STANDARDS**

H. The property cannot be put to a reasonable use which fully complies with the requirements of The Downtown Master Plan.

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I. The nonconforming use of the neighboring lands, structures or building in other zoning type districts shall not be considered grounds for the authorization of a variance.

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J. Financial hardship is not the only evidence of a hardship considered in the authorization of a variance.

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### K. GENERAL USE STANDARDS

The Special Use request is for \_\_\_\_\_  
Purpose of the use request

According to Article II, Section 94-36(e)(3), the applicant must demonstrate that the proposed use will be in harmony with the zoning ordinance and protection of the public interest for the following:

A. **Future Uses:** The use exactly as proposed at the location where proposed will be in harmony with the uses which, under zoning ordinance and land use plan, are most likely to occur in the immediate area where located.

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B. **Surrounding Uses:** The use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

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C. **Public Benefit:** The use exactly as proposed at the location where proposed will not result in substantially less public benefit nor greater harm than would result from use of the site for some use permitted by right or by some other special use permitted on the site.

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**K. SPECIFIC USE STANDARDS**

According to Article II, Section 94-36(e)(4), the applicant must demonstrate that the proposed use will be in harmony with the following requirements:

**A. Traffic:**

- 1. The proposed use will not generate traffic that will reduce the level of service on any road to a lower level than would result from a use permitted by right.

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- 2. The proposed use will not require extension or enlargement or any other alteration of the street system in a manner resulting in higher net public cost or earlier expenditure of public cost than would result from a use permitted by right.

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- 3. The property or structure for the proposed use will be located, designed, and constructed so that the access and egress standards of Section 33-92 are satisfied for uses subject to those standards.

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**K. SPECIFIC USE STANDARDS**

- B. **Utility Systems:** The proposed use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems, and other utility systems that neither extension nor enlargement nor any other alternation of such systems in a manner resulting in higher net public cost than would result from a use permitted by right will be required.

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- C. **Public Safety:** The proposed use will not place a demand on municipal police or fire protection services beyond the capacity of those services, a demand which does not exceed that likely to result from a use permitted by right.

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**K. RESIDENTIAL DISTRICT STANDARDS**

According to Article II, Section 94-36(e)(5), the applicant must demonstrate that the proposed use will be in harmony with the following requirements:

- A. **LOCATION:** The location of the special use will not be hazardous to or inconvenient to the predominantly residential character of the area in which it is to be located or to be long-range development if the district for residential purposes intended.

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- B. **SIZE AND INTENSITY:** The size of the special use and the nature and intensity of the operations involved will not be hazardous or inconvenient to the residential character of the area in which it is to be located. The district for residential purposes shall not be affected adversely.

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- C. **CONTIGUOUS RESIDENTIAL USES:** The location of the special use will not result in the isolation of a small existing or planned residential developments by its being completely or largely surrounded by arterial streets or nonresidential land uses.

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- D. **RESIDENTIAL CHARACTER:** Building for special uses in a residential district shall be designed and constructed in a manner similar other neighborhood residential structures. Design factors shall include building mass, height, materials, window arrangement, yards, and similar considerations.

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**K. WAIVER STANDARDS**

Ordinance No. 2141-87, Section 1, Extra Requirements for Special or Permitted Uses of Chapter 94 of the Code for the City of West Palm Beach, Florida, at Section 94-273 (a) (2), Additional Standards.

A. The use will be consistent with the comprehensive plan of the City adopted by the City Commission.

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B. The use will be in harmony with the general character of the neighborhood considering population, density, design, scale and activity, traffic and parking conditions, and number of similar uses.

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C. The use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare physical activity.

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D. The use will have no detrimental effect on vehicular or pedestrian within a district due to detrimental effects on permitted uses.

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**K. WAIVER STANDARDS**

E. The use will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area.

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F. The use will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements.

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G. The use otherwise meets the definition standards set forth elsewhere in this ordinance for such particular use.

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H. The use will provide alternative measures consistent with the intent of the additional standards to provide protection to adjacent properties and preserve neighborhood character.

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- c. **Building design.** While architectural style should not be restricted, the proposed development should be evaluated based upon the quality and execution of the design, as well as its relationship to surrounding buildings. The architectural elements chosen should be consistent across the entire development. Consistency will be determined based upon mass, bulk, proportion, fenestration, and rhythm of building elements when reviewed together and as separate elements.

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- d. **Public realm.** The proposed development should enhance the quality of the public realm. Enhancement may be determined based upon the provision of open space, public amenities, landscaping, or a building design with features which contribute to the viability and attractiveness of the public realm. The public realm space should be integrated with the building site plan in a way that not only fully incorporates surrounding pedestrian circulation at the ground level, but also allows visual interaction with the floors above the ground level.

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## N. PLAN CHECKLIST

The following checklist is designed to assist applicants in preparing plans for review. The applicant should submit this form with the application. Plans should be drawn to scale with adequate resolution for verification of measurements.

Project Address: \_\_\_\_\_

- 1. Date, north arrow, and graphic scale.
- 2. Vicinity map showing property in relation to the surrounding area.
- 3. Location of property line, right-of-way, proposed/existing easements, water courses and other essential features.
- 4. Streets, driveway, intersections, curb cuts and turning lanes adjacent to or across from the subject property.
- 5. The outlines of all building showing their proposed uses, setbacks, dimensions, floor area, number of stories, height and points of access.
- 6. Location height, size, and design of all freestanding signs, sidewalks, fences, walls, benches, and other accessory structures.
- 7. Means of vehicular and pedestrian access to and from the site.
- 8. Layout and location of all off-street parking, loading and other vehicular use areas, including where applicable, distance from the principle uses.
- 9. Schematic of drainage system.
- 10. Location, height and intensity of all outdoor illumination.
- 11. Location of existing and proposed fire hydrants (or operational equivalents) within 250 feet of the proposed structure or structures.
- 12. Location and screening of all garbage receptacles.
- 13. Standard City details of parking (small car, handicap space, standard space), handicap ramps, driveways, dumpsters and signs.
- 14. Supply a data table which indicates the following:
  - A. Existing/Proposed land use, building type, and zoning.
  - B. Total net building square footage.
  - C. Number of dwelling units (residential).
  - D. Parking computations (parking required, parking provided, etc.)
- 15. Two (2) sets of 11" X 17" reduced copies of the site plan.

## LANDSCAPE PLAN CHECKLIST

- 1. Date, north arrow, and graphic scale.
- 2. Location of property lines, streets, building outlines, parking lots, sidewalks, fences and all other structures.
- 3. Location of all proposed trees, shrubs, ground covers, and other landscape materials.
- 4. Phasing of the site including any temporary landscaping.
- 5. Supply a table which indicates the following:
  - A. A table which includes both the botanical and common name of all proposed landscape materials.
  - B. A table showing the size and quantity of all proposed landscape materials.
  - C. A key which identifies all landscape materials on the plan.
- 6. Statement that all landscaped areas will be provided with permanent, automatic irrigation.
- 7. Landscape plans must be signed and sealed by a registered landscape architect.