

**EXHIBIT A**

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

**Minutes of July 23, 2014 Meeting**

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

**A. Call to Order/Convene as LDRAB**

**1. Roll Call**

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

**Members Present: 14**

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

**Members Absent: 3**

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

**County Staff Present:**

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

**Vacancies: 2**

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

**2. Additions, Substitutions, and Deletions**

None.

**3. Motion to Adopt Agenda**

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

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

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

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

**B. ULDC AMENDMENTS**

**1. Exhibit B – Art. 14, Environmental Standards**

• **Proposed Ordinance**

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

• **Exhibit B Attachment**

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

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

**C. CONVENE AS LDRC**

**1. Proof of Publication**

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

**Reordered Item**

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

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#### 2. Consistency Determination Exhibit B.1. listed above

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

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

#### D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

#### B. ULDC AMENDMENTS (Continued)

#### 2. Exhibit C – Use Regulations Project – Residential Uses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**E. PUBLIC COMMENTS**

There were no public comments.

**F. STAFF COMMENTS**

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

**G. ADJOURN**

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

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

Minutes drafted by: Lauren Dennis  
Scott Rodriguez  
Monica E. Cantor HC for all 10/22/14

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