



March 20, 2013

**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

Steven L. Abrams, Chairman
Priscilla A. Taylor, Vice Chair

Hal R. Valeche
Paulette Burdick

Shelley Vana

Mary Lou Berger

Jess R. Santamaria

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*

Mr. Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, FL 33460

RE: March 27, 2013 LDRAB/LDRC Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB/LDRC meeting on Wednesday, March 27, 2013.

The meeting will commence at **2:00 p.m.** in the Vista Center 1st Floor Ken Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact me at (561) 233-5206 or via email at WCross@pbcgov.org, or Monica Cantor, Senior Site Planner at (561) 233-5205 or via email at MCantor@pbcgov.org.

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: February 27, 2013 LDRAB Agenda and Supporting Materials

- c: Verdenia C. Baker, Deputy County Administrator
- Rebecca D. Caldwell, Executive Director, PZB
- Leonard Berger, Chief Assistant County Attorney
- Robert Banks, Chief Land Use County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Chief Planner, Zoning
- Monica Cantor, Senior Site Planner, Zoning
- Bryan Davis, Principal Planner, Planning
- John Rupertus, Senior Planner, Planning

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PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

MARCH 27, 2013

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Florida Atlantic Builders Assoc.)

Richard S. Kozell, III (District 1)

Joni Brinkman (Palm Beach League of Cities)

Barbara Katz (District 3)

Terrence N. Bailey (Florida Engineering Society)

Jim Knight (District 4)

Jerome I. Baumoehl (American Institute of Architects)

Lori Vinikoor (District 5)

Edward E. Tedtmann (Environmental Organization)

Mike Zimmerman (District 6)

Frank Gulisano (Realtor's Assoc. of the Palm Beaches)

Henry D. Studstill, Esq. (District 7)

Gary Rayman (Fl. Surveying and Mapping Society)

James M. Brake (Member at Large/Alternate)

Maurice Jacobson (Condominium Association)

Leo Plevy (Member at Large/Alternate)

Vacant (Association Gen. Cont. of America)

Board of County Commissioners

Steven L. Abrams
Mayor, District 4

Priscilla A. Taylor
Vice Mayor, District 7

Hal R. Valeche
Commissioner, District 1

Paulette Burdick
Commissioner, District 2

Shelley Vana
Commissioner, District 3

Mary Lou Berger
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Robert Weisman
County Administrator



"An Equal Opportunity – Affirmative Action Employer"
2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
WEDNESDAY, MARCH 27, 2013 AGENDA
2300 NORTH JOG ROAD
1ST FLOOR KEN ROGERS HEARING ROOM (VC-1W-47), 2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of February 27, 2013 Minutes (**Exhibit A**)

B. RECOGNITION OF FORMER LDRAB MEMBERS: ROSA DURANDO, JOANNE DAVIS AND MARTIN KLEIN

C. ULDC AMENDMENTS

1. Exhibit B – Electrified Fences

D. CONVENE AS LDRC

1. Proof of Publication
2. Consistency Determination – Electrified Fences (Exhibit B above)

E. RECONVENE AS LDRAB

F. PUBLIC COMMENTS

G. STAFF COMMENTS

1. LDRAB Revision of Rules of Procedure
2. Status of Privately Initiated Amendments (Commercial Parking Lot withdrawn)

H. ADJOURN

EXHIBIT A

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

Minutes of February 27, 2013 Meeting

On Wednesday, February 27, 2013 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 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 14

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Jim Knight (District 4)*
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Henry Studstill (District 7)**
Gary Rayman (Fl. Surveying & Mapping Society)
Raymond Puzzitiello (Gold Coast Build. Assoc.)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)
Jerome Baumoehl (AIA)
Edward Tedtmann, Environmental Organization)
James Brake (Member At Large, Alt.)
Leo Plevy (Member At Large, Alt.)

Members Absent: 4

Richard Kozell (District 1)
Barbara Katz (District 3)
Maurice Jacobson (Condominium Association)
Frank Gulisano (PBC Board of Realtors)

Vacancies: 1

(Assoc. General Contractors of America)

County Staff Present:

Leonard Berger, Chief Assistant Cty Attorney
Jon MacGillis, Zoning Director
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
David Nearing, Site Planner 1, Zoning
John Rupertus, Senior Planner, Planning
Zona Case, Zoning Technician, Zoning
Lt. Michelle Fox, Animal Care and Control

2. Additions, Substitutions, and Deletions

No amendments were presented. The Chairman noted that a backup sheet for exhibit D was circulated to be included under staff comments.

3. Motion to Adopt Agenda

Motion to adopt by Lori Vinikoor, seconded by David Carpenter. Motion passed (12 - 0* **).

4. Annual Election of Chair and Vice-Chair

Newly elected member, Edward Tedtmann and James Brake introduced themselves as a representative of Environmental Organizations and Alternate Member at Large, respectively.

Motion to re-elect Wes Blackman as Chair and David Carpenter as Vice-Chair by Lori Vinikoor, seconded by Raymond Puzzitiello and passed (12 – 0* **).

* Jim Knight arrives at 2:10 p.m.

5. Adoption of November 14, 2012 Minutes (Exhibit A)

Motion to adopt by Mr. Puzzitiello, seconded by Ms. Vinikoor. Motion passed (13 – 0**).

B. ANNUAL ORGANIZATION DISCUSSION

Ms. Cantor commented on attachments 1 through 5, indicating that the LDRAB Meeting Procedures information was available on-line. She reviewed the 2013 LDRAB member list, the 2013 LDRAB Meeting Schedule, and reminded members that additional special meetings might be necessary but are not counted toward the annual attendance record. In addition, Ms. Cantor spoke about the 2013 Work Plan which contained the following:

- Deadlines/Scheduling for Proposed 2013 Amendments;
- Summary of Amendments Round 2013-01; and,
- Status of active Subcommittees.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Puzzitiello. Motion passed (13 – 0**).

** Henry Studstill arrives at 2:17 p.m. The total vote for Exhibits B and C-1 do not reflect his attendance as he remained seated in the audience until Exhibit C-2.

C. ULDC AMENDMENTS

1. Exhibit B – Florida Fish and Wildlife Conservation Commission

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of February 27, 2013 Meeting

Ms. Cantor explained that the amendment updates the name of the Florida Game and Fresh Water Commission to Florida Fish and Wildlife Conservation Commission, in keeping with a constitutional amendment passed in 1998.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Puzitiello. Motion passed (13 – 0**).

D. PRIVATELY INITIATED AMENDMENTS

1. Exhibit C – 1 Type I Kennels

Mr. Cross summarized as follows:

- The requested Privately Initiated Amendment (PIA) by Jeff and Monika Stefaniak, is for a new Type 1 Kennel (Private), to allow boarding of dogs not owned by occupants of the premises. Currently private kennels are limited to domestic animals owned by the occupants. Boarding is prohibited.
- Several persons in residential districts, including the Stefaniaks, were issued licenses by the Palm Beach County Tax Collector for pet sitting, dog walking and other similar activities, as well as licenses from Animal Care & Control (ACC) which were inadvertently used for boarding.
- Staff recommends that the request be reviewed as part of the Use Regulations Project but the time frame is unsuitable to the applicant, as their existing licenses will expire shortly and will not be re-issued.
- It was noted that the proposed use might be similar to a family day care home or where limited boarding of up to four horses is permitted in private stables.
- The Board was asked to recommend whether the application merits further consideration and if so, in the current Round or at a later date.

The following points were made in the discussion that ensued:

- Several members cited concerns with the potential disruptive and intrusive commercial use in residential areas.
- Regulating pick-up and drop-off off animals is difficult and impacts traffic.
- Lot size and zoning should be considered to reduce the obtrusiveness of the use.
- Lt. Michelle Fox clarified that the number of domestic animals permitted by ACC is based on lot size, with ten animals (dogs and cats) on 1.5 Acres; 20 on 1.5 to 2.5 acres sites and up to 30 for 2.5 acres or more.

Mr. Stefaniak clarified that every effort has been made to minimize impact. He confirmed Mr. Cross' summary and added that there is no signage or extra parking areas and traffic impacts. When the licenses were issued he was led to believe that under Type 1 the use would be allowed. This request is limited to Agricultural Zoning districts, 1.5 acre lot limited to 10 dogs.

Mr. Knight favored moving the application forward as the applicant has a large lot. Mr. Blackman stated that the Board's immediate role is advisory and the application could be reviewed later and fine-tuned with staff's help. Mr. Cross clarified that the application will go to the BCC regardless of the Board's decision. If approved for review it will come back to LDRAB.

Mr. Bailey said it would be appropriate to discuss on all levels and note the Board's concerns before it goes to the BCC. Ms. Vinikoor requested not to consider the use in agricultural districts as dogs disturb farm animals, agricultural activities and impact farmers. Traffic will be an issue and the number of like businesses will grow, resulting in increased disturbance.

Motion by Mr. Carpenter not to review further, seconded by Mr. Baumoehl. Mr. Blackman recommended for a vote on a roll call and he explained that an affirmative vote would indicate the Board does not wish to consider it further; a negative vote requires another motion. The Secretary called the roll. The motion did not pass (9 nays - 4 yeas**).

A second motion was made by Ms. Brinkman to move the application forward to the BCC with concerns of lot size, Tier, and sound to be considered, seconded by Mr. Puzitiello. Motion amended by Ms. Brinkman to include Mr. Bailey's request to consider fixed percentage or proportional allotment of the total allowable amount of animals for outside boarders. Motion passed (9 - 4**).

2. Exhibit C – 2, Commercial Parking Lot

Ms. Brinkman recused herself from discussion on this item and provided completed Voting Conflict form 8B to be part of the minutes.

EXHIBIT A

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

Minutes of February 27, 2013 Meeting

Mr. Nearing indicated that the Palm Beach Kennel Club Privately Initiated Amendment is to review supplemental regulations and associated sections of the ULDC for Commercial Parking Lots. This request relates to satellite parking at the Palm Beach International Airport but the amendment will apply County-wide and is not site-specific.

Mr. Joe Verdone, the applicant, introduced Ms. Collene Walter, Planner Consultant for the Department of Airports (DOA) who stated that the DOA has some concerns because this amendment will apply to all commercial properties and it may impact on the airport's operations. She referred to an inaccuracy in the Zoning staff report and clarified there is no parking agreement between the Palm Beach Kennel Club and PBIA to provide satellite parking, and she wanted to clarify that the DOA is not endorsing or promoting this type of use. She further said that the DOA is agreeable to working with the applicant to see if the language can be fine-tuned to protect the airport and asked that it be tabled for 30 days.

Motion by Mr. Puzzitiello, seconded by Ms. Vinikoor. Motion passed.(14 - 0)

F. PUBLIC COMMENTS

There were no public comments

G. STAFF COMMENTS

1. Electrified Fence Update

Mr. Cross advised that the applicant had made two more submittals since the conclusion of the LDRAB Subcommittee, and that the applicant had requested postponement until the March meeting.

2. Sunshine Law and Proposed Rules of Debate

Mr. Berger explained that the County would be recommending use of a condensed version of Robert's Rules of Order which would be more appropriate for the LDRAB. He asked that members read thoroughly Exhibit D, Rules of Debate and provide feedback and that the item will be placed on the next agenda to be included in LDRAB Rules of Procedure.

Mr. Berger added that decision making by LDRAB is done publicly at meetings, and board matters discussed person to person or electronically outside the meeting violates the Sunshine Law and is punishable as a 2nd degree misdemeanor. Mr. Berger advised members to watch the Ethics training on-line occasionally and be mindful that Voting Conflict Laws are very fact-specific. He advised them to protect themselves by paying close attention to the topics on the agenda before attending meetings.

Mr. Knight suggested an advisory reminder be included in the meeting invitation. He also asked to place on record his appreciation for the dedicated service given to LDRAB by Martin Klein whose term expired in February 2013. He also advised members not to use the "reply all" when responding to meeting invitations. Mr. Berger clarified that this does not automatically violate Sunshine Law but it is better not to use it as it invites exchange of ideas from other members.

Ms. Cantor introduced newly elected member, Mr. Henry Studstill. She also asked for more volunteers to serve on the Landscape and Use Regulations Subcommittees. Ms. Brinkman offered to sit on the Use Regulations Subcommittee and this was voted on by all members. The motion passed (14 - 0).

H. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:15 p.m.

Recorded tapes 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: Zona Case

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Brinkman Joni S.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Land Development Regulation Advisory Board</i>
MAILING ADDRESS <i>201 Rex Ct Palm Beach</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Palm Springs FL 33461</i>	NAME OF POLITICAL SUBDIVISION: <i>Palm Beach County</i>
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joni Brinkman, hereby disclose that on February 27, 20 13:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Urban Design Kilday Studios, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

*Item D.2. Commercial Parking Lot
my employer (UDKS) has a contract w/ the
Palm Beach Dept of Airports, who plans to
speak on the item.*

2-27-13
Date Filed

Joni Brinkman
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

EXHIBIT B

ELECTRIFIED FENCES
SUMMARY OF AMENDMENTS
(Updated 3/11/13)

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Part 1. ULDC Art. 5.B.1.A.2.c, Dangerous Materials [Related to the Fences, Walls and Hedges] (page 9 of 92), is hereby amended as follows:

Reason for amendments: [Applicant] The initiation of this amendment was discussed at the Amend the September 27, 2012 BCC Zoning Hearing. The Board directed staff to process a publicly initiated ULDC amendment to be submitted (Phase II) on behalf of Electric Guard Dog, to allow for the use of electric security fencing in certain situations.

Staff issues are summarized as follows:

1. Staff generally concurs with the potential viability of the proposed electrified fencing as a deterrent to crime in industrial or in other similar areas with limited natural surveillance due to a lack of mix of uses within the area or limited hours of operation, among other factors.
2. However, staff has two primary areas of concern: Public safety and aesthetics, the latter of which is due to the “perception” that the need for enhanced security that is visible to the public suggests the appearance of slum and blight. Whereas the “perception” of environmental, crime or economic blight has historically been acknowledged as adverse to neighborhoods and communities, often hampering new investment or reducing quality of life.
3. Staff has reviewed several ordinances from jurisdictions that permit electrified fencing, and noted that a significant number limit use to industrial districts or similar areas, several explicitly prohibit within residential districts.

Pursuant to BCC direction, staff coordinated three Land Development Regulation Advisory Board (LDRAB) subcommittee meetings and worked with the applicant to address safety and aesthetic concerns where feasible. Re-submittals by the applicant responded to both staff and subcommittee input, but also included an expansion of the original request to include several additional uses (1st Submittal – November 28, 2012; 2nd – December 20, 2012; 3rd – January 24, 2012; and, 4th – February 6, 2012.

At time of publication, most staff issues had been resolved through additional safety and aesthetic requirements. Unresolved issues will be shown in a table format with the applicant’s request in the left hand column shown in the normal ~~strikeout~~ or underline format. Staff recommendations are shown in the right hand column, with any alternate recommendations or changes shown in double ~~strike-out~~ or underline format.

5 CHAPTER B ACCESSORY AND TEMPORARY USES

6 Section 1 Supplementary Regulations

7 A. Accessory Uses and Structures

8 2. Fences, Walls and Hedges

9 c. Dangerous Materials

10 ~~4)~~ Fences or walls in any zoning district, shall not be electrified or contain any
11 substance such as broken glass, spikes, nails, barbed wire, razors, or any other
12 dangerous material designed to inflict discomfort, pain or injury to a person or animal,
13 except as allowed below. [Ord. 2010-005] [Ord. 2011-001]

14 ~~12)~~ Barbed Wire Exceptions

15
16 **2) Electrified Fences - Exceptions and Regulations**
17 The use of electrified fences is prohibited except in instances as detailed below. The
18 County recognizes that electrified fences may be necessary to secure certain non-
19 residential uses or structures. Therefore, the County allows the installation of
20 electrified fencing, subject to the following:

21 **a) Allowable Uses for Electrified Fences**

22 Electrified fences shall only be allowed for the following uses:

- 23 (1) Commercial uses, as follows:
 - 24 (a) Auction, Outdoor;
 - 25 (b) Auto Paint or Body Shop;
 - 26 (c) Building Supplies;
 - 27 (d) Contractor Storage Yard;
 - 28 (e) Flea Market, Open;
 - 29 (f) Landscape Service;
 - 30 (g) Laundry Services;
 - 31 (h) Parking Lot, Commercial;
 - 32 (i) Repair and Maintenance, General;
 - 33 (j) Self-Service Storage;

Notes:

Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [**Relocated to:**].

~~Stricken~~ indicates text to be **deleted**.

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B

ELECTRIFIED FENCES
SUMMARY OF AMENDMENTS
(Updated 3/11/13)

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- (k) Towing Service and Storage; and,
- (l) Vehicle Sales and Rental;
- (2) Public and Civic uses, as follows:
 - (a) Airport; and,
 - (b) Government Services.
- (3) Recreation uses, as follows:
 - (a) Zoo; and,
 - (b) Marine Facility.
- (4) All uses listed as Agricultural Uses in Table 4.A.3.A, Use Matrix.
- (5) All uses listed as Utilities & Excavation uses in Table 4.A.3.A, Use Matrix.
- (6) All uses listed as Industrial Uses in Table 4.A.3.A, Use Matrix.
- (7) Accessory Outdoor Storage in accordance with Art. 5.B.1.A.3, Outdoor Storage.
- (8) Properties with a Conservation FLU designation, for the purposes of protecting publicly owned natural areas.
- (9) To secure permanent mechanical equipment except on individual residential lots.
- (10) The Zoning Director shall have the authority to allow the installation of electrified fences for any uses pursuant to Art. 4.B, SUPPLEMENTARY USE STANDARDS, when the applicant demonstrates a need to comply with Federal, State or Local Government regulations. The Zoning Director may require the applicant to perform mitigation in order to address compatibility with adjacent properties or visibility from adjacent street right-of-way.

b) Standards

Electrified fences shall be installed, operated or maintained in compliance with the following:

(1) Technical Standards

All electrified fences are subject to permitting and review by the Building Division and shall be designed, installed, operated and maintained in a manner not to be injurious to individuals.

(2) Exterior Non Electrified Fence or Wall

Electrified fences and gates shall be attached to the interior of, or completely surrounded on the side facing the property exterior, by a non-electrified fence or wall that meets the following requirements:

- (a) Minimum of six feet in height;
- (b) The separation between the exterior, non-electrified fence or wall and the electrified fence shall be a minimum of four inches and a maximum of eight inches;
- (c) When adjacent to or within 50 feet of a parcel of land with a residential FLU designation or use, the non-electrified fence shall include a solid material that will screen the electric fence from view and prevent a person from being able to penetrate the non-electrified fence; and
- (d) Exterior fences such as chain link shall have openings no larger than two and three-eighths inches.

Applicant's Proposed Language:	Staff Recommendation:
<p>3) Public Warning Signage <u>Electric fences shall be clearly identified with warning signs posted at intervals of not more than 60 feet with at least one sign on each exterior perimeter side of the non-electrified fence or wall and interior side of the electrified fence.</u></p>	<p>3) Public Warning Signage <u>Provide and maintain signage, subject to prior review by the Building Division, which satisfies the intent of the requirements contained in ISO-3864 or a current equivalent internationally accepted standard, and that such signage be placed within ten feet of all corners, not more than 30 feet apart, so as to be plainly visible. Exceptions to screening or landscaping requirements may be permitted where necessary to ensure visibility of signage.</u></p> <p><u>Electric fences shall be clearly identified with warning signs posted at intervals of not more than 60 feet with at least one sign on each exterior perimeter side of the non-electrified fence or wall and interior side of the electrified fence.</u></p>

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Notes:

Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [**Relocated to:**].

~~Stricken~~ indicates text to be **deleted**.

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EXHIBIT B

ELECTRIFIED FENCES
SUMMARY OF AMENDMENTS
(Updated 3/11/13)

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(4) Height

The maximum height of an electrified fence and any attachments shall not exceed the height of any required exterior non-electrified fence or wall, or other required screening, by more than a maximum of two feet in height. Any portion of an electrified fence that exceeds the height of the non-electrified fence shall be limited to a maximum of two horizontally placed strands per vertical foot, a maximum of 12.5 gauge in diameter, with attachments spaced not less than 20 feet on center, excluding gates.

(5) Location, Landscaping or Screening

Applicant's Proposed Language:	Staff Recommendation:
<p>(a) Properties Fronting Arterial Roadways <u>(1) Electrified fences may be permitted within front or side street setbacks from property lines adjacent to an arterial roadway only when the perimeter landscape buffer meets or exceeds the standards of a Type 3 Incompatibility Buffer per Table 7.F.9.A.</u></p>	<p>(a) Properties Fronting Arterial Roadways (1) <u>Electrified fences may be permitted within front or side street setbacks from property lines adjacent to an arterial roadway only when the perimeter landscape buffer meets or exceeds the standards of a Type 3 Incompatibility Buffer per Table 7.F.9.A. Incompatibility Buffer Standards. The required incompatibility buffer wall may be replaced with a fence or hedge.</u></p>

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(a) Properties Fronting Roadways

Electrified fences may be permitted within front or side street setbacks only when the perimeter landscape buffer meets or exceeds the standards of a Type 3 Incompatibility Buffer per Table 7.F.9.A. Incompatibility Buffer Standards. The required incompatibility buffer wall may be replaced with a fence or hedge.

(b) All Other Properties

Electrified fences shall not be permitted within any required setback from property lines, unless the perimeter landscape buffer is in compliance with Art. 7, Landscaping.

(c) Within 50 Feet of Any Property Line

Any electrified fence located within 50 feet of any property line abutting a non-conforming landscape buffer shall be screened from view by landscaping, fences, walls or buildings, excluding the top two feet.

(d) Outdoor Storage

The use of electrified fences in outdoor storage areas shall only be permitted when in compliance with the following screening requirements, excluding the top two feet:

- (1) When located in non-residential districts, the screening requirements of Art. 5.B.1.A.3, Outdoor Storage; and,
- (2) When located in residential districts or for uses which allow outdoor storage by definition or in another section, shall be screened from view by landscaping, fences, walls or buildings.

(e) Mechanical Equipment

The use of electrified fences with mechanical equipment shall only be permitted when in compliance with the screening requirements of Art. 5.B.1.A.19, Mechanical Equipment, excluding the top two feet.

(6) Non-Conforming Dangerous Materials

If a property has non-conforming dangerous materials in areas that will be secured by the installation of electrified fences, the dangerous materials shall be removed prior to electrification or the issuance of a certificate of completion by the PBC Building Division for the electrified fence.

(7) URAO, IRO, LCC, WCRAO and TDD Limitations

- (a) Electrified fences shall not be permitted in any URAO, IRO, LCC, or TDD developments constructed with a required build to line or any other area unless located behind buildings and in areas not accessible by the public.
- (b) Electrified Fences within the WCRAO shall be prohibited in all Sub-areas except for the UI Sub-area.

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Notes:

Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [**Relocated to:**].

~~Stricken~~ indicates text to be **deleted**.

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B

ELECTRIFIED FENCES
SUMMARY OF AMENDMENTS
(Updated 3/11/13)

1
2 Part 3. ULDC Art. 7.F.3.B, Location of Planting [Related to Walls and Fences in Buffers] (page
3 37 of 50), is hereby amended as follows:
4

Reason for amendments: [Applicant] Staff advised the applicant that existing location of planting requirements may adversely affect the operation of electrified fencing due to issues with access for plant and tree maintenance, or potential for shrubs or tree branches to inadvertently short out or set off alarm.

The applicant concurred and incorporated staff recommendations into the amendment application.

5 CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

6 Section 3 Walls and Fences

7 B. Location of Planting

8 A minimum of 75 percent of required trees shall be located between the exterior of the wall or
9 fence along a R-O-W, or facing adjacent property, except when a fence is used in a compatibility
10 buffer and located along the property line. Shrubs or hedges shall be installed on both sides of
11 the wall or fence along a R-O-W, or facing adjacent property, except when a fence is used in a
12 compatibility buffer and located along the property line. [Ord. 2007-013]

13 1. Exception

14 Electrified fencing in accordance with Art. 5.B.1.A.2.c.2), Electrified Fence – Exceptions and
15 Regulations, shall not be required to provide shrubs or hedges on the inside of the electrified
16 fencing or on the inside of the non-electrified fencing or wall which the electrified fencing is
17 adjacent to.
18

19
20 Part 4. ULDC Art. 7.F.3.E, Chain Link Fences [Related to Walls and Fences in Buffers] (page 37
21 of 50), is hereby amended as follows:
22

Reason for amendments: [Applicant] Applicant concern that requirement for vinyl coated chain link fence may be misconstrued as being applicable to electrified fencing.

23 CHAPTER F PERIMETER BUFFER LANDSCAPE REQUIREMENTS

24 Section 3 Walls and Fences

25 E. Chain Link Fences

26 Vinyl coated chain link fences are permitted only if used in the R-O-W buffer, installed behind an
27 opaque six foot high hedge or approved by the BCC, or ZC. [Ord. 2007-001] [Ord. 2007-013]

28 1. Exception

29 An electrified fence in accordance with Art. 5.B.1.A.2.c.2), Electrified Fence – Exceptions and
30 Regulations, shall not be required to be vinyl coated.
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LAND DEVELOPMENT REGULATION ADVISORY BOARD

"Rules of Procedure"



March 27, 2013*

Article I Introduction

- A. The Palm Beach County Unified Land Development Code, hereinafter referred to as the ULDC, authorizes the Land Development Regulation Advisory Board and Land Development Regulation Commission, herein after referred to as the LDRAB and LDRC to Rules of Procedures for the transaction of business.
- B. The within Rules of Procedure have been adopted by the LDRAB and LDRC, and all previously adopted Bylaws or Rules of Procedure are deemed repealed.

Article II Powers and Duties

- A. The LDRAB shall have the powers and duties as outlined in ULDC Art. 2.G.3.A.2, Powers and Duties, as amended. **[2/23/2011]**

Article III Membership, Officers and Staff

- A. The LDRAB shall be composed of members as outlined in ULDC Art. 2.G.3.A.3, Board Membership, as amended. **[2/23/2011]**
- B. The Zoning Director shall serve as the Secretary and the professional staff of the LDRAB as outlined in ULDC Art. 2.G.3.A.4, Staff, as amended. **[2/23/2011]**

Article IV Meetings

- A. General meetings and special meetings of the LDRAB shall be governed as outlined in ULDC Art. 2.G.2.E, Rules of Procedure, as amended. **[2/23/2011]**
- B. A member of the LDRAB shall be permitted to participate in a general or special meeting via telephone or teleconference if the following conditions are met:
 - 1. That the quorum necessary to take action and transact business is physically present at the meeting; and

2. That the LDRAB, by a majority vote of the quorum present, determines that the extraordinary circumstances justify the members' absence.

Article V Subcommittees

- A. The LDRAB may create subcommittees, which will be governed by the regulations in Art. 2.G.3.A.5.b, Subcommittees, as amended, as well as the following regulations:
 1. At a minimum, the subcommittee shall be composed of two members. Membership shall include at least one LDRAB member. Interested parties who *have the necessary expertise on the specific Code amendment* may be appointed by a majority vote of the LDRAB; **[2/23/2011]**
 2. The subcommittee shall meet as often as determined necessary by the LDRAB;
 3. The presence of at least two members of the subcommittee, one of whom must be an LDRAB member, shall constitute a quorum necessary to take action and transact business;
 4. The location of all meetings shall be in PBC, Florida and all meetings shall be open to the public;
 5. The Zoning Director shall serve as the Secretary and the professional staff of the subcommittee;
 6. The County Attorney's Office shall provide counsel and interpretation on legal issues; and
 7. The subcommittee shall submit their findings at the next scheduled LDRAB meeting.

Article VI Amendments to the Rules of Procedures

- A. The LDRAB may amend these rules at a regular meeting by a majority vote of the quorum present.
- B. The LDRAB Secretary shall maintain a copy of the "Rules of Procedures" in the Zoning Division for the Public to view.

Article VII Rules of Debate

This section sets forth the rules of debate to maintain decorum, the various motions available for use by the Board, and related matters.

- A. Decorum. A motion must be made and seconded before the Board votes on a matter. Every member of the Board has a right to speak in the debate and shall always be recognized by the Chair. Non-member recognition shall be at the Chair's discretion. The member who made the motion shall be entitled to speak first. A member shall be deemed to have yielded the floor when she/he has finished speaking. The discussion shall be related to the motion on the floor. All questions are to be directed through the Chair.
- B. As to the Chair. Upon passing the gavel, the Chair or other presiding member of the Board may move or second a motion.
- C. Point of Order. Any member who believes that a breach of the rules has occurred has a right to call immediate attention to the matter by raising a "point of order." A point of order (1) may interrupt a speaker who has the floor; (2) does not need to be seconded; (3) is not debatable; and (4) is decided by the Chair. By motion and second, a decision of the Chair on a point of order may be appealed to the Board and, without debate, the Chair shall submit to the Board the question, "Shall the decision of the Chair be sustained?" and the Board shall decide by a majority vote.
- D. Motion to Reconsider. A recommendation of the Board may be reconsidered at the same meeting or at the very next meeting. A motion to reconsider can only be made by a member who voted on the prevailing side of the question, and is debatable. Such motion shall not be entertained if the Board of County Commissioners has already acted on the recommendation, or if the vote has otherwise caused something to be done that is impossible to undo. Adoption of a motion to reconsider shall rescind the original action; therefore a new motion, second, and vote is required to take formal action on the item, if desired, and may take place at a future meeting.
- E. Substitute Motion. A member may make a substitute motion if he/she is not in agreement with the motion on the floor. This motion requires a second and is debatable. The substitute motion must be disposed of before returning to the original motion. No more than two motions, the original and one substitute, shall be on the floor at any given time.
- F. Motion to Postpone. If a member would like to defer consideration of a matter, a motion to postpone is in order, which may include a time and date to continue the discussion. When postponing an advertised public hearing of the Land Development Regulation Commission, a time and date certain must be included in the motion. This motion is debatable.
- G. Motion to Close Debate/Call the Question. Any Board member may move to close debate/call the question on the motion being considered. This

motion is not debatable and requires a two-thirds vote of the members. If the motion passes, all discussion ends and a vote is taken on the motion on the floor.

H. Adjournment. No motion is required to end the meeting. The Chair declares the meeting adjourned without objection.

**Original document issued on May 14, 2004, amended on: February 23, 2011; March 27, 2013.*

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