

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 08/23/18)

Minutes of August 22, 2018 LDRAB Meeting

On Wednesday, August 22, 2018, 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 2:03 p.m. Zona Case, Code Revision Secretary, called the roll.

Members Present: 13

Wesley Blackman (PBC Planning Congress)
Joanne Davis (District 1)
Drew Martin (District 2)
Philip Barlage (District 3)
James Knight (District 4)
Myles Basore (District 6)
Robert J. Harvey District 7)
Frank Gulisano, (Realtor's Assoc. of the Palm Beaches)
Terrence Bailey, (Fl. Engineering Society)*
Daniel Walesky (Gold Coast Bld. Assoc.)
Xavier Salas, (AIA)**
Anna Yeskey, (League of Cities)
Charles Drawdy (Assoc. Gen. Contractors of America)

Members Absent: 4

Lori Vinikoor (District 5)
Derek Zeman (Fl. Surveying & Mapping)
Abraham Wien (Member at Large, Alt. 1)
Winifred Park Said (Member at Large, Alt. 2)

County Staff Present:

Maryann Kwok, Deputy Zoning Director
Wendy Hernandez, Zoning Manager
Jan Rodriguez, Senior Site Planner
Leonard Berger, County Attorney
Eric McClellan,
Scott Rodriguez, Site Planner 2
Zona Case, Zoning Technician, Zoning

*Mr. Bailey arrived at 2:07 p.m.

**Mr. Salas arrived at 2:11 p.m.

Vacancies: 1

Environmental Organization

2. Additions, Substitutions, and Deletions

Mr. Blackman noted an add-delete sheet and asked the Board to approve, along with the agenda. Ms. Hernandez requested a withdrawal of Exhibit F from the agenda, citing the need for further review of the matter.

3. Motion to Adopt Agenda

Motion to approve by Mr. Gulisano, seconded by Mr. Drawdy. Motion passed (11-0).

4. Adoption of July 25, 2018 Minutes (Exhibit A)

Motion to adopt the Minutes by Mr. Knight, seconded by Mr. Gulisano. Motion passed (11-0)**.

5. Public Comments

There were no public comments

B. ULDC AMENDMENTS

1. Exhibit B – Articles 1 and 3 Special Permits

Ms. Hernandez explained that Parts 1 and 2 of the Exhibit are to clarify that the Special Permit reference is directly related to Florida Statute FS 316.550. Part 3 modifies the Caretaker's Quarters use, for consistency with the changes to the Special Permit approval process in Article 2, under Ordinance 2009-002.

Motion to approve by Mr. Knight, seconded by Mr. Barlage. Motion passed (11-0).

2. Exhibit C – Articles 2 and 3 Modifications by the DRO [Related to Housing Types]

Ms. Hernandez indicated that the amendment establishes administrative processes and procedures in Art. 2, for the purpose of evaluating whether staff could support requests to change housing type, decrease, increase, or transfer density from one residential pod to another within the same Planned Development, provided there is no change in the height of the structure. Ms. Hernandez further explained that Part 2 of the Exhibit modifies and also relocates existing text in Art. 3.E.1.E, to cross reference with the regulations in Article 2.

Responding to Ms. Said's question on whether the switch would increase density in the case of the detached type of homes, Ms. Kwok confirmed that types may be switched, but the

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overall number of units or the density approved by the BCC and permitted under the Future Land Use, may not be exceeded and setbacks will still have to be met.

Motion to approve by Mr. Drawdy, seconded by Mr. Knight. Motion passed (12-0)*

3. Exhibit D – Article 4, Veterinary Clinic

Ms. Hernandez informed the Board that the amendments are to allow outdoor runs for Veterinary Clinics in the AGR Zoning District without BCC approval. Currently this is prohibited, but the code permits by right, outdoor runs at Type 2 Kennels under a less stringent approval process in certain Agricultural and Commercial districts, if the kennel is a limited size. Veterinary Clinics in the AGR district are required to have a lot size of 5 acres or more, therefore, Staff has determined that allowing outdoor runs with setback requirements will not result in a negative impact to neighboring properties.

Mr. Bailey raised questions on location and buffering related to the visual impact on neighboring properties. Ms. Hernandez pointed out that lines 29 to 45 address setbacks, screening, waste disposal, etc., and Ms. Kwok added that if there is opposition staff would defer to Art. 7, and based on the principal use, additional buffer requirements could be imposed under a Conditional Use process.

Motion to approve by Mr. Martin, seconded by Mr. Drawdy. Motion passed (13 – 0)**

4. Exhibit E – Article 5.B.1.B, Emergency or Temporary Government or Utility Structure

Ms. Kwok presented the Exhibit and highlighted the following:

- Emergency structures and temporary structures are being split as the nature of both the structures and activities are different.
- Clarification that Temporary Structures are primarily used by government for public safety, health and welfare in natural disasters, etc. They are also used for utility facilities or construction staging areas by fire department, etc.
- Pages 8 through 11 contain mainly stricken text as the text is repetitious of similar regulations on duration, setbacks, etc. and are being consolidated.
- Clarification that the new Section 5.B.1.C, Temporary Structures, usually for non-emergency related uses, is subject to Building Official's review and at times will require review by other agencies, including Zoning. The types of temporary structures, the residential and non-residential purposes and the approval processes are explained. This section supplements the Building Code and will help in the review of permits for temporary structures. At permit application time the Building Division will determine which permits shall apply as some Temporary Structures may be exempt by State Law or Building code.
- Page 12, Lines 11 to 44 are a consolidation of the deleted text on pages 8 through 11. Lines 50 to 53 explain that portable storage containers may be used for residential uses, in cases of moving or house renovation and may be placed in the driveway. Mr. Blackman noted that the letter "s" is missing at the end of the word "purpose" on line 43
- Part 4 of the Exhibit is to renumber the sections and part 5 clarifies that the Building Official of PZB has the jurisdiction to interpret the new section, Art. 5.B.1.C

Mr. Gulisano referred to lines 14 – 18 and pointed out that a temporary structure cannot be erected until such time as a demolition or building permit is issued, contrary to what is outlined in the text. After a brief discussion, it was suggested by Mr. Berger that a check be made with Building Division to see if "application" instead of "issuance" would be an acceptable replacement word. It was decided that Ms. Kwok would discuss with building, and if that change is acceptable, there would be no need to bring back to the LDRAB. Otherwise, it will have to be presented to LDRAB again.

Motion to approve with changes by Mr. Martin, seconded by Mr. Drawdy. Motion passed (13 – 0)

5. Exhibit F – Article 5.B.20, Mechanical Equipment

Exhibit withdrawn for further review by Zoning Staff.

6. Exhibit G – Department of Airports

Ms. Hernandez stated that the amendments are being made to Article 16, governing the Department of Airports, and she introduced Ms. Colleen Walter, Planning Consultant for the

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PBC Department of Airports. Ms. Walter briefly recounted the series of amendments made in 2016, for consistency with Florida Statutes, and added that these amendments are being done to tweak those changes made in 2016, as the Florida Legislature again made changes to that section.

She noted the following:

- New and amended Definitions in Art. 1.
- Procedures to improve and modify a prior approval with nonconforming site elements, establishing thresholds for vesting nonconformities, in keeping with Florida Statutes, Chapter 333.
- Powers and Duties of the LDRAB in keeping with Florida Statutes advisory board
- .Airspace height and hazard review procedures – anything less than 200 ft. does not need a height review.
- Airport zones are updated and are now mapped on the County GIS.
- For consistency with Chapter 333, Florida Statutes, locational criteria for restricted uses for educational facilities and clarification of the exemption provision for location criteria for residential uses.
- Review procedures for airport land use Noise Zones. Noise level reduction (NLR) requirements are relocated.
- Article to be interpreted by the Director of Airports in consultation with Planning, Zoning, Building (PZB).

Motion to approve by Mr. Knight, seconded by Mr. Gulisano. Motion passed (13-0).

7. Exhibit H – PO Deviations

Ms. Hernandez explained that the amendments are to codify portions of Zoning PPM ZO-O-063, Processing Public Ownership (PO) Deviation(s) Applications. Currently references to government facilities within the PO Zoning District requesting approval from the BCC or the County Engineer for Deviations from code requirements are located in different articles. The amendments are to consolidate the references and clarify the processes and procedures for those Deviations approved by the BCC, however, Deviations approved under Article 11, by the County Engineer remain unchanged. Ms. Hernandez clarified the Processes and Public Hearing Procedures, as follows:

Processes:

- ✓ the Applicant shall be responsible for completing the PO Deviation application and coordinating review of the application with the applicable Agencies;
- ✓ the PM for each Government Agency is responsible for gathering comments from other Agencies for the proposed request and addressing any issues before proceeding to public hearing;
- ✓ The Government Agencies are responsible for contacting the DRO to schedule the item for the Public Hearing;
- ✓ Table 2.B.5.A specifies that newspaper publication and courtesy notices are required for applications subject to Public Hearing or Variance processes.

Public Hearing Procedures:

- ✓ Zoning Division is responsible for ensuring that the deviations requested are allowable, that public notice requirements are met, and the preparation of the staff summary for the next BCC zoning agenda;
- ✓ Part 7 - new section, clarifies the types of Application and the Articles under which PO Deviations may be requested, and relocates standards found in Articles 5 and 6 to Article 2 for consistency with other applications;
- ✓ Part 8 - Minor update for consistency with modifications in Art. 2a.
- ✓ Part 9- amend to show that Zoning PO Deviations do not need recommendation from the Zoning Commission (ZC); amend previous Powers and Duties, to clarify which applications require recommendation from the ZC; and deletion of duplicative language.
- ✓ Parts 10, 11 and 12 address reference changes in Articles 4, 5, 6 and 7, by deleting and adding text to correct references which have changed due to relocation of text to Art. 2.

Mr. Eric McClellan, Director, FDO Strategic Planning, requested Zoning staff consider the following changes to the proposed amendments:

- Page 30, line 23, Table 2.B.4, specifically the second sentence in the note: suggestion to replace the reference to “DRO” with “Zoning” as the application is being submitted by Zoning, processed only by Zoning, and put on an agenda for the BCC. The reference to DRO indicates the application is going through the DRO process. Ms. Hernandez

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explained that the DRO is only one person and not a committee, and there is no need to change it. Ms. Kwok expressed agreement with Ms. Hernandez.

- Page 36, line 41, stricken language. The text being stricken was intentionally put in to distinguish that Deviation under Article 11 goes to the County Engineer and if the change goes through, it would give the impression that the BCC has taken the authority from the County Engineer. This would be inconsistent with the code. Mr. McClellan proposed that the language remain as it is. Ms. Hernandez agreed to discuss further.
- Page 41, line 9 – change heading to Public Park Exception or PO Deviations for consistency with the code and change PBC on line 12 for the same reason.

Motion to approve with changes by Mr. Knight, seconded by Mr. Drawdy. Motion passed (13-0).

C. STAFF COMMENTS

1. Bio-Swales

Ms. Maryann Kwok referred to the Update on Bioswales, which was done to follow-up on an inquiry by Mr. Martin at the last meeting. She clarified that currently the ULDC does not address Bioswales, which is subject to Engineering Department approval. Zoning may consider a Type 1 Waiver process in the next Round. Mr. Martin expressed appreciation for the effort and the desire that it be a requirement in future to contribute to solving some of the environmental problems.

2. Workforce Housing

A memo from the Planning Division Director provided an update on the Workforce Housing Program, and Ms. Maria Bello summarized that the BCC was not satisfied with the amount of houses that have been built under the Program. In order to incentivize builders to increase, the undermentioned efforts have been and are being made:

- The Summit in May, 2017 established four Regional Subcommittees to collaborate with municipalities to develop housing plans tailored to their local conditions.
- The reports are expected to be presented at the Summit on August 23, 2018.
- A workshop is planned for September 25, 2018, where proposed changes to the County's WHP threshold issues which were presented to the Board in March 2018, will be discussed, and it is expected that the BCC will give direction on how to proceed with code revisions in Art. 5, which pertains to the WHP.

3. Ms. Hernandez added a staff comment that a Landscape Service Meeting was held the preceding day and because of unresolved issues, Mr. MacGillis asked that the Board be advised that it will be necessary to reconvene the Subcommittee. The last meeting was on November 2017 and there have been internal meetings with staff. She went on to say that October 10, 2018 is the tentative date set for the Subcommittee meeting. Mr. Gulisano requested Minutes of Landscape Service Meetings and Ms. Hernandez said she would make them available.

Mr. Drew Martin indicated the desire to join the four existing Board Members on the Subcommittee.

Motion to approve Mr. Martin's membership by Mr. Knight, seconded by Mr. Gulisano. Motion passed (13-0)

D. BOARD MEMBERS' COMMENTS

Mr. Martin commented that he did not know the County's reaction to climate change and he wondered if that is an issue that the Board could address. Ms. Kwok responded that a separate department has been set up to address sustainability.

Mr. Gulisano requested that staff provide the authority of the LDRAB at the next meeting.

E. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:50 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.