

## EXHIBIT A

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

(Updated 9/20/16)

#### Minutes of May 25, 2016 LDRAB/LDRC Meeting

On Wednesday, May 25, 2016 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), also sitting as the Land Development Regulation Commission (LDRC), 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

Prior to roll call, it was noted that the Chair and Vice Chair would not be attending the meeting. Mr. Knight recommended that Ms. Vinikoor be nominated to chair the meeting and made a motion to approve, seconded by Ms. Katz. Motion passed 9 – 0.

Ms. Vinikoor called the meeting to order at 2.10 p.m. Zona Case, Code Revision Zoning Technician, noted that Mr. Blackman and Mr. Carpenter wished to apologize for their absences, and called the roll.

##### **Members Present: 9**

Michael Peragine (District 1)  
Barbara Katz (District 3)  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Terrence Bailey (Florida Eng. Society)  
Daniel J. Walesky (Gold Coast Build. Assoc.)  
Joni Brinkman (League of Cities)  
Tommy Strowd (Environmental Organization)  
Leo Plevy (Member at Large, Alt.)

##### **Members Absent: 8**

Wesley Blackman (PBC Planning Congress)  
David Carpenter (District 2)  
Stuart R. Fischer (District 6)  
Henry Studstill (District 7)  
Jerome Baumoehl (AIA)  
Frank Gulisano (PBC Board of Realtors)  
Derek Zeman (FL Surveying & Mppng. Soc.)  
James Brake (Member at Large, Alt.)

##### **Vacancy: 1**

(Assoc. General Contractors of America)

##### **County Staff Present**

Leonard Berger, Chief Assistant County Attorney  
Jon MacGillis, Zoning Director  
Maryann Kwok, Deputy Zoning Director, Zoning  
Erin Fitzhugh Sita, Senior Planner, Planning  
William Cross, AICP, Principal Site Planner, Zoning  
Monica Cantor, Senior Site Planner, Zoning  
Zona Case, Zoning Technician, Zoning

##### 2. Additions, Substitutions, and Deletions

Ms. Vinikoor noted the distribution of the amendments to the agenda handout and requested that it be included in the motion to adopt the agenda.

##### 3. Motion to Adopt Agenda

Motion to adopt the agenda, as amended, by Mr. Knight, seconded by Ms. Katz. Motion passed (9 - 0).

##### 4. Adoption of April 27, 2016 Minutes (Exhibit A)

Motion to adopt by Mr. Knight, seconded by Mr. Bailey. Motion passed (9 – 0).

#### B. ULDC AMENDMENTS

##### 1. Exhibit B - Art. 1.F.2.C, Residential Development Regulations [AR District]

Mr. Cross explained that the Exhibit addresses existing legal lots of record in Palm Beach County, typically in the Urban/Suburban Tier. It expands upon regulations that have been in effect for many years whereby a homeowner of a non-conforming legal lot of record zoned Agricultural Residential (AR) is not required to rezone to the matching Urban/Suburban land use designation for the purpose of building a Single Family home or adding an accessory dwelling. The amendments recognize that smaller lots should be entitled to a larger building coverage, Floor Area Ratio (FAR), and setbacks, as if they were rezoned to an urban district.

Motion to adopt by Mr. Knight, seconded by Mr. Bailey. Motion passed (9 - 0).

##### 2. Exhibit C - Art. 2.B.2.H.2, EAC [Expedited Application Consideration]

Mr. Cross explained that the addition of de minimis land area to developments approved by the BCC will be eligible to use the EAC process. He clarified that eligible land area is limited to abandoned County-owned Rights of Way (R-O-W) that abut previously approved developments. The adjacent property owners have the right to petition to acquire and incorporate into their lots to increase existing buffers, create new buffers or to amend lot lines, in compliance with current ULDC requirements. If the additional land area does not significantly change the configuration of the property the Expedited Application Consideration (EAC) process which allows bypassing the Zoning Commission and going directly to the BCC may be applied.

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Mr. MacGillis confirmed to Mr. Knight that the petition to acquire is usually equally apportioned between abutting owners but one could agree to sell to the other. Motion to adopt by Mr. Knight, seconded by Mr. Walesky. Motion passed (9 - 0).

#### 3. Exhibit D - Art. 6.B.1.H.7, Loading Space Reduction

Mr. Cross explained that the amendments mainly relocate, consolidate, and reorganize text for clarity and ease of reference. He highlighted the following changes:

- Relocation of the provisions that gives authorization to DRO to amend the minimum number of parking spaces required, commensurate with reduction in size or change of use. The authorization also applies to BCC or ZC approvals.
- "Reduction of width and length" is amended to require a Type 1 Waiver and criteria for allowing use of the waiver are also clarified.
- The provisions which allow administrative reductions in the number of loading spaces are being relocated to Loading Space Ratios, a more appropriate location than the current one which pertains to dimensional standards.
- Clarify requirements for the use of a Type I Waiver to allow reduction in the number of loading spaces. Applicants will have to demonstrate that the project or nature of the business does not require a full sized loading zone. The approval will be attached to the file so that the occupant or property owner is required to comply.

Mr. Knight and Mr. Bailey had questions related to change of use and verification that it is compliant with the use for which the waiver was granted. Mr. Cross clarified that the occupant will have to verify that the use is allowed in the location. Mr. MacGillis explained that this is already codified but decisions are made by the Zoning Director. The process is now being formalized.

Motion to adopt by Mr. Peragine, seconded by Mr. Strowd. Motion passed (9 - 0).

#### 4. Exhibit E - Zoning District Consistency with Future Land Use Atlas

Mr. Cross explained that the amendments reflect zoning district changes for consistency with recent Comprehensive Plan amendments, which affect residential zoning districts, as follows:

- Future land use (FLU) designations for Residential Transitional (RT) Zoning district amended to reflect recent Comprehensive Plan amendment.
- The FLU/Zoning District Consistency Table - amended to reflect that the RS district is consistent with the Low Residential (LR) FLU designations.
- Establish exception to Townhouses and Zero Lot Line units to allow for administrative approval of the units when located adjacent to Single-family homes (other than TH or ZLL units) in low density communities, subject to increased setbacks and buffering.

Ms. Brinkman referred to Page 22, line 20 and indicated that the language under heading 1) Exception, needs some clarification. It was discussed briefly and Mr. Cross agreed that restructuring of the text is necessary.

Mr. Walesky suggested that the related language on line 16, paragraph a, Approval Process, should include LR 1, 2 and 3 and MR-5 within the paragraph. Line 20, under the heading "Exception": that "Exception" is for LR-1, 2, 3 and MR 5 only if there is an existing Single Family dwelling. If not, it reverts to paragraph a., which is DRO approval.

Mr. Cross requested that the discussion be moved to the end of the agenda and he would consult with Mr. Berger during the next presentation to see if the language could be restructured for clarity.

Motion to move further discussion to the end of the agenda by Mr. Knight, seconded by Ms. Katz. Motion passed (9 - 0).

#### 5. Exhibit F - Art. 7, Landscaping [Alternative Landscape Plan Update]

The Deputy Zoning Director, Ms. Kwok, explained that the amendments were the product of meetings with the Landscape Subcommittee over the past year and although most of the Subcommittee members were not present at the last meeting, recommendation was made to move forward. She indicated that the amendments were mainly to correct, consolidate, simplify and clarify, and highlighted the main points:

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- The Alternative Landscape Plan (ALP) which has hardly been used is being replaced by the Type I Waiver process, which is being amended to allow DRO to approve minor modifications of landscape requirements.
- Clarification of the approval process and criteria for applying for a Type 1 Waiver for landscape purposes.
- A revised definition of "Planting Plan" replaces the definition "Plan - Planting".
- The types of landscape plans and the approval processes have been relocated and consolidated in Article 2.
- The easement encroachment process has been changed from a Type 1B Administrative Variance to a Type 1 Waiver, so that it can be reviewed concurrently with DRO, BCC and ZC approvals instead of applying through a separate process.
- Clarification of the guidelines for tree heights and how to measure.

Motion to adopt including add/delete amending Page 37, part 11, by Mr. Peragine, seconded by Mr. Waleski. Motion passed (9 - 0).

#### 6. Exhibit G - Design Standards (DS) Alternative

Ms. Cantor explained that the Design Standards Alternative codified by Ord. 2004-040 required PDD applicants to submit Regulating Plans with partial graphic details on application and submit the remaining details at DRO certification. In 2009 the requirements were consolidated under Art. 2, mandated submittal of Regulating Plans for developments requiring Public Hearing or DRO approval, and authorized the Zoning Director to allow submittal of Design Standards in lieu of a Regulating Plan.

In 2015 the Zoning Director convened a task team comprised of Zoning staff and Development Review Advisory Committee (DRAC) members to address the standards in order to provide more flexibility. After reviewing the standards, including those employed at various municipalities, the task team agreed to amend by removing the existing Design Standards Alternative language in Art. 2.

Ms. Cantor also referred to Part 3, Page 42, which clarified that any approval in the Agricultural Enclave Overlay (AGEO) which utilized the Design Standards Alternative, will be recognized as conforming.

Motion to adopt by Mr. Knight, seconded by Ms. Katz. Motion passed (9 - 0).

#### Continuation of discussion: **Exhibit E - Zoning District Consistency with Future Land Use Atlas**

Motion to re-order the agenda and bring back Exhibit E to continue the discussion, by Mr. Waleski, seconded by Mr. Strowd.

Mr. Cross re-opened the discussion by indicating that the following is proposed:

- Not to retain the exception that was originally drafted and to delete it in its entirety, namely Page 22 lines 20-28 and Page 23, lines 18-26.
- To retain what was originally drafted prior to this exception being requested and continue the process of submittal to the BCC as a Class A Conditional Use similar to that which any other residential Planned Unit Development request with a permitted use, would be subject. That way the public will have opportunities to comment.

Motion to adopt Exhibit E, as amended, by Mr. Knight, seconded by Mr. Peragine.

A discussion followed and Mr. Bailey inquired whether there was any other scenario in which the text could be modified and not completely deleted. Mr. MacGillis expressed a preference for returning to it next year, saying that there were only about 3 related cases at this time and some latitude was needed for such a complex issue.

Repeat of motion to adopt, as amended, by Mr. Knight, seconded by Mr. Peragine. Motion passed (8 - 1). Mr. Bailey voted nay.

#### C. ADJOURN AS LDRAB AND CONVENE AS LDRC

##### 1. Proof of Publication

Motion to accept proof of publication approved by Mr. Peragine, seconded by Mr. Knight. Motion passed (9 - 0).

##### 2. Consistency Determination

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The Chair acknowledged receipt of Consistency Determination from the Planning Division. Ms. Fitzhugh-Sita stated that the proposed amendments in Agenda items B through O are consistent with the Comprehensive Plan.

Motion to approve consistency determination by Mr. Peragine, seconded by Mr. Knight. The motion passed (9 - 0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. USE REGULATIONS PROJECT (URP) RECOMMENDATION

1. Exhibit P – Commercial Communication Towers

Ms. Cantor informed the Board that Commercial Communication Towers amendments were reviewed by LDRAB Subcommittee and she acknowledged and thanked them for their valuable input. She briefly explained the reasons behind the changes and noted that they were mainly due to relocation of text resulting from the reconstruction of Article 4, Use Regulations, and correction of minor errors, glitches and omissions.

Mr. Berger gave a brief explanation of the legal aspects of some of the changes which are related to Federal regulations, mainly related to collocation.

Ms. Cantor presented an overview of the Exhibit and highlighted the following points: Consolidate Use Matrices to indicate towers approval contained in Art. 4.C., Commercial Communication Towers or reflect the most restrictive approval process if noted different in tower standards. Changes include:

- Allow Stealth, Camouflage, Monopole and Guyed Towers to be located in the Institutional and Public Facilities (IPF) Zoning District and Multiple Use Planned Development (MUPD) with Institutional (INST) FLU designation. Commercial Communication Towers are likely to be collocated with uses already permitted on institutional land.
- As the consolidated Use Matrix includes all pods in a PUD, the matrix reflects that Residential pods and Agricultural/Preserve are not allowed to include any tower type consistent with existing provisions in Art. 4.C.
- Amend the approval process for Stealth and Camouflage Towers in Civic and Commercial pods of PUDs, to require Class A Conditional instead of DRO approval, to protect adjacent residential uses as advised to the BCC in 2013.
- Allow all towers in Multiple Use Planned Development (MUPDs) with Industrial (IND) and Economic Development Center (EDC) Future Land Use (FLU) designations subject to the same approval applicable to similar standard industrial zoning districts.
- Standards related to antennas are relocated to Article 5, Supplementary Standards as the provisions relate to antennas attached to structures and not towers.

Ms. Cantor clarified that Zoning staff is still working with Facilities, Development & Operations staff to address pending issues discussed at the Subcommittee meeting. Those amendments will be presented to LDRAB at the LDRC meeting later this year.

F. PUBLIC COMMENTS

There were no public comments.

G. STAFF COMMENTS

Mr. Cross informed the Board that there were several Comprehensive Plan amendments which would be presented in either June or July.

H. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 4.15 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, Zoning Technician

  
Date