

EXHIBIT A

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

(Updated 9/27/17)

Minutes of September 27, 2017 LDRAB Meeting

On Wednesday, August 23, 2017 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, Wesley Blackman called the meeting to order at 2:00 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 12

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Philip Barlage (District 3)
James Knight (District 4)
Lori Vinikoor (District 5)
Dr. Rena Borkhataria (District 6)
Robert J. Harvey (District 7)
Terrence Bailey (Florida Eng. Society)**
Daniel Walesky (Gold Coast Bld. Assoc.)
Anna Yeskey (PBC League of Cities)*
James McKay (AIA)
Abraham Wein (Member at Large, Alt. 1)***

Members Absent: 5

Michael Peragine (District 1)
Frank Gulisano (PBC Board of Realtors)
Tommy Strowd (Environmental Organization)
Derek Zeman (Fl. Surveying & Mapping)
Winifred Park Said (Member at Large, Alt. 2)

Vacancies: 1

Assoc. General Contractors of America

County Staff Present:

Jon MacGillis, Director, Zoning
William Cross, Principal Site Planner
Leonard Berger, Assistant County Attorney
Monica Cantor, Senior Site Planner
Jehan Wallace, Site Planner 2
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of an add/delete sheet, and requested that it be included in the motion to adopt the agenda.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Dr. Vinikoor, seconded by Mr. Carpenter. Motion passed (9 - 0)*, **, ***.

4. Adoption of August 23, 2017 Minutes (Exhibit A)

Motion to adopt the Minutes by Mr. Carpenter, seconded by Mr. Knight. Motion passed (9 - 0) *, **, ***.

B. ULDC AMENDMENTS

1. Exhibit B - Art. 1.C.4, Measurement [Related to Rules of Construction]

Ms. Cantor explained that the changes are to clarify how separation should be measured for structures required to be separated from adjacent parcels in residential zoning districts or FLU designations when there is a Right-of-Way between them.

Motion to adopt by Dr. Vinikoor, seconded by Mr. Carpenter. Motion passed (9 - 0)*, **, ***.

*Ms. Yeskey arrived at 2:05 p.m.

2. Exhibit C - Art. 3.B.14, Westgate Community Redevelopment Area Overlay (WCRAO)

Ms. Cantor referred to the reason for amendment which indicated that the modification to use regulations is to remove the requirement for mixed use in the NC Sub-area to encourage development. She noted that the amendment also deletes a glitch that required Office Warehouse in sites with Industrial (IND) Future Land Use (FLU) designation in the Urban Industrial (UI) Sub-area to be subject to Class A Conditional Use approval. She explained that such an approval process was not necessary on sites expected to have industrial uses.

Ms. Pennell, Senior Planner at the WCRAO confirmed the accuracy of Ms. Cantor's presentation and said she had nothing to add.

Motion to adopt by Mr. Carpenter, seconded by Mr. Knight. Motion passed (10 - 0)** ,***.

** Mr. Bailey arrived at 2:10 p.m.

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3. Exhibit D – Art. 4, Use Regulations [Related to Self Service Storage Facility and Gas and Fuel Wholesale]

Mr. Cross explained Self Service Storage Facility amendments in Part 1 of the Exhibit as follows:

- Standards regulating the orientation of storage unit doors towards residential uses or public streets in cases where openings are blocked from view by structures within the facility, are to be deleted.
- Additional exceptions are established resulting from recent collaboration between staff and industry representatives in keeping with the intent of the code. The goal is to improve compliance with architectural requirements, and improve attractiveness in cases where fenestration is covered by architectural embellishments which prevent visibility of interior storage unit doors.

Mr. Cross explained the Gas and Fuel Wholesale amendments in Part 2, as follows:

- Amend definition to pluralize the terms “gas” and “fuel” and broaden the description to include the terms “flammable” (deleted as part of the Use Regulations Project), and “explosive”, that apply to gases such as propane, natural and welding. The terms gas and fuel are widely construed by industry representatives to be limited to gasoline for motor vehicle use.
- The amendment also reverses hindrance to industries that supply critical medical gases such as oxygen or industrial gases. Prior exemption for low volume sales flammable gases have been reinstated, and are subject to additional safeguards which are intended to mitigate potential adverse impacts.
- Limitation within the Airport Zoning Overlay is deleted as the use was mistakenly prohibited in areas not intended nor requested by the PBC Department of Airports.

In response to Mr. Knight’s query, Mr. Cross clarified that there are separate provisions to allow accessory storage of fuels for motor vehicles, or other materials. Although there is some limitation on the amount, fuel may be stored as long as it is intended for fleet and other uses by the business.

Motion to adopt by Mr. Carpenter, seconded by Dr. Vinikoor. Motion passed (11 - 0)***

4. Exhibit E – Art. 5.B.1.A, Dumpsters

Ms. Cantor explained the amendments as follows:

- Clarification that dumpsters are considered accessory structures and may be located in the front yard or side street yard as the required setback is the same 25 feet minimum for accessory structures. The current code requires 25 feet for dumpster separation from residential zoning district or use and does not specify the setback when adjacent to nonresidential use or zoning district. The amendment clarifies that the minimum setback applicable to dumpsters is 25 feet from all property lines in all zoning districts, with the exception of a Commercial pod of a PUD where the setback is 50 feet.
- The existing dumpster graphic is being replaced with an updated graphic.
- Location of dumpsters on easements and landscape buffers is restricted as they are considered permanent structures.

Mr. Carpenter questioned how “significant improvement” on page 14, lines 11-12, would be determined, and after discussion, Mr. MacGillis suggested that in view of the fact that this is covered in Article 1.F, Nonconformities, it would be best to strike the entire sentence, beginning on line 10 and ending on line 12 and to be reflected in the LDRAB packet

Dr. Vinikoor pointed out that on page 14, line 19, the word “extend” was meant to be “extent.”

Motion to adopt by Dr. Vinikoor, with the changes on page 14 - strike out sentence on lines 10-12, and correct typographical error on line 19, seconded by Mr. Knight. Motion passed (11 - 0)***.

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5. Exhibit F – Art. 5.C.1.H, Guidelines [Related to Architectural Guidelines]

Ms. Cantor explained that the amendments are to clarify architectural guidelines for roof design elements to ensure consistency with Rural and Exurban Tier standards and the related tables have been amended accordingly. The design for porches and entryways offers greater flexibility by allowing their location along the side facades and rear, if contiguous to a public street or residential zoning district.

Motion to adopt by Mr. Knight, seconded by Dr. Vinikoor.

6. Exhibit G – Wall Height

Ms. Cantor referred to the regulations pertaining to fences and walls amended in Article 5. The amendment is cross referenced with Article 7.D.4.B.2, Noise Mitigation Walls in part 2 which allows an increase in wall height to 20 feet, if the Zoning Commission or BCC imposes a Condition of Approval specifying that a noise mitigation wall is required.

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

*** Mr. Wein arrived at 2:40 p.m.

7. Exhibit H – Art. 8.G.3.B, Electronic Message Signs

Ms. Cantor summarized the reasons for amendments as follows:

- Type 1 Electronic Message Signs are only permitted at “Regional Facilities”. She identified some of the sites in the county that could be considered Regional Facilities, noting that South Florida Fair & Exposition one of the few facilities.
- The amendment includes a definition for “Regional Facility” as it was not previously defined.
- The proposed amendments are for the BCC to consider Type 2 Waivers in conjunction with approval of the Type 1 Sign.
- The Code is also being amended to reflect the significantly improved digital technology and standards which promote full color signage and graphics and which are the current trends in the electronic sign industry.

A discussion followed and it was noted that Ms. Colleen Walter of Urban Design Kilday Studios, representing South Florida Fair & Exposition, was present and she was asked to provide additional information.

Ms. Walter explained that the signs are old and in need of repairs and the decision was taken to replace with Type 1 signs, but replacement is not allowed under the current code. The Zoning Commission does not provide the opportunity for deviation and a Type 1 Sign application is approved only by the BCC under the Conditional Use process, after all conditions are met. The amendment expands the Waiver criteria (Table 8.G.3.B), and requires the BCC to allow a Type 1 Sign for a Regional Facility using a Type 2 Waiver process.

Mr. Carpenter voiced concern that the amendments are being made for one specific organization whereas an Ordinance is passed for everyone. The Chair added that it is not likely the BCC would approve this type of application for a movie theater. A discussion ensued among Board members, and Mr. MacGillis expressed the view that it would be best to bring the amendments back to the Board as some of the related text in the code was not included in the exhibit, making it difficult to understand without the context.

Ms. Walter agreed and expressed a willingness to work with staff and bring back the amendments to the Board. The Chair recommended that the revised amendment be brought back to the LDRAB for review and the LDRC for approval at the meeting on October 25.

Motion to postpone by Mr. Carpenter, seconded by Mr. Knight. Motion passed (12 -0).

C. PUBLIC COMMENTS

There were no public comments.

D. STAFF COMMENTS

Ms. Cantor updated the Board on planned Subcommittee meetings as follows:

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- Article 2, Development Review Procedures, October 10, 2017, last meeting before presentation to LDRAB on October 25.
- Article 7, Landscaping, November 1, 2017 - to review the list of prohibited and controlled species and a minor tentative change to the Technical Manual related to Landscaping.
- Landscape Service Use, November 7, 2017. There have been two postponements and preparation of the agenda is awaiting information from the industry attorney.

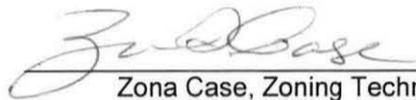
Mr. MacGillis informed the board that Medical Marijuana will be adopted by the BCC on the following day, September 28, 2017.

E. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:57 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

10/25/17

Date