

## EXHIBIT A

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

(Updated 09/16/19)

#### Minutes of August 28, 2019 LDRAB Meeting

On Wednesday, August 28, 2019, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. 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 Mr. Wesley Blackman, called the meeting to order at 2:02 p.m. Mr. Alexander Biray, Code Revision Zoning Technician, called the roll.

##### Members Present: 14

Drew Martin (District 2, Commissioner Weiss)\*\*  
Philip L. Barlage (District 3, Commissioner Kerner)  
Jim Knight (District 4, Commissioner Weinroth)

Dr. Lori Vinikoor (District 5, Commissioner Berger)  
Myles Basore (District 6, Commissioner McKinlay)  
Robert J. Harvey (District 7, Commissioner Bernard)

Anna Yeskey (League of Cities)  
Terrence Bailey (Florida Engineering Society)  
Jaime M. Plana (American Institute of Architects)\*\*\*\*

Susan A. Kennedy (Environmental Organization)  
Frank Gulisano (Realtors Association of the Palm Beaches)\*\*\*

Charles D. Drawdy (Assoc. General Contractors of America)

Wesley Blackman (PBC Planning Congress)  
Tommy B. Strowd (Alternate At-Large #1)

##### Members Absent: 3

Joanne Davis (District 1, Commissioner Valeche)  
Abraham Wien (Alternate At-Large #2)  
Daniel J. Walesky (Gold Coast Builders Association)

##### County Staff Present: 11

Jon MacGillis, Zoning Director

Wendy N. Hernández, Principal Site Planner  
Jan Rodriguez, Senior Site Planner  
Lorraine Fuster, Senior Site Planner

Alexander Biray, Zoning Technician  
Scott A. Stone, Assistant County Attorney I

Bryan Davis, Principal Planner

Melissa Michael, Senior Planner  
Scott B. Cantor, Assistant Land Development Director\*

Leonard Berger, Chief Assistant County Attorney\*  
Chelsea J. Koester, Assistant County Attorney I\*

##### Vacancies: 1

Florida Surveying and Mapping Society

\* *County Staff in audience.*

\*\* *Drew Martin arrived at 2:03 p.m.*

\*\*\* *Frank Gulisano arrived at 2:08 p.m.*

\*\*\*\* *Jaime M. Plana arrived at 2:13 p.m.*

\*\* Mr. Martin arrived at 2:03 p.m.

Mrs. Hernández informed since the last Board meeting in May that Mr. Strowd, who was previously a regular member, is the new Alternate At-Large #1, and Mr. Zeman has resigned and procedures for his replacement are currently in progress. She also reintroduced Mr. Stone as the new County Attorney representing Zoning, and announced Mr. Berger's retirement after over twenty years of service. Members and Staff applauded.

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

Mrs. Hernández noted the removal of Exhibit C as Staff needs to review it further internally, and may or may not bring in back to the Board.

##### 3. Motion to Adopt Agenda

Motion to adopt the Agenda as amended by Dr. Vinikoor, seconded by Mr. Knight. Motion passed (12-0).

##### 4. Adoption of May 22, 2019 Minutes (Exhibit A)

Motion to adopt the Minutes by Dr. Vinikoor, seconded by Mr. Barlage. Motion passed (12-0).

##### 5. Public Comments

Mr. Blackman noted a public comment card from Bryce Sartory. Mr. Sartory introduced himself as the new Director of Government Affairs and Membership Development for the Associated General Contractors Florida East Coast Chapter.

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##### B. ROUND 2019-01 SUMMARY AND ROUND 2019-02 INITIATION

###### 1. Exhibit B

Mrs. Hernández gave a PowerPoint presentation summarizing the amendment cycle since the last meeting, whereas the Renewable Energy Solar Facility PIA was passed by the BCC in June, and Workforce Housing Program and Round 2019-01 amendments in August with minor updates for clarification in some Exhibits.

Mr. Davis informed the Board the WHP amendment was not passed by the BCC with their motion of reinserting the middle-income 120-140-percent bracket, but included eliminating the 85-percent tieback option supported by the Board and industry.

Mrs. Hernández further explained the Landscape Service amendment as was presented to the BCC. First Reading has been postponed to October, and additional information will be presented concerning AGR frontage and process in dealing with existing businesses. Based on the BCC's direction during the Request for Permission to Advertise, Staff may return to the Board with significant changes concerning AGR Preserves.

\*\*\* Mr. Gulisano arrived at 2:08 p.m.

###### a. Discussion

Dr. Vinikoor asked how much of a proposed amendment has to be changed for Staff to come back to the Board for approval. Mrs. Hernández clarified the BCC's direction was to move forward with Staff's recommendation, but to come back with further information which will determine LDRAB/LDRC re-approval and determination of consistency with the Plan.

Mr. Martin asked if Code Enforcement is moving ahead with fines for properties under violation in Heritage Farms. Mrs. Hernández said she believes anything in the AR Heritage Farms area deemed in violation are accruing fines, but AGR parcels elsewhere have been abated.

Mrs. Hernández continued with a summary of the scheduled Round 2019-02 amendments intending for a January 2020 adoption, including nonconforming structure flexibility, codification of HB 7103 application processes and time limitations, Westgate residential PDRs, URA updates in regards to Waivers and PDRs, codifying Zero Lot Line PPMs in relation to PDRs, increasing building coverage, Arterial and Collector requirement analysis, Parks and Recreation PDR flexibility for smaller spaces, parking and loading changes, incorporating HB 1179 concerning residential property rights for damaged vegetation removal and illegal tree removal language changes, and minor reference changes and removal of obsolete language as it relates to the Plan.

\*\*\*\* Mr. Plana arrived at 2:13 p.m.

###### a. Discussion

Mr. Martin expressed concern about the proposed Parks and Recreation amendment and whether it would allow expanding building square footage in parks. Mrs. Hernández clarified it would not, rather allow flexibility for infill development as it relates to required acreage.

Mr. Martin further asked in regards to HB 1179 if the County is making it harder or easier to remove trees. Mrs. Hernández responded the State has made it easier and precluded the County from requiring a permit for residential properties if determined to be damaged. Mr. Martin expressed concern about enforcement. Mr. Stone responded the Statute is very explicit in restrictions on the County. Mr. Blackman reflected that it is unfortunate, and Mr. Martin recommended the County employ educational tools about the value of trees to the public.

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##### C. ULDC AMENDMENTS – NEW

###### 1. Exhibit C Article 2 – Small Scale Site Plan

*Removed per A.2, Additions, Substitutions, and Deletions.*

###### 2. Exhibit D Article 3 – CRE Consistency and RR-10 FLU

Mrs. Hernández explained the amendment removes obsolete language inconsistent with the Plan, and applied to only two properties which were either rezoned or annexed.

###### a. Discussion

Mr. Blackman reflected on if the current language allows camper parks, but the affected properties in question were annexed. Mrs. Kennedy asked what happens if there is a rezoning application in the process. Mr. MacGillis said the land use change she alluded to in Jupiter Farms is consistent with the Plan.

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

###### 3. Exhibit E Article 3 – PDD Setback Measurement

Mrs. Hernández explained the amendment relates to Multi-Family and Type 2 CLFs in PUDs, where setbacks would be measured from the property line rather than inside edge of a Buffer or easement which tend to encroach into properties and create constraints. The amendment would also allow a Buffer to be dedicated as an easement rather than tract.

###### a. Discussion

Mr. Martin asked if it would allow for more landscaping, less, or be neutral. Mrs. Hernández responded it would be neutral and have no effect.

Mr. Plana questioned how a Landscape Buffer would function like a setback. Mrs. Hernández responded that there is a statement to not encroach in a Landscape Buffer.

Motion to approve by Mr. Martin, seconded by Dr. Vinikoor. Motion passed (14-0).

###### 4. Exhibit F Article 4 – CLF Distance to Fire-Rescue

Mrs. Hernández explained prior to the Ordinance No. 2003-067 rewrite, the ULDC required CLFs to be within five road miles from a full-service fire station, but the word “road” was inadvertently omitted. Based on discussion with Fire-Rescue, Mr. MacGillis requested “road” to be put back into the Code, and noted although Staff had measured correctly in the past, putting it back in will avoid misinterpretation as the crow flies.

###### a. Discussion

Mr. Blackman concurred the proposed amendment makes sense. Dr. Vinikoor asked if it impacts any applications in progress. Mr. MacGillis said it could. Mr. Knight asked if industry was spoken to regarding the amendment. Mr. Martin noted it would make it safer for residents in dealing with roads against physical barriers like canals.

Motion to approve by Mr. Martin, seconded by Mrs. Kennedy. Motion passed (14-0).

###### 5. Exhibit G Article 4 – Industrial Uses in the CH FLU

Mrs. Hernández explained the amendment is to implement Planning Ordinance No. 2015-017, a text amendment to the Plan concerning offices associated with a light industrial nature.

###### a. Discussion

Mr. Blackman asked if Contractor Storage Yard would fall into the scope of the amendment. Mrs. Hernández responded it is a separate use and is not included.

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

###### 6. Exhibit H Article 11 – Code Reference for Applicability and Article 2

Mrs. Hernández explained the amendment is to change a reference to Chapter H, FLU Plan Amendments to be more inclusive to other applicable provisions of Article 2 in its entirety, and because previous versions of the Code referenced the entire Article.

Motion to approve by Mr. Martin, seconded by Mr. Plana. Motion passed (14-0).

##### D. PRIVATELY INITIATED AMENDMENTS

##### E. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

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

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##### G. STAFF COMMENTS

##### H BOARD MEMBER COMMENTS

###### 1. Follow-Up to May 22, 2019 Hearing

###### a. **Mr. Walesky: Parking of Equipment, Vehicles, or Marine Vessels and Trailers in Residential Districts and parking for Cottage Homes**

Mrs. Hernández responded that Staff is working on Phase II of the Parking Code rewrite, which will address his concerns that have to do with cross references, labeling, and Cottage Home provisions.

###### b. **Mr. Martin: Lighting for Natural Areas**

Mrs. Hernández responded per statement from Robert Kraus that only applicable lighting code is the Sea Turtle Protection and Sand Preservation Standards and dark sky regulations requiring light to be directed away from wildlife. Mr. Martin asked if the County would legally be allowed to create further regulations for wildlife and human health. Mr. MacGillis noted Article 5 of the Code refers to illumination by foot-candles. Mrs. Kennedy noted it excludes Single Family properties, regardless of their proximity to environmentally-sensitive areas, to which Mr. MacGillis responded the impractically to inspect each individual property. Mrs. Hernández added Single Family is still required to comply with anything that is prohibited.

###### 2. **New Comments**

Mrs. Kennedy asked Staff to look at an inconsistency created with Ordinance No. 2019-005 where a Type 2 CLF is permitted. Mrs. Hernández responded she would look at it.

##### I. **ADJOURN**

The Land Development Regulation Advisory Board meeting adjourned at 2:42 p.m.

Recordings of all LDRAB meetings 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) 233-5243.