

## EXHIBIT A

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

(Updated 5/11/17)

#### Minutes of April 26, 2017 LDRAB Meeting

On Wednesday, March 29, 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

Vice-Chair, David Carpenter 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)  
Michael Peragine (District 1)  
Philip Barlage (District 3)  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Terrence Bailey (Florida Eng. Society)  
Frank Gulisano (PBC Board of Realtors)  
Tommy Strowd (Environmental Organization)  
Daniel Walesky (Gold Coast Bld. Assoc.)  
Derek Zeman (FL Surveying & Mapping)  
James McKay (AIA)

##### Members Absent: 1

James Brake (Alternate #1)

##### Vacancies: 4

District 6  
PBC League of Cities  
Assoc. General Contractors of America  
Member at Large, Alt #2

##### County Staff Present:

Maryann Kwok, Deputy Director, Zoning  
William Cross, AICP, Principal Site Planner, Zoning  
Monica Cantor, Senior Site Planner  
Leonard Berger, Assistant County Attorney  
Scott Rodriguez, Senior Planner, Planning Division  
Bruce Thomson, Principal Planner, Planning Division  
Zona Case, Zoning Technician, Zoning

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

Mr. Carpenter 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 Mr. Gulisano, seconded by Ms. Vinikoor. Motion passed (11 - 0)\*.

##### 4. Former LDRAB Member Recognition

Mr. Cross advised that the award for recognition of Ms. Brinkman's service to the LDRAB is being re-scheduled as she tendered an apology for not being able to attend the meeting.

##### 5. Adoption of March 29, 2017 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (11 - 0)\*.

#### B. ULDC AMENDMENTS

##### 1. Exhibit B - Art. 2.D.3.G.A.3, Board Membership [Related to Land Development Regulation Advisory Board]

Ms. Cantor explained that despite continuous efforts from 2010 to fill the vacant seat for a representative from the Association of General Contractors, the seat remains unfilled to date. The amendment recommends deletion from the list of organizations represented on the LDRAB

\* Mr. Blackman arrived at 2:05 p.m.

In response to Mr. Barlage's question, Ms. Cantor confirmed that there are no plans to add another organization.

Motion to approve by Ms. Vinikoor, seconded by Mr. Knight. Motion passed (12 - 0).

Mr. Blackman assumed the role of Chair.

##### 2. Exhibit C - Art. 3.E, Planned Development Districts

Ms. Cantor explained the amendments of the exhibit as follows:

- Correction of scrivener's error in Ord. 2017-007 that included by mistake a reference to note #4 related to Institutional and Public Facilities (IPF) Zoning District in Table 3.A.3.B. Note #4 does not exist.

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- On line 16, the amendment is made in accordance with Plan policy 2.2.1-j, Ordinance 2017-004, recognizing that High Residential (RH) Zoning district is consistent with Medium Residential – 5, (MR-5) Future Land Use (FLU) designation, which was effective at the time the 1989 Comprehensive Plan was adopted. The RH and Multifamily Residential (RM) Zoning Districts were consolidated in the 2003 ULDC, and accordingly eligible parcels in the RH Zoning district will not be required to rezone to RM.
- Implement for consistency with amended Plan policy 4.4.6-a (Ord. 2017-007) which removed the ability for MXPDP districts to be applied to High Residential districts (both HR 18 and HR12), as MXPDP is mainly intended for intense commercial uses.
- Clarify that a Mixed Use Planned Development (MXPDP) with a Multiple Land Use (MLU) (FLU) designation is only allowed on sites located in the Urban/Suburban Tier.
- Amend for consistency with Plan policy 4.4.6-a (Ord. 2017-0040), which deletes the internal trip capture requirements for an MXPDP.

Ms. Vinikoor referred to the deletion of the internal trip capture and questioned why it was not effective. Mr. Cross responded that compatibility in design standards is still required. However, the traffic capture is not a realistic requirement, as the goal is to move toward incentivizing and encouraging mixed use where developers see fit. Compatibility, walkability and functionality are the most important factors and traffic capture is not necessarily the goal.

Motion to approve by Mr. Carpenter, seconded by Ms, Vinikoor. Motion passed (12 - 0).

#### 3. Exhibit D – Art. 4, Use Regulations

Ms. Cantor clarified the following:

- The amendment to Art. 4.A.9.C, establishes a reference to Art. 5.G, Density Bonus Programs, to ensure that those who review applications for residential projects utilizing the density bonus provisions consider the additional thresholds that may require projects to be subject to a different approval process.
- The amendment in Part 2 clarifies that Multifamily use is Permitted by Right on sites with RM Zoning District with HR-8 or higher FLU designations. The approval process was inadvertently omitted from the Code through the Use Regulations Project when the most restrictive provision was shown in the Use Matrices.
- Part 3 amends the use matrix to allow Microbreweries in Multiple Use Planned Developments (MUPDs) with an Economic Development Center (EDC) FLU designation, to be allowed subject to (DRO) approval. The Microbrewery use responds to recent craft beer trends, and the manufacturing process, sales, consumption and other characteristics qualifies the use as Light Industrial which is expected in MUPD with EDC FLU designation.

Motion to approve by Mr. Gulisano, seconded by Mr. Carpenter. Motion passed (12 - 0).

#### 4. Exhibit E - Art. 6, Parking

Ms. Cantor explained the amendments related to Type 3 CLFs, Nursing Homes or Convalescent Facilities, as follows:

- Type 3 CLFs, Nursing Homes or Convalescent Facilities, are eligible for a Type 1 Waiver to reduce required loading spaces. She further indicated that these uses typically demand services which may require loading areas but not in the large numbers currently asked by the Code, therefore regulations requiring one loading space for each 50 beds for facilities containing 20 or more beds are deleted. The amendment requires one loading space per building, while applicants may apply for a Type 1 Waiver when it is demonstrated that the building services and operations do not require loading areas.
- The add/delete sheet indicates that this is only applicable when these uses have more than 20 beds.

Ms. Cantor added that other amendments in Exhibit E were modifications directly related to the Use Regulations Project: Convenience Store was inadvertently deleted and is being restored, and some split uses were omitted from Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements and are now being added.

Ms. Cantor also noted that parking requirements related to the packing, distribution, storage and taproom associated with the Microbrewery use, have been updated, for consistency with parking provisions in Manufacturing and Processing. The requirements are 1 space per 3

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seats for the taproom, and 1 space per 1,000 sq. ft. for the manufacturing and processing aspects of the use.

Mr. Carpenter questioned if the sale of alcohol would be permitted. A discussion ensued as follows:

- Mr. Scott Rodriguez, Planning Division, (formerly associated with review of the Microbrewery Use under the URP), clarified that the use is limited to the sale of beer and the aim is to sell the beer being manufactured on-site, although some businesses allow the sale of other types of beers as part of their business model. There are limitations to a certain percentage of taps, which are called "guest taps". It may be permissible to sell wine, soda, water, but not liquor.
- The Chair inquired about State regulations and if a liquor license would have to be obtained, or if there would be some specially designated license. He surmised that the process would be for Zoning to allow the use and a liquor license be obtained separately.
- Ms. Cantor read the language from the ULDC and it was noted that taproom is allowed as an Accessory Use. Guest taps consisting of alcohol not produced on site is allowed in conjunction with a tap room, not to exceed 30% of the number of taps for on-site production.
- Mr. Cross clarified that the limitation applies only to industrial zoning districts, FLU designation or Pods. In a Commercial district it could be collocated with a cocktail lounge and a liquor license could be obtained, which has always been possible. He continued that the regulations for this specific use were written to recognize Microbrewery as an up and coming trend.
- Mr. Bailey inquired if the regulations apply only to beer and wine as presently there are tap rooms in industrial areas where sampling and sale of craft liquors are allowed. He opined that size and scale matters more than the production of a particular type of beverage.
- Mr. Rodriguez responded that the present trend is for microbreweries to produce beer.
- Ms. Vinikoor, recalled as a member of the sub-committee that reviewed the use, that the reason for an accessory use was specifically to allow the sale of wine.
- In response to Mr. Walesky's question on the required parking for the use in relation to the manufacturing and processing aspects, Ms. Cantor indicated that parking requirements will be reviewed to respond to current industrial trends

Motion to approve by Mr. Gulisano, seconded by Ms. Vinikoor. Motion passed (12 - 0).

#### 5. Exhibit F - Art. 8.F.5, Illumination [Related to Signage]

Mr. Cross explained that the amendment is to exempt Electronic Message Signs from certain Tier prohibitions. It is recognized that digital signage is internally illuminating, not a light shining out, but coming from the sign. The amendment would exempt the signs from the Tier provisions that do not allow for that signage to be located within internally illuminated signage, specifically in the Agricultural Reserve Tier. Gas stations are going toward having the field prices, and Zoning is of the opinion that the exception to this type of signage is extremely limiting in the Tier.

Mr. Carpenter referred to page 19 and inquired why neon signs are limited in size to 8 sq.ft, while others are not. Mr. Cross could not recall any related history and indicated that this has been so for a number of years.

Mr. Barlage questioned the rationale for striking out-parcel on line 8, page 19 of the exhibit.

Mr. Cross indicated that regulation is now redundant since silhouette lighting is more benign as it is behind a surface, it causes less light pollution and is better than internally lit signage.

Motion to approve by Ms. Vinikoor, seconded by Mr. Peragine. Motion passed (12 - 0).

#### 6. Exhibit G – Art. 8.G.3.B, Electronic Message Signs

Based on the Zoning Director's update on the Electronic Changeable Copy Message Sign PRA Pilot Program, the BCC, at the March 23, 2017 Zoning Hearing, gave direction to Sunset the program. Any signs approved during the effective timeframe of the Pilot Program would be considered conforming. Applications for relocation will be subject to the original standards for placement.

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The amendment also streamlines the approval requirements for Type 1, Electronic Sign.

Motion by Mr. Gulisano, seconded by Mr. Peragine. Motion passed (12 – 0).

**C. PUBLIC COMMENTS**

There were no public comments.

**D. STAFF COMMENTS**

Ms. Cantor asked for volunteers for a subcommittee to discuss multiple topics which are general in nature. After a brief discussion, it was decided that the matter would be brought back to the Board when there was more information on what would be the main topics to be discussed by the subcommittee and the frequency of meetings.

Mr. Cross informed the Board that a public informational meeting will be held on Tuesday, May 9 on the Surf Ranch Privately Initiated Amendment (PIA).

Mr. Bruce Thompson of the Planning Division gave a brief update on the Workforce Housing Program and it was agreed that he would elaborate further on the Program at the meeting to be held on May 24, 2017.

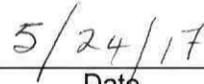
**E. ADJOURN**

The Land Development Regulation Advisory Board meeting adjourned at 3:35 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