

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATIONS COMMISSION (LDRC)**
(Updated 7-10-15)

Minutes of June 24, 2015 Meeting

On Wednesday, June 24, 2015 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 Zoning Technician, called the roll.

Members Present: 14

Wesley Blackman (PBC Planning Congress)
Michael J. Peragine (District 1)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Henry Studstill (District 7)
Terrence Bailey (Florida Eng. Society)
Jerome Baumoehl (AIA)
Joni Brinkman (League of Cities)
Frank Gulisano (PBC Board of Realtors)
Gary Rayman (Fl. Surveying & Mapping Soc.)
Daniel J. Walesky (Gold Coast Build. Assoc.)
Leo Plevy (Member at Large, Alt.)
James Brake (Member At Large, Alt.)

Members Absent: 2

David Carpenter, Vice Chair (District 2)
Tommy Strowd, (Environmental Organization)

Vacancies: 2

District 6
Assoc. General Contractors of America

County Staff Present:

Leonard Berger, Chief Assistant County Attorney
Rebecca Caldwell, Executive Director, PZB
Jon MacGillis, Zoning Director
Maryann Kwok, Deputy Zoning Director, Zoning
Maria Bello, Senior Planner, Planning
Erin Fitzhugh Sita, Senior Planner, Planning
Robert Kraus, Senior Site Planner, ERM
Kenny Wilson, Specialist 3, FL Department of Health
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Lauren Dennis, Site Planner II, Zoning
Scott Rodriguez, Site Planner II, Zoning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted that staff distributed an addendum to the agenda, and other handouts relative to the Exhibits.

3. Motion to Adopt Agenda

Motion to adopt the agenda with addendum and handouts, by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (14 - 0).

4. Adoption of May 27, 2015 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (14 - 0).

B. ULDC AMENDMENTS

1. Exhibit B – AGR Preserve Area – Contiguity Requirements for PDDs

Ms. Maria Bello, from the Planning Division gave a verbal clarification of the Exhibit accompanied by a slide presentation, outlining the background on the recent Agricultural Reserve Round Table and BCC Workshop proceedings as it relates to the proposed amendments. She responded to questions from the Board and opined that the amendments do not change the Agricultural Reserve (AGR) Tier. Ms. Caldwell was of a similar view, that the main concept of the AGR Tier is not being changed. Mr. Cross clarified the amendment is scheduled to be presented to the Board for Request for Permission to Advertise on July 30, 2015 at the BCC Planning Hearing, concurrent with the Plan amendment transmittal by the Planning Division.

LDRAB members were provided copies of an e-mail from Ms. Roni Freedman, which expressed her concerns with the proposed amendments, and was read into the record by the Chair.

No further public comments were presented.

Motion by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (13 - 1). Mr. Brake voted Nay.

C. CONVENE AS LDRC

1. Proof of Publication

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

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2. Consistency Determination

The Chair stated that he received the Consistency Determination by e-mail from Ms. Erin Fitzhugh Sita of the Planning Division. Ms. Fitzhugh Sita confirmed that the proposed amendments, Agenda item B, are consistent with the Comprehensive Plan.

Motion to approve Consistency Determination by Mr. Brake, seconded by Ms. Katz. The motion passed (14 - 0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. USE REGULATIONS PROJECT

Mr. Cross clarified the amendments for Utility and Excavation Uses were presented to the LDRAB Subcommittee on June 11, 2015, with some items still under discussion and may result in additional revisions. He indicated that additional changes would be presented to LDRAB at a later date, if applicable.

1. Exhibit C – Utility Uses

Ms. Dennis and Mr. Rodriguez, presented Utility Uses and clarified various portions of the Exhibit. They pointed out the changes made to the Exhibit by the add/delete, explained rationale for some of the changes, highlighted relocated text and changes in use titles and approval processes in the Use Matrix.

Ms. Brinkman commented that the language proposed for the Chipping and Mulching use, related to the size of the chipper and grinder equipment, may not be flexible enough for the user. Staff recommended deletion of reference to chipper and grinder equipment to address the concerns. Staff also noted that Utility Uses, such as Composting Facility and Recycling Center with similar language will also be revised for consistency. Additionally, Ms. Brinkman asked for clarification on the bollard requirement for Chipping and Mulching and Composting and was informed by Staff the requirement would be noted on new projects.

Ms. Dennis informed the Board that Staff was working with Florida Power and Light (FPL) to revise some provisions under the Electric Distribution Substation use and revised language would be brought to the Board at a later date. Additionally, Staff informed the Board there would be updates to Article 5 under the barbed wire provisions to update use names and include a new utility use.

Mr. Blackman asked staff to clarify a revision in the Utility Use Matrix related to Solid Waste Transfer Station. Staff clarified the proposed revision to delete the use from the Multiple Use Planned Development (MUPD) with an Industrial (IND) FLU designation was an oversight and not an intended deletion.

Motion to approve by Ms. Brinkman, seconded by Mr. Brake. The motion passed (14 – 0)

2. Exhibit D – Article 1.B, Interpretation of the Code

Ms. Cantor explained the purpose of the Exhibit is to clarify between the Planning, Zoning and Building Executive Director, the Director of Environmental Resource Management (ERM), and the County Engineer, who interprets the Excavation Use regulations, and to reflect the new order of the re-organized Excavation section.

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

3. Exhibit E – Excavation Uses

Ms. Cantor explained that the scope of the Excavation amendments includes reorganization of the standards for consistency with the construction of Article 4, Use Regulations as part of the Use Regulations Project. The changes include:

- Consolidation of approval processes for all Excavation types in all zoning districts;
- Organization of existing regulations by placing general standards applicable to all excavation uses, followed by definitions, and supplementary standards;

Ms. Cantor also indicated that the amendments include:

- Updates to Excavation references outside of Article 4, Use Regulations;
- Hauling standards to be removed as Land Development is no longer issuing haul permits;

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- Clarification of when the Code Enforcement director can enforce Excavation conditions not included in the Notice of Intent to Construct, established by the Director of ERM; and,
- Reintroduction of definitions for Excavation types which were inadvertently removed from the Code through Ord. 2003-067;

In addition, Ms. Cantor clarified that the proposed provision under Type 2 Excavation for reconfiguration of lakes in built developments may be further revised, and, changes to the Use Matrix to reflect the most restrictive approval process in the current supplementary standards of Agricultural Excavation and Type 2 Excavation will be presented to the Board as part of Round 2015-02.

As part of the items discussed at the Subcommittee meeting, staff will be adding a new standard that pertains mainly to Agricultural Excavation to clarify that Code regulations are not applicable if they are preempted by State laws, more particularly in agricultural related regulations.

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

F. PUBLIC COMMENTS

There were no public comments.

G. STAFF COMMENTS

Mr. Cross stated that the July 22, 2015 LDRAB meeting is scheduled to discuss proposed language for the Glades Area Overlay.

H. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:18 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: Zoning Division Staff

Monica Cantor 7/22/15
Per: Monica Cantor
Senior Planner