

**EXHIBIT A**

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

(Updated 10/20/16)

**Minutes of October 14, 2016 LDRAB Meeting**

On Friday, October 14, 2016 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 2:00 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

**Members Present: 10**

Wesley Blackman (PBC Planning Congress)  
David Carpenter (District 2)  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Stuart R. Fischer (District )  
James McKay (AIA)  
Daniel J. Walesky (Gold Coast Bld. Assoc.)  
Tommy Strowd (Environmental Organization)  
Derek Zeman (FL Surveying & Mppng. Soc.)  
James Brake (Member at Large, Alt.)

**Members Absent: 7**

Michael Peragine (District 1)  
Barbara Katz (District 3)  
Henry Studstill (District 7)\*  
Frank Gulisano (PBC Board of Realtors)  
Terrence Bailey (Florida Eng. Society)  
Joni Brinkman (Palm Beach League of Cities)  
Leo Plevy (Member at Large, Alt.)

**County Staff Present**

Jon MacGillis, Zoning Director  
Maryann Kwok, Deputy Zoning Director, Zoning  
Robert Banks, Chief Assistant County Attorney  
William Cross, AICP, Principal Site Planner, Zoning  
Monica Cantor, Senior Site Planner, Zoning  
Scott Rodriguez, Site Planner II  
Daniel Greenberg, Site Planner 11  
Erin Fitzhugh Sita, Senior Planner, Planning  
Zona Case, Zoning Technician, Zoning

**Vacancy: 1**

(Assoc. General Contractors of America)

**2. Additions, Substitutions, and Deletions**

Mr. Blackman noted the distribution of the amendments to the agenda and requested that it be included in the motion to adopt the agenda. He thanked Ms. Vinikoor for chairing the May 25, 2016 meeting in his absence, and welcomed Mr. James McKay, the newly appointed LDRAB member representing the AIA.

**3. Motion to Adopt Agenda**

Motion to adopt the agenda, as amended, by Ms. Vinikoor, seconded by Mr. Knight. Motion passed (10 - 0).

**4. Adoption of May 26, 2016 Minutes (Exhibit A)**

Motion to adopt by Mr. Carpenter, seconded by Ms. Vinikoor. Motion passed (10 – 0).

**B. USE REGULATIONS PROJECT**

Ms. Cantor updated the Board on status of the Use Regulations Project (URP), noting that all of the Use Classifications were presented at a Public Forum the preceding day, which was attended by approximately a dozen members of the public. Ms. Cantor summarized the key tasks remaining to complete the project, including:

- October 27, 2016: Presentation to the BCC on items included in this Agenda (Commercial, Temporary and Agricultural Uses, and Limited Pet Boarding).
- November 30, 2016: Final Presentation to the LDRAB, sitting as the Land Development Regulation Commission (LDRC), to include any updates to previously reviewed Use Regulations.
- December 7, 2016: Presentation to the BCC highlighting any items discussed at the October 13, 2016 Public Forum Meeting.

Ms. Cantor also reiterated the key BCC Zoning Hearing dates scheduled for the BCC to consider the final Ordinance, as follows:

- January 5, 2017 - Request for Permission to Advertise;
- January 26, 2017 - 1<sup>st</sup> Public Hearing; and,
- February 23, 2017 – Adoption Hearing

## EXHIBIT A

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

(Updated 10/20/16)

#### Minutes of October 14, 2016 LDRAB Meeting

Ms. Cantor presented a Power Point overview of the proposed amendments, which was followed by a page-by-page review and discussion by the Board, summarized as followed:

#### 1. Exhibit B – Commercial Uses

- **Catering Service** - Page 28, Line 15: In response to a query from Mr. Blackman, Ms. Cantor clarified that as an accessory use to restaurant, the limit of three vehicles in the vehicle storage area will be shown on the site plan. Exceeding this limit would push this into a primary use.
- **General Retail Sales:** Several specific retail sales uses, such as Monument Sales and Building Supplies, were consolidated under the broader General Retail Sales use.
- **Hotel, Motel, SRO and Rooming and Boarding House:** Further elaborated that the individual uses had been separated consistent with existing Supplemental Standards, which better clarifies differences between Commercial and Residential characteristics for these uses.
- **Microbrewery:** Mr. Rodriguez outlined the rationale behind creating this new use for the small scale production and packaging of craft or specialty beer in Commercial and Industrial zoning districts, emphasizing that the use could be accommodated under current Commercial uses, but that additional provisions were required to allow or clarify the sale or tasting, and accessory food service.
- **Office, Business or Professional:** Establish standards to clarify that Accessory Office is not the same as a Business or Professional Office use. Page 55, Line 13: Revise to "...shall be permitted on ~~the~~ site."
- **Vehicle Repair and Maintenance [Light or Heavy]:** Mr. Blackman pointed out that the approval processes in the Use Matrix under Industrial Zoning districts should be reversed, to which Mr. Cross affirmed, advising that he had made a note of the error and should have included in the add/delete.
- **Self Service Storage Facility (SSSF) [Limited or Multi-access]:** Mr. Cross noted that additional revisions related to a request made on behalf of a developer seeking to add a Limited Access SSSF to the commercial pod of PUD may occur, pending submittal of additional supporting documentation. Staff partially supported the initial request subject to a maximum 50% limit on overall uses, to ensure other intended neighborhood uses would be accommodated.
- **Vehicle Sales and Rental:** Mr. Cross noted that an additional revision pertaining to allowing Heavy Equipment and Vehicles Sales and Rental in the Rural Tier limited to the sale of farm tractors, to support any agricultural uses permitted in the Tier.

Motion to adopt with the add/delete amending page 30, part 3; page 39 part 3; and page 77 part 3, and the changes agreed to during the discussion, by Ms. Vinikoor, seconded by Mr. Brake. Motion passed (10 - 0).

#### 2. Exhibit C – Temporary Uses

Mr. Greenberg explained that this new Use Classification that consolidates uses of a temporary nature, mostly comprised of existing Commercial uses, but including Recreation and Utility Uses, among others. This enabled staff to consolidate redundant standards in order to provide general standards for all temporary uses, thus offering more flexibility. He also clarified newly categorized uses and resulting amendments to the parking requirements in Table 6.A.1.B. Ms. Cantor noted that Communication Cell Sites on Wheels (COWs) is also included in this category.

Motion to adopt with the changes on the add/delete amending page 114, part 5, by Mr. Brake, seconded by Mr. Knight. Motion passed (10 - 0).

#### 3. Exhibit D – Agricultural Uses

Mr. Cross referred to the add/delete Item #5, relocating text related to PPM# (MD) R1 – 002) to a note in the Agricultural Uses Matrix, at the request of Mr. Berger. This relates to a request from representatives of Florida Crystals. Mr. Cross noted that staff will be meeting Florida Crystals representatives again on November 2<sup>nd</sup>, and if applicable, would advise of any additional requests or revisions at the Nov. 30, 2016 LDRC meeting.

Mr. Cross explained that due to delays associated with the recent Agriculture Reserve Workshops and feedback from the Agriculture industry and the Glades Tier, Zoning was directed not make substantial changes to Agricultural uses at this time, other than the

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

(Updated 10/20/16)

#### Minutes of October 14, 2016 LDRAB Meeting

revisions needed for consistency with the formatting of the Use Regulations Project. He advised that these uses may be revisited at a future date.

He further elaborated on the change to the title "Bona Fide Agriculture" with "Farm". He added that Bona Fide Agriculture is only referenced in Florida Statutes 193.461 with the intent to provide guidance to the Property Appraiser in making Agricultural Classifications for any eligible agricultural use, which is not limited to the current "Bona-fide Agriculture" term. Mr. Cross further clarified that a number of agricultural uses in the matrix, including Nursery, could be classified as such, even though their operations may be commercial or industrial, so the term Bona Fide Agriculture is not really a use but a step in a process. This amendment is merely a name change and the meaning, interpretation and application of the standards are unchanged.

Mr. Cross also pointed out the deletion of the use "Farrier" as the use has not been requested in Palm Beach County for many years. The remaining amendments are mainly to do with reorganization of the Use Regulations.

Ms. Vinikoor expressed that this is a substantial change and she would have preferred if it had been discussed with a subcommittee. She further opined that "Bona Fide Agriculture" is a use and "Farm" is a more generic use.

Mr. Banks confirmed that growing plants and or raising animals meet the criteria for Bona Fide Agriculture classification by the Property Appraiser. Retailing of plants grown by other sources, while considered a nursery, would not qualify.

Mr. Cross acknowledged that there is some concern and the name change might be misconstrued as a change in meaning or application. He is open to leaving it unchanged but would prefer to amend out of respect for other definitions of use of "Farm" in State Statutes.

Motion to approve with add/delete amendment page 119, part 1, by Jim McKay, seconded by Mr. Knight. The motion passed (10 – 0).

#### 4. Exhibit E – Residential Uses (Limited Pet Boarding)

Mr. Rodriguez outlined the history behind the proposed amendments. Previously presented to LDRAB as a Privately Initiated Amendment (PIA), the Board had expressed concerns about impacts of nuisances (such as noise and traffic) and incompatibility of commercial uses in residential zoning districts. LDRAB voted to move the application forward to the BCC with direction for staff to express their concerns to the BCC.

Mr. MacGillis added that at the March 28, 2013 BCC Zoning Hearing, the BCC elected to initiate the PIA request and directed staff was directed to draft a code amendment for limited boarding of cats and dogs in residential zoning districts as part of the URP.

Mr. Carpenter expressed the view that commercial uses continue to intrude into residential zoning districts. He considered this to be unfair to residents as it is not possible to enforce compliance and he strenuously opposed the amendments.

A discussion ensued and the Board asked staff to ensure that the BCC was made aware of their strenuous objection to allowing "Commercial use" in a residential zoning district.

Motion by Mr. Carpenter to vote to approve or deny, seconded by Ms. Vinikoor.

The Chair requested a roll call and clarified the motion:

- A vote "Yes" is to deny and send a message to the BCC.
- The motion was clarified to recommend that if the BCC elects to proceed with this amendment, the Board recommends including additional standards related to: drop off on improved driveways and limitations on the outdoor activity areas, including hours of operation, and prohibitions on allowing boarded pets off site.

The Secretary called the roll. The motion passed (8 - 2). Mr. Fischer and Mr. Walesky voted nay.

EXHIBIT A

PALM BEACH COUNTY  
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
(Updated 10/20/16)

Minutes of October 14, 2016 LDRAB Meeting

**F. PUBLIC COMMENTS**

Mr. Damian Brink requested staff to reconsider taking out the Turnpike exemptions from Gas and Fuel Sales Use. Mr. Cross noted that the provision does not currently exist and while staff had initially suggested it be added, it was withdrawn after revisiting the rationale used for the original amendment for I-95, and that the provision of fuel facilities on the Turnpike, among other concerns with potential traffic issues at Turnpike access points. He further noted that the newly created MUPD exception would better address staff concerns with aesthetics and traffic/pedestrian safety. Mr. Brink opined that it is similar to the I-95 Interchange, and ought to be allowed, especially in consideration of hurricane evacuation, to give the opportunity to re-fuel before going onto the Turnpike.

Mr. Brink confirmed to Chair that he is a paid lobbyist representing Jon E Schmidt and Associates, acting on behalf of DS Investments 1, LLC and Arrigo, and Mr. Blackman asked that the information be given to the Secretary.

**G. STAFF COMMENTS**

Ms. Cantor recognized and thanked Ms. Vinikoor and Mr. Knight for their consistent participation and help on subcommittees. She acknowledged that it has been three years of hard work and at this point it appears as if staff is seeing the light at the end of the tunnel.

Mr. Blackman thanked staff, adding that this was a monumental task. He opined that the changes were needed for some time and the consolidation will make the ULDC much easier to understand. Mr. Knight also commended staff.

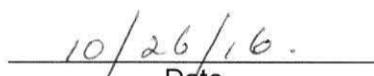
**H. ADJOURN**

The Land Development Regulation Advisory Board meeting adjourned at 4:45 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