

**EXHIBIT A**

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

(Updated 10/12/18)

**Minutes of October 24, 2018 LDRAB Meeting**

On Wednesday, October 24, 2018, 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 Secretary, called the roll.

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| <b>Members Present: 15</b>                             | <b>Members Absent: 2</b>                  |
| Wesley Blackman (PBC Planning Congress)                | James Knight (District 4)                 |
| Joanne Davis (District 1)**                            | Xavier Salas, (AIA)                       |
| Drew Martin (District 2)*                              |   |
| Philip Barlage (District 3)                            | <b>Vacancies: 1</b>                       |
| Lori Vinikoor (District 5)                             | Environmental Organization                |
| Myles Basore (District 6)                              |   |
| Robert J. Harvey District 7)                           | <b>County Staff Present:</b>              |
| Frank Gulisano, (Realtor's Assoc. of the Palm Beaches) | Jon MacGillis , Zoning Director           |
| Terrence Bailey,(Fl. Engineering Society)              | Wendy Hernandez, Zoning Manager           |
| Derek Zeman (Fl. Surveying & Mapping)                  | Jan Rodriguez, Senior Site Planner        |
| Daniel Walesky (Gold Coast Bld. Assoc.)**              | Leonard Berger , County Attorney          |
| Anna Yeskey, (League of Cities)                        | Scott Rodriguez, Senior Site Planner      |
| Charles Drawdy (Assoc. Gen. Contractors of America     | Zona Case, Zoning Technician, Zoning      |
| Abraham Wien, (Member at Large, Alt. 1)                | *Daniel Walesky and **Drew Martin arrived |
| Winifred Park Said (Member at Large, Alt. 2)           | Immediately after roll call               |

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

Mr. Blackman noted the distribution of an add/delete sheet and Ms. Hernandez asked that the motion to adopt the agenda include:

- a. Correction of the September 26, 2018 Minutes by removing Mr. Eric McClellan from the list of attendees as he did not attend the Meeting.
- b. Correct spelling of drive-thru to "drive through" in Exhibits D and G to be correct and consistent.
- c. The Chair drew attention to those who missed the motion passed at the last meeting regarding the procedure to be followed when members wish to discuss a substantive matter that is not on the agenda. The procedure would be to introduce the topic under this section as an amendment to the agenda, to allow the Board to vote on including the topic in the agenda. Mr. Blackman emphasized the importance of adhering to the policy

**3. Motion to Adopt Agenda**

Motion to adopt the agenda including the add delete sheet, the corrections in the September 26, 2018 Minutes and the spelling error mentioned in Exhibits D and G, by Mr. Gulisano, seconded by Dr. Vinikoor. Motion passed (14-0).

**4. Adoption of September 26, 2018 Minutes (Exhibit A)**

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

**5. Public Comments**

There were no public comments

**B. ULDC AMENDMENTS - NEW**

**1. Article 2 - Resubmittal**

Ms. Hernandez explained that the amendment to the administrative processes is providing an additional opportunity for applicants to provide new documentation on resubmittal date.

Motion to adopt by Dr. Vinikoor, seconded by Mr. Barlage. Motion passed (14-0).

**2. Exhibit C –Green Market, Community Vegetable Garden and Landscaping**

Ms. Hernandez explained that part 1 of the Exhibit amends Articles 3 and 4 and relates to Community Vegetable Garden in the WCRAO. The intent of the amendments is to:

- o correct scrivener's errors and numbering;

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- clarify that all accessory structures in the WCRAO sub-areas shall be subject to Art. 5 regulations unless stated otherwise in art. 3.B.14.G;
- exempt prohibited materials for fences and walls from WCRAO supplementary standards, and allow chain link fence as a landscape barrier when the site abuts a parcel with a residential use or FLU, creating an open area for residents who are growers.
- exempt from WCRAO form base code regulations, permitted structures accessory to Community Vegetable Garden and Green Market and allow default to Property Development Regulations of the zoning district and Art. 5, Supplementary Standards.

Ms. Joanne Davis joined the meeting at 2:10 p.m.

Ms. Hernandez introduced Mr. Josh Nichols, Consultant for the WCRAO who explained that the amendments originated from a recently approved Community Garden, and looking at past amendments, the desire is to clean up the code to allow elimination of some buffers and some existing fences. He said there is no objection from neighbors, and the main intent is to facilitate future Green Markets and Community Vegetable Gardens in Westgate and the CCRT areas.

Ms. Hernandez continued explanation of Part 2 of the Exhibit which:

- Deletes restrictive hours of operation for Green Market as an accessory use to a Community Vegetable Garden offering residents more flexible hours, in keeping with the intent of a Green Market. The change will allow the hours of operation to default to Code, where the hours are 6 a.m. to 11.00 p.m., 7 days a week, if the Commercial use is within 250 feet of residential zoning.
- Clarifies size limitation for accessory uses and structures. The method of calculation in Art. 5 determines the maximum size for an accessory structure to be 30% of the principal use and structure. A Community Vegetable Garden does not have a structure, and revision is necessary to determine size based on growing area.
- Addresses a standard for screening: where a Green Market use is permitted as accessory to a Community Garden, is adjacent to a residential FLU designated parcel or use; and is compliant with the incompatibility buffer requirements of Art. 7, additional screening would not be required.
- Exempt the Community Garden use when located in the WCRAO or CCRT Areas from requirements of Article 7, unless otherwise stated in Article 4.B.6.C. Traditional landscape buffering in Article 7, is incompatible with the public nature of a Community Garden as it would inhibit views into the site and reduce the food production area.

A discussion on the hours of operation followed and members made suggestions on what they considered more suitable hours for this type of operation. It was decided to retain the current hours of 7:00 a.m. to 7:00 p.m., but change to allow for 7 days a week. Mr. Bailey and Mr. Walesky voiced concerns on this limitation. Mr. MacGillis added that the hours apply to the Green Market only.

Motion to approve to retain the current codified hours by Mr. Martin, seconded by Mr. Drawdy. The Motion passed (14-1). Mr. Walesky voted nay.

#### 3. Exhibit D - Financial Institution

Ms. Hernandez explained that the amendment is to correct an inadvertent omission of CL FLU when Financial Institutions were permitted by right in a Multiple Use Planned Development (MUPD) with a Commercial Low (CL) Future Land Use Designation.

Motion to approve by Dr. Vinikoor, seconded by Mr. Zeman. Motion passed (15-0).

#### 4. Exhibit E – Homeless Resource Center

Ms. Hernandez clarified that lines 22 and 27 corrects reference to a number which was changed due to a PPM update.

Motion to approve by Mr. Gulisano, seconded by Mr. Martin. Motion passed (15-0).

#### 5. Exhibit F - Mobile Retail Sales

Ms. Hernandez clarified that the amendment is to delete the reference to Special Permit, as the process was changed to DRO Zoning Agency Review (ZAR) process.

Motion to approve by Mr. Martin, seconded by Dr. Vinikoor. Motion passed (15-0).

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##### 6. Exhibit G - Article 6, Parking

Ms. Hernandez indicated that this is Phase 1 of an amendment process for Article 6, Parking, analysis is ongoing, and further amendments will be brought to the Board. She noted that added language on page 12, clarifies that non-residential uses in a PDD may apply the standards in Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements, based on the use or the minimum/maximum parking standards, or a combination of both. She added that the Use Regulations Project and subsequent research with several municipalities and agencies have identified the need for amendments to reflect current parking and loading demands by looking at more recent studies and consulting with industry.

Ms. Hernandez did a page by page summary of the topics highlighting the following:

- Reduced parking requirements for CLF based on recent studies and research with many municipalities, resulting in changes which are in agreement with several agencies.
- Consistency in the calculation of office space parking.
- Based on the Use Regulations Project and research, consolidation of similar uses for consistency, deletion of duplicative uses and addition where necessary.
- As indicated on the add/delete sheet, Table 6.A.1.B – Minimum Off-Street Parking and Loading Requirements, Government Services also include Government Facilities.
- Modify spaces for consistency related to over-parking; Offsite parking calculation - coordination with Attorneys offices and Code Enforcement re vehicle parking.
- Clarify parking requirements versus queuing standards.
- No need to limit number of parked vehicles on residential parcels as there have been no issues to warrant limitation, and include parking marine vessels outdoor in residential districts when the applicant meets certain requirements.
- Modify the relative Tables and notes in Art. 6.A.1.B, related to the amendments.

Mr. Blackman expressed the view that there is not enough distinction between medical office and office, and Mr. Gulisano also expressed that there are insufficient spaces for medical offices. Ms. Hernandez indicated that this will be looked at during further analysis.

Mr. Wien suggested looking at alternatives, such as valet parking at medical offices and Mr. MacGillis responded that there are provisions for shared parking studies. Ms. Davis asked what happens to over-parked area and Ms. Hernandez replied that application may be made to increase or decrease parking spaces, using the right process.

Motion to approve by Ms. Davis, seconded by Mr. Knight. Motion passed (15 – 0).

##### 7. Exhibit H, CLR Future Land Use and Residential [Codification of Ord. 2017-036].

Ms. Hernandez explained the amendments in the Exhibit were mainly for consistency with the Comprehensive Plan Ordinances which were adopted by the BCC:

- Ordinance 2017-036 – Established Congregate Living Residential (CLR) Future Land Use and defines residential and medical uses, and updates residential policies and provisions. The CLR, codified as a new acronym, is intended to facilitate the review of Type 3 Congregate Living Facilities which may require Future Land Use amendments to increase residential density and establish criteria to comply with the intent of a CLR.
- Ordinance 2015-044 - Minimum and maximum density were also removed from the Comprehensive Plan.
- Ordinance 2016-041 - Comprehensive Plan was amended to add the Western Communities Residential (WCR) Future Land Use Designation. The Unified Land Development Code was revised at the same time through Ordinance 2017-011.

Code changes resulting from Plan changes are:

- Removal of Type 2 Waiver for the Glades Area Overlay as minimum density was removed.
- Changes to Articles 2 and 3 in the Glades Area, Infill Redevelopment Overlays, and the Property Development Regulations for Standard Zoning Districts, Planned Development Districts and Mobile Home Planned Development Districts. The reference to FLUE Table III.C.1, is being removed as it was deleted.
- Art. 4.B.1.A, Residential Use Matrix is being amended to describe requirements for CLR.,
- Workforce Housing and Affordable Housing Programs - text deleted and added related to density.
- A typo was noted on Page 38, line 25 - the word “in” was repeated.

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Motion to approve by Dr. Vinikoor, including add delete and correction of typo, seconded by Mr. Barlage. Motion passed (15-0).

#### 8. Exhibit I, Residential in MUPD]

Ms. Hernandez said that initially this was a PIA which was presented to the Board in July, staff recommended inclusion in the 2018-02 Round, and it is now brought back to LDRAB as staff initiated. Planning Ordinance 2017-004 incorporated residential uses into the MUPD zoning district, changes were done to the Economic Development Overlay, and language in RH was clarified. The amendment is to codify the incorporation of Residential Uses related to Multiple and Mixed Use Zoning Districts, to indicate that an applicant would be allowed to submit a Preliminary Master Plan for a MUPD and MXPD that utilizes more than one FLU designation - location of uses and property development regulations.

Other code amendments as it relates to policy changes by Planning Ord. 2017-004 are:

- Modify the FAR, Density and Use Standards for a Planned Development District to allow for both non-residential and residential uses when there is a non-residential FLU and underlying residential FLU.
- Clarify how to apply property development regulations and uses with the use of a Preliminary Master Plan, when there are two non-residential FLU designations.
- Modify Design Objectives to require strong pedestrian circulations systems in Planned Development Districts with both residential and non-residential uses through design and building placement connected to a common public space or usable open spaces.
- Multiple Use Planned Development (MUPD - Allow for both residential and non-residential uses within a project that is designed to foster compatibility within and adjacent to the project.
- Incompatibility Buffer along the property lines in any area of a MUPD, where mixed and non-residential uses are adjacent to a residential use or undeveloped land with a residential FLU.
- In addition to the requirements of Article 5.F Parks and Recreation for residential use, a minimum of five percent (5%) of the total development area shall be usable, open space.
- Exception for bay door orientation for residential within a MUPD, provided there is setback and screening.

Motion to approve by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (15-0).

#### C. ULDC AMENDMENTS – REVISIONS AFTER 9/26/18 LDRAB

##### 10. Exhibit J, Art. Real Estate Sales Model and Management Office

Clean up on page 52 - correction discussed at 9/26/18 LDRAB meeting and correct reference on page 57.

##### 11. Exhibit K – Art. .5 – Mechanical Equipment

Delete reference for Type 1 Waiver in Art. 2 as well as the cross reference on page 67.

Motion to accept corrections by Ms. Davis, seconded by Mr. Gulisano. The motion passed (15-0).

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

##### 1. Proof of Publication

The Chair acknowledged the Proof of Publication.

Motion to accept Proof of Publication by Ms. Vinikoor, seconded by Ms. Joanne Davis. Motion passed (15 – 0).

##### 2. Consistency

The Chair acknowledged receipt of Consistency Determination from the Planning Division and Mr. Rodriguez confirmed the amendments to Exhibits B through I approved at the meeting, and the changes to Exhibits J and K were consistent with the Comprehensive Plan.

Motion to accept Planning Department Consistency Determination by Ms. Vinikoor, seconded by Mr. Barlage. Motion passed (15 – 0).

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

#### F. STAFF COMMENTS

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**1. Article 2.G- Decision Making Bodies- General Provisions and Appointed Bodies- Land Development Regulation Advisory Board – Rules of Procedure**

Ms. Hernandez said the discussion on Decision Making Bodies at the September 26 Meeting was postponed and this section from Article 2 of the ULDC is provided as requested.

Mr. Burger highlighted some of the regulations and stressed that it is important for the Board to be mindful of the Power and Duties, and the topics reviewed by other advisory boards. He expressed that five or six Rules of Debate were created in case they are needed, but this LDRAB is a well working collegiate Board.

Mr. Martin inquired if there is any way for the Board to assist in climate change and Mr. Berger responded that there are other agencies that do that. Mr. Blackman suggested that ideas on that topic could be looked at by the staff for their consideration before presenting to the Board.

Mr. MacGillis informed the Board that the Landscape Service subcommittee is to meet in November. Zoning staff will consult with Delray and Boynton Beach in relation to the Medical Institutions Meeting and seek direction from the County Administrator. Ms. Hernandez reminded members that there will be an LDRAB/LDRC meeting on November 14, 2018.

**2. 2018 Attendance and 2019 Reappointments**

Mr. MacGillis noted that the Attendance Matrix was also provided indicating re-appointment dates for members.

**G. ADJOURN**

The Land Development Regulation Advisory Board meeting adjourned at 3:00 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) 233-5566.