

EXHIBIT A

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

(Updated 10/25/17)

Minutes of October 25, 2017 LDRAB Meeting

On Wednesday, October 25, 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

Chair, Wesley Blackman called the meeting to order at 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 16

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Philip Barlage (District 3)
James Knight (District 4)
Lori Vinikoor (District 5)
Rena Borkhataria (District 6)
Robert J. Harvey District 7)
Terrence Bailey (Florida Eng. Society)
Frank Gulisano (PBC Board of Realtors)
Tommy Strowd (Environmental Organization)
Daniel Walesky (Gold Coast Bld. Assoc.)
Anna Yeskey (PBC League of Cities)*
James McKay (AIA)
Charles Drawdy (Assoc. Gral Contractors of America)
Abraham Wein (Member at Large, Alt. 1)
Winifred Park Said (Member at Large, Alt. 2)

Members Absent: 2

Michael Peragine (District 1)
Derek Zeman (Fl. Surveying & Mapping)

County Staff Present:

Leonard Berger, Assistant County Attorney
Maryann Kwok, Deputy Zoning Director
Patricia Behn, Deputy Planning Director
Lisa Amara, Principal Planner, Planning
Monica Cantor, Senior Site Planner

Scott Rodriguez, Site Planner 2
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman 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 Dr. Vinikoor, seconded by Mr. Carpenter. Motion passed (16 - 0)

4. Adoption of September 27, 2017 Minutes (Exhibit A)

Motion to adopt the Minutes by Mr. Carpenter, seconded by Dr. Vinikoor. Motion passed (16 - 0).

B. ULDC AMENDMENTS

1. Exhibit B - Art. 2, Development Review Procedures

Ms. Kwok briefly summarized and highlighted some parts of Article 2, especially those affected by the add delete sheet.

Ms. Kwok clarified that the purpose of the amendments is to reorganize the Article, and rename it, more appropriately "Application Processes and Procedures". A general overview of the changes include:

- Chapters A through C, re-organize Zoning Applications related to the Legislative, Quasi-judicial or Administrative Processes
- Chapter D - codify ULDC Privately Initiated Amendment (PIA) process.
- Chapter F, Concurrency for Development Orders deletes School Concurrency which is replaced in Chapter I where the Coordinated School Planning is established; and,
- Relocate the chapter on Future Land Use (FLU) Plan Amendments.

Ms. Kwok highlighted the main areas of reorganization:

- Chapter A provides general information pertaining to the Legislative, quasi-judicial and administrative processes. Establish Types 2 and 3 Concurrent review, which allows application to be submitted for simultaneous examination by different County agencies. Ms. Kwok mentioned an example of large and small scale land use amendments being heard concurrently with a zoning application at the same hearing. Clarification of when a Pre-Application Conference (PAC) and Pre-Application Appointment (PAA), are mandatory for Applicants to meet with staff prior to the official submittal of some applications. The purpose is to identify issues and ensure the applications are in compliance with the Comprehensive Plan and the ULDC. Mr. Carpenter expressed approval, voicing the time- saving benefit for both applicant and staff.

EXHIBIT A

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

(Updated 10/25/17)

Minutes of October 25, 2017 LDRAB Meeting

- Chapter B, Public Hearing Processes consolidates all Public Hearing Procedures subject to BCC of ZC approval. Review, re-submittal, certification, Conduct of Hearing, Postponement, notifications, etc., are addressed. The changes also include re-ordering the hearing proceedings to require the applicant to make their presentation prior to staff's presentation
- Chapter 2.C. Administrative Processes, now replaces FLU Plan Amendment, which has been relocated to Chapter H. This section revises the standards for Administrative Modifications to Prior Development Orders and consolidates them into table format to make the process more understandable.
- DRO function is clarified to indicate what applications are subject to Full DRO or Zoning Agency Review (ZAR). It also identifies administrative modification thresholds for BCC or Zoning Commission approved site plans; and replaces Special Permit with ZAR processes, with the exception of billboards. This chapter deletes Type 1A Variance and consolidates it under Type 1 Waiver.
Codifies Zoning Confirmation Letter (ZCL) processes into three types: Informal, Non-Site Specific Formal, and Formal.
- Privately Initiated Amendment (PIA) application is being codified under a new Chapter D. The purpose, authority, standards and application procedure as well as the required action by the LDRAB and the BCC are addressed.
- Ms. Cantor requested the addition of text, not included on the add/delete sheet. Page 40, line 42, at the end of sentence: ...approved as Class A Conditional Use, add text "unless it is stated otherwise herein".

Ms. Behn, referred to Chapter F, Concurrency and explained that Florida Statutes require that counties and cities enter into a Coordinated School Planning agreement with the Palm Beach County School District and encourage local governments to have a uniform agreement. The agreement was adopted by the BCC and School Board in December, 2015 and updated in the Comprehensive Plan in April, 2017. As a result, Public School Concurrency is deleted from this chapter and provisions in Chapter I, Coordinated School Planning are established.

In response to Mr. Carpenter's question on the cost of the process, Ms. Behn recommended that the question be answered by Ms. Chris Garrison, Director of Planning, PBC School District, who replied that analysis is based on countywide generation rate. The School Capacity Availability Determination (SCAD) letter is comprehensive and addresses capacity of existing facilities, or planned facilities for additional students, and provides the ability to analyze the direct impact of new development on schools.

Ms. Amara noted that the amendments in Chapter H, FLU Plan Amendments, are to address regulatory items to:

- add "Privately proposed" on line 34, page 91, to describe applications that are acceptable;
- establish that a pre-app meeting with the Planning Division is mandatory;
- clarify grounds for postponement; and
- modify the requirements for courtesy notices and sign postings.

Mr. Walesky questioned why fees have to be paid in full prior to review and suggested that at staff's discretion, some applicants be allowed to pay later as fees are sometimes not calculated at the time. Ms. Kwok referred to the fee estimator on the Zoning web site which can be used by the applicant to estimate the amount, and explained that there is misunderstanding that postage has to be fully paid before review, which is not so. She preferred to leave the regulation as it is. Ms. Kwok also confirmed to Mr. Wein that fees cannot be adjusted because of project size.

Page 37, lines 48 - 52 – Postponement by Right - Dr. Vinikoor noted that in the new language there is no certain amount of postponements. Ms. Kwok responded that this is current practice being codified and postponements are at the Board's discretion. The Chair also noted that Line 51 "five days prior to the date" should replace "five days of the date".

Page 38, line 39 - Changed Conditions or Circumstances - Dr. Vinikoor referred to strike-out of "conditions". Ms. Kwok explained that most people understand it to be "Conditions of Approval", so the word was stricken to avoid confusion. After discussion, keeping them both

EXHIBIT A

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

(Updated 10/25/17)

Minutes of October 25, 2017 LDRAB Meeting

seemed preferable. It was decided to retain the heading and have the body read: “changed site conditions or circumstances”. This change is to be made wherever that text is found.

Mr. Blackman noted that the number 7 appearing on page 42, line 15 is not related to the text and should be deleted. Also, on page 79, the E at the end of line 7 should be removed.

Ms. Colleen Walter from Urban Design Kilday Studio explained that she had provided input for the changes, mostly reformatting, to simplify, include current practices not codified and generally to look at the administrative process. She thanked Ms. Kwok for the changes as shown on the add delete, pages 4 and 5, which have now been tabulated and is easier to follow. It is expected that the Article will be more user friendly after this clean up. She thanked staff and the Board for their consideration.

Page 87, line 27 – Mr. Carpenter queried voting by alternates and Mr. Berger clarified that alternates are allowed to vote and their votes are counted as long as there is a quorum of members.

Motion to adopt with the add/delete and text changes, proposed by Mr. Gulisano, seconded by Mr. Carpenter. Motion passed (16 - 0).

2. Exhibit C - Art. 5.B.1.A, Accessory Uses and Structures [Related to Government Owned Towers

Ms. Cantor clarified that provisions related to Government Towers is a new section to accomplish the following purposes:

- Identify which provisions for commercial communication towers in Art. 4, Use Regulations apply to government owned towers.
- Apply Article 1, definition of emergency to determine the specific provisions applicable to government owned towers and circumstances which would make them subject to zoning approval.
- Clarify the approval applicable to new or modified existing government owned towers less than 100 ft high, and establish regulations in a separate table for towers that do not meet the standards or are higher than 100 feet.
- Include a new standard to clarify that in cases where the government tower is intended to include or already includes commercial antennae, commercial communication tower regulations in Article 4.B.9, shall apply.
- Establish approval and supplementary standards for constructing new or modifying existing government owned towers needed in emergencies to protect PBC residents. The amendment provides two options to process and approve emergency tower requests, one option that is applicable to existing towers and the other applicable to new towers.
- Provide a mechanism between any non-PBC government agency and the PBC Facilities Department to coordinate a BCC public meeting or hearing once notification requirements are met. Facilities will ensure that the proposed towers are not interfering with the operation of PBC government owned towers.
- Clarify that due to the emergency associated with the construction of a government tower, public hearing notification requirements are limited to publishing the hearing in a newspaper and placing signs on the affected property.
- Allow reduction of setbacks, separation and distance between towers through public hearing, when it is demonstrated that the emergency tower will not affect adjacent uses and structure.
- Establish standards that include provisions for supplementary standards to allow modification to existing government towers, including relocation on the same site if there is an urgent need to restore emergency communication.

Motion to adopt by Mr. Carpenter, seconded by Mr. Gulisano. Motion passed (16 - 0).

3. Exhibit D – Electronic Message Signs

Ms. Cantor explained the applicability for Type 1 Electronic Message Signs needs clarification by defining Regional Facilities. She indicated the definition addresses sites that hold large events with capacity of more than 2,000 people. Amendments allow for requesting larger sign areas, reduction in setbacks or increase in sign height through Type 2 Waivers, based on compliance with the criteria for the request. She explained that the Fair Grounds will be one of the sites in the County allowed to have this type of signage.

