

**EXHIBIT A**

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

(Updated 11/10/16)

**Minutes of October 26, 2016 LDRAB Meeting**

On Wednesday, October 26, 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 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

**Members Present: 11**

Wesley Blackman (PBC Planning Congress)  
Michael Peragine (District 1)  
David Carpenter (District 2)  
Barbara Katz (District 3)  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Terrence Bailey (Florida Eng. Society)  
Daniel J. Walesky (Gold Coast Bld. Assoc.)  
Joni Brinkman (Palm Bch. League of Cities)  
Derek Zeman (FL Surveying & Mppng. Soc.)  
James McKay (AIA)

**Vacancy: 1**

(Assoc. General Contractors of America)

**Members Absent: 6**

Stuart R. Fischer (District 6)  
Henry Studstill (District 7)\*  
Frank Gulisano (PBC Board of Realtors)  
Tommy Strowd (Environmental Organization)  
James Brake (Member at Large, Alt.)  
Leo Plevy (Member at Large, Alt.)

**County Staff Present**

Leonard, Chief Assistant County Attorney  
Jon MacGillis, Zoning Director  
Maryann Kwok, Deputy Zoning Director, Zoning  
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

**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.

**3. Motion to Adopt Agenda**

Motion to adopt the agenda, as amended, by Ms. Vinikoor, seconded by Mr. Peragine. Motion passed (11 - 0).

**4. Adoption of October 14, 2016 Minutes (Exhibit A)**

Motion to adopt by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (11 – 0).

**B. USE REGULATIONS PROJECT**

**1. Exhibit B – Art. 3.E.2.F.3.c.1), PDRs for AGR Preserves and Farm Residences**

Mr. Cross clarified that Exhibit B is not part of the Use Regulations Project. He went on to explain that the proposed amendments are to update the ULDC with recent changes to the Future Land Use Element of the Plan and to correct minor errors and redundant references. He briefly outlined the amendments and clarified queries from Board members. The highlights are listed below:

- The amendment recognizes Comprehensive Plan changes that allow for a farm residence to remain on a parcel with an Agricultural Preserve area, provided that one acre is set aside for the density.
- The parcel shall not be subdivided unless each new parcel meets the minimum property development regulations for the Agriculture Reserve (AGR) Zoning District. Mr. Cross responded to Mr. Carpenter that the acre has to be located around the house, but will not be considered a subdivided parcel with the creation of lot lines. It will instead be a designated area.
- Mr. Cross affirmed the following to Mr. Blackman:
  - Designation will be on paper; the uses and the amount of units left to be transferred to the development area will be documented (with the Development Order for the Preserve Area rezoning);
  - The Planning Division has to certify eligible parcels and the time limit to apply for a Development Order is 3 years;

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- An application process that stipulates that farms existing as of a specified date will qualify, is posted on the Planning web site; and the overall boundaries of the lot of record will remain unchanged.
- Mr. Cross replied to Mr. Bailey that all the accessory residential uses have to be within the acre, although it does not preclude any uses permitted in the Preserve Area.

Motion to approve by Ms. Vinikoor, seconded by Mr. Carpenter.

**Discussion:** Ms. Brinkman posited the question - if the owner of an existing 100 acre lot with a residence has not yet sold the development rights, uses the platting exemption to create two lots, and sells one, why is the buyer of one of the lots not entitled to build a farm residence, and qualify in the future if the Development Rights have not been sold?

Mr. Cross expressed that there are established limits in the Plan to recognize existing farm residences, and if that is not clear in the amendment, there is a need to clarify.

Mr. Fitzhugh clarified that if densities have not been stripped, if the Development Rights have not been sold, a portion of the land may be sold.

Motion passed (11 – 0).

#### 2. Exhibit C – Art. 3.B.14, Westgate Community Redevelopment Area Overlay (WCRAO)

Mr. Cross explained that the amendments are minor corrections and clarifications, and he noted that Denise Pennell and Elizee Michel, representing Westgate, were present to answer questions if necessary. He highlighted the main points of the amendments:

- Page 12: The ULDC Map of WCRAO Boundaries and Sub-areas is included solely for reference, and is not being amended.
- Page 13: Mixed use has long been required or allowed in certain areas of Westgate and the amendment clarifies when residential uses are permitted in certain Sub-areas where not otherwise permitted in the zoning district.
- Page 14: Table 3.B.14.F, Industrial has been added to Commercial in the UI column, so that both shall have a minimum frontage. Mr. Cross noted that the WCRA was seeking to create a more consistent development pattern in the UI Subarea. This fulfills the vision of a unified street frontage, improved pedestrian walkways and access.
- Mr. Cross also clarified “Build-to-Line” and gave examples of exceptions, such as Mizner and Delray Marketplace, where buildings are placed up to the street. He further noted that a Plaza or Courtyard is optional, and the amendments clarified that the minimum and maximum dimensions only apply when a Plaza or Courtyard is proposed. Mr. Cross requested that a minor change be read into the record to delete “minimum” from the line under plazas as it changes the original meaning. The line should read:

*“maximum 50 percent of building frontage.”*

- Allow for exceptions to Build-to-Lines to be approved through the Building Permit process, for projects that only require Building Permit approval.
- Page 15: The graphics show a C for Commercial. “I” has been added to indicate Commercial and Industrial shall meet these building frontages or setbacks.
- Page 16: Table 3.B.14.G: lots that are 100' or less are exempt from the Arcades and Galleries frontage requirements, which the WCRA staff has indicated are cost prohibitive for small scale developers, thus offering more flexibility in building design.
- Table 3.B.14.I: Table title now includes “and Residential” to reflect that residential uses are listed within the Table.
- The Chairman pointed out that in Note 2, the word “ration” should be corrected to read “ratio”.

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Motion to approve with the changes read into the record, by Mr. Carpenter, seconded by Mr. Peragine. Motion passed (11 – 0).

#### 3. Exhibit D – Table 6.A.1.D, Minimum Parking Lot Dimensions

Mr. Cross explained that the amendments to the Table are to correct errors made in the last round of amendments. The minimum parking dimensions for “Retail” spaces were deleted at the request of the Development Review Advisory Committee (DRAC), and a provision allowing for reduced dimensions for “Aisle Width” and the “Module Width” was inadvertently removed. He also noted that the number “4” on column headings “D” and “F” should be deleted, as there is no corresponding number “4” in the foot-notes.

Motion to approve, as amended by Mr. Knight, seconded by Ms. Vinikoor. Motion passed (11-0).

#### 4. Exhibit E – Table 8.G.3.B, Electronic Message Sign Types and Approval Process

Mr. Cross reminded the Board of the Electronic Signs Ordinance which opened the Code for the use of electronic signs at gas stations. The process has been an administrative one, and there have been no negative issues. The amendment simplifies the process, whereby the applicant can go directly to Building Permit instead of having to modify the site plan. He confirmed that only fuel prices may be advertised in the electronic signs.

Motion to approve by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (11-0).

#### 5. Exhibit F – Equestrian Waste Management Facility

Ms. Brinkman asked for recusal from the vote, citing a conflict and provided completed Form 8B.

Mr. Cross explained that the amendments are interrelated with concurrent amendments to the Plan, which were on the BCC Agenda to be discussed later that day. Any changes resulting from the BCC discussion would be brought back to the Board at the applicable LDRC meeting

He called attention to the Equestrian Waste Management Matrix and districts where the use will be allowed and clarified that while it is blank in the AP district, the Supplementary Standards allow the use, subject to it having a Specialized Agriculture (SA) FLU designation. This is being discussed at the BCC Meeting later that day with proposal for a pilot program on SR 880. The BCC decision may also allow additional locations in the Glades Tier, again contingent upon approval of an amendment to the SA FLU designation.

Mr. Cross reminded the Board that this issue came before them as a PIA, requesting to allow an equestrian recycling facility in the Agricultural Residential zoning district and the Agricultural Production District. Staff did not recommend initiation which was affirmed by the BCC. Discussion on this topic has been ongoing, and attempts to address the issue have resulted in a compromise that will implement one of staff’s initial PIA recommendations to the BCC: to allow this in the Glades Tier out west at the 20 mile bend, subject to a land use amendment to the Specialized Agricultural (SA) Future Land Use (FLU) designation.

Mr. Cross went on to explain that the Equestrian Use and Equestrian Waste are being defined based on existing Livestock Waste language and Florida laws. Also, the existing property development regulations (PDR) for AP are similar to those for the SA FLU, but the latter has a higher FAR ratio of 15% compared to 10% in AP. Therefore, a footnote was added to the ULDC PDR table to increase the AP Building Coverage to 15 percent where allowed with the SA FLU designation. He briefly outlined the recycling process of pulling out the re-usable wood shavings or chips, pasteurizing, bagging and selling it back for re-use as equestrian bedding. He reiterated that the Plan amendment would prohibit transshipment in the Glades Tier, but it would otherwise be allowed where industrial districts are permitted.

Mr. Walesky inquired if the proposal is a pilot that will sunset and Mr. Cross replied that this is also under discussion at the BCC and is dependent on Plan text amendment.

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Motion to approve by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (10 – 0). Ms. Brinkman abstained from voting.

**6. Exhibit G – Definition for Addition**

Mr. Cross explained that the amendment is to clarify what constitutes additions to an existing structure to assist Building Permit Staff in that determination. The definition has also been placed in the correct alphabetical order.

Motion to approve by Mr. Carpenter, seconded by Ms. Vinikoor. Motion passed (11-0).

**7. Exhibit H – Administrative Inquiry**

Mr. Cross noted changes on Page 25, lines 24 – 26 as shown on the add-delete sheet, and summarized in the amendments:

- Amend definition to indicate that the Administrative Inquiry process may be used in cases of violations and those not covered by monitoring, which require presentation of a project status to the BCC.
- Courtesy Notice requirements and similar notification applicable to Administrative inquiries which are now located in two separate sections of Article 2 in the ULDC, have been relocated and consolidated.

After a brief discussion, the following was read into the record to be Note 3 in Table 2.A.1.J – Notification Applicability:

*“3, Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic.”*

Motion to approve including the changes read into the record and those on the add/delete sheet, by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (11 – 0).

**F. PUBLIC COMMENTS**

There were no Public Comments

**G. STAFF COMMENTS**

Mr. Cross advised the Board that Round 2016-02 amendments will be presented to the LDRC on November 16, and that additional Agricultural Reserve related amendments will be on the agenda. All uses in the Use Regulations Project (URP) will be presented on November 30.

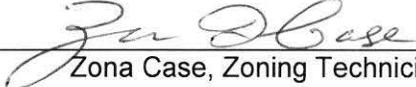
Mr. Walesky inquired about Planning’s Workforce Housing amendments and Ms. Fitzhugh explained that delay has been due to staff changes and it is expected the department will move forward with the changes within the next 6 – 8 months.

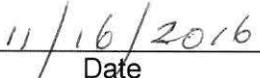
**H. ADJOURN**

The Land Development Regulation Advisory Board meeting adjourned at 3:05 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

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

|   |  |
|---|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br>Brinkman Joni | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br>Land Use Development Regulation Advisory Board        |
| MAILING ADDRESS<br>201 Rex Ct                     | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:                                |
| CITY COUNTY<br>Palm Springs Palm Beach            | <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| DATE ON WHICH VOTE OCCURRED<br>10-26-16           | NAME OF POLITICAL SUBDIVISION:<br>Palm Beach County  |
|   | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE                     |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Joni Brinkman, hereby disclose that on October 26, 20 16 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of Urban Design Kilday Studios, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item B <sup>5</sup> 4 - Exhibit F

Our firm is retained by Northwest Distributors LLC and has met with County staff on their behalf in regard to this item.

10-26-16

~~April 27, 2016~~

Date Filed

Joni Brinkman  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.