

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**
(Updated 11/30/16)

Minutes of November 30, 2016 LDRAB Meeting

On Wednesday, November 30, 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: 12

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)
Henry Studstill (District 7)
Terrence Bailey (Florida Eng. Society)
James M. McKay (AIA)
Tommy Strowd (Environmental Organization)
Joni Brinkman (Palm Bch. League of Cities)
Frank Gulisano (PBC Board of Realtors)

Vacancies: 2

District 6
(Assoc. General Contractors of America)

County Staff Present: 7

Leonard Berger, Chief Assistant County Attorney
Maryann Kwok, Deputy Zoning Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner
Scott Rodriguez, Site Planner II, Zoning
Erin Fitzhugh Sita, Senior Planner, Planning
Zona Case, Zoning Technician, Zoning

Members Absent: 4

Daniel J. Walesky (Gold Coast Bld. Assoc.)
Derek Zeman (FL Surveying & Mppng. Soc.)
James Brake (Member at Large, Alt.)
Leo Plevy (Member at Large, Alt.)

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of an add/delete sheet. He also noted a letter from Gunster related to their client's Commercial Communication Tower Phase II Privately Initiated Amendment (PIA, (Exhibit D), requesting continuance of the LDRAB/LDRC Hearing to January 25, 2017. He requested a motion to approve the Agenda with the incorporation of the add/delete items and the removal of Exhibit D for continuance.

3. Motion to Adopt Agenda

Motion to adopt the agenda and the add/delete, and to remove Exhibit D from the Agenda, by Ms. Katz, seconded by Mr. Carpenter. Motion passed (12 - 0).

4. Adoption of November 16, 2016 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (12 - 0).

B. ULDC Amendments

1. Exhibit B – Art. 3.D.1.D.1, Base Building Line

Mr. Cross explained that the text being deleted implies that temporary auto display areas may be permitted within the base building line. The amendment clarifies that this is not the case and it also clarifies that required parking and landscaping is prohibited between the base building line and the ROW or easement.

Ms. Brinkman expressed concern that the amendments will restrict development of narrow properties, rendering them financially unfeasible to be developed, and she cited the case of a property owner who could not take advantage of the Waiver process. Mr. Cross expressed the opinion that while the amendment may restrict development for the most intense or desirable use, it does not take away the potential for development as there are few lots that are very narrow.

Mr. Gulisano questioned: If there is land in front of an enclosed building that some day may be condemned, once that property is condemned, isn't the value diminished because the Ordinance prohibits development?

Mr. Berger replied that a County Engineer's waiver is possible, and it really comes down to the particular parcel.

Motion to adopt by Mr. Gulisano, seconded by Mr. Carpenter. Ms. Brinkman voted nay. The motion passed (11 – 1).

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2. Exhibit C – Regulating Plans

Mr. Cross explained that in response to Industry trends, a similar Exhibit was presented to the Board in Round 2016-01. Zoning undertook to review the need for requiring Regulating Plans, which is being addressed below:

- Regulating Plans are no longer a submittal requirement as design details and technical elements are shown on other types of specific plans, however the applicant has the option to submit them to strengthen the application if they choose to, or if recommended by staff.
- The requirements for Regulating Plans as they relate to the Public Hearing and Administrative Approval Processes are being deleted, as the requirements are specified in The Zoning Technical Manual.

Motion to approve by Mr. Bailey, seconded by Mr. Carpenter. Motion passed (12 – 0).

3. Exhibit D – FPL Commercial Communication Towers Privately Initiated Amendment (PIA) (The Chair noted this also includes Exhibit X, the applicant’s back-up material).

Removed from the Agenda - for continuance at the January 25, 2017 meeting

C. USE REGULATIONS PROJECT (URP) AMENDMENTS

1. Clerical Amendments Not Previously Presented

a) Exhibit E – Article 1, General Provisions

Ms. Cantor summarized Exhibit E by indicating that the exhibit deletes duplicated definitions and renames uses for consistency with updates to uses in Article 4.

Motion to approve by Mr. Gulisano, seconded by Mr. Carpenter. Motion passed (12 – 0)

b) Exhibit F – Article 2, Development Review Process

Ms. Cantor noted that the main changes are to replace references to “Requested Use” with “Conditional Use A or B.”

Motion to approve by Ms. Vinikoor, seconded by Ms. Brinkman. Motion passed (12 – 0)

c) Exhibit G – Article 6, Parking

Mr. Rodriguez explained that there are minor changes, mainly to rename uses and to add new uses. He called the Board’s attention to:

- Item #1 on the add/delete sheet which restores relocated text that was inadvertently stricken on page 74, related to Marina use, Parking and Loading.
- Page 75 - Establishes new Parking and Loading standards for Prison, Jail or Correctional Facility which is new, and was split off from Government Services use. Similar Parking and Loading standards are being used.
- Page 77 – Distribution Facility is a new use and there are similar Parking and Loading standards.
- Transportation Facility has been relocated to Transportation Uses and split into two separate uses utilizing the same standards.

Motion to approve by Ms. Vinikoor, seconded by Mr. Peragine. Motion passed (12 – 0)

d) Exhibit H – Article 7, Landscaping

Ms. Cantor briefly outlined the amendments and indicated that they were likely to be changes to Table 7.F.9.A which would necessitate the Exhibit being brought back to the Board. It was agreed that discussion should be deferred to the next meeting.

Motion to approve deferral of Exhibit H to the next meeting on December 14, 2016, by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (12 – 0).

e) Exhibit I – Article 8, Signage

The reference to “Requested Use” is being replaced with “Conditional Use A or B.”

Motion to approve by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (12 – 0).

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- f) Exhibit J – Article 12, Traffic Performance Standards
The reference to “Requested Use” is being replaced with “Conditional Use A or B.”
Motion to approve by Mr. Gulisano, seconded by Ms. Vinikoor. Motion passed (12 – 0).

2. Modification to Exhibits Previously Presented to LDRAB

Ms. Cantor affirmed to the Chair that Exhibits K through O were already presented to LDRAB.

The Chair advised that as Ms. Brinkman had conflicts of interest with Item.2.a, Exhibit K and Item 2.c, Exhibit M, she would refrain from voting and had submitted Form 8B.

a) Exhibit K – Industrial Uses

Mr. Rodriguez explained that Item #2 on the add/delete sheet deletes lines 6 –8 on page 81. The language is redundant as the footnote in the Use Matrix indicates the importance of the user reviewing the Supplementary Standards related to the uses. He added that there were no substantial changes to the Matrix, the Exhibit contains minor changes such as scrivener’s errors, updates of use names, relocations from other categories, and the addition of Equestrian Waste Management Facility Use.

Mr. Cross and Mr. Rodriguez identified those Uses with more substantially changes as follows:

Mr. Rodriguez:

- Contractors Storage Yard, page 85 – In response to request by Westgate CRA, staff proposes a more restrictive approval process and property development regulations in some areas, to be more in line with CRA objectives.

Mr. Cross:

- Pages 85 – 86 - Zoning is being asked to allow additional vehicles for employees of Home Occupation uses on larger lots in the Rural Tier. Some allowances have been made in the past for start-up landscape home businesses to employ more than one person, have a larger vehicle, and some equipment, not currently allowed by the code. The standards are being codified to allow additional employees if certain acreage and screening requirements are met, and to allow more equipment on the property, provided storage and parking requirements are met. As the operation grows, excess equipment shall be stored at a Contractors Storage Yard.
- Equestrian Waste Management Facility, pages 89 – 90. In the Agricultural Production area of the Glades Tier, concurrent amendments to the Comprehensive Plan allow for this use. The amendments establish the approval process concurrent with the Plan, to allow for an Equestrian Waste Recycling Pilot Project. There is also follow-up correspondence from Planning and any additional changes will be presented to the LDRAB on December 14.
- Mr. Rodriguez identified the items in the add delete related to Gas & Fuel Wholesale, Multi-Media Production, Recycling Center, Chipping and Mulching and Research and Development as well as an updated reference to WCRAO to indicate the applicable provisions for Accessory Office.

Ms. Vinikoor pointed out a spelling error on page 90, line 17, the word “waster” should be “waste”.

Motion to approve with scrivener’s error to be corrected, by Ms. Katz, seconded by Mr. Strowd. Motion passed (12 – 0).

b) Exhibit L – Agricultural Uses

Mr. Rodriguez explained that the amendments were previously presented to the Board on October 14, 2016, but text was inadvertently omitted from the LDRC Exhibit and was not placed on the add/delete sheet. He requested that the missing text which should have been on Page 114, at the end of line 15, be read into the record as stated below and to be deleted from the proposed language:

“or identified in Policy and Procedures Manual (PPM) # Multiple Department (MD)-RI-002, Processing Building Permit and Zoning Applications for Farms, available upon request at Planning, Zoning and Building Department.”

Mr. Rodriguez continued that “Farm” use is being changed back to “Bona-Fide Agriculture and there are a few minor changes due to consolidation and relocation for consistency with the Article 4.

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Motion to approve with scrivener's error that was read into the record, by Mr. Gulisano, seconded by Mr. Peragine.

c) Exhibit M – Transportation Uses

Mr. Rodriguez summarized the minor changes related to clarification of Supplementary Use Standards and noted the changes for Heliport including the add/delete to address pending discussions related to Government Facilities.

Motion to approve by Mr. Strowd, seconded by Mr. Gulisano. Motion passed (12 – 0).

d) Exhibit N– Commercial Communication Towers

Ms. Cantor explained that the Exhibit was presented on May 25 and the changes on page 152 were presented on the add/delete sheet of May 25. The approval process for Stealth and Guyed Towers were among the items presented on May 25. She highlighted some of the minor changes include reference to the FAA to be deleted; text to be retained that requires compliance with Article 16, Airport Regulations; and, noted pending changes to be discussed with Facilities Division related to Government-owned towers.

Mr. Vinikoor raised the question of aesthetics regarding Camouflage Towers and wondered if there is anything that can be done to improve their appearance.

Ms. Cantor advised that the topic was only partially revised and as more public input was needed, Commercial Communication Towers will be revisited later with Industry and public input, and a subcommittee will be convened.

Mr. Knight remarked on old poles which are probably obsolete, are not being utilized, and are eye sores all over the County and inquired if there is regulation for them to be taken down. Mr. Berger replied that companies that own poles post a security and the costs to take them down can be recovered if they do not do it themselves.

In response to Mr. Blackman's inquiry as to when they are determined to be abandoned and if they are individually licensed, Mr. Berger indicated that the definition is, if it is not used for 90 days, which is in the current code. He further explained that it depends on their location, e.g. there are different regulations for those that are in a Right-of-Way. Those on private property need Zoning's approval, are not required to re-register, but have to post some kind of surety. Most of the towers are an asset unless the company is totally defunct and it is unusual that they don't take them down themselves. They either use it or lease it.

Motion to approve by Ms. Vinikoor, seconded by Mr. Peragine. Motion passed (12 – 0).

e) Exhibit O – Excavation Uses

Ms. Cantor explained that the Exhibit was presented to the Board on June 24, 2015. She pointed out minor changes related to a reference to the Executive Agreement and deletion of proposed lake maintenance language. She also clarified that the entire packet replaces the word "permitted" with "allowed" in cases where it is not applicable to the use process, to avoid confusion with "permitted by right".

Motion to approve as amended, by Mr. Knight, seconded by Mr. Gulisano.

Discussion: Ms. Vinikoor inquired if the double strike-out of Type 1B excavation in AGR in the matrix indicated that it was not allowed before, and Ms. Cantor explained the Exhibit was presented to LDRAB on June 24, 2015, was part of the amendments in Round 2015-02, and formed part of Ordinance 2016-06. It is being shown double-stricken as it is being presented as existing language.

Motion passed (12 - 0).

D. CONVENE AS LDRC

1. Proof of Publication

Motion to approve Proof of Publication by Ms. Katz, seconded by Ms. Vinikoor. Motion passed (12 – 0).

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2. Consistency Determination
 - a. See Exhibits B.1 through B.2 listed above
 - b. See Exhibits C.1.a) through C.2.e) listed aboveMs. Fitz Hugh indicated consistency with the Plan – Exhibits B through O.
Mr. Blackman reminded that the Board did not consider Exhibit D and also H.

Motion to accept Planning's recommendation by Ms. Vinikoor, seconded by Mr. Carpenter.
Motion passed (12 – 0).

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

F. PUBLIC COMMENTS

There were no Public Comments.

G. STAFF COMMENTS

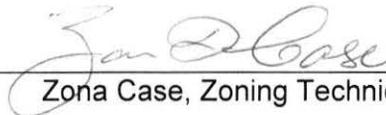
Mr. Cross advised that in addition to the pending Use Regulations Project (URP) exhibits for the December 14 Meeting, additional revisions to the Western Communities Residential Overlay which was presented to the LDRAB and LDRC in April this year, will be presented that day. There are also revisions and expanded requests from the PIA for Indian Trail Groves, which is language for landscaping, buffering and ROW issues that relate to two developments being proposed for Western Communities Overlay. That topic will be advertised, presented to the LDRAB, and will proceed to the BCC as a separate Ordinance.

H. 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) 233-5213.

Minutes drafted by:


Zona Case, Zoning Technician


Date