

EXHIBIT A

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

Minutes of November 14, 2012 Meeting

On Wednesday, November 14, 2012 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. 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 2:03 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 15

Wesley Blackman (PBC Planning Congress)
Joanne Davis (District 1)
David Carpenter (District 2)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Martin Klein (District 7)
Frank Gulisano (PBC Board of Realtors)
Maurice Jacobson (Condominium Association)
Gary Rayman (Fl. Surveying & Mapping Society)
Raymond Puzzitiello (Gold Coast Builders Assoc.)
Joni Brinkman (League of Cities) **
Terrence Bailey (Florida Eng. Society) *
Jerome Baumoehl (AIA)

Members Absent: 2

Rosa Durando (Environmental Organization)
Leo Plevy (Member at Large, Alt.)

Vacancies 2

(Assoc. General Contractors of America)
(Member At Large, Alternate)

County Staff Present:

Leonard Berger, Assistant County Attorney
Jon MacGillis, Zoning Director
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
John Rupertus, Senior Planner, Planning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted there were no additions. Staff clarified that Exhibit H, Article 13, Impact Fees, was being presented only to the LDRC for confirmation of consistency with the Comprehensive Plan.

3. Motion to Adopt Agenda

Motion to adopt agenda by Mr. Klein, seconded by Mr. Puzzitiello. Motion passes (13 – 0* **).

4. Adoption of October 24, 2012 Minutes (Exhibit A)

Motion to adopt by Mr. Klein, seconded by Ms. Vinikoor. Motion passes (13 – 0* **).

* Terrance Bailey arrives at 2:05 p.m.

** Joni Brinkman arrives at 2:08 p.m.

B. ULDC Amendments

1. Exhibit B – Article 5, Supplementary Standards

Mr. Cross explained that the amendment allows the Sluggett Commercial property to exceed the maximum square footage limitations for consistency with Future Land Use text amendments to the Comprehensive Plan adopted by the BCC on October 29, 2012.

Motion to adopt by Mr. Klein, seconded by Mr. Jacobson. Motion passes (12 – 3). Mr. Baumoehl, Ms. Davis and Mr. Bailey voted in opposition.

2. Exhibit C – Convenience Store with Gas Sales

Mr. Cross explained that the proposed amendments addressed a scrivener's error which inadvertently excluded the use from the Use Matrix for Commercial Low (CL) Future Land Use (FLU) designation of a Multiple Use Planned Development (MUPD) district.

Motion to adopt by Mr. Carpenter, seconded by Mr. Klein. Motion passes (15 - 0).

3. Exhibit D – Miniature or Pot Bellied Pigs

Mr. Cross advised the Board that at the BCC Workshop on September 25, 2012, the BCC directed Zoning staff to amend the ULDC to allow for the keeping of Miniature or Pot Bellied Pigs as Household Pets subject to the following regulations:

- Limited to Single Family residences with a maximum of two per household, to reside within the dwelling unit, with outdoor kennels prohibited.
- Animal Care and Control (ACC) will process concurrent amendments to their regulations similar to those existing for cats and dogs.

Several LDRAB members made comments on this topic, generally summarized as follows:

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- Mr. Carpenter suggested that this was an invasion of other uses into residential areas which will result in inconvenience for neighbors;
- the amendments would result in multiple code violation issues impossible to enforce;
- the term "miniature" has not been defined and concerns about weight limitation should be addressed.

Mr. Cross responded that the issue had been discussed by staff; however, concerns with animals being malnourished to maintain a weight limit discouraged consideration of this type of regulation.

Mr. Cross explained that for purposes of this amendment single family did not include Zero Lot Line (ZLL) homes. In response to an inquiry regarding developments with a mix of townhouses and single family homes, pot bellied pigs would be allowed in single family units but not townhouses. Editor's Note: The proposed amendments were later revised to include ZLL homes due to misunderstanding of BCC direction regarding application of terminology of single-family homes, where intent was to allow in detached dwelling units.

Mr. Klein said he was not keen on the amendments but it appeared that this is what the BCC intended. If so, the Board should question whether the regulations drafted by staff are reasonable. He suggested the Board approve the regulatory scheme if it is considered to be sufficient and recommend against allowing for pigs to reside in a single family unit.

Ms. Katz called attention to Page 9, line 14 and recommended that the word "commercial" be included and Mr. Berger agreed that the intent is to prohibit commercial and the text will be reviewed.

Mr. Bailey moved to deny, seconded by Mr. Davis. Motion to deny passes (15 - 0).

4. Exhibit E - Recycling Uses

Mr. Cross explained that the proposed amendments addressed multiple recycling issues, as follows:

- A BCC workshop was held on September 25, 2012 to discuss the two least intense recycling uses, Recycling Bins and Recycling Collection Stations. The BCC instructed Zoning staff to amend the ULDC to address requests made by several not-for-profit entities in Palm Beach County, to prohibit an expansion of the uses to include the collection of textiles, shoes and other similar goods. Subsequently, the two uses are being consolidated.
- A Recycling Drop Off Bin will continue to be limited to the collection of paper, aluminum cans, plastics, etc. Labeling will be required to identify if it is a government entity such as Solid Waste Authority or a for-profit or not-for-profit entity.

Mr. Cross referred to the third most intense use, Recycling Center on Page 15 and summarized the amendment as follows:

- Line 36 to the end of Part 10 is being stricken to correct scrivener's errors from the code rewrite in 2003. The Recycling Center language inadvertently included all the standards that apply to a Recycling Collection Station.
- Recycling Center is generally accepted as somewhat of a commercial use as it does not allow intense processing or recycling of materials.

As to the last and most intense category, Recycling Plant, Page 17, Mr. Cross noted that this use allows for disassembly of various materials such as catalytic converters to extract platinum and washers to extract aluminum or stainless steel drums. The amendment corrects a scrivener's error from the early 1990s Supplemental Use Standards that references CC and CG zoning districts while the Use Matrix does not indicate the use to be permitted by any type of approval process.

Mr. Feiner, stated that his focus would not be on his client's specific use but on the larger issue of code text changes and how it will affect the recycling industry. He made the following points:

- Requested Zoning staff to address only BCC direction to handle Recycling Drop-Off Bins and Recycling Collection Stations.
- The two more intense recycling uses in the Exhibit were never presented to the BCC nor was the recycling industry consulted.
- Suggested that "limited processing" of recyclable materials under Recycling Center was vague and unclear.
- The proposed change to the approval process in CG for a Recycling Center from Development Review Officer (DRO) approval to a Class A Conditional Use will increase fees for opening a recycling center and will triple the processing time.

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- Also, if the operation is not in a fully enclosed facility, two to four acres will be needed because of a 500 ft. setback requirement and there has to be an outside allowance for people dropping off materials.
- The more intense uses can be presented separately after further consultation with industry and discussion with the Solid Waste Authority as the definition and other requirements do not meet the definition of the current recycling industry.

Mr. Cross advised the Board that Mr. Feiner's client has submitted a Zoning Confirmation Letter requesting an interpretation to allow for a Recycling Plant on a General Commercial (CG) zoned property. This process will continue independently of the change being proposed today. The decision, including any appeal if applicable, will be based on the current code. He also explained that the Recycling Center amendment provides Mr. Feiner's client with additional options.

He further reiterated that the best opportunity for industry input would be as part of the Use Regulations project. He also noted that the specific changes to the Recycling Center use originated from an agreement in a meeting on August 16, 2012 with Mr. Feiner and staff.

Mr. Klein expressed his displeasure at the inference made by Mr. Feiner and that staff exceeded the mandate. He did not see it that way. Staff has always done excellent work and his view is that they are correcting scrivener's errors. Mr. Jacobson supported Mr. Klein's view.

Ms. Brinkman suggested changing the height restriction of outdoor recycling material from 20 to 15 feet on Page 15, line 19, to respond to Fire Department standards.

Motion to adopt by Mr. Klein, seconded by Ms. Vinikoor. Motion passes as amended (15 – 0)

C. Convene as LDRC

1. Proof of Publication

Motion to approve, by Mr. Klein, seconded by Mr. Jacobson. The motion passes unanimously (15 – 0).

2. Consistency Determination

Mr. Berger requested that Exhibit H, Impact Fees, be looked at for consistency. Mr. Rupertus stated that the proposed amendments B.1 through B.4 and the previously presented amendments Exhibit F through Exhibit Q are consistent with the Comprehensive Plan.

Motion to approve consistency determination by Mr. Klein, seconded by Mr. Carpenter. The motion passed (15- 0).

Adjourned as LDRC.

D. Reconvene as LDRAB

E. Public Comments

There were no public comments.

F. LDRAB Subcommittee Updates

Mr Cross updated the Board on subcommittees and stated that the Landscape subcommittee convened on October 31, 2012. Ms. Cantor reminded LDRAB members of the importance in their participation at the subcommittee meetings. Mr. Cross said that the subcommittee for Electric Fences would tentatively convene on November 26, 2012 and December 10, 2012.

G. Staff Comments

There were no comments by staff.

H. Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 3:10 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  11/14/2012

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