

**EXHIBIT A**

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

**Minutes of April 27, 2011 Meeting**

On Wednesday, April 27, 2011 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the First Floor Conference 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. Ann DeVeaux, Code Revision Zoning Technician, called the roll.

**Members Present: 10**

Wesley Blackman (PBC Planning Congress)  
Raymond Puzzitiello (Gold Coast Build. Assoc.)  
Jose Jaramillo (AIA) \*  
Rosa Durando (Environmental Organization)  
Michael Cantwell (PBC Board of Realtors)  
Gary Rayman (Fl. Soc. of Prof. Land Surveyors)  
Maurice Jacobson (Condominium Association)  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Patrick Gleason (Member At Large, Alternate)

**Members Absent: 6**

David Carpenter (District 2)  
Terrence Bailey (Florida Eng. Society)  
Joanne Davis (District 1)  
Barbara Katz (District 3)  
Mike Zimmerman (District 6)  
Martin Klein (District 7)

**Member At Large: 1 (Not Attending)**

Robert Schulbaum (Member At Large, Alternate)

**Vacancies: 2**

Vacant (League of Cities)  
Vacant (Assoc. General Contractors of America)

**County Staff Present:**

Leonard Berger, Assistant County Attorney  
Jon MacGillis, Zoning Director  
William Cross, Principal Site Planner, Zoning  
Monica Cantor, Senior Site Planner, Zoning  
Ann DeVeaux, Zoning Technician, Zoning  
John Rupertus, Senior Planner, Planning  
Allan Ennis, Assistant Director, Traffic Eng.  
Willie Swoope, Impact Fee Coordinator  
Courtney Shippey, Child Care Program Coordinator, PBC Health Department  
Kenny Wilson, PBC Health Department  
Collene Walter, on behalf of the PBC Department of Airports

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

An Amendment to the Agenda sheet was presented. Items #1-4 were withdrawn.

**3. Motion to Adopt Agenda**

Motion to adopt as amended by Maurice Jacobson, seconded by Raymond Puzzitiello. The motion passed unanimously (9-0\*).

**4. Adoption of March 23, 2011 Minutes (Exhibit A)**

Motion to adopt by Maurice Jacobson, seconded by Raymond Puzzitiello. The motion passed unanimously (9-0\*).

**B. ULDC Amendments**

**1. Exhibit B: Article 12 – Traffic Performance Standards**

Mr. Ennis requested postponement of the exhibit until next LDRAB meeting on May 25<sup>th</sup> to allow sufficient time to respond to comments received from the League of Cities the same day of this meeting.

\* Jose Jaramillo arrives at 2:09 p.m.

**2. Exhibit C: Article 13 – Impact Fees**

Mr. Swoope explained that the amendment primarily represents minor corrections to scrivener's errors and reflect the applicable effective date to the fee tables to be October 1, 2010.

Motion to adopt by Raymond Puzzitiello, seconded by Maurice Jacobson. The motion passed unanimously (10-0).

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#### 3. Exhibit D: Article 15 – Health Regulations

Mr. Kenny Wilson, Palm Beach County Health Department, clarified that the amendment:

- Corrects scrivener's errors;
- Does not permit occupancy of any new building or structure before final approval is issued by the Health Department;
- Determines that only a representative who is the owner of a parcel or lot or a licensed contractor is allowed to bring in site plans or supporting documents for a permit to the Health Department; and,
- Deletes some restrictions for on-site sewage treatment for certain commercial food establishments.

Motion to adopt by Lori Vinikoor, seconded by Maurice Jacobson. The motion passed unanimously (10-0)

#### 4. Exhibit E: Gas, Fuel, Retail

Mr. Cross summarized the amendment as being a partial cleanup of a use that is no longer needed. The use consists of two general classifications under which one can sell fuel to the public; a convenience store with gas sales and an auto service station. The proposed amendment will remove the use classification and create a new use (Gas and Fuel, Retail) that would be consistent with the proposed sale of gas and fuel as a retail category. When the use is combined with other uses, more flexibility is achieved.

Some discussion ensued regarding existing auto service stations and possible nonconformities. Mr. Cross clarified that existing uses would not be rendered non-conforming if prior approvals were already obtained. The new use would not change the existing approval on the property unless changes to the site trigger non-conformities. Mr. Jacobson questioned whether there are any stations that allow recharging of batteries for electric cars. Mr. MacGillis responded that it is a topic for future consideration.

Motion to adopt by Maurice Jacobson, seconded by Lori Vinikoor. The motion passed unanimously (10\*-0).

#### 5. Exhibit F: Day Care

Ms. Cantor explained that the amendment is the result of new state legislation that requires the establishment of new provisions for Large Family Child Care Homes. The definition is expanded to clarify that Palm Beach County Health Department is in charge of licensing Child Day Care facilities while Adult Day Care facilities are licensed by the Agency for Health Care Administration (AHCA). The amendment also:

- Adds new definitions and provisions for Family Day Care Home as an occupied residence that allows up to six children; and Large Family Child Care Home (LFCCH) as an occupied single family residence providing custodial care for up to 12 children;
- Creates additional regulations to require LFCCH facilities to operate for at least two years as a Family Day Care Home before requesting licensing. This additional stipulation is regulated and controlled by the Health Department.
- Requires the use to be subject to a DRO approval process if located on lots less than 20,000 square feet. If over 20,000 square feet, then the use would be permitted by right. The use is only permitted in Residential Zoning Districts where Limited Day Care is allowed. LFCCH is not allowed in residential PUD pods because of additional site requirements that must be met.

Ms. Cantor introduced Colleen Walters from Urban Kilday Design Studios, to present part #4, page 36 on behalf of the Department of Airports. Ms. Walter related that the Department of Airports is requesting amendment to Article 16 to add Commercial Day Care Center to the listed uses that are prohibited within a five miles approach of the runway. She further stated that the changes are to meet the goals and recommendations of Federal Aviation Administration to prohibit uses that result in congregation of people within the runway area.

Mr. Courtney Shippey, Palm Beach County Health Department, responded to questions and provided clarification pertaining to the legislation, the capacity of LFCCHs and licensing. He also related that there are currently no LFCCHs in the unincorporated

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Palm Beach County while there are less than 100 LFCCHs in other municipalities within the County, and approximately 3,300 Family Day Care Homes with some level of concentration in the Belle Glades area. Ms. Cantor mentioned that the Florida Statutes that protect Family Day Care Homes from zoning regulations do not apply to Large Family Day Care Homes. She also responded to a question from Ms. Vinikoor stating that no separation criteria have been established for LFCCH located on single family homes outside of PUDs; however, it is an issue for further consideration. Other concerns were expressed regarding increased traffic, facility saturation in residential neighborhoods, and adequate septic system for the use.

Mr. Cross provided clarification of state statutes for Family Day Care Homes which protects the use from local zoning provisions. He reiterated that LFCCHs are not protected in the same way by the State and the use must comply with the additional regulations pertaining to parking, signage and ingress/egress.

Mr. Berger clarified that in order to operate a LFCCH, the owner would need to have lived in the home and operated for two years as a Family Day Care Home with six children first before being eligible to become a LFCCH.

Motion to adopt by Raymond Puzzitiello, seconded by Maurice Jacobson. The motion passed unanimously (10-0).

#### **6. Exhibit G: Reasonable Accommodation**

Mr. Berger explained that the amendment establishes a procedure for processing requests from persons with disabilities for Reasonable Accommodation for certain parts of the ULDC and clarifies that the amendments to the agenda, item #5 includes minor scrivener's errors.

Mr. Berger explained that the Federal Law protects the rights of disabled individuals in different ways and governments are required to reasonably accommodate the disabled. One way to protect them is to ensure that there are no barriers to the right to enjoy housing that a government may impose which may violate the American Disabilities Act (ADA) or the Federal Housing Act (FHA). As a result of case law, litigation and class action suits, a reasonable accommodation process was adopted by several local governments which balances a couple of competing interests. First, it ensures that we do not have barriers to the individual attempting to get housing. Staff can assist them in completing forms once they have established that they are disabled and are eligible for it. Secondly, it protects their identity. The reasonable accommodation application procedures balance their rights. An appeal process through a hearing officer is in place should there be opposition to the process.

Motion to adopt as amended by Raymond Puzzitiello, seconded by Maurice Jacobson. The motion passed unanimously (10-0).

#### **C. Public Comment**

There were no public comments.

#### **D. Staff Comments**

Mr. Cross gave an update on several subcommittees:

Produce Stand/Green Market – Mr. MacGillis expressed that direction on how to handle the produce stands as have been recently seen in the newspaper will be sought from the Board at the BCC hearing on Thursday, April 28<sup>th</sup>. At the February BCC Zoning Meeting, several Commissioners directed staff to look at the ULDC and determine if there were any regulations that would allow very limited retail of fresh produce grown on site. Mr. MacGillis has met with all of the Commissioners individually and he will make a recommendation to convene a subcommittee to address the topic based on LDRAB's recommendation.

Pain Management Clinic - concluded with insignificant changes from the previous meeting.

Renewable Energy – The third meeting on April 18<sup>th</sup> was the final scheduled meeting. There are several staff items such as internal boundary lines, setbacks and terminology that are still being finalized. A Florida Crystal representative who attended the meetings has emailed a request for a specific setback on the perimeter of 880 feet. Staff is awaiting their

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documentation to verify how their due diligence determined the setback distance. The proposed amendment is scheduled to be presented at the May 25<sup>th</sup> LDRAB meeting.

URA – The next meeting is probably going to be held on May 6, 2011, notifications would be sent to all subcommittee members.

Mining Consensus Building Workshop – The consensus committee presented their recommendation to the BCC on April 12<sup>th</sup>.

**E. Adjourn**

The Land Development Regulation Advisory Board meeting adjourned at 3:06 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: Ann DeVeaux, Zoning Tech.  5-02-11  
Name (signature) Date