

EXHIBIT A

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

Minutes of October 22, 2014 Meeting

On Wednesday, October 22, 2014, 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 2:02 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 13

Wesley Blackman (PBC Planning Congress)
Michael J. Peragine (District 1)
David Carpenter (District 2)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Henry Studstill (District 7)
Jerome Baumoehl (AIA)
Joni Brinkman (League of Cities)
Frank Gulisano (PBC Board of Realtors)
Gary Raymond (FL Surveying and Mapping Society)
Leo Plevy (Member at Large, Alt.)
James Brake (Member At Large, Alt.)

Members Absent: 3

Mike Zimmerman (District 6)
Raymond Puzitiello (Gold Coast Build. Assoc.)
Terrence N. Bailey (FL Engineering Society)

County Staff Present:

Lenny Berger, Chief Assistant County Attorney
Jon MacGillis, Zoning Director
Joanne Keller, Land Development Director
John Rupertus, Senior Planning, Planning
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Lauren Dennis, Site Planner II, Zoning
Scott Rodriguez, Site Planner II, Zoning
Zona Case, Zoning Technician, Zoning

Vacancies: 3

(Assoc. General Contractors of America)
(Environmental Organization)
(Condominium/HOA Association)

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 agenda with the changes in the add/delete by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (13 - 0).

4. Adoption of July 23, 2014 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (13 – 0).

B. ULDC AMENDMENTS

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

Ms. Dennis presented the following summary:

- Part 1 related to Plan Requirements reflects a minor change to clarify that the approval processes described under Plan Requirements are subject not only to Development Review Officer (DRO) review, but also review by the Zoning Director and Agencies. Future Land Use (FLU) amendments are excluded from reviews. Ms. Brinkman requested clarification whether a rezoning would be subject to these standards. Mr. MacGillis indicated the provisions for the rezoning applications were found elsewhere in Article 2.
- Part 2 regarding Application Procedures changes the numbering of variances by replacing roman numerals with arabic numbers, for consistency with other parts of the Code. It also clarifies that Administrative Variances are also subject the requirements in Art. 2.A.1.G.
- Part 3 about LDRAB Expertise deletes the Condominium/HOA position in the LDRAB Expertise table of Art. 2.G, as there is no one source from which to get nominations and this presents logistical difficulties. The add/delete reflects the need to keep the name of the Gold Coast Builders Association as the organization is planning to retain that name.

Mr. Berger provided background regarding the amendment to the Code Enforcement Special Masters and Hearing Officers appointed bodies in Part 4.

- The ULDC has provisions for Code Enforcement Special Masters and Hearing Officers to hear all types of Administrative Appeals and Hearings. Over time, from an operational standpoint, the processes have been consolidated whereby all persons are picked from one pool and are available for basically the same purposes. Although the names are different, essentially they are all selected through the Special Master

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process and they serve ex officio as Hearing Officers. Under this amendment the qualifications will be consolidated for consistency and good operational sense, but the two names will remain unchanged.

Motion to approve by Mr. Carpenter, seconded by Mr. Gulisano. Motion passed (13 - 0).

2. Exhibit C – Art. 11, Subdivision, Platting and Improvements

Ms. Keller, Land Development Director, explained the amendment removes density language from the subdivision code since density is governed by the Comprehensive Plan as well as by applicable plans pursuant to ULDC Art 2.A.1.G.3.d Master Plan, Art 2.A.1.G.3.e, Site Plan and Art 2.A.1.G.3.f, Subdivision Plan.

Motion to approve by Mr. Carpenter, seconded by Ms. Katz. Motion passed (13 - 0).

3. Exhibit D – Commercial Communication Towers - Non Residential Zoning District Separation and Setbacks

Ms. Cantor explained that in the course of working on the Use Regulations Project, staff identified minor glitches, irregularities and redundancies in Table 4.C.3.I, Distance for Towers Located in Non-Residential Districts, Separation and Setbacks, and the decision was taken to advance revision of the Table to Round 2014-02, instead of addressing this in the normal sequence of the Project. She clarified that the amendments were presented at a Commercial Communication Towers meeting on October 10, 2014 with LDRAB members, industry and interested parties.

Ms. Cantor indicated that the revisions include recommendation made by participants at the meeting to:

- Consolidate separation and setbacks from four tables into one: Public Facilities (IPF), Urban Center (UC) and Urban Infill (UI), Infill Redevelopment Overlay (IRO) and Lifestyle Commercial Center (LCC) Zoning Districts, as they were inadvertently omitted.
- Consolidate redundant standards repeated for each applicable zoning district; correct various typographical or clerical errors; clarify that setbacks for Multiple Use Planned Developments (MUPD) apply to Commercial Low (CL) and Institutional (INST) FLU.
- Delete reference to Industrial Future Land Use (FLU) designation applicable to towers in Mixed Use Planned Development (MXPD), as MXPD is not consistent with Industrial (IND) FLU designation.

Ms. Vinikoor raised the point that there is inadequate regulation to ensure that camouflage towers, like pines, are accomplishing the visual disguise that is required. She asked staff to consider adding standards to the Code to ensure that enough foliage is provided for this type of towers. Ms. Cantor explained that the issue was discussed at the Communication Towers meeting with industry and it will be added to the agenda for further discussion at the next meeting.

Mr. MacGillis confirmed that there are existing tower elevation requirements that are enforced by the Code Enforcement Division, but the point about increased vegetation is well taken.

In reply to Mr. Baumoehl's question as to whether the decision on this amendment will affect any future recommendations regarding Commercial Communication Towers, Ms. Cantor said that the amendments under consideration are mainly to address setbacks, and in the process, clean up any identified minor glitches. Ms. Cantor clarified that the comprehensive review of Article 4.C and the next meeting with industry will help to identify any issues, but presently no negative consequences are expected from these changes.

Mr. Gulisano questioned the possibility that owners of camouflage towers submit a picture once yearly to take some of the burden of monitoring from the County and ensure that the camouflage towers are still disguised.

Motion to approve by Mr. Gulisano, seconded by Ms. Katz. Motion passed (13 - 0).

E. PUBLIC COMMENTS

There were no public comments.

F. STAFF COMMENTS

Ms. Cantor commented that work on the Utilities category in the Use Regulations Project is ongoing. The date for presenting the changes to the subcommittee is yet to be determined.

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Mr. Rodriguez advised that a meeting on Kennels was held on September 15, to address research, as a follow-up to the initial meeting with industry in May, which gathered feedback and input. These helped to provide preliminary recommendations for potential code amendments and will be reviewed in the Commercial Uses category. Participants were generally agreeable to the changes but further research will continue with Animal Care and Control. A meeting date is yet to be determined.

G. BOARD COMMENTS

Mr. Baumoehl referred to the Minutes of the July 23, 2014 LDRAB meeting and specifically to the text on Page 5 related to Residential Uses as part of the Use Regulations Project amendments. The language in question reads: "...certain types of Sober Homes have been classified as a single family home allowing a maximum of four unrelated persons to occupy the home, and this use is protected by the American with Disabilities Act (ADA). In cases where there are more individuals involved, application may be made for "reasonable accommodation".

Mr. Baumoehl expressed the view that "Sober Homes" do considerable harm to single family residential communities. He finds the accommodation of members of four different families in a single family residence difficult to accept and questioned if anything can be done.

A discussion ensued in which the following points were made:

- Mr. Berger explained that "Sober Homes" are not regulated under the existing ULDC provisions as they are protected by the American Disabilities Act (ADA) and follow the Reasonable Accommodation Process. He confirmed that four unrelated persons are allowed to be in a single family home under the ULDC definition of Family. In the last legislative session, there was an attempt to regulate sober homes under State law. In addition to State regulations, there are Federal protection laws that trump State laws.
- Ms. Katz spoke about efforts to regulate that are being taken up by two local Congressmen and also two Congressmen at the Federal level.
- Mr. Berger suggested one thing that could be done at the State level and that is a type of Sober Home that does not require licensing.
- Ms. Vinikoor mentioned that HIPAA, (Health Insurance Portability and Accountability Act), also offers protection for the homes, in addition to the ADA. She continued that there are efforts by a local civic organization to which she is affiliated to draft a Bill requiring registration of Sober Homes, but HIPAA could present a problem. The Bill will also require the screening of administrators of these Homes, so that if a felony is committed the affected Home can be closed. The organization is trying to have this Bill put forward at meetings which have been planned by local State officials, and there are also efforts being made at the Federal level.
- Mr. Gulisano added that the City of Boca tried to regulate the Homes at a cost of thousands of dollars and still had to allow them as the City lost the litigation.

G. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:25 p.m.

Recordings 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 D. Case  11/12/14