

EXHIBIT B

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Summary of November 13, 2013 Meeting

On Wednesday, November 13, 2013 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 (14):

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Richard Kozell (District 1)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)
Jerome Baumohl (AIA)
Edward Tedtmann, Environmental Organization)
Frank Gulisano (PBC Board of Realtors)
Gary Rayman (Fl. Surveying & Mapping Society)
Leo Plevy (Member At Large/Alternate)

Members Absent:

Henry Studstill (District 7)
Raymond Puzzitiello (Gold Coast Build. Ass.)
James M. Brake (Member at Large/Alternate)

Vacancies: 2

(Assoc. General Contractors of America)
(Condominium Association)

County Staff Present:

Leonard Berger, Chief Assist. County Attorney
Jon MacGillis, ASLA, Zoning Director
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Lauren Dennis, Site Planner II, Zoning
Scott Rodriguez, Site Planner II, Zoning
David Nearing, Site Planner I, Zoning
Zona Case, Zoning Technician, Zoning
John Rupertus, Senior Planner, Planning
Bryan Davis, Principal Planner, Planning
Alan Seaman, Principal Site Planner, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the Amendments to the Agenda hand out and that Exhibit H, Finished Grade and Measurement of Fence, was withdrawn. Mr. Cross advised that staff had provided additional back up related to Exhibit I, Development Review Officer.

3. Motion to Adopt Agenda

Motion to adopt agenda by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (14-0).

4. Adoption of October 23, 2013 Minutes (Exhibit A)

Mr. Tedtmann questioned the summary of comments he made at the conclusion of the meeting, as relates to Exhibit B, Environmental Standards, and requested revisions. Motion to table minutes by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (14 - 0).

B. ULDC AMENDMENTS

1. Exhibit B Privately Initiated Amendment (PIA) – Commercial Communication Tower

Mr. Cross noted that this amendment was presented to the LDRAB at time of initiation, and that staff and the applicant had reached consensus on several issues, including:

- Towers would only be permitted in a Recreation Pod when located on a golf course or associated facilities;
- Limited to Stealth or Camouflage Towers; no Freestanding or Monopole Towers; and,
- Subject to Board of County Commissioners (BCC) approval.

Mr. Cross also commented that associated facilities for golf courses should be included in line 38 on page 7.

Motion to approve as amended, by Mr. Carpenter, seconded by Mr. Gulisano. Motion passed (14 - 0).

2. Exhibit C Privately Initiated Amendment (PIA) - RVPD Accessory Structure

Mr. Cross advised the board to refer to the add/delete sheet and explained the background of the request by the applicant. Staff would support this request as long as it is not a residential structure and does not have sleeping accommodations or full kitchen facilities. Mr. Cross briefly explained the minimum Recreational Vehicle (RV) site size, exemptions from porch requirements and exemptions for foundation planting.

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Ms. Brinkman recused herself from the discussion and provided a completed Voting Conflict form 8B to be part of the minutes.

Several members expressed concerns about the proposed language including the use of the accessory structure for storage purposes, possible use of the structures for sleeping accommodations, potential Code Enforcement challenges, and issues on ownership, among other.

Mr. Ken Tuma, representing the applicant, responded to concerns raised including the length of stay, sleeping accommodations, aesthetics, enforcement and Building Code provisions and requirements.

Mr. Randal Henderson, representing the applicant, also responded to some of the Board's concerns including enforcement and self-policing of structures and provided details on the evolution of the structures, citing examples from California and Michigan.

Motion to approve by Mr. Gulisano, seconded by Mr. Kozell. Motion passes (11 - 2), Mr. Carpenter and Mr. Baumoehl voted nay.

3. Exhibit D Property Affected by Eminent Domain Proceedings

Mr. Cross explained the amendment will allow Type II variance relief for parcels affected by eminent domain actions from the minimum lot size requirements established for a use when is related to the amount taken from the property.

Motion to approve by Ms. Vinikoor, seconded by Mr. Carpenter. No discussion. Motion passed 14-0.

4. Exhibit E Planned Industrial Park Development (PIPD) Building Coverage

Mr. Cross explained the amendment allow a Planned Industrial Park Development (PIPD) the same building coverage that is allowed in straight zoned Industrial districts.

Ms. Brinkman recused herself from the discussion and provided a completed Voting Conflict form 8B to be part of the minutes.

Motion to approve by Mr. Knight, seconded by Ms. Vinikoor. Motion passes (12 - 1). Mr. Baumoehl voted nay.

5. Exhibit F Residential Play Equipment

Mr. Nearing explained the amendment will clarify the difference between common recreation facilities found within a PUD and those found on an individual residential lots. Mr. Nearing explained the intention is to keep recreational equipment out of setbacks.

Ms. Brinkman and Mr. Kozell raised potential conflict with the language as written with the unintended restrictions being placed in reference to recreation equipment. It was recommended that the second sentence in lines 39 to line 40 be stricken.

Motion to approve as amended, by Mr. Kozell, seconded by Mr. Gulisano. Motion passes (14 - 0).

6. Exhibit G Rooftop Solar

Ms. Cantor explained the amendment is to clarify solar panels are exempted from mechanical equipment screening requirements.

Motion to approve by Mr. Carpenter, seconded by Ms. Katz. Motion passes (14 - 0).

7. Exhibit H Finished Grade and Measurement of Fence

Mr. Cross reiterated that this amendment had been withdrawn.

8. Exhibit I Development Review Officer

Mr. MacGillis gave a brief overview of the roles and responsibilities of the Development Review Officer. Ms. Dennis explained the amendment is to clarify and expand thresholds for agency review to differentiate between processes in order to assist staff. Mr. Seaman noted that changes would assist staff in managing amendments, and outlined related revisions to the fee structure.

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Ms. Brinkman raised a concern that the language may potentially create inflexibility for minor amendments. Ms. Dennis and Mr. MacGillis explained that the Zoning PPMs would provide the flexibility for minor amendments.

Motion to approve by Mr. Bailey, seconded by Mr. Baumoehl. Motion passed (13 – 1). Ms. Brinkman voted nay.

C. CONVENE AS LDRC

1. Proof of Publication

Motion to approve by Ms. Vinikoor, seconded by Mr. Knight. Motion passed (14-0).

2. Consistency Determination

Mr. Blackman read a memorandum from the Planning Division stating that Exhibits J through M were consistent with the Comprehensive Plan. Mr. Rupertus from the Planning Division, acknowledged the same.

Motion to approve consistency determination by Mr. Gulisano, seconded by Ms. Vinikoor. The motion passed (14 - 0).

Adjourned as LDRC.

D. RECONVENE AS LDRAB

E. LDRAB SUBCOMMITTEE UPDATES

Ms. Cantor stated there will be a Use Regulation Project Subcommittee meeting on November 21, 2013 to review proposed amendments for Recreation uses.

F. PUBLIC COMMENTS

Mr. Martin, representing the Sierra Club, expressed concern regarding soil being disturbed and vegetation removed during site development. He requested some approach to keep native vegetation in place. Mr. Martin also commented on an expedited permitting process for solar panels.

G. STAFF COMMENTS

None

H. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 4:02 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:

Scott Rodriguez



Feb. 26, 2014

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

LAST NAME—FIRST NAME—MIDDLE NAME Brinkman Joni	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Land Development Regulation Advisory Board (LDRAB)
MAILING ADDRESS 201 Rex Ct	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Palm Springs	<input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY Palm Beach	NAME OF POLITICAL SUBDIVISION: Palm Beach County
DATE ON WHICH VOTE OCCURRED 11-13-13	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 November 13, 20 13 :

(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.2. - Exhibit C - RVPD Accessory Structure
 Item B.4. - Exhibit E - Planned Industrial Park Building Coverage
 My employer, Urban Design Kilday Studios, has received compensation from clients in regard to processing or influencing these code changes.

11-13-13
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.