



**OPEN SPACE
A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD
(LDRAB)**

MINUTES OF THE APRIL 1, 2010 SUBCOMMITTEE MEETING

Prepared by Ann DeVeaux, Zoning Technician

On Thursday **April 1, 2010**, the Open Space Subcommittee met at the Vista Center, Room VC-2E-12-Conference Room, at 2300 North Jog Road, West Palm Beach, Florida. The meeting convened at 2:05 p.m.

Second Meeting of the Open Space Subcommittee.

A. Attendance:

LDRAB Members: Raymond Puzzitiello, Rosa Durando

Industry: Collene Walter, Dodi Glas, Rafael Jimenez, Kevin Ratterree, Chris Roog

Lake Worth Drainage District (LWDD): Ronald Crone, Anne Perry

County Staff: Jon MacGillis, Maryann Kwok, Barbara P. Nau, Jan Wiegand, Ann Deveaux, Bryce Van Horn

B. Minutes

Part A of Agenda

Barbara P. Nau called the meeting to order at 2:05 p.m.

The Committee did not select a Chair or Vice Chair. This item will be placed on the next subcommittee meeting.

There were no additions, substitutions or deletions to the agenda.

Part B of Agenda

Barbara P. Nau began the meeting by introducing three research documents prepared by staff that cross reference open space in the Unified Land Development Code (ULDC) and the Comprehensive Plan (Plan). She stated that an analysis of each open space reference was performed to determine whether or not it would be consistent with the proposed definition.

Jon MacGillis explained that the ULDC chart references "open space" and "usable open space" and the purpose of the chart analysis is to determine whether conflicts exist in the definitions since oftentimes, the two words are used interchangeably and out of context. The chart will allow the subcommittee to determine if the word is used in the right context.

Ms. Nau stated that examples of broader definitions were developed by staff as a result of a follow up meeting on March 29, 2010 with Planning and Lake Worth Drainage District (LWDD).

Mr. MacGillis stated that after the first subcommittee meeting, a question arose regarding the specific definition in the Plan for open space. He stated that there is no specific definition for open space, but that the Plan element references it. In review of the chart, he questioned whether any of the definitions in the Plan's chart were inconsistent with the ULDC and introduced Bryce Van Horn of the Planning Division to comment.

Mr. Van Horn stated that Objective 1.4 references Recreation Open Space and that the County will ensure that land is set aside for new development and open space. He cited some examples from the Plan such as conservation areas, environmentally sensitive lands, parks and recreational facilities that could be considered as open space. He confirmed that the Plan does not contain a definition for open space but rather, usable open space.

Kevin Ratterree asked Mr. Van Horn the reason for the removal of the open space definition from the ULDC and the Plan. Mr. Van Horn stated that the Plan only contained a definition for usable open space and a policy in the Plan requires the ULDC to provide for open spaces. He explained that there is language in the recreational open space, conservation and transportation element that references trail networks. Mr. Van Horn also stated that the Plan would not require an amendment should a new definition for open space be developed.

Mr. MacGillis pointed out that Ms. Nau's research revealed that a prior ULDC contained a broader definition for open space. Ms. Nau cited the 1973 ULDC definition for open space as "not encumbered by structures or pervious material" and stated that the definition should be general.

Rosa Durando questioned whether motorized vehicles, horses, bike paths and trails for county-owned lands were considered open space. Ms. Nau stated that at this point, the subcommittee would be reviewing the open space definition in a general sense.

Maryann Kwok explained that the Parks and Recreation Department maintains and regulates the trail systems and as the regulating source, would determine the authorized uses to be located in the paths and park open spaces. She also mentioned that ERM would regulate environmentally sensitive lands. Ms. Durando asked if the ULDC currently references the term "impervious" and questioned the accessibility of ADA wheelchairs in impervious open spaces.

Colleen Walter expressed that Ms. Durando made a good point because the proposed definition of open space speaks to an exterior area unencumbered by structures or impervious materials. She stated that sidewalks that are within parks are impervious and motorized accessibility ought to be provided.

Ms. Nau asked LWDD to discuss any issues they had with open space. Ron Crone stated that sometimes developers install control structures in open space and based on the ULDC definition, installation would not be allowed. He further stated that drainage pipes and catch basins in open space would also be a violation as they are considered structures. He suggested defining it as "an exterior area" and clarifying examples of what could be an open space separate and apart from the definition. A discussion ensued regarding definition of structures, passive recreation and fencing along canals.

Mr. Crone advised that in order for their right of way to be considered open space an exclusive easement would have to be granted by the property owner / developer. LWDD would also have to be able to install customary facilities and have encumbered access in order to ensure canal maintenance. He mentioned that 12 of 14 new structures will be added to the LWDD system under new EPA regulations and large control structures will be in the areas that may be considered by Zoning as open space. From LWDD's viewpoint, open space is an open area. He stated that his concern is that LWDD would not be adhering to zoning's regulation regarding open space.

Ms. Kwok stated that perhaps calculation of open space could be further defined in specific sections of the ULDC, for instance, in a PUD.

Mr. MacGillis concluded by stating that the definition for open space and usable open space will require further development and the amendment will be postponed until Round 2010-02. He requested that the subcommittee

- review the ULDC and Plan open space reference charts;
- determine what should be removed or revised in the definitions;
- quantify any exclusions; and
- forward comments to Ms. Nau.

No other meeting will be scheduled at this time and Ann DeVeaux will forward an electronic version of the charts to the subcommittee members.

The meeting adjourned at 3:19 p.m.

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