

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 08/26/20)

#### Minutes of May 27, 2020 LDRAB/LDRC Meeting

On Wednesday, May 27, 2020, 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 and via Cisco Webex Events communications media technology (CMT).

#### A. CALL TO ORDER/CONVENE AS LDRAB

##### 1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:09 p.m. Mr. Alexander Biray, Code Revision Zoning Technician, called the roll.

##### **Members Present: 17**

Joanne Davis (District 1, Commissioner Valeche)\*  
Drew Martin (District 2, Commissioner Weiss)  
Ari Tokar (District 3, Commissioner Kerner)\*  
Glenn E. Gromann (District 4, Commissioner Weinroth)  
Dr. Lori Vinikoor (District 5, Commissioner Berger)  
Myles Basore (District 6, Commissioner McKinlay)\*  
Robert J. Harvey (District 7, Commissioner Bernard)\*  
Daniel J. Walesky (Gold Coast Builders Association)\*  
Anna Yeskey (League of Cities)\*  
Terrence Bailey (Florida Engineering Society)\* \*\*\*  
Susan A. Kennedy (Environmental Organization)\*  
Frank Gulisano (Realtors Association of the Palm Beaches)\*  
Jim Sullivan, Florida Surveying and Mapping Society\*  
Charles D. Drawdy (Assoc. General Contractors of America)\*  
Wesley Blackman (PBC Planning Congress)\*  
Tommy B. Strowd (Alternate At-Large #1)\*  
Abraham Wien (Alternate At-Large #2)\* \*\*

##### **Members Absent: 1**

Jaime M. Plana (American Institute of Architects)

##### **County Staff Present: 7**

Jon MacGillis, Zoning Director  
Wendy N. Hernández, Principal Site Planner  
Monica Cantor, Principal Site Planner  
Jerome Ottey, Site Planner I  
Alexander Biray, Zoning Technician  
Scott A. Stone, Assistant County Attorney I  
Bryan Davis, Principal Planner

##### **Vacancies: 0**

\* Present via Webex Events.

\*\* Mr. Wien left at 3:55 p.m.

\*\*\* Mr. Bailey left at 4:07 p.m.

##### 2. Additions, Substitutions, and Deletions

Mrs. Hernández noted no additions, substitutions, and deletions beyond what is on the Add/Delete sheet. The Add/Delete modified Exhibit K – Art. 2, Administrative Modifications.

##### 3. Motion to Adopt Agenda

Motion to adopt the Agenda as amended, by Mr. Gulisano, seconded by Mr. Martin. The Motion passed unanimous (16-0).

##### 4. Adoption of February 26, 2020 Minutes (Exhibit A)

Motion to adopt the Minutes, by Mr. Martin, seconded by Mr. Gromann. The Motion passed unanimous (16-0).

##### 5. Public Comments

Mr. Blackman noted a public comment card from Mrs. Michele Burns for Landscape Service to be read into the record when the Exhibit is presented. Mrs. Hernández noted members of the public in the audience. There were no public comments for items not on the Agenda.

#### B. ULDC AMENDMENTS – NEW

##### 1. Exhibit B – Art. 2, 3, and 4, Plan Requirements for PDDs

Mrs. Hernández explained the amendment reintroduces language that was inadvertently deleted rather than relocated to Article 2, to require a Final Site Plan or Final Subdivision Plan for Planned Development Districts with a Final Master Plan approved by the Board of County Commissioners (BCC).

##### a. Discussion

No discussion.

Motion to approve, by Mr. Martin, seconded by Mr. Gromann. The Motion passed unanimous (16-0).

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 08/26/20)

#### Minutes of May 27, 2020 LDRAB/LDRC Meeting

##### 2. Exhibit C – Art. 3, PBIAO Landscaping, Notification, and Noise

Mrs. Hernández explained the amendment adds language required by the Comprehensive Plan to be incorporated into the Code for developers of residential property to notify new Property Owners the development is within the Palm Beach International Airport Overlay (PBIAO) and may experience some noise, removes language for landscaping requirements to defer to Article 7 for more comprehensive regulations, and removes duplicative language for noise compatibility and abatement requirements added in Article 16 per Ordinance No. 2019-005.

##### a. Discussion

Mr. Blackman asked for clarification on how notification would be triggered. Mrs. Hernández responded that notification would be in sales brochures and contracts, with the Department of Airports notified on an annual basis.

Mr. Martin asked if setbacks are being reduced. Mrs. Hernández responded there are no changes to setbacks. Mr. Martin also asked if the County discourages residential within the PBIAO. Mr. Davis responded the Plan generally does, but recognizes preexisting residential.

Mr. Gromann suggested using similar language for fee-simple lots which may not belong to a Property Owners' Association (POA) and rental property lease agreements, and mentioned smaller executive airports having similar requirements.

Motion to approve, by Mr. Gulisano, seconded by Mr. Gromann. The Motion passed unanimous (16-0).

##### 3. Exhibit D – Art. 2, 4, and 11, Landscape Service in the AR/RSA Zoning District and Access Requirements

Mrs. Hernández noted the amendment had previously been advertised and presented to the Board, who recommended approval and determined it consistent with the Plan at the February 26, 2020 meeting. Following the State of Emergency issued in regard to the COVID-19 pandemic, she explained Staff has taken in consideration the subject of health, safety, and welfare, and is proposing an application filing time extension of 120 days from June 2, 2020 to September 30, 2020 with further extensions subject to approval by the Planning, Zoning and Building (PZB) Executive Director. She also noted one person from the public showed up to a training session of multiple scheduled, two applications were submitted, Landscape Service was deemed as an essential service by the Governor, and PZB has been operational during the duration of the pandemic.

##### a. Public Comments

Mrs. Hernández read a comment into the record from Mrs. Michele Burns, 10301 Heritage Farms Road: "I oppose the extension of the application filing time for the DRO from June 2, 2020 to September 30, 2020. I believe they have still been able to file electronically and they have still been driving their trucks in and out every day, so they have not stopped working. This has been going on long enough. Heritage Farms community does support voting to adopt the change back from one and one-half acres to one acre for the Collocated Use and that they seek a Type 2 Waiver that requires a BCC decision. Thank you."

Mrs. Risa McCarahager opposed the time extension when PZB has remained open.

Mr. Mark Perry asked for clarification on the submittal date and sufficiency.

Mrs. Hernández read a Webex Q & A session into the record from Mr. Jim Knight: "I believe this is a reasonable request as all vendors do not prepare the items for DRO applications, are not essential services, and have not been able to make the use application deadline. I currently have a client that is making an application."

##### b. Discussion

Mr. Martin and Dr. Vinikoor asked for clarification on the vote in relation to the current Exhibit with the changes and previous version from February. Mrs. Hernández responded the vote is for the language being modified in regard to extensions.

Mr. Gromann asked if the Governor's Emergency Order would have automatically extended the deadline. Mr. Stone responded there are no mechanisms in the Emergency Orders or Florida Statutes for time extensions in local government zoning codes, except certain Development Orders if notified by the developer.

Mrs. Kennedy questioned the duration of the time extension proposed when the County has not been under a shutdown for that long. Mr. Gulisano and Mr. Blackman concurred, but said an extension was necessary when professionals on behalf of Landscape Service businesses are currently filling out applications and were not deemed an essential service.

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 08/26/20)

#### Minutes of May 27, 2020 LDRAB/LDRC Meeting

Mr. Martin commented that Landscape Service has been active the duration of the shutdown. Mr. MacGillis referenced Mr. Knight's comment regarding professional offices being closed, and the proposed extension is to be proactive when brought forward to the BCC. A discussion ensued between the Board on what professionals working in planning and real estate fields have been active.

Motion to approve for 60 days (240 days of the effective date of the original Ordinance No. 2019-039), by Mr. Gulisano, seconded by Mr. Gromann. The Motion passed (14-2). Mrs. Davis and Mr. Martin voted in opposition.

#### 4. Exhibit E – Art. 4, Landscape Service in AGR-PUD Zoning District Preserve Areas

Mr. Davis explained the amendment came from BCC direction following multiple hearings, and based on analysis from the Planning Division as it relates to the ULDC, would offer Landscape Service in 28 Agricultural Reserve Planned United Development (AGR-PUD) Zoning District Preserve Areas and five straight AGR Zoning District properties, mechanisms for compliance using limited timeframes for DRO approval and rezoning respectively, demonstrating compact and contagious design, common ownership, correct use percentages, and circulation.

##### a. Discussion

Mr. Blackman asked if the amendment successfully captures all the properties under violation in Code Enforcement. Mr. Davis responded that it does, with the delineated properties coming from the cases.

Mr. Gromann asked how the County determines what is a Nursery versus virgin, undeveloped land. Mr. Davis responded that aspects of many Nurseries are temporary in nature, as plants are transported off site. Mr. Martin expressed concern over the appearance of properties from the road looking like a commercial rather than agricultural or natural use, and environmental impacts. Mrs. Hernández noted Applicants will be required to submit a Site Plan for approval indicating the use percentages and locations to minimize impacts. Mrs. Davis explained properties appearing natural from aerial views are tree farms.

Dr. Vinikoor asked if Staff has guidelines in determining what constitutes Open Space on Site Plans. Mr. Davis responded they do, also considering retention ponds and natural features, but may be difficult based on areas of a temporary, transient nature Nurseries may include.

##### b. Public Comment

Mr. Richard "Chip" Carlson, representing Carly Landco, Inc. asked for clarification regarding what use percentage driveways would be considered if they service both the Landscape Service and Nursery, proposing that it be added to the amendment. Mr. Carlson further proposed adding language that driveways which serve only Typical On-Site Activities or Common Operations Area shall not be allocated to the Wholesale Nursery area.

Mr. Mark Perry thanked Staff for their work on the amendment.

Motion to approve, by Mr. Gromann, seconded by Mr. Gulisano. The Motion passed unanimous (16-0).

#### 5. Exhibit F – Art. 4, CRE Zoning District with RR FLU Designation

Mrs. Hernández explained the amendment is a follow-up to an amendment from the 2019-02 Round that removed Commercial Recreation (CRE) Zoning District and Rural Residential (RR) Future Land Use (FLU) consistency, and proposes to remove orphaned language inadvertently left in Article 4.

##### a. Discussion

No discussion.

Motion to approve, by Mrs. Kennedy, seconded by Mr. Martin. The Motion passed unanimous (16-0).

#### 6. Exhibit G – Art. 4, Mobile Retail Sales

Mrs. Hernández explained the amendment clarifies Mobile Retail Sales, adds an exemption for properties separated by an 80-foot Local Commercial Street, and a special exemption for temporary parking areas and distances from residential FLUs. Mr. Blackman asked what the amendment was prompted by. Mrs. Hernández responded it is a clean-up and to address applications submitted to sell food.

##### a. Discussion

No discussion.

Motion to approve, by Mr. Martin, seconded by Dr. Vinikoor. The Motion passed unanimous (16-0).

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 08/26/20)

#### Minutes of May 27, 2020 LDRAB/LDRC Meeting

##### 7. Exhibit H – Art. 5, Workforce Housing Program Low-Income Category Rental Requests

Mr. Davis explained the amendment was requested by County Administration to allow Property Owners, based on market conditions in areas that do not support charging rents in even the lowest rent category permissible in the Workforce Housing Program (WHP), the ability to request approval to rent to households with incomes that fall below the Low-Income category at rents below the minimum in the Low-Income category

###### a. Discussion

Mr. Walesky asked for clarification on the requirements regarding for-sale income categories versus for-rent income categories.

Motion to approve, by Mr. Gulisano, seconded by Dr. Vinikoor. The Motion passed unanimous (16-0).

##### 8. Exhibit I – Art. 1, 3, 4, and 6, Parking Reference Glitch Corrections

Mrs. Hernández explained the amendment is a follow-up to an amendment from the 2019-02 Round following codification of the Article 6 rewrite in Ordinance No. 2020-001, updating terminology from “off-street” to “on-site,” cleaning up references and removing conflicting or duplicative old Code, and removing language in Article 6 inadvertently left in that was originally proposed to be stricken out regarding Multifamily and Cottage Home (Multiple Units on a Single Lot) parking space calculations.

###### a. Discussion

No discussion.

Motion to approve, by Mr. Martin, seconded by Dr. Vinikoor. The Motion passed unanimous (16-0).

##### 9. Exhibit J – Art. 3, Residential Uses Zero Lot Line

Mrs. Hernández explained the amendment consolidates two separate Subsections pertaining to Zero Lot Line (ZLL) Property Development Regulations (PDRs), clarifies existing language, reintroduces Double ZLL PDRs which previously existed in the 1973 Code but were ambiguously combined with normal ZLL PDRs, codifies Policy and Procedure Manual (PPM) #ZO-O-024, and adds new graphics for new and existing language. She noted the amendment was drafted in collaboration with Building and consultation with industry, noting the Gold Coast Builders Association sent a letter of support.

###### a. Public Comment

Mr. Kevin Ratterree, representing the Gold Coast Builders Association, spoke in full support of the amendment.

###### b. Discussion

Mr. Martin asked about if landscaping is reduced in the amendment based on the reduced setback nature of ZLLs. Mrs. Hernández responded that landscaping requirements have not been modified.

Dr. Vinikoor asked for clarification on the vote if added language was included in any Motion. Mrs. Hernández and Mr. Stone responded it would.

Mr. Gromann asked about corner clips in relation to setbacks, and if there are provisions allowing height Variances for Single Family homes and ZLLs in the Code. Mrs. Hernández responded that Applicants may seek Variance relief from the maximum height of 35 feet. Mr. Gromann expanded by referring to trends to build above grade because concerns of flooding. Mr. MacGillis noted collaboration with Building is in the process to address grade in Article 18.

Motion to approve as amended, by Mr. Gromann, seconded by Mr. Martin. The Motion passed unanimous (16-0).

\*\* Mr. Wien left at 3:55 p.m.

##### 10. Exhibit K – Art. 1 and 2, Administrative Modifications

Mrs. Cantor explained the amendment consolidates and expedites Administrative processes after Zoning Staff analysis and consultation with other County Agencies and industry. This includes exemption from sufficiency review for certain DROE, BCC, and ZC-approved applications, allowing Type 1 Waivers for PDRs in the Native Ecosystem Overlay (NEO), a five percent or less setback reduction of detached housing types to be processed through the ZAR instead of Full DRO, codification of DRO Abandonment provisions in PPM #ZO-O-047, and general clarification and relocation of language into a more clear format.

\*\*\* Mr Bailey left at 4:07 p.m.

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 08/26/20)

#### Minutes of May 27, 2020 LDRAB/LDRC Meeting

**a. Discussion**

Mr. Martin asked about the ability to move open space. Mrs. Cantor responded that the ability is very limited and are beholden to Vegetation Disposition Charts, and most situations arise because easement issues in plat review.

Mr. Gromann noted a correction to capitalize “the” starting a sentence on page 71 line 23.

Mr. Martin expressed concern about expediting applications that may limit public input. Mr. MacGillis and Mr. Blackman noted the amended DRO processes are already administrative approvals.

Motion to approve as amended, by Mr. Walesky, seconded by Mr. Martin. The Motion passed unanimous (15-0).

**C. PRIVATELY INITIATED AMENDMENTS**

**1. Exhibit L – Art. 3, Faith Farm Ministries**

Mr. Kevin Ratterree, GL Homes Vice President, presented a history of Faith Farm Ministries, it predates the Agricultural Reserve, and GL Homes is in contract to purchase TDRs from Preserve Areas. The amendment will allow split zoning on the property between the IPF Zoning District and AGR-PUD Zoning District Preserve Area, with no buffer required as it is the same property owner and use. He also noted a concurrent Plan Text amendment is in process.

**a. Discussion**

Mr. Blackman asked as a concurrent Text amendment is subject to Planning Commission approval, if the Board would be seeing the item again. Mrs. Hernández responded they would not.

Mr. Gromann asked for confirmation if Staff supports the proposed changes. Mrs. Hernández responded yes.

Mr. Martin expressed concern about more dwelling units built in the Agricultural Reserve and said he would vote against it.

Motion to approve, by Mr. Gulisano, seconded by Mr. Gromann. The Motion passed (14-1). Mr. Martin voted in opposition.

**D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 4:30 p.m.

**1. Proof of Publication**

Motion to accept Proof of Publication by Dr. Vinikoor, seconded by Mr. Martin. The Motion passed unanimous (15-0).

**2. Consistency Determination for Exhibits B-M**

Mr. Blackman noted the Comprehensive Plan Consistency Determination for Proposed ULDC Amendments letter from Planning stating the proposed amendments Exhibits B through L and previously-presented amendment Exhibit M are consistent with the Comprehensive Plan.

Motion to approve, by Mr. Gulisano, seconded by Dr. Vinikoor. The Motion passed unanimous (15-0).

**E. ADJOURN AS LDRC AND RECONVENE AS LDRAB**

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 4:33 p.m.

**G. STAFF COMMENTS**

**1. Follow-up to Mrs. Kennedy’s question on medical uses consultant’s timeframe.**

Mrs. Hernández informed the Board Zoning has entered into an extension modifying the contact to September and Staff is reviewing the draft report. Following the report, Staff will be working on draft Code language.

**2. Follow-up to Mr. Bailey’s question on Accessory Uses and Structures Subcommittee feasibility.**

Mr. Bailey had left the meeting, but Mrs. Hernández informed the board Staff is still analyzing research and back-up information.

**3. Recognition of Maryann Kwok, Deputy Zoning Director retirement.**

Mr. MacGillis noted Mrs. Kwok retired Friday, after over 20 years of service in the Zoning Division and to wish her well. Mr. Blackman concurred and noted she sits on the PBC Planning Congress.



**EXHIBIT A**

**PALM BEACH COUNTY  
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)  
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**  
(Updated 08/26/20)

**Minutes of May 27, 2020 LDRAB/LDRC Meeting**

**H BOARD MEMBER COMMENTS**

1. Mr. Martin asked if Staff conducted a tree canopy study. Mrs. Hernández responded that Zoning does not have a canopy study, but noted recent amendments to Article 7. Dr. Vinikoor noted the Office of Resilience would better fulfill that responsibility.
2. Dr. Vinikoor asked if the next Zoning Commission meeting will have the same procedures for public participation. Mrs. Hernández responded yes. Mr. Martin asked about the BCC hearing. Mrs. Hernández responded that BCC hearings do not use CMT, and the public would have to attend in person.

**I. ADJOURN**

The Land Development Regulation Advisory Board meeting adjourned at 4:34 p.m.

Recordings of all LDRAB meetings 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) 233-5243.