

EXHIBIT A

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

(Updated 7/19/17)

Minutes of May 24, 2017 LDRAB Meeting

On Wednesday, May 24, 2017 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

Vice-Chair, David Carpenter called the meeting to order at 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 13

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Michael Peragine (District 1)
Philip Barlage (District 3)
Jim Knight (District 4)
Dr. Lori Vinikoor (District 5)
Dr. Rena Borkhataria (District 6)
Terrence Bailey (Florida Eng. Society) *
Tommy Strowd (Environmental Organization)
Daniel Walesky (Gold Coast Bld. Assoc.)
Derek Zeman (FL Surveying & Mapping)
James McKay (AIA)
Abraham Wien (Member at Large, Alt. #2)

Members Absent: 2

Frank Gulisano (PBC Board of Realtors)
Robert J. Harvey (District 7)

Vacancies: 3

PBC League of Cities
Assoc. General Contractors of America
Member at Large, Alt #1

County Staff Present:

Jon MacGillis, Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner
Leonard Berger, Assistant County Attorney
Scott Rodriguez, Senior Planner, Planning Division
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted that there were no additions substitutions or deletions to the agenda.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Dr. Vinikoor, seconded by Mr. Carpenter. Motion passed (13-0).

4. Former LDRAB Member Recognition

The Chair expressed pleasure in presenting a plaque to Ms. Joni Brinkman, former member of the Land Development Review Advisory Board (LDRAB), in recognition of her long and invaluable contribution to the Board.

Ms. Brinkman thanked the Chair and members, and said it had been a privilege and a pleasure to serve with such a wonderful group, and she was grateful to accept the plaque.

5. Adoption of April 24, 2017 Minutes (Exhibit A)

Motion to adopt by Mr. Peragine, seconded by Ms. Vinikoor. Motion passed (13 - 0).

B. ULDC AMENDMENTS

1. Exhibit B - Mobile Home Owner Disclosure Requirements to Potential Buyers

Mr. Cross explained that the Mayor requested the amendment to provide additional notification over and above State requirements intended to safeguard existing tenants in mobile home parks slated for redevelopment. The additional notice is intended to forewarn any potential purchasers of a mobile home unit in such parks, where the buyer may not be aware that the unit may be required to be relocated, which is oftentimes unfeasible with older units.

Motion to approve by Dr. Vinikoor, seconded by Mr. Knight. Motion passed (13 – 0).

2. Exhibit C - Art. 1.C.1, Rules of Construction

Mr. Cross indicated that the amendment clarifies the standards which would permit the rounding of numbers up or down to the nearest whole number, for itemized requirements such as parking spaces or loading zones. Rounding of numbers used to calculate a final product would not be permitted, with any resulting fraction of 0.5 or greater, to be rounded up to the nearest whole number; and, any fraction of less than 0.5 rounded down to the nearest whole number. In response to an inquiry from Mr. Blackman, he confirmed that there is a separate provision for rounding of numbers related to density calculations.

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Motion to approve by Mr. Knight, seconded by Dr. Vinikoor. Motion passed (13 - 0).

3. Exhibit D – Art. 3.B.14.F, Property Development Regulations [Related to WCRAO]

Mr. Cross explained that specific Westgate Community Redevelopment Area Overlay (WCRAO) related to Property Development Regulations was frequently misconstrued as requiring plazas and squares, with the amendment clarifying that plazas and squares are optional.

The amendment also clarifies provisions that allow for administrative reductions for required building frontage in certain scenarios involving lots with limited frontage or access.

Dr. Vinikoor requested the addition of a graphic description to the amendment to further clarify the content, which staff noted had been suggested by the Zoning director as well.

Motion to approve by Ms. Vinikoor including the addition of the aforementioned graphic, seconded by Mr. Peragine. Motion passed (13 - 0).

4. Exhibit E - Art. 4.B, Use Classification [Related to URAO]

Ms. Cantor explained the amendments were necessary to reinstate a note related to the Urban Redevelopment Area Overlay (URAO), which was inadvertently deleted when the Use Matrices in Article 4 were consolidated as part of the Use Regulations Project. The affected uses were Permitted by Right in General Commercial (CG) Zoning District prior to the establishment of the Urban Center (UC) and Urban Infill (UI) Zoning Districts, and the note serves to acknowledge that the uses may continue to be Permitted by Right when no external modifications or additional parking requirements are triggered, among other requirements.

Motion to approve by Mr. Peragine, seconded by Mr. Strowd. Motion passed (13 - 0).

5. Exhibit F - Art. 5.B.1.A, Accessory Uses and Structures – General Exceptions

Mr. Cross explained that Exhibits F, G and H were inter-related in that they address prohibitions applicable to accessory structures in front or side-street yards adopted under the 2003 Managed Growth Tier System code rewrite. Exhibit F recognizes that there are a number of smaller accessory structures, such as mailboxes that have long been accommodated within such setbacks.

Dr. Vinikoor pointed out that the reason for amendment referred to “clothes-lines” as one of the structures not considered appropriate in the front yard and recalled that there is a Florida Statute that protects the prohibition under the umbrella of using all methods for saving energy. A discussion ensued on the possible pre-emption contained in Statutes 163.04 and 720.3075, which Dr. Vinikoor identified as the Right to Dry Law that precludes local government to regulate location of solar devices in residential parcels. Initial discussion suggested that the laws did not pre-empt the reasonable regulation of clotheslines, but staff concurred that additional follow up would be completed to verify this.

Motion to approve by Dr. Vinikoor, with the understanding that Florida Statute 163.04, Right to Dry Law, would be looked at to determine if it relates to clothes-lines, seconded by Mr. Peragine. Motion passed (13 - 0).

6. Exhibit G – Art. 5.B.1.A, Accessory Uses and Structures – Exceptions for Buildings Accessory to Residential

Mr. Cross noted that Exhibit G was based on the same issue as the Exhibit F, but served to further recognize that several types of larger structures such as Accessory Dwellings, could be accommodated within front or side street yards, subject to additional considerations such as standards for compatibility and setbacks applicable to the principal buildings.

Motion by Mr. Peragine, seconded by Mr. Barlage. Motion passed (13 – 0).

7. Exhibit H - Accessory Solar Energy Systems

Mr. Cross clarified that Exhibit H is also related to exceptions to structures in front and side street yards, and was primarily driven by collaboration with Florida Power and Light representatives promoting educational solar trees, and well as to clarify longstanding County policy of allowing for solar panels.

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Motion to approve by Mr. Knight, seconded by Mr. Zeman. Motion passed (13 – 0).

8. Exhibit I - Art. 5.B.1.B, Temporary Structures – Portable Storage Containers and Shipping Containers

Ms. Cantor informed the Board that the amendment codifies a new industry trend to allow portable storage containers to be temporarily located on sites with residential uses to accommodate renovation or storage of household items. Regulations related to dimensions, duration, setbacks, etc., are also outlined in the amendment.

Mr. Walesky pointed out that in the case of Zero Lot Line parcels, a setback of 7.5 is not allowed on the zero side, which is where the garage is usually located. Staff indicated that the amendment will be reviewed to address his concern.

Ms. Cantor also noted that the amendment allows the use of shipping containers for temporary storage on a construction site subject to Building Division requirements. She further noted that the amendment clarified longstanding County policy that shipping containers that met and complied with Florida Building Code, and any other applicable development requirements, were permitted.

Motion to approve with modifications related to Zero Lot Line parcels, by Mr. Peragine, seconded by Mr. Strowd. Motion passed (13 – 0).

9. Exhibit J – Art. 16, Airports and F.S. 333.

Ms. Cantor introduced Ms. Colleen Walter, a consultant from Urban Design Kilday Studio, who was contracted by the Department of Airports to process this amendment.

Ms. Walter informed the Board that in 2016 changes were made to Chapter 333, Florida Statutes (FS), Airport Zoning which requires amendments to Article 16, Airport Regulations and consequently Articles 1, 2, 3 and 4, are also amended for consistency with the changes.

Ms. Walter highlighted various parts of the amendments as follows:

Article 1:

- Clarifies structures and other obstructions considered as nonconforming for the purpose of review.
- Clarifies the regulated areas that are exempt from the requirements.
- Proposes terminology consistent with the definition of substantial modification.
- Chapter 333 amendment establishes 50 per cent as the new threshold for improvement cost.
- New and amended definitions which are related to Article 16, for consistency with the definitions in chapter 333.

Article 2: addresses variances and removes the opportunity to seek an airport variance.

Article 3: addresses revised terminology related to the height of buildings and structures.

Article 4: Expands on provisions applicable to Landfill or Incinerator in the Airport Land Use compatibility zone.

Article 16: Revises various sections mainly related to obstructions and hazards, as follows:

- Amendments to reflect the terminology in Chapter 333 for determining incompatible uses on properties surrounding airports.
- The establishment of a procedure for review of land uses in proximity to airports to comply with Chapter 333.
- Amendment to reference the prohibited uses by the naming convention used in Article. 4, Use Regulations.
- Removal of the opportunity to seek a variance due to amendments in Chapter 333, where the legislature removed the variance provisions.
- The amendment reflects the process by which airport signage is currently reviewed and implemented.
- Amendment to references to indicate where maps and other documents are available.

Ms. Walter noted that a minor clarification would be required to the Zoning Commission's authority under Article 2, related to changes to variances under Article 16.

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Motion to approve with changes by Mr. Peragine, seconded by Mr. Zeman. Motion passed (13 – 0).

10. Exhibit K – Requested Use Reference

Ms. Cantor explained that this relates to the Requested Use process reference not deleted from the Code through the Use Regulations Project (URP). The Requested Use approval process was removed from the ULDC and replaced by Class A Conditional Use, to reference Board of County Commission approval.

Motion by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (13 – 0).

* Mr. Bailey leaves.

C. ADJOURN AS LDRAB AND CONVENE AS LDRC

1. Proof of Publication

Motion to accept proof of publication by Ms. Vinikoor, seconded by Mr. Knight. Motion passed (12 - 0).

2. Consistency Determination

The Chair acknowledged receipt of Consistency Determination from the Planning Division. Mr. Scott Rodriguez stated that the proposed amendments in Agenda items, B through T are consistent with the Comprehensive Plan.

Motion to approve consistency determination by Mr. Carpenter, seconded by Mr. Peragine. The motion passed (12- 0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. PUBLIC COMMENTS

There were no public comments.

F. STAFF COMMENTS

Ms. Cantor asked for volunteers for subcommittee meetings in June and July to discuss amendments to Article 2, Development Review Process, to facilitate the presentation of the amendments to this Board in October.

Motion by Ms. Vinikoor to accept Mr. Knight, Mr. Walesky and Mr. Wein to be members of the subcommittee, seconded by Mr. Zeman

Ms. Cantor also asked for volunteers for the Landscape subcommittee. Dr. Borkhataria volunteered to join the Subcommittee.

Motion by Ms. Vinikoor to accept Dr. Borkhataria, seconded by Mr. Carpenter. Motion passed (12- 0).

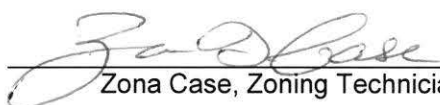
Mr. Cross indicated that Surf Ranch Privately Initiated Amendment (PIA) may be presented to this board in July or August.

G. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:30 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:


Zona Case, Zoning Technician


Date