

## EXHIBIT A

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

(Updated 04/24/19)

#### Minutes of February 27, 2019 LDRAB/LDRC Meeting

On Wednesday, February 27 2019, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1E-60), at 2300 North Jog Road, West Palm Beach, Florida.

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

##### 1. Roll Call

Chair, Mr. Wesley Blackman, called the meeting to order at 2:03 p.m. Mr. Alexander Biray, Code Revision Zoning Technician, called the roll.

##### Members Present: 11

Drew Martin (District 2)\*\*

Philip L. Barlage (District 3)

Lori Vinikoor (District 5)

Myles Basore (District 6)

Daniel J. Walesky Gold Coast Builders Association)\*

Anna Yeskey (League of Cities)

Terrence N. Bailey (Florida Engineering Society)

Frank J. Gulisano (Realtors Association of the Palm Beaches)

Derek G. Zeman (Florida Surveying and Mapping Society)

Charles D. Drawdy (Assoc. General Contractors of America)

Wesley Blackman (PBC Planning Congress)

##### Members Absent: 3

Joanne Davis (District 1)

James Knight (District 4)

Abraham Wien (Member at Large, Alternative #1)

##### County Staff Present:

Jon MacGillis, Zoning Director

Wendy N. Hernández, Principal Site Planner

Jan Rodriguez, Senior Site Planner

Alexander Biray, Zoning Technician

Leonard W. Berger, County Attorney

Bryan M. Davis, Principal Planner

Robert M. Kraus, Senior Site Planner, ERM

John J. Reiser, Environmental Program Supervisor, ERM

Michael Stahl, Deputy Director, ERM

Deborah Drum, ERM Director

##### Vacancies: 4

District 7

American Institute of Architects

Environmental Organization

Member at Large, Alternative #2

\* Mr. Walesky arrived at 2:09 p.m.

\*\* Mr. Martin arrived at 2:11 p.m.

A moment of silence was observed for the late Ms. Barbara Katz.

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

Mrs. Hernández indicated modifications to G.2, Attachment 2 2018 LDRAB Attendance, and addition of G.7, Voting of the Chair and the Vice Chair.

##### 3. Motion to Adopt Agenda

Motion to adopt the agenda as amended by Mr. Gulisano, seconded by Dr. Vinikoor. Motion passed (9-0).

##### 4. Adoption of November 14, 2018 Minutes (Exhibit A)

Motion to adopt the Minutes by Mr. Gulisano, seconded by Mr. Zeman. Motion passed (9-0).

##### 5. Public Comments

There were no public comments.

#### B. ULDC AMENDMENTS – NEW

##### 1. Exhibit B – Article 4, Home Occupation Nuisance

Mrs. Hernández explained the amendment was requested by Code Enforcement as “an objectionable nature” is subjective language, and Article 5 lists noise levels for the different types of uses in zoning.

Motion to approve by Dr. Vinikoor, seconded by Mr. Barlage.

Discussion: Dr. Vinikoor requested consideration to reference Table 5.E.4.B, Maximum Sound Levels.

\*Mr. Walesky arrived at 2:09 p.m.

The Motion passed (10-0).

##### 2. Exhibit C – Article 5, Fuel, Gas and Chemical Storage Tanks

Mrs. Hernández explained the language for any tanks above three feet in height to comply with setbacks of the specific zoning district and be screened from view, based on discussion with Building and Fire representatives over conflict with Florida Building and Fire Prevention codes.

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\*\*Mr. Martin arrived at 2:11 p.m.

Motion to approve by Dr. Vinikoor, seconded by Mr. Drawdy. Motion passed (11-0).

#### 3. Exhibit D – Article 2, Reasonable Accommodation

Mrs. Hernández explained the language is to clarify that somebody who has received a reasonable accommodation approval cannot transfer that approval to a new owner, and would have to reapply.

Discussion: Dr. Vinikoor requested that “county” be capitalized on line 44.

Motion to approve by Mr. Drawdy, seconded by Dr. Vinikoor. Motion passed (11-0).

#### 4. Exhibit E – Article 4, Agritourism

Mrs. Hernández explained the language to allow agritourism as a secondary use by Florida Statutes, as long as the principal use is bona fide agriculture. Mr. Berger clarified how a secondary use is established. Mr. MacGillis noted the Florida Department of Agriculture publishes a pamphlet listing complementary uses they would recommend.

Discussion: Dr. Vinikoor asked for clarification on F.S. §570.85 and F.S. §570.86, and whether to reference both. Mr. Berger responded it could just be F.S. §570.85. A discussion ensued between the Board and Mr. MacGillis and Mrs. Hernández regarding the interpretation on what constitutes agritourism according to Florida Statutes, and how it would relate to the bona fide agricultural principal use.

Motion to approve by Mr. Martin, seconded by Mr. Gulisano. Motion passed (11-0).

#### 5. Exhibit F – Article 14, Environmental Resource Management (ERM)

Mrs. Hernández explained the multiple parts of the amendment. Mr. Krauss noted the first two parts of the exhibit address the excavation code in Article 4. Mr. Krauss also elaborated on the language added for lifting restrictive covenant agreements on dug lakes, clarity on establishing a preserve, and criteria on relocating preserves with higher standards.

Discussion: Mr. Bailey expressed concern over the language stating “any” water management tract, which Mr. Krauss responded would be nullified if a dug lake is in the same drainage basin. Mr. Krauss also noted restrictive covenants could be transferred to other pods with an amendment. Dr. Vinikoor suggested the provision about gopher tortoises be changed to apply to species generally in case any more are applicable for a relocation permit in the future. Mr. Martin dissented that the added language might make it easier for developers to get out of conservation.

Motion to approve by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (10-1). Mr. Martin voted nay.

#### 5. Exhibit G – Article 4, Adult Entertainment

Mrs. Hernández explained the purpose of the amendment is to reflect a study by consultants to analyze sites available for Adult Entertainment to ensure that the County is still in compliance.

Discussion: Mr. Blackman wanted to know if the report was available online. Mr. MacGillis said it is not, but available from the Zoning division. Mr. Bailey concurred about making the report public, and recommended it be distributed to local municipalities in case a nearby area somebody might believe is within a municipality is in question.

Motion to approve by Mr. Bailey, seconded by Dr. Vinikoor. Motion passed (11-0).

#### 5. Exhibit H – Article 1 and 11, Legal Lot and Potentially Buildable Lot

Mrs. Hernández explained the language being deleted and relocated from Article 1 to Article 11 with some revisions, because Zoning was receiving double work receiving applications which are delivered to Land Development and Planning. She stressed it is only reorganization and not changing regulations. However, language was removed addressing nonconforming legal lots platted in the early twentieth century which cannot realistically use RS district property development regulations, which Mrs. Hernández clarified would use percentage instead.

Discussion: Mr. Bailey disclosed to Mr. Berger that his wife works in the Land Development division.

Motion to approve by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (11-0).

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#### D. ADJOURN AS LAND DEVELOPMENT REVIEW ADVISORY BOARD (LDRAB) AND CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

##### 1. Proof of Publication

The Chair acknowledged Proof of Publication and Mr. MacGillis and Ms. Hernández also confirmed the publication.

Motion to accept Proof of Publication by Dr. Vinikoor, seconded by Mr. Zeman. Motion passed (11-0).

##### 2. Exhibit D, PIA-2018-2043 Renewable Energy Solar Facilities

Motion to continue public hearing next month by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (11-0).

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

The Land Development Regulation Commission adjourned and reconvened as the Land Development Review Advisory Board at 2:38 p.m.

#### G. Annual Organization Discussion

##### 1-5. Attachments 1-9

Mrs. Hernández reviewed the Attachments and presented a PowerPoint presentation for upcoming Code Amendments. For Attachment 1, the Mr. Blackman noted confusion with the colors used, specifically red and black. Mrs. Hernández noted the pending confirmations for Robert J. Harvey and new American Institute of Architects representative to be appointed in March. For Attachment 3.b, Ms. Hernández addressed the one amendment different from LDRAB approval, where "as amended" was stricken out for FP&L's "Right Tree, Right Place," because the County wants to review any changes. Mr. Gulisano noted a typo in Attachment 7, where the BCC Hearing – 1<sup>st</sup> Reading for Round 2019-01 was July 25, 2019 instead of July 24, 2019 for Wednesday. Dr. Vinikoor suggested "agro-tourism" be referred to as "agritourism" for consistency. Mr. Bailey asked if the Board can be informed if any changes are made by the BCC.

##### 6. Attachment 10, Sunshine Law Overview

Mr. Berger advised the Board on the Sunshine Law about prohibited communication between members. Mr. Martin asked whether his reply to an email regarding Ms. Katz's passing was technically a violation. Mr. Bailey noted his statement was foreseeable. Mr. Walesky asked how the Sunshine Law would apply to Workshops if more than one Board member attends. Mr. Berger advised as long as Code language is not discussed.

##### 7. Voting of the Chair and the Vice Chair

Motion to nominate Mr. Blackman as Chair by Dr. Vinkoor, seconded by Mr. Gulisano. Motion passed (11-0).

Motion to nominate Dr. Vinikoor as Vice Chair by Mr. Gulisano, seconded by Mr. Zeman. Motion passed (11-0).

Discussion: Mr. Martin suggested rotating Chairs. Mr. Blackman assured that he does not have a lock on the position base on the longevity of his tenure, and would relinquish the Chairmanship if somebody else wanted to take it over.

#### H. STAFF COMMENTS

Mr. MacGillis explained the Sober House Subcommittee being shut down based on Staff disagreements over Reasonable Accommodation, and that the County would hire the same consultant hired by the City of Delray Beach and City of Boynton Beach for analysis and reconvene in the next round with medical use.

#### I. BOARD MEMBERS COMMENTS

Mr. Martin wanted to know what discussions Mr. MacGillis had with the Resiliency Coordinator, if there is any opportunity to report back to the Board, and if there are any amendments, adoptions, or recommendations based on the discussion. Mr. MacGillis said their discussions are informal, and County Administration is trying to get her involved with more operations of departments, including Zoning Review, and will update on when the meeting occurred and what results were coordinated. Mr. Martin wondered if there should be an LDRAB subcommittee.

#### J. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:03 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.