EXHIBIT A

PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of April 24, 2013 Meeting

On Wednesday, April 24, 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 2:02 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 16
Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Henry Studstill (District 7)*
Raymond Puzzitiello (Gold Coast Build. Assoc.)
Gary Rayman (Fl. Surveying & Mapping Society)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)
Jerome Baumoehl (AIA)
Edward Tedtmann, Environmental Organization)
Richard Kozell (District 1)
Barbara Katz (District 3)
Frank Gulisano (PBC Board of Realtors)
Leo Plevy (Member At Large, Alt.)

Members Absent: 2
Maurice Jacobson (Condominium Association)
James Brake (Member At Large, Alt.)

Vacancies: 1
(Assoc. General Contractors of America)

County Staff Present:
Leonard Berger, Assistant County Attorney
Rebecca D. Caldwell, Executive Director, PZ&B
Jon MacGillis, ASLA, Zoning Director
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
John Rupertus, Senior Planner, Planning
Scott Rodriguez, Site Planner I, Zoning
Zona Case, Zoning Technician, Zoning
Robert Kraus, Senior Site Planner,
Environmental Resources Management (ERM)

2. Additions, Substitutions, and Deletions

Chair Wes Blackman noted that there were no additions, substitutions, and deletions.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Ms. Vinikoor, seconded by Mr. Puzzitiello. Motion passed (15* - 0).

4. Adoption of March 27, 2013 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Mr. Rayman. Motion passed (15* - 0).

* Henry Studstill arrives at 2:06 p.m.

B. RECOGNITION OF FORMER BOARD MEMBER: MARTIN KLEIN

The Chair noted that Mr. Klein could not be present and the item was postponed.

C. ULDC AMENDMENTS

Exhibit B, was explained by Mr. Cross, as follows:

1. Exhibit B – Art. 1, General Provisions
   Mr. Cross explained that the revision of the Coastal High Hazard Area definition was needed for consistency with the Comprehensive Plan amended in Round 2011-02, and the clarification of Mobile Home definition was for the purpose of allowing a pot bellied pig as a household pet in accordance with Art. 5.B.1.A.21. Also included was the addition of acronyms for Lifestyle Commercial Center (LCC) and the Agency for Health Care Administration (AHCA).

   Motion by Mr. Gulisano, seconded by Ms. Katz. The Motion passed (16 - 0).

2. Exhibit C - Exemptions/Applicability for Prior Approvals
   Mr. Cross stated that Exhibit C corrects minor scrivener's errors inconsistent with "reason" for original amendment.

   Motion by Mr. Gulisano, seconded by Ms. Katz. The Motion passed (16 - 0).

3. Exhibit D - Art. 10, Enforcement
   Mr. Kraus stated that the amendment ensures that the County is authorized to impose penalties and fines under Chapter 403, F.S, as required by their contract with the Florida Department of Environmental Protection (FDEP).

Motion by Mr. Gulisano, seconded by Ms. Katz. The Motion passed (16 - 0).

4. Exhibit E - Electrified Fences
The Reasons for Amendment outlined the background and summary of staff's current areas of concern about electrified fencing. Staff continued to have reservations with the proposed fencing but had sought to work out compromises that would address concerns with safety and aesthetics. Mr. Cross indicated that there were only two key issues outstanding.

Minimum spacing required for warning signage: The applicant had proposed requiring a minimum of 60 feet between signs as it facilitates installation due to the most common distance between fence poles versus, while staff had recommended 30 feet spacing for safety reasons. Prior to the meeting staff had offered a compromise of 45 feet space between warning signs along an electrified fence; however, the applicant declined.

Mr. Gulisano suggested the Board support staff's recommendation of 45 feet.

Mr. Cross referred to Page 14, line 12 which included the language originally proposed by the applicant related to landscaping and screening. He indicated that staff had issues with a revision requested by the applicant to insert the word "vegetation" as it would likely create future issues with interpretation. Mr. Cross also advised that staff was not comfortable accepting the applicant's proposal to require a Type III Incompatibility Buffer, indicating that existing landscape perimeter buffer standards combined with an additional requirement to screen electrified fences within 50 feet of certain property lines was sufficient. While short notice, he indicated that he had spoken to Mr. Barry shortly before the meeting commenced and believed that all parties would be in agreement with the following recommendations:

- deletion of (a) in its entirety because it adds another layer of complexity for everyone; and,
- that (b) All other Properties, P 14, Line 14 replace (a) with the following changes to the text:

~~(b)~~ (a) ~~All Other Properties~~ Within Required Setbacks
Electrified fences shall not be permitted within any required setback ~~from~~ or within 50 feet of property lines, unless the perimeter landscape buffer is in compliance with Art. 7, Landscaping.

In reading the proposed simplification into the record, Mr. Cross pointed out that other clarification may also be required, and he inquired if Mr. Barry had any objections.

Mr. Barry said the language was appropriate and he liked the simplicity and brevity. He was of the opinion that his client would not object to it.

A discussion followed in which the following views were expressed:

- Mr. Baumoehl expressed concern about aesthetics and the Reasons for Amendment which stated that electrified fences serve as deterrent to crime in industrial or in other similar areas. His concern is mainly related to public perception of slum and blight.

- Mr. Carpenter said that many of the locations are on Military Trail and US 1 and the fencing will be unattractive as it will look like the perimeter of a prison. He did not think it appropriate.

- Mr. Gulisano reminded Mr. Carpenter that the fence consists of two feet of wires above the 6 foot fence or the maximum height permitted by the Code. Mr. Cross added that the additional 2 feet would be there only if landscaping requirements were met.

- Mr. Bailey said that there should be more concern for the perspectives of pedestrians and less concern for the perspectives of those driving by. Electrified Fences might provide pedestrians the impression of something hazardous in the area which is not consistent with the intent of the Board to provide sense of community to the County residents.

Motion by Ms. Vinikoor to accept staff's recommendation of 45 feet for the space between warning signage; deletion of section (a) Properties Fronting Roadways on Page 14, line 12; renumbering of standards (b) to new (a) starting with "All other Properties" with the text changes as stated by Mr. Cross.

Motion by the Chair for vote on a roll call. The Secretary called the roll. The motion passed (13 - 3). Mr. Carpenter, Mr. Baumoehl and Mr. Zimmerman voted nay.

D. Convene as LDRC

1. Proof of Publication

Motion to approve by Mr. Puzzitiello, seconded by Ms. Katz. Motion passed (16 - 0).

2. Consistency Determination

Mr. John Rupertus stated that the proposed amendments in Exhibit E were consistent with the Comprehensive Plan.

Motion to approve consistency determination by Ms. Katz, seconded by Ms. Vinikoor. The motion passed (16 - 0). Adjourned as LDRC.

E. Reconvene as LDRAB

F. Privately Initiated Amendments

Phase 1, Initiation of Code Amendment by Urban Design Kilday Studios to Allow for detached accessory structure on Recreational Vehicle Planned Development District (RVPD) lots.

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

Mr. Cross referred to the staff report on Page 16 which recommends that this privately initiated amendment be included in Round 2013-02, because of the priority being given to the 2013-2014 Use Regulations Project. He also referred to the Background and Summary on the report and said Mr. Tuma of Urban Design Kilday would provide more information.

Mr. Ken Tuma stated that the application is to allow for detached accessory structures, no more than 200 square feet in size, on individual Recreational Vehicle Planned Development District (RVPD) lots. Mr. Tuma did a slide presentation of similar coach houses in Florida and provided clarifications to the change as follows:

- This is a new industry trend associated with high-end Recreational Vehicles;
- The structures will be used mainly for storage of outdoor furniture due to limited storage area in the Recreational Vehicles (RV);
- Structures have to comply with Building Code and include electricity, water and sewage service to include a bathroom and a sink for convenience of the RV users;
- The structure is not for living purposes;
- The average residency time is three months, the remaining time the lot may be rented out;
- The lots will not be fee simple, they will be treated as condominiums; and,
- A typical RV size is 8' foot wide by 45' in length.

Board members expressed the following views:

Mr. Baumoehl would like to see language to clarify the structure is not habitable to avoid building code issues, in addition to compliance with landscaping and aesthetics.

Mr. Carpenter said that this constitutes turning a RV Park into a motel, which is not the purpose of these developments. He disagrees with the concept of permanent structures in a RV Park.

Mr. Kozell requested clarification on how the privately initiated amendment process worked and sought to confirm that if the BCC moved to accept the application, that the actual

amendment would be further researched and brought back to the LDRAB at a later date, to which Mr. Cross indicated that was correct.

Ms. Caldwell explained that although timing is important, the Board has the option to say they don't support it. She further said that mobile home parks are allowed to have accessory structures. The lot size may have to be adjusted to meet Fire Rescue and Building Code requirements, but the proposal is being presented to assess the viability and then it would come back to this Board.

Mr. Tuma turned the presentation over to Mr. Randall Henderson, a motor coach resort specialist with forty years experience in the business. He provided information about RVs, as follows:

- This request came as a result of RV owners in other parts of the Country buying temporary structures to store patio furniture and other items which became permanent structures on site that were not in compliance with local codes;
- Storage is very important to RV travelers as it minimizes the amount of items that have to be carried back and forth, such as grilles, bicycles, etc;
- The buildings are designed to be architecturally congruent with other permanent structures in the park and most lots are closer to 4,000 square feet in size; and,
- It was common practice in RV communities/industry to entertain outside of the vehicle.

Mr. Henderson concluded by stating that the RV industry has changed to include pools and gazebos in some cases and these structures are just another change.

Mr. Puzzitiello expressed a positive view of the request and said the owners are mostly affluent, which is beneficial to the economy of the area. Ms. Vinikoor agreed and added that the concept is fascinating and should be considered to encourage tourism in Palm Beach County.

Mr. Gulisano said he had no objection to the houses but would like provisions to limit what can be done in the structure, and the toilet to be accessible only from outside.

The Chair said the discussion was useful and questioned if the Board would like the proposal to go further.

Mr. Kozell opined that in weighing the benefits and risks, there is nothing to lose by considering it, and no harm in giving them the opportunity. He proposed a vote to move forward but leave it to the Commissioners to make the decision about the time.

Motion by Ms. Vinikoor, seconded by Mr. Puzzitiello. Motion passes. (14 - 2). Mr. Baoumoehl and Mr. Carpenter voted nay.

G. Public Comments

There were no public comments.

H. STAFF COMMENTS

1. Status of the Use Regulations Project

   Ms. Cantor presented the status of the Use Regulations Project in Power Point, which included the tentative timeline allocated to each use classification. She advised as follows:

   - The First Subcommittee Meeting for Industrial Uses will be held on May 14, 2013.
   - The matrices are being consolidated into one Matrix.
   - The standards, content and approval process for each use will be reviewed.
   - The public is being informed through different media, such as newsletter, web page channel 20, and monthly public forums.

   Ms. Cantor said that the changes will facilitate and be beneficial for industry and she thanked members for their support at the subcommittee meetings. At the request of the Chair she agreed to provide a copy of the Power Point presentation in pdf format.

   Ms. Caldwell expressed excitement about the Use Regulations Project saying that it has been over a decade since it was reviewed and there have been so many changes during that time. She further said this will encourage industry and be helpful to anyone wishing

to enhance an existing site. She appreciates the Board's input at this time and wishes to add her enthusiasm and ask for their participation as soon as they are able to do so.

Mr. Cross advised the Board that a meeting has not been scheduled for June, 2013.

I. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:37 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: Zona Case 5/22/13

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