

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of October 24, 2012 Meeting

On Wednesday, October 24, 2012 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.

A. Call to Order/Convene as LDRAB

1. Roll Call

The 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

Joanne Davis (District 1)
David Carpenter (District 2)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Martin Klein (District 7)
Raymond Puzziello (Gold Coast Builders Assoc.)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Engineering Society)
Jerome Baumoehl (AIA)
Frank Gulisano (PBC Board of Realtors)
Gary Rayman (Fl. Surveying & Mapping Society)

Vacancies: 2

Vacant (Assoc. General Contractors of America)
Vacant (Member At Large, Alternate)

Members Absent: 4

Wes Blackman, AICP, Chair (PBC Planning Congress)
Maurice Jacobson (Condominium Association)
Rosa Durando (Environmental Organization)
Leo Plevy (Member at Large, Alternate)

County Staff Present:

Leonard Berger, Assistant County Attorney
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
John Rupertus, Senior Planner, Planning
Robert Krauss, Senior Site Planner, ERM
John Reiser, Environmental Prog. Supervisor, ERM
Kenny Wilson, Environment Specialist III, Health
David Nearing, Site Planner I, Zoning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Cross noted changes to the Reasons for Amendment text in Exhibit H, Art. 14, Environmental Standards which would be read into the record by Mr. Robert Krauss and a second change in Exhibit D, Congregate Living Facilities to also be read into the record at time of presentation of the exhibits. Mr. Cross advised that the procedures for Board re-appointments had changed and inquired if there were any questions. Ms. Cantor apprised the Board of those members whose term will expire in February 2013.

3. Motion to Adopt Agenda

Motion to adopt agenda by Ms. Vinikoor, seconded by Mr. Klein. The motion passed (13-0).

4. Adoption of August 22, 2012 Minutes (Exhibit A)

Motion to adopt by Mr. Gulisano, seconded by Ms. Klein. The motion passed (13-0).

B. ULDC AMENDMENTS

1. Exhibit B, Improvement Value

Ms. Cantor explained that the amendment will replace the term "assessed value" with the term "improvement value" to be consistent with a prior amendment which better reflects the value of the building and is consistent with the Palm Beach County Property Appraiser.

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

2. Exhibit C, Historic Resources Review Board (HRRB) Terms

Mr. Cross stated that the Planning Director requested removal of the restriction on reappointment of members on the Historic Resources Review Board to allow members to serve multiple terms.

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

3. Exhibit D, Congregate Living Facilities (CLF's)

Mr. Cross stated that the amendment implements minor revisions to be consistent with Florida Statutes 419.001(1)(a) to update separation requirements for Type 1 and 2 CLFs. He clarified that lines 13 and 14 of the exhibit should read: "A type I CLF regulated by F.S. §419.001(1)(a) as amended, shall not be located within 1,000 feet of another Type 1 CLF regulated by F.S. §419.001(1)(a)."

Members discussed the proliferation of "Sober Houses" which is causing deterioration in many neighborhoods. Mr. Berger explained that a Type 1 CLF is allowed in a single-family

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home and Sober Houses are protected by the Americans with Disabilities Act. They can only be prevented if there is such a concentration in the neighborhood that it causes disruption. Mr. Carpenter suggested that other municipalities be consulted to see what is being done to counter the spread.

Motion to adopt by Mr. Vinikoor, seconded by Ms. Puzziello. The motion passed as amended (12-1). Mr. Baumoehl voted Nay.

4. Exhibit E, Funeral Homes and Crematories

Mr. Cross explained that Exhibit E specifies the differences between Crematory, Cemetery and Funeral Home, clarifies the approval processes required and additional standards applicable to these uses. Ms. Brinkman questioned why Funeral Home uses located in Industrial Future Land Use (FLU) designation of Multiple Use Planned Development (MUPD) is subject to BCC approval while one located in standard industrial districts is approved by the Development Review Officer (DRO). She continued stating that Planned Development Districts require additional standards that could have less potential impacts on surrounding communities and there is no reason to be treated differently within MUPD. Mr. Cross clarified that there is a reason noted in line 20 of page 14 of 26 that indicates the use is limited in standard districts to not allow funeral services and the use is proposed to be allowed now in MUPD. A discussion followed and the Board and staff agreed to change the proposed approval process in Industrial FLU MUPD from Requested Use to DRO and amend title in line 20 of page 14 of 26 to include "MUPD with Industrial FLU" within the restrictions of Funeral Home.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Klein. The motion passed as amended (13-0).

5. Exhibit F, Outdoor Recreation Standards

Ms. Cantor summarized that the Exhibit:

- Amends the definition of Recreation Facility to clarify that it only applies to the recreational pod in a PUD or residential subdivision, and that it is a neighborhood facility intended to serve a limited population;
- Consolidates setbacks applicable to outdoor recreational facilities excluding swimming pools and spas, which are identified elsewhere;
- Introduces the term "Outdoor Recreation Amenities" to encompass all open-air amenities for sports or recreation activity; and
- Clarifies that open space used to justify permitted reductions in setback requirements must be dedicated for open space purposes.

Ms. Brinkman asked what should be the reference to measure setbacks of outdoor recreation amenities as the Code just stated edge of the court surface or fence for which Ms. Cantor suggested adding the language "whichever is more restrictive" to line 2, page 17 of 26.

Motion to adopt by Mr. Klein, seconded by Ms. Vinikoor. The motion passed as amended (13-0).

6. Exhibit G, Zero Lot Line Overhang Easement

Ms. Cantor said the amendment corrects a scrivener's error in Art. 5.F.1.F.1.a.5)i), which incorrectly requires a minimum three foot roof overhang easement for Zero Lot Line (ZLL) homes, for consistency with Art. 3.D.2.C.9.c, Maintenance and Roof Overhang Easement which correctly specifies a minimum of two feet.

Motion to adopt by Ms. Klein, seconded by Mr. Gulisano. The motion passed (13-0).

7. Exhibit H, Art. 14, Environmental Standards

Mr. Bob Krauss, Senior Site Planner in the Environmental Resources Management Department, said that incorrect references were made in the Reasons for Amendments and read the following into the record:

Part 4 - Pg. 20, line 31 Reason for Amendment and Part 8 - Pg. 25, line 4, Reason for Amendment, Reference to F.A.C. Table 62-625-880 should be corrected to read 62-550.

Mr. Krauss summarized the amendments, as follows:

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- Clarifies: definition of Wellfield Zones; the exemptions available to nonresidential facilities that stores, handles, produces or uses any regulated substances; the BCC process for approval of Wellfield protection maps and permit conditions for Wellfield Zones of Influence;
- Modifies text to allow a buy-out option for the planted littoral zone where not viable;
- Changes appeals to be presented to the Hearing Officer instead of the Environmental Ordinance Appeals Board;
- Revises text to streamline map adoption process and update citation of the parameters of the raw water analysis standards for each well;
- Specifies which zones require a closure permit;
- Addresses the process for petitioning for compensation;
- Deletes outdated list of pollutants that is updated by the State; and
- Revises text to update location of the parameters of the raw water analysis standards for each well.

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

C. PUBLIC COMMENTS

There were no public comments.

D. STAFF COMMENTS

Mr. Cross updated the Board on topical issues scheduled for discussion with the BCC:

October 25 BCC Zoning Hearing – Zoning Director's Comments:

- Golf Courses and Noise (hours of operation for lawn maintenance equipment) to recommend no change to existing regulations;
- Stand alone ATM's – request for input regarding possible need for standards;

December 5 BCC Zoning Hearing – Zoning Director's Comments:

- Internet Café – To present a memo to clarify status; and,
- Murals and Art for Public Places to be included in ULDC amendment round 2013-01.

Mr. Cross also advised that the BCC directed Zoning staff to process a privately initiated amendment to allow for the use of electric fences located on commercial properties. Zoning will be convening a subcommittee to include various design and security professionals, and other interested parties. Ms. Vinikoor, Mr. Bailey, Mr. Baumohl and Ms. Katz volunteered to serve on the subcommittee.

E. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:05 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
Name


Signature

11/14/12
Date