

**EXHIBIT A**

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

**Minutes of March 23, 2011 Meeting**

On Wednesday, March 23, 2011 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Second Floor Meeting Room (VC-2E-55), 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 2:05 p.m. Ann DeVeaux, Code Revision Zoning Technician, called the roll.

**Members Present: 13**

Wesley Blackman (PBC Planning Congress)  
Raymond Puzzitiello (Gold Coast Build. Assoc.)  
Jose Jaramillo (AIA)  
Rosa Durando (Environmental Organization)  
Michael Cantwell (PBC Board of Realtors)  
Gary Rayman (Fl. Soc. of Prof. Land Surveyors)  
Terrence Bailey (Florida Eng. Society)  
Joanne Davis (District 1)\*  
Barbara Katz (District 3)  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Martin Klein (District 7)  
Patrick Gleason (Member At Large, Alternate)

**Members Absent: 3**

David Carpenter (District 2)  
Maurice Jacobson (Condominium Association)  
Mike Zimmerman (District 6)  
**Member At Large: 1 (Not Attending)**  
Robert Schulbaum (Member At Large, Alternate)  
**Vacancies: 2**  
Vacant (League of Cities)  
Vacant (Assoc. General Contractors of America)

**County Staff Present:**

Bob Banks, Assistant County Attorney  
Jon MacGillis, Zoning Director  
William Cross, Principal Site Planner, Zoning  
Monica Cantor, Senior Site Planner, Zoning  
Ann DeVeaux, Zoning Technician, Zoning  
John Rupertus, Senior Planner, Planning  
Robert Kraus, Senior Site Planner, ERM  
Glenn Mark, Registered Land Surveyor, Survey Div.

**2. Additions, Substitutions, and Deletions**

Mr. Cross introduced Patrick Gleason as the new Member at Large Alternate.

**3. Motion to Adopt Agenda**

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0).

**4. Adoption of February 23, 2011 Minutes (Exhibit A)**

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0).

**B. ULDC Amendments**

**1. Exhibit B: Article 1 – General Provisions**

Mr. Kraus explained that the definition for Coastal Construction is being amended to reflect applicability to a limited portion of Article 14 that pertains to ERM's role in regulating development where associated with Sea Turtle Protection or Sand Preservation.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0\*).

**2. Exhibit C: Article 2 – Development Review Procedures**

Ms. Cantor stated that the amendment deletes requirements related to the Annual Public Facilities Update Report which was deleted in Ordinance 2010-022, Exhibit L.

Motion to adopt by Raymond Puzzitiello, seconded by Jose Jaramillo. The motion passed unanimously (12-0\*).

**3. Exhibit D: Article 6 – Parking**

Ms. Cantor explained that the amendment in Part 1 includes references to the Florida Building Code, Chapter 11, and Florida Accessibility Code for Building Construction, to increase the number of parking spaces for persons who have disabilities when medical

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uses serve persons with mobility impairment; and, Part 2 corrects the dimensions for the striping illustrated in Figure 6.A.1.D, Striping Standards to be consistent with the language in Art. 6.A.1.D.14.b.5, Stripes.

Mr. Jaramillo mentioned that Chapter 11 will be pulled out of the Building Code and a new American with Disabilities Act (ADA) Code will be forthcoming.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0\*)

#### 4. Exhibit E: Article 8 – Signage

Ms. Cantor stated that the amendment relates to a minor glitch in Ordinance 2007-013 to correct symbols used for the R-O-W width dimensions that determine the maximum height of freestanding signs. It includes greater than or equal to symbols shown separately to facilitate reading of the table.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0\*).

\* Joanne Davis arrives at 2:13 p.m.

#### 5. Exhibit F: Article 11 – Subdivision, Platting and Required Improvements

Mr. Mark explained that the proposed amendment revises references for consistency with Florida Minimum Technical Standards applicable to surveys; revises the Chapter number in the Florida Administrative Code (F.A.C.) that is applicable to Florida Surveyors and Mappers; and, clarifies the type of survey required for subdivision submittals.

Mr. Rayman asked if the abstracted boundary survey in Part 3 still requires the survey to be signed and sealed. Mr. Mark answered that a survey always needs to be signed and sealed regardless if it is certified or not.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (13-0).

#### 6. Exhibit G: Criteria for Rezoning

Mr. Cross summarized that the amendment reorganizes language and clarifies that a parcel's Zoning District shall be consistent with its Future Land Use Designation; and, clarifies that any request for a Development Order is subject to review to determine consistency with rezoning.

From the public, Ms. Thuy Shutt of Westgate Belvedere Homes CRA questioned how variances and rezoning are handled when multiple zoning districts are involved. Joni Brinkman of Urban Design Kilday Studios questioned if authorization to rezone is not given, can the platting process still be pursued.

Mr. MacGillis clarified that the intent of the regulations is not to be a barrier to redevelopment. If the lowest zoning district is chosen and the parcel is not a legal lot of record, a variance would not be required.

Ms. Durando expressed concerns regarding how land use is determined and if 25 percent of agricultural land is still preserved for agricultural use. Mr. Cross explained that land use is determined by the Comprehensive Plan which is implemented by the ULDC. Any use that existed prior to 1957 is vested. Mr. Rupertus clarified that the land use for a 25 percent preservation parcel reserved for agricultural use was changed through a public hearing process to RR-10.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed (12-1). Ms. Durando voted nay.

#### 7. Exhibit H: Generators

Ms. Cantor explained that the amendment corrects the square footage requirement for club houses in TDDs from 2,500 to 20,000 to provide a permanent generator. This change was inadvertently omitted in Ordinance 2007-013 when the original change of the square footage was approved. Ms. Cantor further explained the amendment also

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replaces the term "current assessed value" for "Improvement Value" to match Art. 1 E, Prior Approvals.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (13-0).

**8. Exhibit I: Mechanical Equipment**

Ms. Cantor stated that the amendment clarifies inconsistencies in the exemption from requirements for mechanical equipment screening located on structures adjacent to non-industrial uses. Discussion ensued regarding proposed language requiring a line of sight drawing in order to demonstrate that mechanical equipment would not be visible from a R.O.W. The consensus was to change the language in page 27 of 27, Article 5.B.1.A.19.a.2).b), Exemption as follows: line 21, change the word "may" to "shall" and make it numeral (1), place below (1) the language under lines 23 to 25, Art. 5.B.1.A.19.a.2).b).(1) to be (1)(a), lines 29 to 30, Art. 5.B.1.A.19.a.2).b).(3) to be (3)(1)(b), and, lines 35 to 39, Art. 5.B.1.A.19.a.2).b).(4) to be (4)(1)(c). It was proposed to have numeral (2), Article 5.B.1.A.19.a.2).b).(2), lines 26 to 28, as a separate statement and include the following underlined text at the beginning of the sentence: "Subject to Zoning Director discretion, the screening may not be required for any industrial use with ..."

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (13-0).

Mr. Knight mentioned a recent article in the Palm Beach Post that referenced the State spending money to create jobs while small businesses are being shut down simultaneously for Code violations. He expressed that revisions to Code language should be viewed from the standpoint of acting in the best interest of the public and job creation versus the possible elimination of jobs, particularly for cases involving farmers markets. Mr. Cross commented that Zoning staff supported the concept of locally grown produce and uses that provided such to be available in neighborhoods or to the general public. Mr. Cross reiterated that staff had mentioned they would be convening a subcommittee on farmers market and produce stands in the next round. The following LDRAB members expressed interest in participating on the subcommittee: Lori Vinikoor, Wes Blackman, Joanne Davis and Jim Knight.

**C. Public Comments**

No public comments were heard at the meeting.

**D. Staff Comments**

Mr. Cross gave an update on the following subcommittees and the Mining consensus building workshops:

- Excavation-Mining – The Consensus Resolution Process involving environmentalist and land owners is ongoing. The third workshop is scheduled for March 25 and a workshop with the BCC has been scheduled for April 12, 2011.
- Renewable Energy (Wind) - The next meeting is March 30 to present a draft exhibit that incorporates feedback obtained from the subcommittee on March 2.
- Urban Redevelopment Area (URA) – The Planning Division is presenting proposed text amendments to the Planning Commission on March 25, and will be presented to the BCC on March 28 for Transmittal to DCA. The 1st subcommittee meeting is March 30.
- Pain Management Clinics – A Zoning In Progress (ZIP) has been initiated to regulate the dispensing of targeted drugs by Doctors and pharmacies. The next meeting is scheduled for April 18.

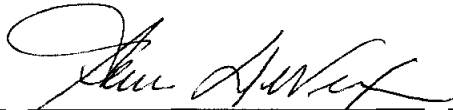
**E. Adjourn**

The Land Development Regulation Advisory Board meeting adjourned at 3:02 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:

Ann DeVeaux, Zoning Tech.

  
Name (signature)

4-14-11

Date

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