



**DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)**  
**NOVEMBER 9, 2018 2:00 PM – 4:00 PM**

**PZ&B – VISTA CENTER, 2300 NORTH JOG RD.,  
WEST PALM BEACH, FL 33411  
2<sup>ND</sup> FLOOR CONFERENCE ROOM (VC-2E-12)**

**AGENDA**

**Member Items**

- 1) **REVIEW MINUTES - GLADYS**
  - August 10, 2018 Minutes – (ATTACHMENT 1, Pg. 2)
- 2) **BACKDATING OF COMMENTS – JON SCHMIDT**
- 3) **DEPARTMENTS PROVIDING COMMENTS AFTER DEADLINES, THUS REQUIRING ADDITIONAL RESUBMITTAL FEE – JON SCHMIDT**
- 4) **FEES REQUIRED FOR RESUBMITTAL FOR COMMENTS REQUEST TO BE WAIVED – JON SCHMIDT**
- 5) **SUGGESTIONS FOR STAFF TO CONSIDER ZONING PROCESSES FROM DODI GLAS (ATTACHMENT 2, Pg. 8) - PAT**

**Staff Items**

- 1) **ULDC ART. 7 2018-02 ROUND – FPL PROVISIONS AMENDMENT (ATTACHMENT 3, Pg. 10) – MARYANN**
- 2) **DRO DEADLINES / REQUEST APPTS / FEE ASSISTANCE FOR INTAKE/RESUBMITTAL**
- 3) **WCRA LETTER FOR ZAR APPLICATIONS - MONICA**
- 4) **OCTOBER 11, 2018 MEETING ON ART. 2 2017-02 AMENDMENTS & REORG DISCUSSION (ATTACHMENT 4, Pg. 20) - JON**
- 5) **2019 CALENDAR DATES – BILL CROSS**
- 6) **2018-02 ROUND SCHEDULE / KEY AMENDMENT SUMMARY (DISTRIBUTE AT MEETING) – WENDY**
  - a. 11/26/18 – PERMISSION
  - b. 12/8/18 – 1<sup>ST</sup> READING
  - c. 1/3/19 - ADOPTION
- 7) **2019-01 ROUND – KEY DATES - WENDY**

**General**

- 1) **TOPICS FOR NEXT MEETING – GLADYS**
- 2) **ADJOURN**



**SPECIAL MEETING  
DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)  
FRIDAY, AUGUST 10, 2018 2:00 PM-4:00 PM  
PZ&B – VISTA CENTER  
2300 NORTH JOG RD., WEST PALM BEACH, FL 33411  
HEARING ROOM CHAMBER (VC-1W-47)**

**MINUTES**

**CALL TO ORDER: AT 2:01PM**

**ATTENDANCE:**

**MEMBERS PRESENT:** Lauren McClellan, Collene Walter, Kevin McGinley, Patricia Lentini, Bradley Miller, Evelyn Pacheco (for Gladys DiGirolamo)

**INTERESTED PARTIES:** Bill Whiteford

**PZB ZONING STAFF:** Jon MacGillis, Maryann Kwok, Bill Cross, Carolina Valera, Carrie Rechenmacher, Meredith Leigh, Lindsey Walter, Jan Rodriguez, Melissa Matos, Monica Cantor, Barbara Pinkston, Susan Goggin, and Yvonne Wamsley.

**AGENDA**

**MEMBER ITEMS**

**1. REVIEW MINUTES– LAUREN MCCLELLAN**

Lauren opened the meeting at 2:01pm.

Lauren inquired with Committee Members if they had any changes for the Regular DRAC May 4, 2018 meeting. Collen Walter requested clarification on item #4 Calendar Clarifications specific to the number of times per month Certification is completed. Bill Cross confirmed that the 2018 Calendar allowed for potential Certification twice per month.

Bill Whiteford requested to be a member of DRAC. Collene Walter made the motion to add Bill Whiteford as a DRAC member, with all in favor. Motion passed.

**2. 2018 PUBLIC CALENDAR CLARIFICATIONS – BILL CROSS**

- Lauren conveyed there are still some issues involving certifications. Bill Cross indicated that staff have been working diligently to find solutions to resolve the issues. A Working Round Table has been proposed by the Zoning Director, with participants from industry and County DRO Agency Staff for Monday, September 10, 2018 @ 2 – 3:30pm. to discuss the dates for 2019 Calendar.

Jon MacGillis inquired to DRAC members if it is possible to push the resubmittal date back 1-2 days; and she concurred. Bill posed the question to DRAC Members if they truthfully could assemble a viable Application to include revised Studies (e.g. traffic, drainage, etc.), Justification, Surveys, etc. over the weekend – for resubmittal? DRAC Members stated that in general, the months with holidays are where the issues occur more frequently for submittals. The month of August was the perfect month for 2018 where the calendar worked for resubmittals and comments, since there was a one week hiatus in between the prior Certification/Approval and the next Resubmittal deadline.

Bill Whiteford suggested going back to using as an example the 1<sup>st</sup> or 3<sup>rd</sup> of the month verses specific dates as in past Zoning practice. They stated this would be predictable. Per Bill Cross clarification, there are two resubmittals current;u and there are issues with multiple Palm Beach County DRO having the necessary time to review back to back comments on resubmittals and new

applications They don't have the staff to continue to review resubmittals unless something changes. . Not only are there issues with public hearing application resubmittals with the Agents deadlines and turnaround, these same issues apply to County DRO Agency staff and Zoning is having to do more and more coordination to maintain key deadlines with other Agencies. DRAC Members this responsibility should not fall on Zoning Bill asked for volunteers for the Round Table discussion and all DRAB members indicated they would be interested in participating.

### 3. MEET WITH KEY COMPLIANCE – LAUREN/BILL CROSS

- Lauren stated she has been very successful with her projects getting comments resolved by DRO they are being especially Land Development and Zoning. Bill Cross indicated there are repeat DRO within Palm Beach County that are experiencing staffing issues and are unable to handle the volume of resubmittals under the 2018 Calendar. Mr. Cross and Mr. Bulkeley, Acting PZB Executive Director recently scheduled meetings with the Directors and/or key staff of these, to advise of the impacts to the Development Industry resulting from missing critical dues dates. The Zoning Division staff have gone above and beyond the call to get the issues resolved for the agents and resolve sign offs in ePZB, to keep the application moving forward, oftentimes detracting from time staff need to perform critical Zoning tasks.

Jon MacGillis reaffirmed the importance of meeting of Applicant meeting with DRO Agency staff to get the issues resolved.

Jon MacGillis and Maryann Kwok are looking for feedback from agents and on:

- Art. 2 Processes with Interested Parties – Oct. 11, 2018 @ 9:30am  
Public Info/Temp Permits/DRO (*feedback*)
- Art. 6 Parking with Industry – Sept. 5, 2018 @ 1:30pm
- Round Table – To Review the Calendar, Dates, etc.

Bill Cross recapped to get the calendar published by December and the collaboration with staff and/or “working group”. Bill was seeking participation from the DRAC members, Pat Lentini, Collen Walter, Bradly Miller, Josh Nichols, Kevin McGinley, Lauren McClellan have agreed to be part of the “working group”. Mr. Cross again requested that industry representatives anticipate helping to identify solutions that work in other similar jurisdictions, to which several participants acknowledged that several Municipalities sometimes had similar or different issues.

Collene Walter suggested having a reasonable calendar to work through reasonable timelines, expect to get comments sufficiently, etc.

Jon MacGillis stated the number of projects and resubmittals, especially the resubmittals being twice a month for public hearing are becoming overwhelming for staff; needs to be looked at and perhaps keeping 2 submittal a month only for final DRO where issues are minor.

### 4. ZONING DEPT. STAFF VACANCIES – PROCESSES BEING HINDERED – JON

### 5. ZONING REORGANIZATION OF SECTION UPDATE / REORG CHART – JON

- Jon MacGillis stated the Reorg has been finished. Jon reviewed the Zoning Reorganizational Chart with the latest updates.
- Administration Section, Jon's Section has no new changes, short one position for Zoning Tech.
- For the CD Section, Jon stressed the importance of having more Senior Site Planners and Site Planner II's in this section to handle the bigger projects with more analytical and critical experience. Currently short two (2) Site Planner II positions.
- Administration Review Section is the last of the sections transitioning into their new positions. DRO, Temp Uses, etc. being handled from this section. This section is fully staffed.
- Public Information Section – Jon stated for the On-Call/Front Desk Section; the number of phone calls, walk-ins, concerns, etc. along with the File Room handling the outside requests; there needed to be a separate section.

Collene Walter and other DRAC members agreed on the great job Andree is doing at the front desk, there is significant improvement. Barbara Pinkston will be transitioning into Alan Seaman's position when he retires in November 2018.

- Code Section – Jon reviewed this section with a pending vacancy for Site Planner II with a tentative start date. There is currently a vacant position for Secretary. Jon has requested an additional Senior Site Planner for FY2019, which so far has been pre-approved by County Administrator Ms. Verdenia Baker.
- Permitting/Landscape Section – Jon conveyed there is a current vacant Senior Site Planner position. The public variances have been moved to the Public Information Section. He also requested an additional Senior Site Planner and Site Planner I for FY2019.
- Jon did affirm it is important for agents and to convey to BOCC the need for additional staff within the Zoning Division. He has repeatedly stressed the importance of additional staff with Patrick Rutter, Assistant County Administrator.
- Lauren inquired on the possibility of utilizing a consultant. Jon MacGillis conveyed specifically for the Adult Entertainment and Medical Uses as it pertains to the code, there are opportunities. An outside consultant has been retained for the Adult Entertainment. For the other items, the liability that falls on Zoning Division staff, along with additional conflicts; does not make this a feasible option.
- Lauren did inquire specifically on a project from Public Hearing to Final DRO as it relates to the Project Managers and the reorganization.
- (Maryann)  
Bill Cross reconfirmed that the applicant has sixty (60) days from Off the Board to resubmit. Jon MacGillis conveyed that eventually the goal is to have this process online and streamlined similar to the other online processes.
- Kevin McGinley indicated that when you come Off the Board for a DRO and resubmit; staff is charging initially for an Off the Board DRO. Kevin requested Zoning Staff to review this process, specifically when there are multiple Off the Board resubmittals. In history, it was conveyed by Wendy Hernandez, when coming Off the Board, there should be no revisions; however, DRAC members concurred there are always changes based on conditions. Kevin inquired with Zoning Staff Lindsey Walter, for initial intake there is no charge. However, DRAC members conveyed they are receiving comments from this initial intake when they should be receiving a stamped DRO plan. Maryann Kwok indicated that the comments should be related to the code, or conditions of approval related to the hearing; not new comments unrelated to the hearing. Kevin clarified that this issue does not necessarily pertain to Zoning but to other PBC. Bill Cross reaffirmed that Zoning Staff would like to continue to work with agents/ to get a better resolution to the issues. Maryann also conveyed that PBC have a lot of new staff and the training, etc. will take time; suggesting a meeting with the other to find a resolution for everyone would be more suitable.

Jon emphasized for those projects that have been in the process for a period of time; those staff, if available, that were initially involved have been requested to attend any future/upcoming meetings to provide the historical information. Jon provided Boca Del Mar as an example, and how Wendy Hernandez was part of that initial project five (5) years ago. The applicant is just now coming in, and Jon conveyed that he along with Wendy, needed to be a part of the meeting due to the historical staff knowledge; which the applicant appreciated. Jon and Maryann confirmed, when permitted to maintain the existing Project Manager for any project.

## 6. DRO PLANS - ADAM

- Adam Mendenhall conveyed when using the DWF, CAD, and PDF software; it is imperative to utilize the "standard" fonts. Using any other specialty font creates the issues involved when the files are submitted and then loaded into the PZ&B Zoning portal. Adam reviewed an example of what appears

on the files when transferred from the disk and uploaded into PZ&B Zoning system.

- When utilizing the DWF program, Adam stressed the importance of making sure the files are as follows:
  - Flat
  - Only 1 layer
  - Export the file to “Flat”

Adam reviewed an example of the black boxes appearing. This is due to multiple layers and not compressing the layers/files. Adam suggested reviewing YouTube/google videos to guide anyone through the process of compressing all of the layers to 1 layer/1file.

#### **7. INSUFFICIENT LETTERS – ONLY HAVING INSUFFICIENT ITEMS LISTED & NO OTHER CONCERNS ALREADY IMPLEMENTED – BILL CROSS**

- Jon MacGillis reconfirmed with Collene Walter that only those items that have been deemed insufficient be addressed in a letter without staff doctoring up the letter that is generated via ePZB. Bill Cross and Meredith Leigh confirmed that staff have been directed to follow the Sufficient Checklist beginning August 20, 2018 for Insufficient Letters/Comments with no additional comments outside of the checklist.
- Maryann Kwok reminded DRAC members to use Title 1, Application Sufficiency Checklist. Jon mentioned that the link from eZINFO is taking you to the old Tech Manual, but ISS is fixing next week to take you to the 2018 published TM.

### **STAFF ITEMS**

#### **1. DRAC 2018 TASK LIST REVIEW – ABANDONMENT OF USE & SITE PLAN – JON/MARYANN**

- Jon MacGillis followed up with the one item involving those applications/projects involving the use of the lot with Church’s when there were changes to the code. Jon conveyed that most of the site plans have more than one use on, a conditional use. In an effort to only abandon one type use involving a church without the entire Site Plan; Jon presented a Resolution option. This resolution will be adopted at the same time abandoning the original approvals. This will allow Zoning the “whereas clause” to carry everything forward, provided there are NO alterations/changes to the Site Plan.
- Jon mentioned there is an URA meeting with key coming up, which Maryann provided additional updates. One of the major issues pertains to traffic and drainage.

#### **2. ULDC AMENDMENT ROUND 2018-01 – KEY DATES – MONICA/MARYANN**

- Monica and Maryann took turns to summarize the amendments. Bradley questioned Exhibit E CLF density. Staff explained the amendment will allow a “double dipping” of the density and intensity based on the same gross site area. The Comprehensive Plan has already been amended to allow that flexibility.
- Cottage Homes – Staff clarified that there is a sequel to this amendment based on the direction of the Mayor, she asked staff to look at expanding tiny home regulations to be allowed in standard districts/subdivisions and in the Glades Area. Maryann explained that Planning is looking at amending the Comprehensive Plan to either allow no density limitation or double the density of the land use designation if the project is 100% workforce housing cottage homes. The proposed lot size is a maximum of 2,500 s.f.
- Maryann also explained that the hours of operation variance process is now changed to Type 2 Waiver since the variance request is often associated with a companion Conditional Use application.
- Collene asked whether Exhibit P, revision to Environmental Standards has anything to bringing the tree replacement size consistent with both Departments (Zoning and ERM). Staff said not at this time, but will be continue to work with ERM to ensure the tree preservation coordination efforts are being improved.
- Bradley questioned why so many amendments of the Code per year and suggested it should be reduced down to once a year. Jon indicated he is

responding to numerous requests to amend the Code, and therefore it will be difficult to accommodate everyone's request of fixing the code under one round.

### **3. ULDC AMENDMENT ROUND 2018-02 – KEY DATES – JAN**

- Jan reminded attendees of the Key Meeting dates as listed in Attachment 6 and offered to provide a status summary for the initiated tasks in the ULDC Amendment Round 2018-02. However, in an effort to save time it was decided the summary was not necessary. Therefore, Jan offered anyone wanting specific information to contact her.

### **4. TECHNICAL MANUAL – MARYANN**

- Maryann Kwok reminded DRAC members to use Title 1 Application Sufficiency Checklist. Jon mentioned that the link from the website does not work and will inform ISS to have the link fixed. The PBC Zoning Division website works. Advised the DRAC members to use that link to get access to the Technical Manual. <http://www.pbcgov.com/techmanual/index.html>.

### **5. DEADLINE TO REQUEST APPOINTMENT/FEE ASSISTANCE FOR INTAKE/RESUBMITTAL – BILL**

- Bill Cross addressed setting appointments with CD Staff for intake and resubmittals. He would appreciate if agents make an effort in scheduling their appointments with CD staff by Thursdays at noon (12pm) and not automatically request for the last appointment on Monday. Bradley Miller inquired if this would be more for "new" intakes, which Mr. Cross affirmed. Kevin McKinley confirmed with staff, perhaps it would be beneficial for all involved to perhaps schedule the appointment and if it needs to be changed, make it accordingly verses waiting until the last minute for an appointment.

### **6. SCHEDULING APPTS. FOR COMMUNITY DEVELOPMENT (CD) AND ADMINISTRATIVE REVIEW (AR) – BILL**

- Bill Cross addressed the new process involving the Secretaries that he will be supervising, will also be the ones making the appointments for both CD and AR Sections. He introduced new staff, Vismary Dorta as one of the Secretaries for CD Section. Bill has requested from agents/ their assistance when submitting for a meeting request; as there will be additional staff or a temp assistant handling your request. When agents/are requesting an appointment, Bill requested that it be noted what "type" of request they are sending. For example if it is for DRO application or a Public Hearing application, please have this noted in the initial request. DRAC members then introduced themselves for Vismary.
- Additionally, Bill has encouraged Project Managers to directly setup their own appointments when trying resolve matters that might not need a full blow appointment or other staff in the meeting verses going through a Secretary. Furthermore, when staff is scheduling the appointments, Bill requested from agents to please notify us if there are additional client(s) etc. attending, so staff can plan the conference room accordingly. Kevin McKinley confirmed notice of having an attorney attend on behalf of agent and/or client; staff confirmed.
- Maryann Kwok suggested providing bullet points in the email, as to the reason and focus of the appointment. Additionally, Meredith Leigh mentioned the Form 494 form that needs to be filled in by applicant with key clear questions that can be addressed at the appointment.
- Bill Cross requests agents to separate the email requests versus questions unrelated to the appointment requests to keep the emails compartmentalized.

### **7. REQUESTS FOR REMAND – JULY 16, 2018 MEMO FROM ZONING DIRECTOR ON PROCEDURES – JON**

- Jon briefly reviewed the memo, indicating this information is also available on the Zoning webpage. Requests for Remand can be from the applicant or the Zoning Director if the modifications to the certified application warrant re-review.

### **8. JULY 16, 2018 MEMO FROM PLANNING/ZONING DIRECTOR ON TIMELINE FOR LUA & ZONING APPS TO PUBLIC HEARING – JON**

- Jon MacGillis reviewed the memo, indicating this information is also available on the Zoning webpage. The memo is clarification of the process for Small



Scale Future Land Use Atlas Amendments through the Planning Division concurrent with Official Zoning Map Amendments through the Zoning Division and the timing of Certification for Public Hearings. Due to the timing required for advertising and publishing staff reports for both the Planning & Zoning Divisions for those Rezoning applications with concurrent FLUA Amendments; these applications may only be certified on the second Monday of the month so Planning Commission can hear the application prior to the Zoning Commission.

**9. ROUND TABLE DISCUSSION ON ART. 2 2017-02 AMENDMENTS – BILL**

**10. INTERNATIONAL MAILING PROCEDURES – BILL/JON**

- Bill addressed DRAC members regarding past process involved for the International Mailings. Agents would get the information to stuff the pre-stamped envelope with the notices. Jon stated he was not aware agents/ were doing the actual stuffing the envelopes. He instructed agents that they are to provide the labels and pre-stamped envelopes from the list Zoning staff provides. Then Zoning Staff will be responsible for stuffing the envelopes and mail accordingly.
- Jon conveyed the QR Codes that have been placed on the yellow Notice Boards, have been updated in August to ensure they take User to the Zoning Web Page for Public Hearing Notices. He indicated that he was not aware the QR Code had actually expired, so he is having staff update any/all QR Codes. It is critical the applicant confirm the QR code on the Posting Board is working and if not inform staff immediately to address.

**11. ART. 6 PARKING – JON**

- Jon stated that there is a Summary in the Agenda backup regarding 2018-02 Parking amendment. . Zoning staff are close to finalizing the draft amendment. He requested DRAC Members to review and contact staff with any suggestions or changes. There is a Parking Code Art 6-Round Table Discussion scheduled for Wednesday, September 5, 2018 @ 1:30 – 3:30pm. to review the draft and solicit any changes before the amendment goes to the October 2018 LDRAB Meeting

**12. TOPICS FOR NEXT MEETING NOVEMBER 9, 2018 – LAUREN**

- DRAC Members will provide topics at a later date.

**ADJOURN AT 3:54 P.M.**

#	Issues	Issue Details	Suggested Recommendations by Dodi Glas email received 8/10/18	Sections Affected	Zoning Staff Response
1	Current Zoning Processes are overwhelming for Staff, Agents, Officials and Clients	Will require more staff, more checklists, more through Agents, revised forms and project timeframes; Time and money (both public and private) spent to move through County's processes outweighs the public benefit, seems unsustainable. May require study and data analysis to identify;	<b>Suggested new approach of providing more time to evaluate - Revise timeframes to allow adequate application review, based on policy and practicality;</b>	CD & DRO	Don't disagree - Industry input has been solicited and we continue to request input to identify and make improvements to County processes. Many processes are mandated by Florida State Statutes and thereby establishes the processes and deadlines. - 2016 At Industry's request added the Concurrent Review process to allow Zoning, LD, and Building applications; - 2017 Invited Industry along with staff to identify amendments necessary with the comprehensive rewrite of Article 2, Feb 2018, Ord 2018-02; - 2018 Zoning did a reorganization of Article 2, to consolidate like functions and streamline some processes; Special Meeting with DRAC members on 8/10/18 to review the 2019 Zoning Calendar, they reviewed and provided input on critical review timelines/process which were incorporated into the recently published calendar 2019; <b>We will continue to work on this with applicants/agents input for success.</b>
2	Reduce Redundancy	Staff struggles to catch everything on first go around and requires multiple resubmittals;	<b>Suggested the need to allow staff to make decisions early in application process and allow the process to continue as the details will eventually catch up;</b>	CD & DRO	<b>Public Hearing Applications-critical to both staff and applicant prior to certification identify key agencies issues to avoid future costly delays;</b> -- It is important to note that sometimes the issues are so numerous the first submittal that it triggers major re-design and therefore what amounts to another extensive review with new issues identified. It is critical that Staff be very attentive to details so minor issues are not identified until after multiple submittals. Also, Zoning Staff is dependent on multiple agencies to catch issues in a timely manner. --Admin Applications-some required Pre-Submittal Meetings to ensure Agent and staff are clear on request and requirements, this seems to help identify issues with the Agent upfront; (DRO will discuss further) --Also the formal DRO Pre-Application Conference and Workshop Items on complex processes to ensure <u>critical issues</u> are identified upfront prior to formal submittal of application.



#	Issues	Issue Details	Suggested Recommendations by Dodi Glas email received 8/10/18	Sections Affected	Zoning Staff Response
3	Coordination Challenges between departments (County)	Requires multiple meetings with multiple departments and additional resubmittals;	<b>Reduce the number of resubmittals and meetings;</b>	CD & DRO	DRO-No longer required Agents to attend DRO monthly meetings unless it is a Workshop item requiring Agent and Agencies staff discussion; DRO meetings now down to couple hours rather than 1/2 day so Agent staff can get back to desk. -Resubmittals-something industry requested, historically only had one a month now have 2 or more. We can certainly look at less resubmittals dates, and this would greatly help Agency Staff; -Reduce the number of meetings – it is the applicant’s responsibility to ensure that all applications meet TM and Code requirements, thus requiring less meetings and resubmittals; -Meetings/Coordination with Staff: Zoning PMs have asked that Agents either include us in meetings with other agencies or at the very least copy us in emails when working through certification issues. To the suggestion that we reduce the number of resubmittals, that is largely in the hands of the Applicant and whether they would rather submit once issues are resolved with all agencies, or address issues piecemeal. Staff does not object to fewer resubmittals.
4	Phases of Application process to be less repetitive.	Review phases of the application process to be less repetitive but be more valuable and productive;	<b>Review the application and maintain an on-going list of issues and conditions that do not require resubmittals until the final off the board plan;</b>	CD & DRO	<b>Agree, at the last DRAC and Industry meeting in August 2018, staff agreed to look into this suggestion, will discuss at next DRAC meeting the implementation of some version.</b> This can be looked at but understand there are 17 DRO Agencies and sometimes difficult to not resolve issues as we proceed through process. Open to suggestions on how this would be implemented. --Currently, have online DRO comments and as applicant addresses them they come off the list.
5	Combine the Master Plan and Subdivision Plan to serve as a single plan.	Most times the Master and Subdivision Plans have the same information;	<b>Combine the Master and Subdivision plans to be a single plan, as it contains same information.</b>	CD	<b>If we could we would - various County Agencies require different plans with different plan details.</b> Plans are different one is general and one is detailed; -Some processes required a Master Plan at BCC level while for building permit they need a detail SP or SD Plan.
6	Allow modifications of approved projects administratively while a project is under construction.	Would like to see changes in configurations of approved plans while a project is under construction as long as it is within its approval process and let the documents be updated upon final CO;	<b>Allow modifications to an approved plan while the project is under construction and allow documents to be updated upon final CO.</b>	DRO	<b>Currently we allow</b> this via DRO Agency Review and it works well. If a Building permit Site Plan and approved Site Plan are not consistent, the contractor can either do a concurrent DRO Admin Amendment, DRO or DOA; --We do allow through Building Division, Completion Agreements where permit can proceed through Building Review process while the site plan is being amended through the Zoning Administrative Review process..

EXHIBIT I

ARTICLE 7, LANDSCAPING

CR-2018-030, CR-2018-047, [CR-2018-035](#)  
(Updated 10/24/18)

1 [Part 1. ULDC Art. 7.B.4. Landscaping, Applicability and Approval Process, Type 1 Waiver for](#)  
2 [Landscaping \(pages 12-13 of 53, Supplement 24\), is hereby amended as follows:](#)

Reason for amendments: [Zoning]
1. <a href="#">The purpose of this amendment is to remove overhead power lines from the Type 1 Waiver table as the Code is being modified to allow changes to the minimum sizes of trees, palms and pines within proximity of overhead power lines, as described in the "Plant the Right Tree in the Right Place," to be done administratively by right.</a>

4 CHAPTER B APPLICABILITY AND APPROVAL PROCESS

5 .....

6 Section 4 Type 1 Waiver for Landscaping

7 An Applicant may seek minor modifications to the requirements of this Article that are identified in Table  
8 7.B.4.A, Type 1 Waivers for Landscaping. Any requirements that are not listed herein may be eligible to  
9 be modified through other applicable processes pursuant to Art. 2, Application Processes and Procedures.  
10 The Applicant shall demonstrate in the Justification Statement and provide supporting documents that Art.  
11 2.C.5.E.3, Standards for Type 1 Waiver, and the applicable Criteria in the following Table have been met.  
12 [Ord. 2007-001] [Ord. 2016-042] [Ord. 2018-002]

13 A. Applicability

14 Type 1 Waiver for Landscaping shall not be combined with other Variance requests for the same  
15 requirements. [Ord. 2018-002]  
16

Table 7.B.4.A –Type 1 Waivers for Landscaping - Continued

Article/Table Reference and Title	Maximum Waiver	Criteria
....		
<b>Landscape Islands and Parking Structures - Continued</b>		
Art. 7.C.4.F, Parking Structures	Allow perimeter planter requirement be altered if the planters are in conflict with the architectural design of the parking structure.	<ul style="list-style-type: none"> <li>The Applicant is required to submit architectural elevations of the parking structure for Staff review and evaluation.</li> <li>The required planting for the planters shall be relocated to other areas of the same property where the parking structure is located.</li> </ul>
Art. 7.C.5.A.1, Underground or Overhead Easement - Relocation of Trees [Ord. 2018-018]	Allow required trees to be relocated on the same site. [Ord. 2018-018]	<ul style="list-style-type: none"> <li>There is no reduction in the total quantity of the required trees; [Ord. 2018-018]</li> <li>A maximum of ten percent of the required trees within the same buffer may be relocated; and, [Ord. 2018-018]</li> <li>The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree. [Ord. 2018-018]</li> </ul>
Art. 7.C.5.B, Easements in Off-Street Parking - Existing Utilities [Ord. 2018-018]	Allow existing easements to overlap the landscape islands [Ord. 2018-018]	<ul style="list-style-type: none"> <li>The Applicant shall provide documentation from the Utility easement holder that the easement(s) are recorded, and are not subject to a change in the location; [Ord. 2018-018]</li> <li>The Applicant may utilize a small tree or a palm to satisfy the canopy tree requirement. If the minimum separation between the tree and the utilities cannot be met, the required tree in the island may be relocated within the same site; [Ord. 2018-018]</li> <li>The minimum percentage of Canopy tree pursuant to Table 7.C.4.A, may be reduced to 50 percent and palms may be increased up to 50 percent, and, [Ord. 2018-018]</li> <li>The Applicant shall identify on the Alternative Landscape Plan the new location of the tree(s) and whether root barrier will be utilized for the tree. [Ord. 2018-018]</li> </ul>
[Ord. 2005-002] [Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [2016-016] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2018-018]		

Commented [A1]: WH added:  
From: Bryan Davis  
Sent: Thursday, October 11, 2018 4:26 PM  
To: Scott Rodriguez <SRodrig1@pbcgov.org>  
Cc: Nora Acord G. <NAcord@pbcgov.org>; Wendy Hernandez N. <wnhernan@pbcgov.org>; Jan Rodriguez <JRodriguez1@pbcgov.org>  
Subject: RE: Consistency Letter

Hold on! We're determining that FPL crap consistent that was just sprung on us this morning?!?

I did a very quick and dirty review, and it's effectively giving all aesthetic control of any landscaping along a R/W to FPL when we have language in the plan that talks about appearances of corridors, communities themselves, it is counter to solving some of the appearance issues of the URA, and any streetscape provisions the County would ever hope to enact along any R/W with an adjacent overhead powerlines. Effectively, as written that change would mandate that only residentially scaled trees/vegetation could be used in a R/W buffer if there's overhead lines regardless of location in the County... that's an extreme over-reaction. FPL is not the policy maker, the BCC is.  
I'm out all day tomorrow at SFRPC/TCRPC meeting, and in a deposition on Monday. I cannot complete a review by then.

Commented [A2]: WH added:  
From: Eric McClellan  
Sent: Thursday, October 11, 2018 10:51 AM  
To: Wendy Hernandez N. <wnhernan@pbcgov.org>; Scott Rodriguez <SRodrig1@pbcgov.org>; Scott Cantor B. <SCantor@pbcgov.org>; Joanne Keller M. <JKeller@pbcgov.org>; Monica Cantor <MCantor@pbcgov.org>; William Cross <wcross@pbcgov.org>; Barbara Pinkston C. <BCPinkst@pbcgov.org>; Melissa Matos <MMatos@pbcgov.org>; Jon MacGillis <JMacGill@pbcgov.org>; Jackie Michels <JMichels@pbcwater.com>; Jean Matthews <JMatthew@pbcgov.org>; Rodney Swonger <rswonger@pbcgov.org>  
Cc: Jan Rodriguez <JRodriguez1@pbcgov.org>  
Subject: RE: Art. 7 Landscaping Round 2019-01.docx

Thanks Wendy. I get the concept and have no objection in striving for ideal outcomes, but a few thoughts from an implementation and enforcement standpoint that should become reflected in code language and/or at least confirmed to create no unintended consequence follow. Where are the measurements to be made from? I am assuming the intent is from an existing utility line to nearest point, be that the canopy or a limb/frond and not the trunk, base or other point. Some clarity is needed.

1. Is there any obligation or expectation to coordinate with FPL on any plans for future lines? If so, is FPL aware, agreeable and staffed to do so as requests for information are received?

2. What are the implications of a new line being added at a lower elevation after installation of vegetation?

3. Who determines the projected maturity height of new vegetation, and how?

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**EXHIBIT I**

**ARTICLE 7, LANDSCAPING**

**CR-2018-030, CR-2018-047, CR-2018-035  
(Updated 10/24/18)**

**Part 2. ULDC Art. 7.B.5, Landscaping, Applicability and Approval Process, Tree Removal and Replacement (pages 13 of 53, Supplement 24), is hereby amended as follows:**

<p><b>Reason for amendments:</b> [Zoning]</p> <p>1. Codify certain parts of the PPM ZO-O-061, Violation for Illegal Tree related to the existing processes for the legal and illegal tree removal. There are 2 parts in this PPM, the first part establishes the Tree Removal Approval Process providing both Staff and Applicant the application submittal requirements, and the process procedures. Part 2 of the PPM refers to how to process violations and application of fines for any illegal tree removal. Staff creates a new section (Section 5) to address the Tree Removal and Replacement process.</p> <p>2. Clarify the word "Tree" will include trees, palms or pines. Also clarify that these trees, palms or pines are required to be planted on a subject property per Article 7, Landscaping or per Condition(s) of Approval through a Development Order (DO). Therefore, illegal removal of these trees, palms or pines are a violation to either the Code or the DO.</p>
---

**CHAPTER B APPLICABILITY AND APPROVAL PROCESS**

....

**Section 5 Tree Removal and Replacement**

Trees, palms or pines that are required to be planted on a property per Code requirements or through a Condition(s) of Approval shall not be removed without first applying for and being issued a Tree Removal and Replacement Permit. Removal of trees, palms or pines without a valid permit shall be considered a violation of the Code or the DO. For the purpose of this Section, the term tree(s) shall include trees, palm(s) or pine(s).

**A. Approval Process**

An Applicant may request the removal of existing trees by submitting an application to the Zoning Division, and subject to the following procedures:

**1. Pre-Application Site Meeting**

Prior to the submittal of an application, the Applicant shall schedule an on-site meeting with staff of the Permit/Landscape Review Section of the Zoning Division to discuss and inspect the trees that are proposed to be removed. Staff shall determine whether the trees are eligible for removal based on the standards listed below. If the trees are eligible for removal, the Applicant shall be provided by Staff a Tree Removal and Replacement Application to be completed for submittal.

**2. Application Submittal Requirements**

The Applicant shall submit the application to the Permit/Landscape Review Section. The application shall include a Justification Statement providing the reason for the proposed removal of the vegetation. The Applicant shall also submit either a Final Site, Subdivision or Regulating Plan or a Survey of the subject property. The Applicant shall identify the following: specie, size and location of the trees to be removed, and the required replacement of the trees and their proposed specie, size and location.

**3. Application Review and Final Decision**

Staff shall review the application utilizing the Standards for Removal, that are listed below to consider whether to approve or deny the request. A Tree Removal and Replacement Permit shall be issued upon the approval of the application. The DRO may approve, approve with a Condition of Approval, or deny the request.

**4. Standards for Removal and Replacement**

In reviewing an application for Tree Removal and Replacement, staff shall consider the following standards to determine whether the removal permit is granted:

- a. The Applicant's justification for the removal;
- b. The site condition of the area where the existing tree is located, and whether the location has easement overlap or proximity of the tree to the overhead electric utilities;
- c. The health condition of the tree; or,
- d. Any valid safety concerns that may arise if the removal of the tree is not allowed.

**B. Replacement**

All replacement of trees, shrubs, landscape barrier and ground treatment shall be in compliance with Art. 7.E.3.B, Replacement.

**C. Timeline**

Staff shall indicate the timeline of removal and replacement of the tree on the Permit to ensure the replacement of the tree is done in accordance with the approval. The Permit is valid for six months from the date of issuance. Failure to comply with the Permit requirements which include the established dates or any imposed Conditions of Approval shall result in enforcement action by PZB.

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EXHIBIT I

ARTICLE 7, LANDSCAPING
CR-2018-030, CR-2018-047, CR-2018-035
(Updated 10/24/18)

D. Inspection

The Applicant shall contact staff when the trees are removed, and staff shall schedule a site inspection to confirm that the trees have been removed, and that any required replacement of trees have been installed in conformance with the Permit.

Part 3. ULDC Art. 7.C.5, Landscaping, Landscape Buffer and Interior Landscaping Requirements, Easements in Landscape Buffers and Off-Street Parking Areas (page 31 of 53, Supplement 24), is hereby amended as follows:

Table with 2 rows: Reason for amendments: [Zoning] and 1. To modify the language relating to vegetation within or abutting easements with overhead utilities. Although the Code has references on the FP&L's publication "Plant the Right Tree in the Right Place;" however, the proposed addition of the Code requirements will further clarify minimum setbacks for vegetation that is planted adjacent to overhead utility lines.

CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPING REQUIREMENTS

Section 5. Easements in Landscape Buffers and Off-Street Parking Areas

A. Easements in Landscape Buffers

1. Underground Utilities

Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting. If a wall with a continuous footer is used, a minimum of ten clear feet for planting is required. The landscape buffer may be traversed by easements or access ways as necessary to comply with the standards of this Article, and Art. 11, Subdivision, Platting, and Required Improvements, and other PBC codes. Easements shall be identified on the Zoning Plans prior to the application for Building Permit.. [Ord. 2018-002]

2. Overhead Utilities

Vegetation that is planted within or abutting any easement with overhead utilities shall comply with the placement planting and maintenance requirements in the latest edition of FP&L's publication "Plant the Right Tree in the Right Place," available from the Zoning Division, and The Applicant shall take into consideration the mature height and spread of the species beneath or adjacent to overhead utilities. For the purpose of this Section, the term vegetation shall include trees, palm or pines. Where overhead utilities exist, trees shall be maintained so that the mature tree canopy is a minimum of ten feet from overhead lines.

a. Planting near Overhead Electric Utilities

The setbacks shall be measured from the centerline of the trunk to the outer edge of the overhead utility lines. The following minimum setbacks shall apply:

- 1) Vegetation that at a mature height may grow to 50 feet or greater shall be planted at least 50 feet away from overhead electric utility lines;
2) Vegetation that at a mature height may grow to between 14 to 49 feet shall be planted at least 30 feet away from overhead electric utility lines;
3) Palms shall be planted at least 20 feet plus the maximum palm frond length away from overhead electric utility lines;
4) Only Vegetation that at a mature height grow to less than 14 feet shall be permitted to be planted underneath or adjacent to overhead electric utility line; and
5) Vegetation shall not be planted within eight feet of the front and three feet of the sides of a transformer cabinet.

Commented [A3]: WH added:
From: Jean Matthews
Sent: Friday, October 12, 2018 11:13 AM
To: Wendy Hernandez N. <wnhernan@pbcgov.org>; Scott Rodriguez <SRodrig1@pbcgov.org>; Eric McClellan <EMcClellan@pbcgov.org>; Scott Cantor B. <SCantor@pbcgov.org>; Joanne Keller M. <JKeller@pbcgov.org>; Monica Cantor <MCantor@pbcgov.org>; William Cross <wcross@pbcgov.org>; Barbara Pinkston C. <BCPinkst@pbcgov.org>; Melissa Matos <MMatos@pbcgov.org>; Jon MacGillis <JMacGill@pbcgov.org>; Jackie Michels <JMichels@pbcwater.com>; Rodney Swonger <rswonger@pbcgov.org>
Cc: Jan Rodriguez <JRodriguez1@pbcgov.org>; Rick Hedlund <RHedlund@pbcgov.org>
Subject: RE: Art. 7 Landscaping Round 2019-01.docx

Hi Wendy,
I asked one of our landscape architects, Rick Hedlund to review the proposed changes, he recommended using the distances prescribed in FPL's Right Tree Right Plan brochure. The distances proposed in the code exceed FPL's recommendations, and for commercial property could block signage.
Jean

MMK response- No
Commented [A4]: WH added:
From: Rodney Swonger
Sent: Thursday, October 11, 2018 9:11 AM
To: Wendy Hernandez N. <wnhernan@pbcgov.org>
Subject: RE: Art. 7 Landscaping Round 2019-01.docx
I made comments. Just use FPL guidelines, don't make it more difficult than needed.
MMK response- I agree

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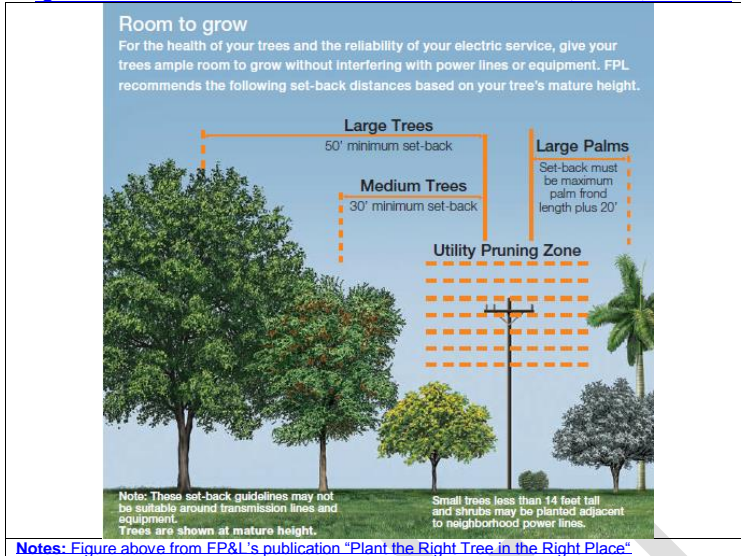
ARTICLE 7, LANDSCAPING

CR-2018-030, CR-2018-047, [CR-2018-035](#)

(Updated 10/24/18)

1

**Figure 7.C.5.A- Overhead Utilities and setbacks for Trees, Palms, or Pines**



2

3

**b. Maintenance of Vegetation that is adjacent to Overhead Electric Utilities**

Where overhead electric utilities exist, vegetation shall be maintained so that all limbs and branches are a minimum of ten feet from the overhead utility lines.

6

**3 Type 1 Waiver for Landscaping**

Plants required in the easement area may be planted elsewhere on the same site subject to a Type 1 Waiver for Landscaping. [Ord. 2018-002] [Ord. 2018-018]

8

**B. Easements in Off-Street Parking Areas**

9

**1. Underground Utilities**

Utility easements may encroach landscape islands provided there is a sufficient area for the growth of the required tree within the same island. The width and length of the island may be increased by the minimum amount necessary to meet the separation requirements of the utility providers, indicated below. [Ord. 2018-018]

13

**a. PBC Water Utilities Separation**

A minimum of ten feet shall be provided, by measuring from the outer edge of the pipes to the edge of the pit where the tree is to be planted. The Department of Water Utilities (WUD) may allow the separation distance to be reduced to seven feet if tree root barriers are installed. ~~See Figure 7.C.5, Water Utility Separation.~~ [Ord. 2018-018]

17

**b. Fire Rescue Utility Separation**

A minimum of five feet shall be provided, measuring from the outer edge of the fire hydrant to the pit where the tree is to be planted. [Ord. 2018-018]

21

22

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24

**Part 4. ULDC Art. 7.D.4.D, Landscaping, Landscape Standards, Trees, Palms and Pines (pages 35-36 of 53, Supplement 24); and, Landscaping, Landscape Standards, Trees, Landscape Barrier (pages 39-40 of 53, Supplement 24), is hereby amended as follows:**

26

27

28

Reason for amendments: [Zoning]
1. <u>To modify the standards for Minimum Trees, Palms and Pines when they are in proximity to easements with overhead utilities, consistent with FPL's "Plant the Right Tree in the Right Place."</u>
2. Remove the additional language of the location of the wall or fence to avoid confusion with the setback requirements per Table 7.D.4.D. Walls are only required for a Type 3 Incompatibility buffer, and if an applicant desires to install a fence or wall in other types of buffers such as: R-O-W buffers which ranges from 10 feet to 20 feet in width; Compatibility - 8 feet in width; Type 1 and 2 Incompatibility Buffers which ranges from 10 feet to 15 feet. The Code requires a setback of the wall or fence from the property line, and sufficient area for the accommodation of the required plantings on both side of the fence or wall.

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**EXHIBIT I**

**ARTICLE 7, LANDSCAPING**  
 CR-2018-030, CR-2018-047, CR-2018-035  
 (Updated 10/24/18)

**CHAPTER D LANDSCAPE STANDARDS**

**Section 2 Trees, Palms and Pines**

**A. Trees**

The size of a Canopy tree shall include the height and caliper pursuant to the Shade Trees, Types One through Five Matrices of the Grades and Standards for Nursery Plant. The minimum size of a Canopy tree shall be 12 feet in height with a two and one half inch caliper at installation, unless stated otherwise below. [Ord. 2014-025] [Ord. 2016-042] [Ord. 2018-002]

**1. Average Height**

Required Canopy tree size may be achieved by utilizing the average height calculation .

- a. Average height of total quantity of trees shall have a minimum of 12 feet. A maximum of 25 percent of the required trees shall be at a minimum height of eight feet. [Ord. 2018-002]

**2. Overhead Utilities with or without an easement**

May be exempt from the Average Height, and shall comply with FPL's "Plant the Right Tree in the Right Place."

**B. Palms**

The size of a palm shall be measured by the height of the clear trunk or the grey wood pursuant to Figure 7.D.2.B - Palm Measurement Standards. The minimum overall height of a palm shall be 12 feet, and the minimum height for different species of palms shall be in accordance with Table 7.D.2.B – Palm Height Standards.

**Table 7.D.2.B - Palm Height Standards (1)**

Minimum Height	8 foot clear trunk for Sabals and similar species 6 foot grey wood for Royals and similar species 4 foot grey wood for Phoenixes, Canary, Bismarck and similar species
[Ord. 2016-042] [Ord. 2018-002]	
1. <u>May be exempt from the minimum overall height, where there is an adjacent Overhead Utilities with or without an easement, and shall comply with FPL's "Plant the Right Tree in the Right Place."</u>	

**1. Canopy Tree Substitute**

Palms planted in groups of three or more may be counted as one required canopy tree, up to a maximum of 25 percent of all trees required in each buffer, subject to the Standards in Table 7.D.2.B, Palm Height Standards. In the case of palm species, Paurotis or similar palm species, that characteristically grow in clumps, each clump may be counted as one canopy tree. [Ord. 2018-002]

**a. Exception**

Royal, Bismarck, Phoenix, Canary, Date or similar palm species determined to be acceptable by the Zoning Director may be counted as one required canopy tree. These palms shall be spaced a maximum of 20 feet on center, and the clear trunk or grey wood shall be increased by 40 percent of the minimum requirements. [Ord. 2018-002]

**C. Pines**

The size of a pine shall include the height and the caliper of the pine. The minimum size of a pine shall be 12 foot in height with a two and one half inch caliper at installation. May be exempt from the minimum height, where there is an adjacent Overhead Utilities with or without an easement, and shall comply with FPL's "Plant the Right Tree in the Right Place." [Ord. 2014-025] [Ord. 2016-042]

**1. Canopy Tree Substitute**

- a. Three pines may substitute for one required canopy tree, provided the overall accumulated height of the three pines is 24 feet or more; or [Ord. 2016-042]
  - b. One pine with a minimum height of 14 feet. [Ord. 2016-042]
- Pines may not be used in excess of 25 percent of the total number of required canopy trees. When using pines in a perimeter buffer, refer to Art. 7.D.2.C, Pines. [Ord. 2014-025]

**D. Tree Species Mix**

When more than 15 trees are required to be planted to meet the standards of this Article, a mix of species is required. The number of species to be planted shall vary according to the overall number of trees that are required to be planted pursuant to Table 7.D.2.D, Tree Species Mix. Vegetation preserved in accordance with Art. 14.C, Vegetation Preservation and Protection, is exempt from the tree species mix requirement.

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ARTICLE 7, LANDSCAPING  
 CR-2018-030, CR-2018-047, CR-2018-035  
 (Updated 10/24/18)

Table 7.D.2.D - Tree Species Mix

Required Number of Trees	Minimum Number of Species
16-30	2
31-45	3
46-60	4
61-75	5
76-90	6
91 +	7

1 ....

2 Section 4 Landscape Barriers

3 Landscape barriers consist of hedges, walls, or fences. They are utilized to provide continuous opaque  
 4 screening, and are required for an Incompatibility buffer. Landscape barriers may be installed in other types  
 5 of landscape buffers; the requirement may be modified based on the site situations. [Ord. 2018-002]

6 ....

7 D. Location of Wall or Fence in a Landscape Buffer

8 Walls or fences ~~that are~~ utilized in a Landscape Buffer should ~~have be located in the center of the~~  
 9 ~~buffer, and run parallel to the length of the buffer.~~ Sufficient area with minimum easement  
 10 encumbrances ~~shall be provided to allow for~~ planting on both sides of the wall or fence. [Ord. 2018-  
 11 002]

12

Table 7.D.4.D - Requirements for a Wall or Fence in a Landscape Buffer

Minimum Requirements	R-O-W	Incompatibility	Compatibility
<b>Setback for the Wall or Fence</b>	10 feet from the edge of the ultimate R-O-W or Base Building Line, whichever is applicable. (1)	10 feet from the edge of the property line.	No setback required. Allow to be located along the property line <del>or inner edge of the Buffer.</del>
<b>Planting Width</b>	7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used. (2) (3)	7.5 feet on both sides of the wall or fence, or 10 feet if a wall with continuous footer is used. (2) (3)	7.5 feet on one side of the fence. If a wall is installed, 10 feet on one side of the wall. (2) (3)
<b>Berm</b>	If a continuous berm is proposed, the wall may be located on top of the berm.	If a continuous berm is proposed, the wall may be located on top of the berm.	No requirement.
<b>Canopy Tree Planting</b>	75 percent of required trees shall be located along the exterior side of the wall or fence. (4)	75 percent of required trees shall be located along the exterior side of the wall or fence. (4)	No percentage requirement.
<b>Shrub Planting</b>	Shrubs shall be planted on both sides of the wall or fence.	Shrubs shall be planted on both sides of the wall or fence.	No percentage requirement.
[Ord. 2018-002]			
Notes:			
(1) Unless waived or reduced by the County Engineer, provided there remains a minimum of seven and one half clear feet for planting. [Ord. 2018-002]			
(2) No easement encumbrances. [Ord. 2018-002]			
(3) If a wall is installed, the minimum width of the landscape buffer shall be increased to have sufficient area for the required planting. [Ord. 2018-002]			
(4) Percentage of required trees to be located on the exterior side of the wall or fence may be reduced subject to a Type 1 Waiver for Landscaping. [Ord. 2018-002]			

13

14

15 Part 5. ULDC Art. 7.E.3, Landscaping, Existing Native Vegetation, Prohibited and Controlled  
 16 Plant Species, Tree Credit and Replacement (pages 45-46 of 53, Supplement 24), is  
 17 hereby amended as follows:  
 18

Reason for amendments: [Zoning]
1. Codify PPM ZO-O-061 related to the existing processes for the legal and illegal tree removal. There are 2 parts in this PPM, the first part establishes the Tree Removal Approval Process providing both staff and applicant the application submittal requirements, and the process procedures. Part 2 of the PPM refers to how to process violations and application of fines for any illegal tree removal.
2. Clarify that vegetation includes trees, palms or pines for the purpose of calculation for replacement. Provide relief for replacement of trees that are damaged by natural disaster, the replacement shall be based on one in one, and not subject to the Vegetation Credit and Replacement Formula, which is based on the size of the original tree, palm or pine. The size of the replacement tree, palm or pine shall be deferred to Art.7.D, where the specific requirements are located.

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EXHIBIT I

ARTICLE 7, LANDSCAPING  
 CR-2018-030, CR-2018-047, CR-2018-035  
 (Updated 10/24/18)

<p><b>Reason for amendments:</b> [Zoning]</p> <p>3. Provide clarification of the intent of this Section, Tree Credit and Replacement. There are two scenarios where the Tree Credit and Replacement Table is being utilized. 1) In a situation where the Department of Environmental Resources Management and Zoning Division have determined that the size and quality of existing vegetation can be counted as credits to satisfy landscape requirements under a development order approval. 2) In a situation where existing vegetation, which was damaged or infected to a state beyond it can continue to live, and the vegetation must be replaced. For calculation of credit or replacement of vegetation, it is based on the original size (diameter) of the existing vegetation to establish the quantity of the replacement. The size of the replacement vegetation shall be in accordance with the height for trees and pines, and clear trunk or grey wood for palms.</p>
---

CHAPTER E EXISTING NATIVE VEGETATION, PROHIBITED AND CONTROLLED PLANT SPECIES

Section 3 Tree Credit and Replacement

This Section clarifies when existing vegetation can be utilized to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements and Art. 7, Landscape Standards. In addition, this Section also establishes requirements for quantity and size for replacement. Replacement of vegetation may be required due to injury, damage or removed, which includes: improper pruning, hatracking, or other actions that render existing vegetation unable to achieve its natural and intended form. The quantity and the size of the replaced vegetation is based on the size of the individual vegetation at the time when the vegetation was injured, damaged or removed. For the purpose of this Section, the term Vegetation shall include trees, palms or pines. A preserved upland or drought-tolerant tree or palm meeting the standards in this Article may be substituted for required trees, subject to the following: [Ord. 2018-002]

- A. **Vegetation Survey**  
 Credit to satisfy Art. 7.C, Landscape Buffer and Interior Landscaping Requirements, and Art. 7.D, Landscape Standards shall be granted for on-site preservation of existing vegetation when accompanied by an approved tree-Vegetation survey. [Ord. 2018-002]
- B. **Trees Excluded from Credit**  
 Credits shall not be permitted for vegetation that are: [Ord. 2018-002]
  1. Required for preservation by Art. 14.C, Vegetation Preservation and Protection (i.e. located in required preservation areas, heritage or champion trees); [Ord. 2018-002]
  2. ~~Not properly protected from~~ Irreparably damaged during the construction process, ~~as required in Art. 7, Art. 14.C, Vegetation Preservation and Protection;~~ [Ord. 2018-002]
  3. Classified as prohibited or invasive non-native species as defined in Art. 14.C, Vegetation Preservation and Protection; [Ord. 2018-002]
  4. Dead, dying, diseased, or infested with harmful insects; or [Ord. 2018-002]
  5. Located on a subarea of a planned development that is not intended to be developed for residential, commercial, or industrial use, such as a golf course on an adjacent open space parcel. [Ord. 2018-002]
- C. **Vegetation Tree Credit and Replacement Formula**  
~~All existing vegetation that are to be preserved, mitigated on or off site, replaced on or off site shall be credited pursuant to Table 7. E.3, Tree Credit and Replacement. Pines with a caliper of two inch or more shall be subject to preservation, mitigation or replacement.~~  
 [Ord. 2016-042] [Ord. 2018-002] [Partially relocated to Table 7.E.3.C, Vegetation Credit and Replacement]  
 Existing vegetation that is given credit towards required vegetation, or for the purpose of a replacement shall be subject to the following Table. In addition, the size of the credited or replaced vegetation shall be in compliance with the size requirements pursuant to Art. 7.D.2, Trees, Palms and Pines.

Table 7.E.3.C - ~~Tree~~ Vegetation Credit and Replacement

<u>Tree or Pine</u> Diameter at 4.5 Feet Above Grade (1,2, 3)	=	Quantity for Credits or for Replacements
Less than 2 in.	=	0
2-6 in.	=	1
7-11 in.	=	2
12-16 in.	=	3
17-21 in.	=	4
22-26 in.	=	5
27-31 in.	=	6
32-36 in.	=	7

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 CR-2018-030, CR-2018-047, CR-2018-035  
 (Updated 10/24/18)

Table 7.E.3.C - ~~Tree~~ Vegetation Credit and Replacement

37 in. or more	=	8
[Ord. 2014-025] [Ord. 2016-042] [Ord. 2018-002]		
<b>Notes:</b>		
1. Fractional measurements shall be rounded down. [Ord. 2018-002]		
2. <u>Pines with a diameter of six inches or more, measured at a height of 4.5 feet above grade shall be subject to preservation, mitigation or replacement.</u>		
3. <u>Quantity: replacement of palms shall be one for one.</u>		

1 1. Natural Disaster Replacement

2 Each tree, palm or pine that has been damaged by natural disaster shall be replaced by a  
 3 similar specie, and subject to the following:

- 4 a) Quantity – one for one; and  
 5 b) Size – pursuant to Art.7.D.2, Trees, Palms and Pines.

6 2. Illegal Tree or Pine Removal

7 If a tree or pine is removed with only the stump remains, the following formula shall be utilized  
 8 to determine the size of the removed tree or pine.

- 9 a) measure the diameter of the tree or pine stump and reduce the measurement by 25  
 10 percent; and,  
 11 b) replacement of the quantity of the tree or pine shall be based on the reduced diameter  
 12 measurement, and subject to, the requirements of Table 7.E.3.C, Vegetation Credit and  
 13 Replacement for estimating the number of trees or pines to be replaced  
 14

15  
 16  
 17 **Part 6. ULDC Art. 7.F.3 Landscaping, Installation and Maintenance, Maintenance (page 48 of 53,**  
 18 **Supplement 24), is hereby amended as follows:**  
 19

**Reason for amendments: [Zoning]**

1. Current Code only addresses the replacement of trees, which include palms and pines, which are subject to a Permit approval process. Proposed amendment includes the replacement of shrubs or hedge and ground treatment, which are not subject to a permit approval process, but the replacement must be in compliance with Code or Conditions of Approval of the development order. Replacement of walls and fences shall be in compliance with Code or Conditions of Approval, and subject to Building Permit approval process.

20 **CHAPTER F INSTALLATION AND MAINTENANCE**

21 ....

22 **Section 3 Maintenance**

23 **A. General**

24 PBC is responsible for the care and maintenance of the trees and vegetation on PBC-owned  
 25 property, unless provided for otherwise by DO condition of approval. For all other properties, which  
 26 includes vegetation required to be installed under a DO, or existing preserved vegetation, the  
 27 property owner or successors in interest, contractor, or agent, if any, shall be jointly and severally  
 28 responsible for the requirements of this Section. Maintenance of the Premises shall also be subject  
 29 to the Palm Beach County Code, Chapter 14, Article 1, Property Maintenance Code. **[Ord. 2018-**  
 30 **002]**

- 31 1. Regular maintenance of all landscaping is required. All landscaping shall be free from disease,  
 32 pests, weeds, and litter. Maintenance shall include weeding, watering, fertilizing, pruning,  
 33 mowing, edging, mulching, or any other actions needed, consistent with acceptable  
 34 horticultural practices.  
 35 2. Regular maintenance, repair, or replacement of landscape barriers and focal points, including  
 36 landscape structures (e.g., walls, fences, fountains, and benches) in order to keep them in a  
 37 structurally sound condition.  
 38 3. Perpetual maintenance to prohibit the reestablishment of prohibited and non-native invasive  
 39 species within landscape and preservation areas.  
 40 4. Periodic maintenance to remove diseased or damaged limbs, or remove limbs or foliage that  
 41 present a hazard. All trees and palms shall be allowed to grow to their natural mature height  
 42 and to full canopy. **[Ord. 2018-002]**  
 43 5. Landscape areas, which are required to be created or preserved by this Article, shall not be  
 44 used for temporary parking or the storage/display of materials or sale of products or services..

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**EXHIBIT I**

**ARTICLE 7, LANDSCAPING**  
 CR-2018-030, CR-2018-047, CR-2018-035  
 (Updated 10/24/18)

**B. Maintenance Replacement of Vegetation**

Required ~~or preserved~~ vegetation ~~trees, palms, pines, shrubs, landscape barrier or ground treatment~~ that becomes damaged, diseased, removed or ~~is are~~ dead shall be immediately replaced, and where specified, ~~are subject to the Tree Removal and Replacement Permit process, with plant material to comply with Replacement of vegetation shall comply with the following: the approved standards and height requirements of this Article or conditions of approval, whichever is greater.~~

1. ~~Trees shall be in accordance with Table 7.E.3.C – Vegetation Credit and Replacement, and subject to the Tree Removal and Replacement Permit pursuant to Art. 7.B.5.~~
2. ~~Shrubs shall be in accordance with the original size as required under each type of Buffer consistent with Art.7 Landscaping or Conditions of Approval.~~
3. ~~A wall or fence shall be in accordance with the original height, and the same construction material as required under each type of Buffer consistent with Art.7, Landscaping or Conditions of Approval, and subject to a Permit approval process.~~
4. ~~A hedge shall be in accordance with the original height as required under each type of Buffer consistent with Art. 7, Landscaping or Conditions of Approval, where applicable.~~
5. ~~Ground Treatment shall be in accordance with Art. 7.D.7, Ground Treatment or Conditions of Approval, where applicable.~~

~~Vegetation that is removed or damaged, shall be replaced in accordance with Table 7.E.3.C, Tree Credit and Replacement. Landscape trees planted or preserved to meet the minimum landscape code requirements may be removed provided a Tree Removal Permit is approved. [Ord. 2005-002] [Ord. 2018-002]~~

**Part 3. ULDC Art. 7.G, Landscaping, Enforcement (pages 51-52 of 53, Supplement 24), is hereby amended as follows:**

<b>Reason for amendments:</b> [Zoning]
1. Clarify that violation of landscape requirements, which include: trees, pines, palms, shrubs, wall fence, hedge and ground treatment shall be a violation of this Code, and not just Article 7 since there are other references of landscape requirements in other Articles of the ULDC. In addition, landscape requirements may be imposed as a Condition of Approval under a Development Order (DO), and therefore also constitute a violation of a development order.
2. Clarify that violation of illegal removal shall not be just for trees, the proposed amendment will include all types of landscape requirements.

**CHAPTER G ENFORCEMENT**

**Section 1 Purpose**

~~This Chapter establishes enforcement procedures to ensure compliance with the ULDC and applicable DOs.~~

**Section 1.2 Temporary Suspension of Landscape Standards**

The Executive Director of PZB may temporarily suspend the standards of this Article and establish timeframes and guidelines to replace destroyed or damaged landscape material through a Departmental PPM in the following situations: a hurricane; a freeze resulting in unavailability of landscape materials; a period of drought resulting in restrictions on water usage imposed by a governmental authority; or a similar event. **[Ord. 2005-041]**

**A. Performance Surety**

If the landscape standards of this Article are suspended pursuant to this Article, the property owner may enter into an agreement with PBC to allow issuance of the permit or CO or Certificate of Completion provided the property owner includes as part of this agreement adequate guarantee or surety that the terms of this Article will be met after the suspension period has been lifted. The guarantee shall consist of a performance bond or other surety agreement approved by the County Attorney in an amount equal to 110 percent of the direct costs of materials and labor and other costs incidental to the installation of the required landscaping completion agreement. Performance bonds or other guarantees required pursuant to this subsection shall name PBC as a beneficiary and specify the time-frame for the completion of the landscape standards of this Article. **[Ord. 2005-041]**

**B. Application Requirements**

An application for a temporary suspension of landscape standards shall be accompanied by a landscape plan identifying the plantings that have been postponed, the proposed planting schedule, and the costs of the suspended planting. Planting cost estimates may be independently verified by PBC.

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**EXHIBIT I**

**ARTICLE 7, LANDSCAPING**  
**CR-2018-030, CR-2018-047, CR-2018-035**  
**(Updated 10/24/18)**

1 **Section ~~23~~ Enforcement**

2 Failure to install or maintain landscape requirements, or when vegetation has been illegally removed, or  
 3 has been irreparably damaged landscaping according to the terms of this Article or any approved plan or  
 4 permit shall constitute a violation of the Article Code or a DO. PZB may issue a Cease and Desist Order or  
 5 withhold a CO or Certification of Completion until the provisions of this Article have been met. In the  
 6 alternative, PZB may refer any violation of this Article to Code Enforcement for corrective action or penalties  
 7 set forth in Art. 10, Enforcement.

8 **~~A. Fines~~**  
 9 ~~Violations of the provisions of this Section shall be subject to the following fines or requirements:~~  
 10 ~~1. Such fines, site improvements and replacement landscaping as may be required by Art. 10,~~  
 11 ~~Enforcement, or the PBC Code Enforcement Citation Ordinance; or [Ord. 2005 – 002]~~  
 12 ~~2. Such fines and imprisonment as provided for in F.S. 125.69. [Relocated to Art. 7.G.3.D,~~

13 **Fines]**  
 14 **~~BA. Violations~~**  
 15 The following deficiencies shall be considered a separate and continuing violation of this Article or  
 16 a DO:  
 17 1. Each tree or shrub that is not properly installed or properly maintained on site as required  
 18 by this Section; ~~Each required tree, palm, pine, or other vegetation not properly installed~~  
 19 or maintained shall be considered a separate and continuing violation of the ULDC or  
 20 applicable DO. Each row of shrubs and ground treatment shall be considered as a separate  
 21 and continuing violation. Each wall or fence not properly installed or maintained shall be  
 22 considered a separate and continuing violation.  
 23 2. Each day in which landscaping is not properly installed or properly maintained on site as  
 24 required by this Section or by the order of the Special ~~Magistrate Master;~~ and **[Ord. 2018-**  
 25 **002]**  
 26 ~~3. Each tree removed without a permit.~~

27 **~~B. Corrective Actions~~**  
 28 ~~PBC shall determine appropriate corrective actions, including, but not limited to the replacement of~~  
 29 ~~landscape material.~~

30 **~~1. Replacement~~**  
 31 ~~a. Replacement of vegetation shall comply with the size and quantity pursuant to Art. 7.E.3,~~  
 32 ~~Credit and Replacement or the Conditions of Approval of the DO.~~  
 33 ~~b. Any other landscape materials shall be replaced pursuant to Art. 7.D, Landscape~~  
 34 ~~Standards. [Ord. 2018-002] [Partially relocated from Art. 7.G.3.C.1, Additional~~  
 35 ~~Sanctions as it related to Enforcement]~~

36 **~~C. Additional Sanctions~~**  
 37 PBC may take any appropriate legal action, including, but not limited to requiring replacement of  
 38 landscape material which has been hatracked, damaged and rendered unable to achieve its natural  
 39 and intended form, administrative action, requests for temporary and permanent injunctions, and  
 40 other sanctions to enforce the provisions of this Section. **[Ord. 2005-002]**

41 **~~1. Replacement of Landscaping~~**  
 42 ~~a. Canopy trees shall be replaced pursuant to Art. 7.E.3, Tree Credit and Replacement. [Ord.~~  
 43 ~~2018-002]~~  
 44 ~~b. Any other landscape materials shall be replaced pursuant to Art. 7.D, Landscape~~  
 45 ~~Standards. [Ord. 2018-002] [Partially relocated to Art. 7.G.3.B.1, Corrective Actions~~  
 46 ~~as it related to Enforcement]~~

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Follow-up on Recommendations with Industry (Meeting 10-11-18)								
	Complete	Pending						
#	Issues	Details	Lead	Status	Date Initiated	Initiated by	Completed Date	Suggestions/ Comments
1	PH documents - Staff Reports	Staff reports are not being sent in a timely manner for Agents to review and discuss with applicant and to respond to Staff.	Bill	Pending	10/11/2018	Gladys DiGiorlamo		10-11-18 Gladys recommended that staff sends a draft report upfront prior to final report; Bill will review.
2	PH documents - Draft Conditions of Approval	COAs are not being sent in a timely manner for Agents to review and discuss with applicant and to respond to staff.	Bill	Pending	10/11/2018	Gladys DiGiorlamo		10-11-18 Gladys recommended that staff sends a draft report upfront prior to final report; Bill will review.
3	List of Application Issues - Certification of PH and DRO applications delay	Minor issues that may be finalized at DRO, how do Agency carry these minor issues to final DRO;	Bill & Monica	Pending	10/11/2018	Lauren / Pat		10-11-18 Jon - needs exploring
4	Add a DROP deadline in the ePZB screens to alert Agents deadline for entering conditions	ePZB alert notifications being worked on by ISS, to inform of status of conditions;	Jon	Pending	10/11/2018	Jon		10-11-18 Agents asked if a deadline date can be added to the ePZB screen so that agents are given a date for entering conditions
5	Cleanup of COA for DO	Clean-up of COAs system needs improving or automated, requires to much agent's time;	Bill	Pending	10/11/2018	Gladys DiGiorlamo		10-11-18 Agents suggested some type of automation of consolidation of Conditions for every DO. Agents need to do the review of conditions prior to application submittal for "status of Conditions"
6	Application "Checklists" are helpful	Staff removed obsolete "Coversheets" for PH and DRO applications Jan 2018 since no longer needed since no paper files. Agents said they find them useful;	Zubida	Pending	10/11/2018	Gladys DiGiorlamo		10-11-18 With the new "Naming Convention" now in individual sheets per application process. This may work as the application checklist; OK to change name on naming convention to "Application Checklist and Naming Guide". Staff will review with Zubida to see if changes can be made to use this as Checklist and Naming Guide;
7	Pre-Application Appointments - required for too many apps in ULDC	Agents would like to see the PAA requirement be optional in ULDC based on the type of application requests;	Wendy/Jon	Pending	10/11/2012			10-11-18 PAA as a requirement - would like to see it be optional in Code especially on some applications that can be discussed over the phone or emails and then be submitted.
8	ZAR - why reviewed by so many agencies	Sometimes ZARs are reviewed by too many agencies;	Monica	Pending	10/11/2018	Gladys DiGiorlamo		10-11-18 Monica will review
9	DROP Box for PH & DRO application documents	Provide a way to upload application documents to Agents who are traveling a great distance to submit application documents;	Zubida/CD-SPT	Pending	10/11/2018	Alex Ahrenholz		10-11-18 Jon - will explore.
10	On-line submittal system	Unforgiving system if a document is missing have to wait 1 week to resubmit; wants changed before other applications are added;	Monica	Pending	10/11/2018	Lauren McClellan		10/11/18 Most Agents did not have issues with online system. Will review



**Palm Beach County  
Zoning Division**

# 2019 DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC) MEETING DATES

The DRAC is an ad hoc committee comprised of agents who assists staff in making recommendations and review changes to the Zoning Review processes.

Planning, Zoning & Building  
Vista Center Complex  
2300 N. Jog Road  
West Palm Beach, Florida 33411  
Contact: Dorine Kelley, at:  
561-233-5579 or e-mail her at:  
[dkelley@pbcgov.org](mailto:dkelley@pbcgov.org)

<p><b>January 2019</b></p> <table border="1"> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>Th</td><td>F</td><td>S</td></tr> <tr><td></td><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr> <tr><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td></tr> <tr><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td></tr> <tr><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td></tr> <tr><td>27</td><td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td></tr> </table>	S	M	T	W	Th	F	S			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			<p><b>February 2019</b></p> <table border="1"> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>Th</td><td>F</td><td>S</td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td></tr> <tr><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> <tr><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td></tr> <tr><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td></tr> <tr><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td></td><td></td></tr> </table>	S	M	T	W	Th	F	S						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28			<p><b>March 2019</b></p> <table border="1"> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>Th</td><td>F</td><td>S</td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td></tr> <tr><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> <tr><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td></tr> <tr><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td></tr> <tr><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td></tr> <tr><td>31</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>	S	M	T	W	Th	F	S						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31							<p><b>April 2018</b></p> <table border="1"> <tr><td>S</td><td>M</td><td>T</td><td>W</td><td>Th</td><td>F</td><td>S</td></tr> <tr><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td></tr> <tr><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td></tr> <tr><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td></tr> <tr><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td></td></tr> <tr><td>28</td><td>29</td><td>30</td><td></td><td></td><td></td><td></td></tr> </table>	S	M	T	W	Th	F	S		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	22	23	24	25	26	27		28	29	30									
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**Meeting Dates:**

- January 18, 2019 from 2:00 to 4:00 pm, VC-2E-12 Shared Conference Room
- May 3, 2019 from 2:00 to 4:00 pm, VC-2E-12 Shared Conference Room
- August 9, 2019 from 2:00 to 4:00 pm, VC-2E-12 Shared Conference Room
- November 8, 2019 from 2:00 to 4:00 pm VC-2E-12 Shared Conference Room