



February 21, 2007

**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractor Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228

www.pbcgov.com/pzb



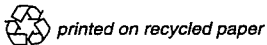
**Palm Beach County
Board of County
Commissioners**

- Addie L. Greene, Chairperson
- Jeff Koons, Vice Chair
- Karen T. Marcus
- Warren H. Newell
- Mary McCarty
- Burt Aaronson
- Jess R. Santamaria

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*



Mr. Wesley Blackman, AICP, Chairman
and Members of Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, FL 33460

RE: February 28, 2007 LDRAB Annual Meeting

Dear Mr. Blackman:

Attached please find the agenda and supporting materials to assist you in preparing for the LDRAB meeting on Wednesday, February 28, 2007.

The meeting will be held at 2:00 p.m. in the Vista Center 1st Floor Conference Room, located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions and/or require additional information, please contact me via email at wcross@co.palm-beach.fl.us or Paula Pritchard, Secretary, at (561) 233-5088.

Sincerely,


William Cross
Senior Planner, Zoning Division

Attachments:

February 28, 2007 LDRAB Agenda and Supporting Materials

BC/pp

- c: Barbara Alterman, Esq., Executive Director, PZB
- Lenny Berger, Assistant County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Barbara Pinkston-Nau, Principal Planner, Zoning
- Isaac Hoyos, Principal Planner, Planning
- John Rupertus, Senior Planner, Planning

Ref: U:\zoning\CODEREV\2007\LDRAB\Meetings\02-28\transmittal ltr.doc



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

**ANNUAL ORGANIZATIONAL MEETING - AGENDA
Wednesday, February 28, 2007, 2:00 p.m.
Planning, Zoning and Building
2300 North Jog Road
1st Floor Conference Room**

A. CALL TO ORDER – CONVENE AS LDRAB

1. Roll Call
2. Introductions
3. Elections: Chair and Vice Chair
4. Motion to Adopt Agenda
5. Adoption of October 25, 2006 Minutes – **Exhibit A-1**
6. Adoption of November 9, 2006 Minutes – **Exhibit A-2**

B. ANNUAL ORGANIZATIONAL MEETING (Exhibit B)

- I. Meeting Procedures Exhibit I**
 - A. Robert's Rules of Order
 - B. Code of Ethics/Sunshine Laws
 - C. Rules of Procedure
- II. 2006 Attendance and 2007 Meeting Schedule Exhibit II**
 - A. 2006 Attendance
 - B. 2007 Meeting Schedule
 1. Member Request to Review and Modify Dates
 2. Alternate Dates Meeting Room and Staff are Available
- III. Summary of 2006 Accomplishments Exhibit III**
 - A. 2006 ULDC Amendments Summary
- IV. 2007 Work Plan Exhibit IV**
 - A. Summary of 2007 Proposed Amendments – (To be delivered under separate cover)
 - B. Subcommittees - (To be delivered under separate cover)
- V. PZB Public Information Exhibit V**
 - A. PZB Website Resources

C. PUBLIC COMMENTS - GENERAL

D. STAFF COMMENTS

E. ADJOURN

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD
FEBRUARY 28, 2007**

BOARD MEMBERS

Wes Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Gold Coast Build. Assoc.)

Joni Brinkman (League of Cities)

Ron Last, P.E (FL Eng. Society)

Edward Wronsky (A. I. A.)

Rosa Durando (Environmental Org.)

Duane Bennet (PBC Board of Realtors)

Wayne Larry Fish, P.S.M. (FL Soc. of Pro. Land Surveyors)

Maurice Jacobson (Condominium Assoc.)

Steven Dewhurst (Assoc. Gen. Cont. of Amer.)

Joanne Davis (District 1)

Barbara Katz (District 3)

Barbara Suflas Noble (District 4)

Jack Miles (District 5)

Bill Gotthelf (District 6)

Martin Klein, Esq. (District 7)

Brian Waxman, Esq. (Mem. At-Large, Alternate)

Frank Palen, Esq. (Mem. At-Large, Alternate)

Addie L. Greene
Chair, District 7

John F. Koons
Vice Chair, District 2

Karen T. Marcus
Commissioner, District 1

Warren H. Newell
Commissioner, District 3

Mary McCarty
Commissioner, District 4

Burt Aaronson
Commissioner, District 5

Jess R. Santamaria
Commissioner, District 6

Robert Weisman
County Administrator



PALM BEACH COUNTY

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

Minutes of October 25, 2006 Meeting

On Wednesday, October 25, 2006 at 2:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB), also serving as the Land Development Regulation Commission (LDRC), met in the Fourth Floor Conference Room, at 100 Australian Avenue, West Palm Beach, Florida, for their meeting:

A) Call to Order/Convene as LDRAB.

1) Roll Call

Vice Chair David Carpenter called the meeting to order at 2:20 p.m. Paula Pritchard, Code Revision Secretary, called the roll.

Members Present

David Carpenter (District 2)
Scott Worley (Gold C. Build. Assoc.)
Joni Brinkman (League of Cities)
Ron Last (FL Eng. Society)
Rosa Durando (Environmental Org.)
Maurice Jacobson (Condominium Assoc.)
Joanne Davis (District 1)
Barbara Katz (District 3)
Jack Miles (District 5)
Martin Klein (District 7)

Members Present - 10

Members Absent

Wesley Blackman (PBC Planning Congress)
Thomas Kastner (A. I. A.)
Duane Bennett (PBC Board of Realtors)
Larry Fish (FL Soc. of Pro. Land Surveyors)
Chuck Congdon (Assoc. Gen.Cont. of America)
Barbara Sufilas Noble (District 4)
Bill Gotthelf (District 6)

Members Absent - 7

County Staff Present:

Barbara Pinkston-Nau, Principal Planner, Zoning
William Cross, Senior Planner, Zoning
John Rupertus, Senior Planner, Planning
Rodney Swonger, Senior Landscape Inspector, Planning
Erin Fitzhugh, Planner II, Planning
Lenny Berger, Assistant County Attorney
Ann DeVeaux, Planner I, Zoning
Zona Case, Zoning Technician, Zoning
Paula Pritchard, Secretary, Zoning

2) Additions, Substitutions, and Deletions

Staff presented an add/delete sheet with changes to Exhibit D, Article 3, Overlays & Zoning Districts; Exhibit E, Article 4, Use Standards; and Exhibit H, Article 7, Landscaping. A motion to accept as amended was made by Martin Klein, seconded by Maurice Jacobson. The motion passed unanimously (10 - 0).

3) Motion to Adopt Agenda

A motion was made by Maurice Jacobson, seconded by Martin Klein, to adopt the agenda. The motion passed unanimously (10 - 0).

4) Adoption of September 13, 2006 Minutes (Exhibit A)

A motion was made by Martin Klein, seconded by Maurice Jacobson, to adopt the September 13, 2006 minutes. The motion passed unanimously (10 - 0).

B) ULDC Amendments

1) Article 1 - General Provisions (Exhibit B)

William Cross explained that the changes related to legal lot of record were incorporated in the last round however, the legal ad failed to include them so the items needed to go back through the process again.

A motion was made by Martin Klein, seconded by Maurice Jacobson. The motion passed unanimously (10 - 0)

2) Article 2 - Development Review Process (Exhibit C)

Barbara Pinkston-Nau pointed out that the way the Code was written is confusing and staff was advised to take the standards of the Development Order Amendment to make them read as clearly as possible. She also mentioned there has been some reorganization in the process to make things run more smoothly and efficient.

Kevin Ratterree representing GL Homes stated there is an issue of time extensions for buildout dates by condition in the Development Order for Traffic Concurrency and that they are subject to a monitoring requirement so the maximum extension is one year. He commented that this was to be presented at this meeting for it is a big issue in the development industry.

Motion to approve, as amended, by Martin Klein, seconded by Joanne Davis. The motion passed unanimously (10 - 0).

3) Article 3 - Overlays & Zoning Districts (Exhibit D)

William Cross stated that a year ago staff did an amendment to comply with the Comprehensive Plan to allow for the squaring off of three developments in the AGR Tier. At the time, the Plan for expansion for the squaring off of those developments has become an issue of debate and the Zoning Director directed us that the PDRs for each individual development be specified in the ULDC.

Mr. William Whiteford representing Ascot Development stated that FAR's weren't in the Plan they were only in the Unified Land Development Code (ULDC). He also stated how important it was for the FAR's to be put into the Plan in order to be consistent with the State.

Motion to approve as amended, including the changes of the add/delete sheet, by Martin Klein, seconded by Maury Jacobson. The motion passed unanimously (10 - 0)

4) Article 4 - Use Regulations (Exhibit E)

William Cross commented that several uses that are currently permitted in the zoning districts are not permitted by the Plan and that they are currently inconsistent with the Plan.

Motion to approve, as amended, up to Page 2 of 8, Part 3, Line 20, by Scott Worley, seconded by Maurice Jacobson. The motion passed unanimously (10 - 0)

5) Article 7 - Landscaping (Exhibit H)

Note: This item was heard first out of the order. William Cross stated that staff streamlined certain deviations from the use of an alternative Landscape Plan process to make it clearer. Rodney Swonger further explained how Landscaping is addressing the issues and going to the sites prior to writing the conditions. Several LDRAB members commented on proposed landscape buffer and wall changes.

Scott Worley made a motion to approve with exception to Part 2, Page 3 of 3, line 19, seconded by Maurice Jacobson. The motion passed (10 - 0)

C) Convene as the Land Development Regulation Commission (LDRC)

1) Proof of Publication

2) Consistency Determination

John Rupertus, Senior Planner, stated that the proposed amendments were consistent with the Comprehensive Plan.

Motion to approve by Maurice Jacobson, seconded by Martin Klein. The motion passed (unanimously 10 - 0).

D) Reconvene as the Land Development Regulation Advisory Board (LDRAB)

The Board reconvened.

E) Public Comments

F) Staff Comments

Due to lack of a quorum staff discussed with the Board two alternative dates for November to continue the meeting. Also indicated there may be no meeting in December. The Board voted to meet on November 9, 2006.

G) Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 4:30 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 Secretary at (561) 233-5088.

PALM BEACH COUNTY

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

**Minutes of November 9, 2006 Meeting
(Continuation of October 25, 2006 Meeting)**

On Thursday, November 9, 2006 at 2:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB), also serving as the Land Development Regulation Commission (LDRC), met in the First Floor Conference Room, at 2300 North Jog Road, West Palm Beach, Florida, for their meeting:

A) Call to Order/Convene as LDRAB.

1) Roll Call

Chair Wes Blackman called the meeting to order at 2:05 p.m. Paula Pritchard, Code Revision Secretary, called the roll.

Members Present

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Scott Worley (Gold Coast Build. Assoc.)
Joni Brinkman (League of Cities)
Ron Last (FL Eng. Society)
Rosa Durando (Environmental Org.)
Larry Fish (FL Soc. of Pro. Land Surveyors)
Chuck Congdon (Assoc. Gen.Cont. of America)
Joanne Davis (District 1)
Barbara Katz (District 3)
Bill Gotthelf (District 6)
Martin Klein (District 7)
Brian Waxman, Esq. (Mem. At-Large, Alternate)
Frank Palen, Esq. (Mem. At-Large, Alternate)

Members Present - 14

Members Absent

Vacant (A. I. A.)
Duane Bennett (PBC Board of Realtors)
Maurice Jacobson (Condominium Assoc.)
Barbara Sufilas Noble (District 4)
Jack Miles (District 5)

Members Absent – 4

Vacant - 1

County Staff Present:

Barbara Alterman, Executive Director
Allan Ennis, Assistant Director, Traffic Engineering
Maryann Kwok, Chief Planner, Zoning
Barbara Pinkston-Nau, Principal Planner, Zoning
Linda Monroe, Principal Planner, Zoning
Alan Seaman, Principal Planner, Zoning
William Cross, Senior Planner, Zoning
John Rupertus, Senior Planner, Planning
Rodney Swonger, Senior Landscape Inspector, Planning
Maggie Smith, Senior Economic Planner, Planning
Erin Fitzhugh, Planner II, Planning
Lenny Berger, Assistant County Attorney
Ann DeVeaux, Planner I, Zoning
Zona Case, Zoning Technician, Zoning
Paula Pritchard, Secretary, Zoning

William Cross pointed out that it is time for re-appointments with new nominations and the persons that are going to be up for reappointments are:

1. Scott Worley, Gold Coast Builders Association
2. Ron Last, Florida Engineering Society
3. Chuck Congdon, The Association General Contractors of America
4. Joanne Davis, District 1
5. Barbara Katz, District 3
6. Martin Klein, District 7

Mr. Cross stated that Thomas Kastner for the American Association Institute of Architects has resigned. Staff will need a new appointment from that Association. He went on to say that staff has sent letters to the appropriate parties or Commissioners, if members are interested in reappointment please contact them as well and indicate your willingness or desire to serve on the Board.

- 2) **Additions, Substitutions, and Deletions**
Staff presented an add/delete sheet with changes to reorder the Agenda to have Exhibit G, Special Permit come prior to Exhibit F, Article 17, Decision Making Bodies; Exhibit C, Article 4, Use Regulations, Exhibit D, and, Article 5, Supplementary Standards. A motion to accept the add/delete was made by Martin Klein, seconded by Bill Gotthelf. The motion passed unanimously (14 - 0).
- 3) **Motion to Adopt Agenda**
Motion to approve, as amended, by Martin Klein, seconded by Joni Brinkman, to adopt the agenda. The motion passed unanimously (14 - 0).
- 4) **Adoption of Minutes**
None presented at this time.

B) ULDC Amendments

- 1) **Article 2 -Monitoring (Exhibit A)**
William Cross explained that this is an amendment to Article 2, Development Review Process and related to Exhibit D, Article 5, Performance Standards amendment. In the past year, Ordinances were adopted regulating the location of generators around single-family dwellings or other types of residential units to give them flexibility as to whereas they could be located. This amendment will allow variance relief administratively.

Allan Ennis, Assistant Director stated the BCC had directed staff to put buildout conditions on development projects. He also mentioned that buildout conditions only be changed by the submittal of a new traffic study addressing traffic conditions through the proposed buildout of that development.

- a. Joni Brinkman recused herself from the vote on Exhibit A because she was actively involved in coordinating with staff on the amendment for buildout extension.

Motion to approve, as amended, by Martin Klein, seconded by Joanne Davis. The motion passed (13 - 0)

- 2) **Article 3 – Overlays and Zoning Districts (Exhibit B)**
William Cross stated that the PDD Use Matrix amendment for medical office is associated with the upcoming Glades Regional Hospital. The consultant Kilday & Associates noted that in the MUPD district medical office or dental office is not an allowed use in a MUPD. However, it is an allowed use in an institutional zoning district IPF. He also mentioned that this is just an oversight that has been in the Code for years and the amendments will allow the medical offices to be approved concurrent with the hospital projects.

- a. Joni Brinkman recused herself from voting on Exhibit B because she was actively involved in coordinating with staff on the medical office amendment.

Motion to approve, as amended, by Martin Klein, seconded by Joanne Davis. The motion passed (13 - 0).

- 3) **Article 4 – Use Regulations (Exhibit C)**
William Cross summarized that this is an existing situation requiring clarification for financial institutions in the Use Matrix. Staff has consolidated all text into a table format to improve clarity and understanding regarding districts where a financial institution is permitted. This amendment was postponed at the request of David Carpenter.

Mr. Cross further stated that the commercial kennel Type III that was amended last year allows more flexibility for a commercial kennel that is entirely located indoors. It was brought to staff's attention that it didn't include the district of a PIPD so it has been added to allow DRO approval.

Mr. Cross introduced former Zoning Director, Bill Whiteford representing one of the agricultural reserve TMD's as well as Kevin Ratterree representing Canyon Center TMD, which is also an AGR TMD. He also mentioned that staff was directed by the Zoning Director to consolidate the restaurant categories into two parts.

Mr. Kevin Ratterree representing GL Homes stated that the changes he was requesting to was to simply get back to the Code in effect as of the time the two TMD's were approved.

- a. Brian Waxman recused himself from Article 4, Exhibit C because he has ownership of land within the Bioscience Overlay Zone.

Motion to approve as amended, excluding Part 1 and Part 8 for further consideration, including the add/delete sheet Page 1 of 1, Part 2 and lines 39-42, by Martin Klein, seconded by Joanne Davis. The motion passed (13 - 0)

- 5) **Article 5 – Supplementary Standards (Exhibit D)**

William Cross commented that this amendment is to clarify location and setback requirements for permanent generators.

Alan Seaman, Principal Planner elaborated that typically in the past staff has asked the variance applicant to ask the Association if they have a problem with the variance they are requesting. It is basically used to put the applicant on notice that even if the Board of Adjustment (BOA) approved their variance their maybe a more restrictive Association rule that would prevent them from actually implementing the variance they got from the BOA.

Barbara Alterman, Executive Director agreed that if you can't meet one of the criteria's then the applicant would have to go to a Board for a public hearing. She stated that staff is granting a variance without any kind of public hearing or notice. She also mentioned that staff gets numerous calls from the Associations complaining about their neighbors next door with these huge and loud machinery.

Motion to approve, with exception to Line 39 modifying the language to include a Type IB variance that includes line 46-48 to remain as a condition, and to delete Lines 43-45, by Martin Klein, seconded by Bill Gotthelf including the changes of the add/delete sheet. The motion passed unanimously (14 - 0)

6) Article 6 - Parking (Exhibit E)

William Cross summarized that this is an addition for clubhouses and recreation pods. Several agents that are working in PUD's, and recreation pods made the request for clarity of the parking requirements. Barbara Pinkston-Nau elaborated that a lot of the recreation areas are being over parked and this will reduce what has to be provided.

Motion to approve, as amended by staff recommendation, with the deletion of Part II, by Martin Klein, seconded by Scott Worley. The motion passed unanimously (14 - 0)

7) Special Permit (Exhibit G)

Alan Seaman, Principal Planner summarized that Zoning staff has put in an effort to reduce unnecessary review time for staff and to expedite applicant requests for temporary special uses to complete a comprehensive study of all Special Permits. The conclusion of the study has allowed staff to eliminate Special Permits that are no longer relevant or through minor changes to the Supplementary Use Standards can now be reviewed by DRO one time and/or through building permitted process.

Motion to approve, as amended, with deletion of Part 9, Page 5 of 8, Line 43, Part 13, Page 7 of 8, Line 47, and Part 15, Page 8 of 8, Line 6, by Martin Klein, seconded by David Carpenter. The motion passed unanimously (14 - 0)

8) Article 17 (Exhibit F)

Patrick Rutter, Chief Planner explained that this is a modification to the Unified Land Development Code (ULDC) regarding the current Land Use Advisory Board (LUAB). The modifications will be bringing to compliance with the Resolution No. 95-1806 approved by the BCC, which states that the preferred limit number of members of a Board is nine and in no event should exceed 11.

Dennis Koehler, Esq. Member of LUAB stated that the LUAB had no opportunity to review the proposed amendments, and that their Board is the only county Board that is legislative. He also stated the more diverse the views, the better likelihood that the recommendations made will be balanced.

Bill Hall, Chair elaborated that changing of the structure is not well advised. He mentioned that a 15 member Board will have a more uniform and diversified thought process than seven members. I along with my board members would recommend that the Board deny this from going forward to the BCC.

Judy Diversa, Vice Chair added just because we do not always see things the same way and I just think to change the Board, just because it's not conforming, when it does not have to be, is not the right direction.

Barbara Alterman, Executive Director indicated that Planning and Zoning staff have been trying to streamline the Boards in order to comply with the Code. She also stated staff has been restructuring to get a fresh look and to see if there are better ways of doing things.

Motion to table and to ask for direction from the BCC, as amended, by Bill Gotthelf, seconded by Scott Worley. The motion passed unanimously (14 - 0)

C) Convene as the Land Development Regulation Commission (LDRC)

1) Proof of Publication

A motion was made by Martin Klein, seconded by Scott Worley. The motion passed unanimously (14-0)

2) Consistency Determination

John Rupertus, Senior Planner, stated that the proposed amendments were consistent with the Comprehensive Plan.

Motion to approve by was made by Martin Klein, seconded by Barbara Katz. The motion passed (unanimously 14 - 0).

D) Reconvene as the Land Development Regulation Advisory Board (LDRAB)

The Board reconvened.

E) Public Comments

F) Staff Comments

William Cross stated that the amendments heard on October 25th and November 9th will be presented to the Board of County Commissioners (BCC) for Request for Permission to Advertise on November 27th. The actual First Reading and Second Reading for the Adoption of the Ordinance will be on January 4th and 25th, respectively. This concludes the workload we have for this year and we don't anticipate having a November or December 2006 LDRAB meeting. He also added that the annual meeting is scheduled for January 24, 2007 and would like the Board to bring some ideas on these matters:

1. Staff would like the Board to come up with alternate dates for November and December 2007.
2. Due to a request by an LDRAB member to reconsider meeting dates, Mr. Cross requested that members bring their calendar to the Annual Meeting to assist any discussion on the topic.

Mr. Cross further stated that the volunteers for the General Subcommittee with focus on the topics of Flex Space and Industrial Uses in Commercial Districts, Staging of R.O.W Construction, Restaurants, and Residential and Commercial after Hurricanes are, among others, and should at least include the following members:

- a. Bill Gotthelf
- b. Joni Brinkman
- c. Ron Last
- d. David Carpenter

G) Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 4:15 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 Secretary at (561) 233-5088.