

PALM BEACH COUNTY
CITIZENS TASK FORCE

Thursday, July 3, 2003

2:00 p.m.-4:15 p.m.

100 South Australian Avenue

West Palm Beach, Florida

Reporting:

Rita Hazel

Notary Public

ATTENDEES

WESLEY BLACKMAN, CHAIRMAN

D.J. SNAPP, VICE CHAIR

BRUCE KALEITA

FRANK PALEN

DAVID CARPENTER

MAURY JACOBSON

CARMELA STARACE JOANNE DAVIS

STEPHEN DECHERT

WAYNE FISH

RON LAST

ROSA DURANDO

BARBARA KATZ

HENRY DEIBEL, JR.

MARK WEINER

Jon MacGillis, Zoning Administrator

Lenny Berger, Esquire, Assistant County Attorney

Carrie Rechenmacher, Senior Planner

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PROCEEDINGS

(Thereupon, Court Reporter arrived at 2:20 p.m. At which time the Roll Call, Approval of Agenda, Additions and Deletions, Excused Absences and the start of Article 4 were already done.)

MR. BEGER: Unfortunately, they don't match.

They are supposed to match, they're like 88. If you went to 88, you would find all the supplementary requirements for single family homes.

MS. DURANDO: Wait a minute now, I thought 88 was updated.

MS. RECHENMACHER: It's not, the supplementary notes haven't been updated because we have been reorganizing and consolidating. It's just been a

massive effort cutting, pasting and moving things that we haven't had a chance to move things. But there is an attempt to make it all alphabetical.

MR. MACGILLIS: They are all in alphabetical order.

The numbers are off a bit. That will be fixed in the end, but all the supplementary requirements are in here.

MS. DURANDO: What does A mean?

MR. MACGILLIS: Additional use approval by board administration.

Zoning? MS. DURANDO: It has to come to where, the

MR. MACGILLIS: The Board of County Commissioners.

MS. DURANDO: Are they on any rigid guidelines?

MR. MACGILLIS: That's in Article 2, which we've already seen. The Committee has already signed off on it. Article 2 outlines, once you've already determined

what process you have to go through, Article 2 outlines all the --

MS. DURANDO: What are the constraints on grooms quarters. I don't believe there are none?

MR. MACGILLIS: They would be in here. Carrie can go over those specifically when we get to the supplementary standards.

CHAIRMAN BLACKMAN: Those haven't changed.

MS. DURANDO: They may not be in urban service areas where you got a sewage.

MR. KALEITA: How about brides, do we have any regulations on brides?

MR. SNAPP: Brides quarters.

MS. STARACE: She has a legitimate -- sometimes they take the grooms quarters that becomes houses so, I mean, Rosa has a legitimate point.

MS. DURANDO: You got to believe it. And some of the problem is that it's not in the urban service areas. We've been through that and I don't know if it has ever been legally corrected.

MS. STARACE: Yeah. I think we brought it up and it's all in here now.

CHAIRMAN BLACKMAN: We reviewed that previously, Larry.

MR. FISH: I would like to make a suggestion in here. I don't care how it was in the past, how it is in the future, this is the way it needs to be. If you are going to use this Use Measures, put a ledger on every page and in the newspapers that defines what it is. I know what it is, but the public doesn't know. In my profession I have to put a ledger on every drawing I do by law.

MS. DURANDO: How about the County Commissioners?

MR. CARPENTER: They don't look at it.

MS. DAVIS: I was just looking over this and most of these say the same thing. I mean, all of them say, all site approved shown on the plan. Site plan or subdivision shall be, you know, they say something to that effect.

MR. JACOBSON: Where are you at, Joanne?

MR. MACGILLIS: She's on the second page of Article

MR. RECHENMACHER: Actually the first page on this errata is streamlined. It was modified because its gotten a little too complicated. Maybe that's what you were referring to before.

MS. DAVIS: It's too wordy.

MS. RECHENMACHER: It is too wordy, correct. And that's what the first page of this errata is.

MS. DAVIS: And I agree with Larry, there should be a ledger on this so you can quickly understand what it is.

CHAIRMAN BLACKMAN: If you look at the first and second pages of the orange sheets, that's where the new language is.

MR. MACGILLIS: Maybe what we can do now is let

Carrie go through and just do a summary. We don't want to go through everything because a lot of the stuff has not been changed. The main thing that we did here was to address when we eliminated a zoning district. There was a Use that was either permitted or a Conditional Use. We didn't want to eliminate that totally.

So we had to look at that next corresponding zoning district and see how to accommodate that use, whether it was bumped up to a Conditional Use A or allowed us a permitted use. So staff had to go through that. And when we did that, we also tried to consolidate more uses under broader headings because there were so many supplementary notes in here. And you have a lot of agricultural uses that were under excavation or something.

CHAIRMAN BLACKMAN: And that was an effort to simplify.

MR. MACGILLIS: Exactly. Carrie can just give us a brief summary to go through just so you have an idea of some of the main things that we've changed in the supplementary standard.

MR. CARPENTER: Can I ask one question before we get started, sorry Carrie. Under commercial in our

matrix, under retail sales and then after that is truck, automotive accessory and parts, did you just decide not to further define that and just put automotive sales under retail sales or was it moved somewhere else?

MS. RECHENMACHER: It just says auto. It just says auto retail sales. They just shortened it.

MR. CARPENTER: Okay, I got you. We left the auto in, I got you.

MS. RECHENMACHER: We left the auto in.

MR. CARPENTER: Why are we defining that separately in some place -- why wouldn't that just be under retail sales?

MR. RECHENMACHER: That's a good question. Actually I think it's worth noting and maybe we should say consolidating because it is under commercial district.

MR. CARPENTER: I was just curious if it was maybe some place it wasn't permitted for retail.

MR. RECHENMACHER: The only thing I can see is if you have questions like, if you have higher sales and then actually that would fall under tires. Then get into auto repair, but that would come from repair in

general

MR. CARPENTER: I don't mind if you want to further define it. I just thought that whole part was struck.

CHAIRMAN BLACKMAN: So Carrie, what you are about to do is just walk us through and give us some examples of how this was consolidated

MS. RECHENMACHER: Right.

MR. MACGILLIS: Actually, you should have this summary sheet here. So are you going to follow that format?

MS. RECHENMACHER: Before I even do that, I'd just like to point out and maybe you already know, but in your matrix here there's a number of districts that were deleted. And those are shadowed on that matrix. The CTSO is deleted and the SARCR. In the AR district, Agricultural Residential, instead of Rural Service Area and Urban Service Tier, we just called it the Rural Service and Urban Service Area. It's called the RSA and USE, Rural Service Area and Urban Service Area. Do you have a question Bruce?

MR. KALEITA: No. I'm just sort of exercising. I'm just curious, are there any lands that have been assigned these zoning classifications and if so what's

going to happen to them? You may have already addressed this, I'm not sure. I know we rushed through the resistance of the Rural Services District last year thinking that it was desperately needed and now it is decided that it's not needed at all and I'm just curious has anybody got any zoning classification. And if they do, aren't they going to have to initiate a government industry in rezoning?

MS. RECHENMACHER: As you know, we consolidated districts before and the purpose and intent addresses those districts. And it just addresses those districts as being considered compatible with the new districts and that's what still has to be --

MR. KALEITA: If we know it's going to be zoned that way and if so what happens to it?

MR. MACGILLIS: I think there is a provision we put in there, but it addresses that it was this zoning district before now corresponds to the new zoning district you are still conforming. Like we used to, old planned developments, which are now MUPD's. When you look at the MUPD's, it says old PCD's are now converted to MUPD.

MR. KALEITA: And in the district it could be

converted to the use that was made in that district previously to the old district, which was abolished and is now a permitted use in that district.

MR. MACGILLIS: Yes.

MR. KALEITA: So nobody becomes a nonconforming party.

MS. RECHENMACHER: Correct.

MR. MACGILLIS: Correct.

CHAIRMAN BLACKMAN: Go on, Carrie.

MR. RECHENMACHER: Such as the commercial specialized, CRS deleted. I don't think we ever rezoned it. That's partially why we got rid of it. It was a district we never used, DRTS, RTU ERH and RAM are now all combined so we have no more RH and that's it. So that's seven districts.

CHAIRMAN BLACKMAN: And the elimination of these we really haven't approved already.

MR. MACGILLIS: Correct.

CHAIRMAN BLACKMAN: This is going into a finer level of detail as to what is permitted in which district and the standards.

MR. MACGILLIS: Correct.

MR. CARPENTER: It's amazing how long the CM

District has hung around. I remember so many years they were talking about getting rid of it and everything. It's still hanging in there.

MS. RECHENMACHER: Somewhat minor change, but we're trying keep all, with the Use Regulations and the Standard Zoning Districts with the plan development and the parking schedule. The parking schedule and the plan development are still being tweaked, but they're all supposed to have the same order of uses and the same general categories. In the general categories, we actually followed the example for the Planned Development. We started out with Residential Uses and then it goes to Commercial Uses. And then we have public and civic, recreation, agricultural, utilities and excavation and industrial uses. To the Uses, under the Groom's Quarters, there was a little bit of discussion here. It's under residential uses. We're going to move that to agricultural uses.

MS. DURANDO: That's what worries me. A lot of the agricultural uses are not in the urban service area. So how are you going to handle that?

MR. RECHENMACHER: We are showing Groom's Quarters as a Class A all across the board.

MS. DURANDO: What does that mean?

MS. RECHENMACHER: Class A Conditional Uses, it's called a hearing. And that depends if it's over a certain threshold. And then the supplementary would further define -- we're showing the most restricted in this case, but they are showing it in every zoning district as showing Groom's Quarters being allowed.

MS. DURANDO: That's the point. If it's allowed, terrific. But you're going to have 15 or 20 Groom's on a septic system.

MS. RECHENMACHER: No. That's the health department regulation.

MS. DURANDO: I don't know how that's going to work.

MR. KALEITA: I do.

MR. CARPENTER: Don't all talk at once

MR. KALEITA: You can only have septic systems of certain limits and certain circumstances that are stable with ordinance. And there's a very limited --

MS. DURANDO: Because they move in and say it's legal and then you have a problem in the local canal.

MS. RECHENMACHER: Okay. Groom's Quarters on Page 69 --

CHAIRMAN BLACKMAN: This is really just for example

purposes because this really isn't a chance to anything, it's just to highlight this area.

MS. RECHENMACHER: Yes. In the meantime we're going to refer to page 69. Groom's Quarters are associated with horses. And the next page --

MS. DURANDO: That still doesn't solve the problem. If you have a barn on a few acres and allow 20 horses, which is very common, and there's going to be five groom's there, I want to know what septic system will be made.

MS. RECHENMACHER: We'll go back and visit that. And if we need to, we'll make sure there are some supplementary regs.

MR. KALEITA: It's not regulated by Palm Beach County. It's regulated by HRS and County Department of Health, which is actually their agency. And that area is so well regulated that I have no doubt that those regulations are sufficient.

CHAIRMAN BLACKMAN: Rosa, if you have additional questions, it might be best to address them after the meeting because this is like a very small speck on the whole thing that we are looking at today.

MS. DURANDO: If you live next to a canal with

sewage oozing through, you would understand.

CHAIRMAN BLACKMAN: I understand that is important, but as far as everyone's interest at the table today, it isn't. So we do have to move on.

MS. DURANDO: Okay.

MS. RECHENMACHER: On the next page under Commercial Uses starting with the letter A, there are just simple changes here. Like car wash and auto detailing, we just changed the name a little bit. Fruit and vegetable market in particular is now under produce market. It's been moved to a category to produce market and it's produce market permanent. Free standing Keos is just Keos. Landscape installation and maintenance service was combined. Their regulations were basically the same so those two were put together. Seeing medical office --

MS. STARACE: Can I ask you a question?

CHAIRMAN BLACKMAN: Yes, Carmela.

MS. STARACE: Why did you cross our crematory with the funeral home? Like the one by me, that's what they do.

MS. RECHENMACHER: It's still allowed. We just shortened the word that's all.

MS. STARACE: Well, there are some funeral homes that are not allowed to have -- I mean, there are certain State rules. Why would you shorten it by leaving it out?

MR. MACGILLIS: If you look at Article 18, I think, that's the next article. Look at the definition.

MS. RECHENMACHER: It's specific to certain districts.

MR. CARPENTER: On your auto rules, we struck off the auto detailing.

MS. RECHENMACHER: And that's still allowed too. It's just in the supplementary regs. We just shortened the words.

MS. STARACE: You didn't shorten them. You put them somewhere else.

MR. MACGILLIS: We shortened what shows up in here.

MR. CARPENTER: Is that number 18?

MR. MACGILLIS: It's just that the definition encompasses multiple things under the definition. So when read the definition, it would include detailing, washing the cars and so on and so forth rather than trying to put it all in here.

MS. STARACE: I guess what I'm trying to say to you is there are certain areas where crematories are not allowed. And then there are certain areas where they are. However, they are part of a function of a funeral. If I was looking under crematory and looking for it, I wouldn't -- my second choice would be funeral home, you know what I'm saying. Now I have to know where I have to look for it because it's not specifically laid out.

MR. MACGILLIS: Actually, the interactive code, the way this is going to be designed, when you actually get to the use where it is similar like, if you went to funeral home, you click on that thing and it will take you right to the definition of funeral home. And in there it would be defined also to include crematorium. So if you went back over to the supplementary --

MS. STARACE: I understand what you're saying. I'm saying, you know, it just -- if you don't know, if you're not sitting at the table.

CHAIRMAN BLACKMAN: It also includes crematories.

MR. MACGILLIS: And that was sort of a difficult call because on some of these they were so long that people felt that you should be including more. And

some people said keep them short, but interesting. And keep the information and the definition in the supplementary standards. If there are some in here that you feel -- like the one you mentioned.

MS. STARACE: I think we need to have them because someone says there is a funeral home coming in, and then all of a sudden a crematory comes with it.

MR. KALEITA: It's kind of like living next to a barbecue.

MS. STARACE: You got it.

CHAIRMAN BLACKMAN: David and then Rosa.

MR. CARPENTER: Since we were looking at auto detailing, you're going to change the numbers to match the thing?

MS. RECHENMACHER: Yes. We haven't changed the numbers yet, just trying to follow it alphabetically.

MR. CARPENTER: It's under number 19. And my question is, I think this is new the way this is in here. Under the definition, this is Page 50, the definition number 19, car wash location number 2, CD or PBBCH Districts shall be permitted or limited to handwashing and waxing. Would that be a permitted use, this handwashing and waxing is a permitted use?

MS. RECHENMACHER: No. Actually I think that's just in the errata sheet. I'm pretty sure this is subject to DRO.

MR. CARPENTER: Does that mean shall be a permitted use or shall be permitted? Because I think part of it that's confusing me a little bit, I know in the CG District a lot of the car washes have the, what I'll call the automatic car wash. Then you come out and then the detailing is done by hand, say the washing and the waxing isn't done.

CHAIRMAN BLACKMAN: It is in the errata.

MR. CARPENTER: Where is it?

CHAIRMAN BLACKMAN: The errata page is on number 36 about halfway through the orange sheets, a little more than halfway through. Look under the revised section that first column on the left-hand side. Look for Page 50 and then the bottom of the page. Does that answer your question?

MR. CARPENTER: Not really. I guess what I'm looking to see is, like in the CG District is an automatic car wash and hand waxing, is that something you can apply for as a Conditional Use?

MS. RECHENMACHER: It would be a Conditional Use

Class B. That would be in the matrix under CG, under car wash.

MR. CARPENTER: I guess what was confusing me before was, it had the detailing in there and we moved it to the back. It seems to say that detailing is only permitted if it's handwashing.

MS. RECHENMACHER: Well, typically detailing is handwashing.

MR. CARPENTER: They have automatic washing. I just want to make sure between the automatic washing and the detailing, if that's allowed.

MS. RECHENMACHER: The hand detailing would require the same thing as a public hearing.

CHAIRMAN BLACKMAN: Rosa, you're up.

MS. DURANDO: Is there some place that I don't know about where you have a crematory service for veterinarians or is that combined?

MS. RECHENMACHER: Yes, there is. It's under -- we did have pet crematory here. It's under crematory, there's pet crematory on Page 50. It's a Class A Conditional Use and they included accessory crematory which is on Page 50, the last line, 44.

CHAIRMAN BLACKMAN: Carrie, we're back to you. I

just keep walking through the list.

MS. RECHENMACHER: We are still under Commercial Uses and it will also be combined under landscape maintenance and installation services. Medical and dental laboratory was included as part of dental office, but it's subject to special regulations and those will be in the supplementary regs if it was a dental laboratory. On the next page under Conditional Uses starting with parking garage, real estate sales models, there's still supplementary regs.

MR. MACGILLIS: We need to touch on those.

MS. RECHENMACHER: I'm not even sure what we are doing with those actually.

CHAIRMAN BLACKMAN: I'd like to mention that D.J. Snapp has arrived for the record.

MS. RECHENMACHER: Vehicle inspections centers are no longer in use. Holes, those were deleted. Wholesale in general was relocated to industrial. Under Public and Civic Uses there were some renaming of uses. Public park was relocated under the Park Standards and Recreation. Under Recreation Uses, we have camping cabins and those were consolidated with camp grounds. An Easement Temporary was renamed to

special events. That's something we need a lot for special permits things like fireworks, pumpkin, Christmas tree sales, flowers.

MS. DURANDO: Is there a definition for a special event?

MR. MACGILLIS: It would be in the supplementary.

MS. DURANDO: Would it be something that occurs monthly?

MS. RECHENMACHER: It's a limitation on how many.

MR. MACGILLIS: Three times a year at given sites.

There are certain things like Christmas trees, pumpkin sales that can only occur if we have a very specific calendar date on when that can happen when that stuff is going to be taken down.

MS. RECHENMACHER: Underneath Special Events we have theater indoor, which is combined with theater outdoor. Agricultural Uses were the most changes. Agricultural Food Processing was combined with -- actually, we made so many changes I have to refer back to my notes here.

CHAIRMAN BLACKMAN: Let's see, you've eliminated agricultural stand all together. Where did that end

up?

MS. RECHENMACHER: Hold on a second, let me get there. Agricultural Food Processing was combined with the packing plant. All these different agricultural uses were throughout this matrix. They are currently throughout this matrix. We just tried to combine them all. Where you see research and development, it will say comma agricultural. So we changed that so that all the Agricultural Uses were in one spot and listed under Agricultural Uses. Farmer's Market is showing deleted, but it's actually untouched, we kept that in. Agricultural Stand is now called a produce stand.

MR. KALEITA: Not a farmer's market?

CHAIRMAN BLACKMAN: And it doesn't appear under Agricultural Stand?

MS. RECHENMACHER: The one thing that changed the most was the Agricultural Stand. It didn't change, but we shifted everything around.

CHAIRMAN BLACKMAN: Then Produce Market appears under retail?

MS. RECHENMACHER: It's under produce stand. We have produce stand permanent and temporary in the supplementary standards and that's in the errata sheet too. We did a lot of cutting and pasting and there were some errors with that, misguiding. But the Ag Stand is now under Produce Stand temporary. And the fruit and vegetable market is under commercial. We moved that under Produce Stand permanent. So those are the types of uses that were so similar that they were spread out in the code. It had the same kinds of regulations that every time we looked at them, we would get kind of baffled as to what was the difference.

CHAIRMAN BLACKMAN: What's a Farmer's Market, what's an Agricultural.

MS. RECHENMACHER: Right. They are essentially the same thing, but they operate for a different length of time. Agricultural Storage, I think that was already in there. It was just renamed. Groves and Road Crops were consolidated with modified agricultural, same thing with Livestock Raising, it was consolidated with modified agricultural. The Storage Indoor agricultural was also combined with modified ag.

MS. DAVIS: I have a question.

MS. RECHENMACHER: Sure.

MS. DAVIS: Up by the top of the page where it says agricultural lite manufacturing, what does that mean? Where is the reference?

MS. RECHENMACHER: You would have to go back into the supplementary regs and it would include a definition and some voter standards.

MS. STARACE: Actually, if you go out to Loxahatchee you'll see a lot of them.

MS. RECHENMACHER: If there weren't supplementary standards, we moved it to definition. Agricultural lite manufacturing is on Page 40. It's number four if you take a look at that.

CHAIRMAN BLACKMAN: So that first paragraph under the title in bold there would be the definition?

MS. RECHENMACHER: Yes.

MS. DAVIS: So you could have that in the ag reserve, it's a D?

MS. RECHENMACHER: Which means set plan review.

MR. BERGER: DRC approval.

MS. STARACE: Can I ask a question?

CHAIRMAN BLACKMAN: Carmela, yes go --

MS. STARACE: It's nice to have all this written down. How are you going to enforce this? I can take you right now to Loxahatchee. They have lightened up almost every other piece of property. Who's doing welding, who's doing this, who's doing that, I mean, who's going to enforce this?

MS. DURANDO: Welding is a big thing.

MS. STARACE: Yeah.

MR. CARPENTER: Nobody.

MS. STARACE: Who's making T-shirts, who's

engraving T-shirts who's doing welding, who's doing fixing cars, painting. I mean, who's going to enforce this?

CHAIRMAN BLACKMAN: Good question.

MS. STARACE: And then they tell me that I'm living in the commercial area but they are bringing in rural life-styles. So that works too.

MS. DURANDO: In by way of that, there are places in the ag reserve where they sell statutory. Is that a permitted use? And then turn the corner down Delray road --

MR. CARPENTER: That's scary.

MS. DAVIS: I see that too.

MS. DURANDO: I don't think any farmers buy that.

MR. SNAPP: The fact that they are permitted and they're not permitted uses, but it's on a complaint based system. Until somebody complains it goes to technical compliance and code enforcement.

MS. DURANDO: This is a brand new one.

MR. KALEITA: Rosa, your work is cut out for you.

Turn them all in.

MS. DURANDO: I'm too busy turning in--

MR. KALEITA: Just remember that they will not protect your name from disclosure, the code enforcement as the complaining party.

MS. DURANDO: You think that bothers me?

MR. KALEITA: Not in the better neighborhoods it wouldn't bother you, but out there it ought to bother you.

CHAIRMAN BLACKMAN: This came up a lot during our subcommittee meetings especially during the assigned subcommittees because we were aware that there were a lot of signs that were not permitted and were not according to code. And it's just an enforcement issue whether someone complains or it affects someone else's business and it really depends on that. So a lot of what we're looking at is an ideal situation. And unfortunately, when we go outside these walls, we're not in an ideal world.

MS. DURANDO: Because then you know a lot of the statues are classical and then somewhere in here they're exposed to adult entertainment.

MS. SNAPP: I have no comment on that.

MS. DURANDO: They are all naked people you know, what the hell.

MS. STARACE: That's agriculture.

MS. RECHENMACHER: Moving right along, the last thing on Agricultural Uses is the sugar mill refinery. I'd like to note that that is not allowed in the ag

reserve. There is a strike out. You can barely see that.

MS. DAVIS: On what?

MS. RECHENMACHER: For the sugar mill and refinery, that is not allowed in the ag reserve.

MS. DURANDO: I don't think that's a danger.

MS. DAVIS: No, but the naked statues sure are.

MR. RECHENMACHER: Utilities and excavation next page air curtain incinerator is combined. The commutation towers we struck them out. We put them back in. Communication towers have their own article now, it's Article B. We thought it was redundant having it in here, but I think for ease of use it's good to see it in standard zoning matrix. So we're keeping that in.

CHAIRMAN BLACKMAN: So in Article B it would indicate which zones they would be permitted in

MS. RECHENMACHER: Communication has it's own in the matrix. It's pretty comprehensive.

MR. MACGILLIS: It's probably 300 pages on the communications towers and excavation. It was so large that we created it's own chapter.

MS. RECHENMACHER: Electric Power Facility that's

also not in the ag reserve. There were a number of things that were taken out of the ag reserve, which include Solid Waste Transfer and the Waste Water Treatment Plant.

MS. DURANDO: The Solid Waste Transfer is out of the ag reserve?

MS. RECHENMACHER: Out, same thing with Waste Water Treatment, out.

MS. STARACE: Well, how are they --

MS. RECHENMACHER: Yeah, I asked that too.

MS. STARACE: I have a question. Everything that's there is allowed, it's from now on?

MS. RECHENMACHER: If there is a blank --

MR. SNAPP: It's a legally permitted nonconforming use at that point.

MS. STARACE: Can it grow bigger? Can you make a nonconforming use more nonconforming by allowing it to grow bigger? In other words, a water treatment plant or a waste treatment plant?

MR. KALEITA: There is some law on that subject in which it is held that if the nature of use was such that it would always have grown bigger then the answer is what was permitted was something that would have

grown bigger. An example is rock pit mining. The nature of rock pit mining is to mine more rock. Therefore it's been held by numerous courts that rock pit mining does grow bigger with time because that's what it was doing to begin. But in the case of a fixed facility, the answer has usually been no.

MS. DURANDO: Along that line because it's up for tremendous expansion right now at the Water Management District, can recycling plants, are they allowed in the ag reserves?

MS. RECHENMACHER: Recycling plant is not allowed in the ag reserve.

MS. DURANDO: How would you look at that then on the legal aspects of it? You have an old recycling plant there now. If they're up, do they have to come here, you know what I'm talking about?

MS. RECHENMACHER: If they were to expand, they would have to.

MS. DURANDO: Major expansion, suppose they go to Water Management and say, okay and nobody stops it there for a hearing, do they then have to come back here?

MR. MACGILLIS: Depending on what the expansion is,

if they are doing something that requires a building permit, it would be flagged in the building division that this use is not permitted. And then zoning would indicate yes, it's on the matrix, it's not even permitted here. It's either a major nonconforming use or minor. Minor, in Article 1 has very strict provisions of what you could expand up to 10 percent of a floor area to what it was. But a major nonconforming use meaning it's prohibited and that zoning district manager wouldn't be able to do anything with it.

MS. DURANDO: You don't stop them, but you can stop them from expanding.

MR. MACGILLIS: A major nonconforming use we can stop dead, you can't do anything. A minor, there's provisions in the code that allow minor renovations and restorations with construction. This would be considered major what you're talking about. This is not even permitted in that zoning district.

MR. SNAPP: You could stop them from expanding facilities, but you couldn't stop them from expanding intensity. So if they wanted to start running five times as many trucks through on a much more frequent basis, that kind of expansion would be permitted, but

not the other way around.

CHAIRMAN BLACKMAN: Joanne.

MS. DAVIS: If nobody catches them and reports them they are going to do it any way, correct?

MS. STARACE: Right.

MR. SNAPP: That's the way life is.

MS. DURANDO: But one can stand up in a public application hearing and say that's illegal in this County.

CHAIRMAN BLACKMAN: What is the standard --

MS. DAVIS: But the Water Management District is not going to stop them. They are going to go through their permit process which has nothing to do with this.

MS. DURANDO: No, but it raises the flag.

MS. STARACE: If I could, we were talking, it's like when you're in the city, you have your code and then you have a homeowner's association and lots of times the people would come and say, I can put the fence up. I have a permit from the City. Yeah, but you didn't get an okay by the homeowner's association.

MR. JACOBSON: I can't hear you. Say that again, please.

MS. STARACE: It's like when you have homeowner's

association in the city and the city gives you an okay on putting it up a fence. And then you come and you go to put up and it has to be okayed by the homeowner's association and it's up. So what she's saying is it could be approved by the South Florida Water Management District and now the person has their foot in the door already and now it's moving on to something else. So it would be nice if there was some way of red flagging before they would approve it. If there was some way of relating to -- I don't know how to do that.

MS. DURANDO: There used to coordinate many years ago.

MR. MACGILLIS: It's just gotten so large in the County. I know some excavations contact us to see if they got the building approval for the various types of agricultural excavations or mining. But that's typically all we do.

MR. SNAPP: We don't have the authority to impose rules on the South Florida Water Management, so if they wanted to do it, yes, if they don't. It's just like we have things with approvals under certain sizes and under preexisting approvals, the water management permits, they allow land development to handle that up

to certain thresholds and all their rules and up to certain sizes.

When it exceeds a certain size or a certain threshold, then they say, no, we want to review it independently. So unless it's something that the Water Management District works out with County Commission, then that's it, we can't put it in the code.

MS. STARACE: I understand, that's what they were trying express.

CHAIRMAN BLACKMAN: Also related to this, we have a major nonconforming use. What is the criteria, after what time do we consider nonexistence?

MR. BERGER: Six months.

CHAIRMAN BLACKMAN: How does the clock begin? When would you know, for example, the recycling plant wasn't in operation?

MR. MACGILLIS: Usually, if it comes to our attention that someone hasn't been using it, they have to demonstrate to us that it has been in continuance. It usually comes down to a code enforcement case. They will come to the Zoning Division and we ask for some type of documentation, you know electrical bill with proof of yellow page advertisements that they have been

operating. There's a series of things that they can provide to us. The electrical power turned on is not the only one. There are a series of things.

MR. CARPENTER: Do they give occupational licenses?

MS. MACGILLIS: Yes.

MS. DAVIS: I have a question for Lenny. How can another government entity allow a permit something that is illegal for another government entity. For example, the County can't permit something in a city that would supercede the City's code, right?

MR. BERGER: Usually.

MS. DAVIS: Then I'm going back to this water management district thing, if there is an activity that's illegal, is not appropriate land use, goes against the comp plan or zoning code or whatever, how can that entity give a permit to someone to do that?

MR. BERGER: Each government regulates within the boundaries of its own jurisdiction. The Water Management District doesn't set appropriate land uses, we do. So it's clear, they make it as clear as possible as do we that any approval we give doesn't imply any other kind of approval that might be, necessarily, from another government agency, it goes both ways. An

occupational license is another example.

It's just paying a tax. It doesn't give you any kind of authority to do anything at all. I think there's a check off among the various county departments. So before the tax collector takes your money they see little checks and boxes. As far as different governments go, they don't have jurisdiction to deny some sort of surface water management permit because it's not properly zoned, that's our job.

CHAIRMAN BLACKMAN: Carmela.

MS. STARACE: Going back to the example I was giving you, so what happens is the homeowner's association has to take that homeowner to court himself because it's their own spear and they have to dictate what the law is and how they are going to carry it out. The same with the County. They have to dictate

and carry out their things.

MS. DAVIS: Now that the County is aware that there is a permit coming through the Water Management

District for an unauthorized use in the ag reserve,
could you guys please pay attention to that?

MR. CARPENTER: Would they have to get a permit?

MR. MACGILLIS: I'm not sure what they're doing.

MR. CARPENTER: Are they exempt from permits
because of the governmental --

MR. KALEITA: The answer is that there's a number
of uses which are exempted from the Environmental
Resource Permit District either because they fit an
enunciated exemption of the rules, 40E-4 or 40E-5 or
because they're traditional or agricultural uses. And
it's for that reason that you render the Caesar Award
to Caesar and to County employees to the County and the
two don't mix unless it is in the rules of the
permitting agency that the property has to be zoned for
a particular use in order to be eligible for that
permit. It would simply not come to the County's
attention nor should it.

MS. DAVIS: But it has to come to the County's
attention now.

MS. DURANDO: They may turn it down in the water
preserve area basin where it sits west of the post

office.

CHAIRMAN BLACKMAN: I think we have a planning representative that may shed light on some of this.

MR. HOYOS: For the record, my name is Isaac Hoyos from the Planning Division. In this process all it is, is a plan that requires culmination. And in the case of Palm Beach County you know that we have South Florida Water Management District sits in Hide Park. They also are aware and received copies of all the DRC projects that are going through DRC or Land Use Amendments. Basically, in the County there is a communication between the district of the County and the local groves for many of these projects.

So flags are raised initially either by the district or here with a project that we know is inconsistent or with whatever project you have. So the district comments comes to us and we provide comments to them. Of course, not everything is going to be cut in that process, but there is a communication. And the district has a person assigned exclusively for Palm Beach County for all these planning processes.

CHAIRMAN BLACKMAN: Thank you, Carmela.

MS. STARACE: Back to what Mr. Kaleita said, it's like when something comes before me in the village, unless it's against my code, I can't just say I don't

want it because -- so if South Florida Water Management District okay's it because it meets everything in the needs of South Florida Water Management, it will still get approved. And then even though they have coordinated it and everything, unless they can find a reason to turn it down, then it goes on to Palm Beach County. Isn't that the way it works?

MR. KALEITA: That's the way it's supposed to work.

MR. SNAPP: Thank God.

CHAIRMAN BLACKMAN: Staff, we had some momentum, lets see if we can pick it back up again.

MS. RECHENMACHER: That's enough on utilities. Go to Industrial Uses, Excavation Type III, actually we're going to move that under utilities with the other

excavation. But that also has it's own chapter.

CHAIRMAN BLACKMAN: You're almost done with the last page now?

MR. MACGILLIS: Yes.

MS. RECHENMACHER: Yes. That's the last page.

MR. SNAPP: I thought we voted to give Rosa part launch approval for all excavations.

CHAIRMAN BLACKMAN: That's coming in the next draft.

MR. MACGILLIS: So the only other two things -- I

mean, we have all the supplementary notes. I don't know if you want us to start going through all of those.

MS. STARACE: No, no, no.

MR. MACGILLIS: I think everybody is familiar with how to supplement those four.

CHAIRMAN BLACKKMAN: And nothing, context wise, really changed within the supplementary notes. It was really just the organization of the table and the consolidating of different districts?

MS. RECHENMACHER: And formatting was a big change.

CHAIRMAN BLACKMAN: And formatting, maybe just making some language clearer than what it was before.

MS. RECHENMACHER: Reducing redundancy, that was actually to reduce the size of code. As you can see it didn't really work out that way.

CHAIRMAN BLACKMAN: I was asking that question today. When we get our final packet, are we going to need three days for the delivery man to put it in the door?

MR. MACGILLIS: This article is obviously the errata sheet. It qualifies how large it is, but this is probably the guts of our entire code, is this article. Staff was -- thought we had caught

everything, but a lot of stuff you see in the errata sheet with the scriptures, errors and clarifying stuff that -- we missed some of the stuff that planning had directed us. Uses that they want in the ag reserve, so

we had to go back in and fix those. I think most of them are fairly clear in here. If there is anything, Carrie, that you think jumps up that you think we need to clarify for them --

MS. RECHENMACHER: I just know there were two items that were especially confusing. One was for congruent living facilities. We actually did an appendix here because it was put in the wrong spot. And the other one was Produce Stand because that was cut and pasted from different places. We had a lot of different staff people working on it in a short time frame.

CHAIRMAN BLACKMAN: These would be included in that Article 4, Use Regulations. Eventually you just need to find a good place for them.

MS. RECHENMACHER: If you do start to read there, you would get confused.

MR. MACGILLIS: It would fall under their applicable note, like 26 is covered in living facilities. In fact, when we were doing draft, it got cut and pasted completely under the wrong section of the draft that you got. We found it and that's what

the supplement sheet is showing.

CHAIRMAN BLACKMAN: Are there any other questions on Article 4?

MS. DAVIS: Is this one Article 4?

MS. RECHENMACHER: No. This orange page.

MR. MACGILLIS: This entire orange sheet is the errata for Article 4.

MS. DAVIS: Yeah, I have a question.

CHAIRMAN BLACKMAN: Joanne.

MS. DAVIS: I guess it's the fifth page from the last, the orange sheet, where you have a State picture.

REPORTER: A what?

MR. MACGILLIS: State picture.

MS. DAVIS: I don't get it.

MS. RECHENMACHER: What happened with the State picture is that we took it out. Anything that didn't have supplementary regs was put under definitions sections. And then when we were reviewing it, we said, you know, it really does have supplementary standards even though it was just like a block paragraph. Then we put it back into the Use Regulations.

MS. DAVIS: Does anybody have one of those?

MR. MACGILLIS: Actually, the types of kitchens we have come in here to the building department may fall

in there. Especially out west in the large estate homes there's a lot of estate homes and we would consider that like a second dwelling unit if we didn't have this definition in here. We have large homes where you have three kitchens in a house. One is used for servants or something else in the house.

MS. STARACE: It's like the restaurants.

MR. MACGILLIS: Right, some are butlers. They just have a sink in it. It confuses building and zoning because they are considering it a second unit. We're saying, no. It is an estate kitchen. These are homes, large estate homes. They have an entire wing on a house. That's that family's home instead of creating a second unit.

MS. DAVIS: It's just a gigantic kitchen.

MR. MACGILLIS: We've seen large estate homes many

with entire full size kitchens on each side of the house.

MS. STARACE: One serves the dining area, which is a formal area and one serves the kitchen area when they eat in the kitchen. It's like a restaurant. They have a preparation area, an actual making area.

MR. KALEITA: It's going to be rough remembering where you put the cheddar cheese at night.

MS. DURANDO: If they have rules like this that

upstairs downstairs long series would have never been written.

CHAIRMAN BLACKMAN: D.J., go ahead.

MR. SNAPP: On the bottom of the first errata sheet it says, Chapter A, Section 2 A-1 and it says general, the last item on the first page, previous page. Last item on the front page it says, Chapter A, Section 2 A-1, when you go there on Page 31 it says Accessory Dwelling. These two things don't seem to match up.

MS. RECHENMACHER: This whole front thing is covering these general standards and these regulations

and definitions.

MR. SNAPP: Okay, so where is that so I can look? What page is it on? Here's my question then. Right now if you read this, it says, exchanging uses maybe required by the provisions of code etc., etc. It's now replacing that with quote, all site improvement --

MS. RECHENMACHER: All site improvement is showing the site plan.

MR. SNAPP: I got a problem with that.

MR. CARPENTER: What does that mean?

MR. SNAPP: Because frequently you might not build everything on that site plan at one time. You can go get a shopping center approval and have three or four out parcels and a mine building or two phases. And

you're not going to put in all those site improvements that are shown on that plan because they are not necessary. I mean, you may end up putting in all of the utility booths and the fire hydrants because the fire department and the utility company require that.

But you won't necessarily pave it, put sidewalks in, you won't necessarily clear and landscape certain areas. And the same thing with the subdivisions, different phasing in sections. So that is unrealistic.

MS. RECHENMACHER: Maybe we can say something about phasing in there.

MR. SNAPP: Even if you don't have it phased. This gives me the impression that you can't occupy a building if you can't issue a certificate of occupancy a bay in a shopping center if the entire development isn't done. And that's just not practical.

MR. CARPENTER: I don't understand what the wording means actually.

MR. MACGILLIS: That changes the whole term. I think that front page was just meant to be general that we're referring to the matrix. The way it used to be was correct, but these are just the general uses. And then there could be supplementary additional standards and reviews that you have to go by.

CHAIRMAN BLACKMAN: Yeah, but they do seem to come from two different ropes.

MR. MACGILLIS: We'll check on that.

MS. STARACE: You're not saying like, if the shopping strip was in, do you want to have the landscaping done around the whole thing right up front. You do want to have certain things done right up front even though the stores won't be occupied and everything else.

MR. SNAPP: Let's just put this in perspective, let's say you just permitted City Place in the County, you're going to open up section by section.

MS. STARACE: I understand.

MR. SNAPP: You're going to put in the infra structure that supports the part that's opened. You might have to have your perimeter, infra structure and landscaping in place. You might have to have access roads and other things that don't service that part, but you're not going to need an entire infra structure. And the way this reads that would occur, which would be financially impossible.

CHAIRMAN BLACKMAN: Any other questions on Article 4? Is there anyone in the public area that would like

to address this?

MR. LAST: I've got one on the fourth to the last

errata sheet, relative to the produce stand, rural and ag district. A paved driveway apron area, connecting the right-of-way to the site shall be subject to approval. In most cases I would think that the site is adjacent to the right-of-way anyhow so what am I paving if I'm paving the area?

MS. RECHENMACHER: There's a produce stand permanent and a produce stand temporary. For the temporary ones you wouldn't need those standards. But the other ones about the paving, it's currently in the standard under fruit and vegetable market in the code.

MR. LAST: It says I need to pave from the right-of-way to the site. I mean, I think you should at least see from the pavement to the existing roadway not the right-of-way. Secondly, it says that I need to provide two handicapped --

MS. RECHENMACHER: I'm sorry, what was it?

MR. SNAPP: He's going to pave from the exiting pavement not from the right-of-way because the right-of-way is the site that's where the boundary line is anyway.

MR. LAST: And it says that I need to provide a paved driveway, but then it says I need to provide two handicapped parking spaces and a handicapped access. Is that possible without paving the parking lot?

MS. RECHENMACHER: No.

MS. STARACE: Actually, we do that also with grass and stuff

MR. MACGILLIS: I think it's a State requirement that handicapped spaces be. The building division would require that anyway. I mean it doesn't have to be in here, but they are going to catch it. If anybody comes in, they are going to make you put the APA in to meet State requirements.

MR. SNAPP: This is only for permanent?

MR. MACGILLIS: For permanent what?

MS. SNAPP: Produce stands.

MR. MACGILLIS: Yes.

MR. SNAPP: It's not for the temporary.

MS. STARACE: For temporary you wouldn't have to do that.

MR. SNAPP: Does the term paving mean asphalt? Can it be mulch, shell rock or grass?

MR. MACGILLIS: On paving we have to go back to our subdivision definition and unless there is some provision in there that allows it. I know in certain rural areas we allow certain driveways for homes to be -- if the road leading to the lot is not paved, there is an exemption, but you wouldn't have to pave your driveway because you have a house there. But that's

under the parking provisions. The paving requirements are not under zoning regulations, they are under land development.

MR. SNAPP: Most of your produce stands don't have paved parking lots. They have grass parking. Are we trying to change that for some reason?

MS. RECHENMACHER: The regulations are the same in the current code. We just changed the name from fruit and vegetable market to produce stand and the ag stands are now produce stands.

MR. SNAPP: We have no paving definition in section 18.

MR. MACGILLIS: Usually when we say paved, it usually has to meet their standards, which is a proper base and pavement, the tar on top, the subbase. Unless they give an exemption, you would have to meet that requirement.

CHAIRMAN BLACKMAN: And this would be a new standard for permanent produce stands to have paved parking is not a requirement.

MR. MACGILLIS: That's a requirement.

MS. STARACE: It's directly in the code.

MR. MACGILLIS: It may not be in the zoning code. We can take it out of here because it's going to be a requirement through the building permit. If they have

to get any type of permit like electrical, the building

division is going to require them to show part of the State statute requirement. They enforce the code for handicapped spaces permitting it.

MR. CARPENTER: Can I ask, where is it in this list of produce stands, where does it say temporary and permanent? I see one where it says permanent.

MS. RECHENMACHER: In the errata the part that we were talking about, the second box down it says permanent.

MR. CARPENTER: Then the red--

MS. KATZ: It's on the next page where it says 78 produce stand. The next page at the top.

MR. CARPENTER: Are those headings?

MS. RECHENMACHER: It's a little hard to read.

MR. CARPENTER: So everything under the A permanent is for permanent ones?

MS. RECHENMACHER: Correct. Right now if you look under the current fruit and vegetable market and that's those same standards about the paving and everything too, but it's concerning the rural districts. And that's where we might be maybe losing some of the information, the context because this is just an errata sheet. But it talks about this thing with the paving

the markets are 1500 square feet. They actually allow

shell rock. And then the two things that were missing was a connection to an existing right-of-way.

MR. SNAPP: So when it says shell rock, does that qualify as paving?

MR. RECHENMACHER: If you're in a rural district.

CHAIRMAN BLACKMAN: Anything else on Article 4?

MR. MACGILLIS: Temporary you don't have to have it paved, but on a permanent one, yes.

MS. DAVIS: Even if it's in a rural area?

MR. MACGILLIS: Unless it's exempted under this provision. Unless you're in the rural area, SA or AGR.

MS. DAVIS: So you could have like road shell rock?

MR. MACGILLIS: Yes.

MS. DAVIS: I have a question about the produce stands now.

MS. DURANDO: Yeah, I do too.

MS. DAVIS: You're showing produce stands as a special permit in AGR and I wonder why that wasn't just a --

MS. STARACE: Where is the standard thing?

MS. DAVIS: I'm in this table.

MS. STARACE: Okay.

MS. DAVIS: I was looking under the table and I

looked at produce stands and under AGR, it's a special permit. In fact, it's a special permit in a lot of places, but what was the rationale for making it a special permit in the ag reserve when that's clearly in an agricultural area that would stand to raise it and that might be permanent by right?

MR. MACGILLIS: Sometimes they don't have to get a building permit because it maybe of a temporary nature. So you need some type of review whether locating it on the site. They may go into a shopping center site or something and set something up on a weekend or something. That you want at least some type of review because they are not getting a building

permit.

CHAIRMAN BLACKMAN: It's a way to control the whole facet of it so it doesn't get out of hand.

MR. PALEN: Some kind of review.

MS. DURANDO: I have a question. On the produce stands and has question on this Article 4, last sheet, you say that you need at least an acre and it could very well be that someone has an acre and could be whole subdivision is like Loxahatchee or and acre and a quarter, then it has to be at least 500 feet from the adjacent residential use. I think you don't have that option. If you have a produce stand on an acre and a

quarter, you can't be 500 feet from the residential use.

CHAIRMAN BLACKMAN: When it says 500 feet from the adjacent use, is that the structure or the property line?

MR. MACGILLIS: The property line, these are the current standards. We didn't change these.

MS. DURANDO: Does it add up, do you think it adds up?

MR. MACGILLIS: Yes. The board looked at the ag stands thoroughly about six years ago and they wanted much more liberal, larger stuff. And when they came back, there was a State requirement as far as whether the distance you need, if you didn't have -- you needed a rest facility on the site for them to wash their hands and stuff like that because that's the regulations. The State requirements almost killed all the ag stands in the County. It was these distance requirements because we still have people who can come in and meet them all. They either have to be so many in feet off of where they can go and wash their hands in a building.

MS. DURANDO: There is not many feet on a one acre site, but one acre is sufficient according to this to have a stand.

MR. MACGILLIS: Well, that's minium requirement.

MS. DURANDO: A community like the Acreage where

you have many, many thousands of one acre -- and produce would that include plants? I'm sure it would. I think it's contradictory because you can't be -- I know there isn't that much feet between an acre and a subdivision. So you put a judgement there and who calls the judgement or you put neighbors one against the other that he's within 20 to 50 feet within my home and I don't want it, but it's on an acre of land. So which would carry precedence?

MR. MACGILLIS: What's your concern that it should be higher a number or it should be lower?

MS. DURANDO: Well, either sell it out. It's meaningless.

MR. LAST: I think what she's saying is that if it's 500 feet from any property line, that means the property would have to be a 1,000 feet by a 1,000 feet to meet the criteria. A 1,000 feet by 1,000, help me out Hank, I don't know, four acres.

MS. DURANDO: 660 is 10 acres square. I know that much and that's a big piece of land.

MR. LAST: It's a lot more in the Acreage. The one acre is totally irrelevant.

MS. DURANDO: That would either leave it off or it

can't be in one acre subdivisions.

MR. MACGILLIS: We'll check to see if it's measured from where the ag stand is to the actual residential home.

MS. DURANDO: I'm just thinking what the problem happens on ground, which doesn't maybe concern you, but if you have neighbors living all around and the one in the middle wants to have a stand and the other wouldn't like it, who is going to be legally more correct? Who is going to win this battle? It's not right to set up a battle like that.

MR. DAVIS: Isn't that kind of like the little girl with her juice stand, her lemonade stand.

MS. DURANDO: No. She wouldn't, come on, please.

MR. JACOBSON: She was cute.

MR. SNAPP: We spent a lot of time regulating hot dog stands a few years ago.

MR. KALEITA: That wasn't a little girl.

CHAIRMAN BLACKMAN: Produce stands are obviously

one of the more burning issues of our time.

MS. DURANDO: Well, if you're going to have a code with thousands of pages, don't set up a situation that won't work and that's what's happening. I mean, every one of the things that I mentioned are -- I don't want to hear them denigrated because when you live in a

situation, you bump up against things that are very objectionable sometimes.

CHAIRMAN BLACKMAN: And that's why we're looking at ULDC with a 1,000 pages.

MR. KALEITA: No. It's 2,500 pages.

CHAIRMAN BLACKMAN: Anything else on Article 4 and again, the focus here was consolidation and simplification. And we've gone through some of the examples of consolidation and maybe there were some errors in terms of truncating things that shouldn't be truncated.

MS. RECHENMACHER: In this instance this is identical language to the code. What we might do is just clarify with the guys. There's a couple of people

in the office that deal with special permits on a regular basis. We'll clarify with them to see if there is an issue or it remains the same, residential structure or what.

MS. DURANDO: I think that a road side stand shouldn't be on one acre of land.

MR. STARACE: Are you looking for a motion?

CHAIRMAN BLACKMAN: Yes, we are.

MS. STARACE: Motion to approve.

CHAIRMAN BLACKMAN: Okay. There's a motion to approve with the changes as required by staff and there

is a motion to approve.

MR. JACOBSON: Second.

CHAIRMAN BLACKMAN: Discussions?

MR. SNAPP: I'm assuming that involves the stuff they're going to go back and check out.

MR. MACGILLIS: Yes.

CHAIRMAN BLACKMAN: Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

Motion passes. Moving on to Article 18.

MS. STARACE: Mr. Chair.

CHAIRMAN BLACKMAN: Yes.

MS. STARACE: Is Article 18 the only thing that's going to be discussed today?

CHAIRMAN BLACKMAN: I believe so unless there are Board comments or other staff comments.

MR. STARACE: I'm asking will the conversation come up about the making of the board again? If not, I really I have to go.

CHAIRMAN BLACKMAN: It's not on our agenda and we approved the agenda.

MS. STARACE: Okay. Then I'm leaving under the assumption that there will be no discussion on the make-up of the Board.

(Thereupon, Carmela Starace left at 3:25.).

CHAIRMAN BLACKMAN: We're not in jeopardy of loosing a quorum. Staff if you would, Article 18.

MR. MACGILLIS: Article 18 used to be our current Article 3. There were very few changes made to this. The consulting unit is working on defining landscaping and critical developments. Provided us with some new definitions to clarify those sections of the code.

The main thing that's going to be in this article once it's completed and everything is tweaked on it. Definitions that are applicable to the entire code will be located in Article 18. The word will stay here, but specific to another article like airports air or excavation or landscaping, where they cross reference that the actual definition and if it's really only applicable to landscaping will be located there. But there will be a reference here so at least you will have the entire chronological list of all of them.

CHAIRMAN BLACKMAN: So in theory someone who is just digging into this and wanted to find the definition, they would know to go here first. And it is the first end of the bundle so it's treated more like an index.

MR. MACGILLIS: Correct. And the interactive code once again, will have all the hyperlinks to take you

through the code once you've click on this. It has something to do with signs and the definition is actually moved into Article 8. It will just actually take you right over there to the definitions of Article 8.

CHAIRMAN BLACKMAN: The interactive code could you actually click active on one of the definitions and see where it appears also in the code. Is it that automated?

MR. MACGILLIS: Under search if you type in the word and it will go find your own reference in the code. One of them would be the definition.

MR. FISH: The use of the matrix can be used with all of the numbers on the site.

MR. MACGILLIS: Yes. You click on the word and it will take you right to the definition.

MR. KALEITA: Where is this happening, on your web site is that it, not on the CD-Rom.

MR. MACGILLIS: No. On the CD-Rom you'll get what's similar to the paper copy.

MR. SNAPP: You can do it through your CD-Rom or you can do it through your browser. I mean, if you are running Doby or if you are running Word or whatever you're running you can do it through that.

MR. KALEITA: Only if it's set up you can do it.

MR. SNAPP: As long as you know how to make it work.

MR. FISH: That would be a great help.

CHAIRMAN BLACKMAN: D.J.

MR. SNAPP: There is a definition that I asked about before and it's still not here. We don't have Brownfield defined field.

MR. MACGILLIS: Brownfield comes up and I know it's in the call plan but we could make references in here too. There's some other ones we just came across the other day that I think we brought up about the Article 1, the rules of measurement. We are still working on those. You've seen some of them, but we're expanding that list and we're going to make a note of that and come back and go over those with you.

We're going to try to categorize all the ways measuring stuff, distances, heights and stuff and they all are going to be consolidated in Article 5. It's going to be a quick reference to go there and then link the back wherever they are used like landscaping for hedge heights.

CHAIRMAN BLACKMAN: Frank has a very important finding he would like to share with us.

MS. DURANDO: Are we going to discuss Article 18, I had a few questions?

MR. PALEN: I have some comments. On one of those afternoons I was just sitting there with not much to do, I decided I'll read the definition section.

MR. DURANDO: What page?

MR. PALEN: Well, we'll start here. Let's see if you could look at this section with an eye on eliminating redundancies. There's a lot of redundancy in here. And at places you have consolidated the specialized definitions and in other areas you

haven't. So some are scattered and some are together. So I guess you need to be consistent in that approach. For example, adult entertainment, it's at the beginning. That must be where my mind blotched for most of time reading this. It has the adult entertainment definition, but later on it's got commercial gain as defined somewhere under commercial or educational institution is defined in a specialized way that's important for the adult entertainment. So that is just an example of where you need look at some of these things. Agricultural research and development -- the pages are not numbered. It's like the fourth page, no the fifth page.

MS. RECHENMACHER: This is actually coming out.

MR. PALEN: A few places in there, you caught most of the supplementary requirements.

MR. RECHENMACHER: This is one of those that just went back and forth.

MR. PALEN: The airport stuff again, needs to be consolidated or cross referenced somehow.

MR. MACGILLIS: This document you're going to find a lot of that. They left them all in here, but obviously they have been grouped down in going most out into applicable articles once this thing is all cleaned up.

MR. PALEN: One of my favorite is balloon. It says, a balloon is an airtight bag that rises above the earth when force filled with cold air. I think it's actually force filled with warm air.

CHAIRMAN BLACKMAN: Or other gas.

MS. DAVIS: Helium.

MR. PALEN: Someone needs to define balloon.

MS. DAVIS: Why do you have to have a definition for balloon?

MS. DURANDO: They advertise it, but they are all helium. They're not air.

MR. MACGILLIS: We have a special permit for balloons that certain districts we don't allow hot air balloons in Westgate and stuff.

MR. SNAPP: Apparently, if I have a hot air balloon I don't have to have a permit, it's got a hole in the

bottom.

CHAIRMAN BLACKMAN: Cold air balloon, I think because it's so warm here.

MR. PALEN: Beach fill is sand placed upon a beach. I think you can go through here and do a little bit of chopping. I'm going to go through quickly on this. Contiguous, you've got two definitions on contiguous.

MS. DAVIS: And you have two definitions negligence of block.

MR. PALEN: I don't know why you have a definition on some of these positions. The County Administrator is not the Broward County Administrator. I mean the County Administrator is the County Administrator. The County Attorney is the County Attorney. I think you can slice out a few of these. Let's see here, the word credit, it's not what its definition is. I think it needs something else besides impact fees. You got decibel, dd, you got big D, little D. Then on the next line you got another decibel, little D, big D. So which one is which.

MR. CARPENTER: One question I had, Frank, is under the diameter at breast height does that belong under the adult section.

MR. PALEN: Only the landscapers could appreciate

that joke. Density, there is a lot of density. It's all kind of mused up. Determination, some of these words I think would be -- development, there's three definitions of development. Again, under director of, director of, director of, director of, I think that you can assume that we need to have zoning code of who's the director of the another department. There is an ordinance somewhere in the Code of Laws and Ordinance where ideally this whole thing should have been put in, but it hasn't been for the last 10 years, which will define these roles. And you don't need to duplicate what's in the Code of Laws and Ordinance. Again, eighty percent zone out, I don't think is the definition substance to the standard, interpretive standard.

CHAIRMAN BLACKMAN: Which one are you on?

MR. PALEN: Eighty, E-I-G-H-T-Y, eighty percent built out. I think it's not a definition. In the space where you have interpretive standards, for the code like distances and how you measure from one point to another point that belongs there, not in this section. Equivalency determination I think is not -- a portion of the last sentence of the term equivalency determination to say substance of requirement not a definition. The State kitchen again, you've got

substance requirements. Flags, you've got lots of flags, multiple definition of flags.

MS. DAVIS: There's is a typo for sale, lease and rent signs.

MR. SNAPP: Is that a red flag?

CHAIRMAN BLACKMAN: All these are red flags.

MR. PALEN: Kitchen second is also a substance requirement not definition.

CHAIRMAN BLACKMAN: Landscape has two definitions, landscape area has two definitions.

MR. KALEITA: I guess you pick the one you like the best and use that one.

MR. PALEN: Overlay zoning district, this refers in this definition to -- in addition to a base district, but there is no definition for a base district.

MR. KALEITA: Did you look under district comma base?

MR. PALEN: I think I did and I didn't see either one.

MR. MACGILLIS: It should be the standard.

MR. PALEN: That's something that needs to be looked at here. The funeral home and what was the other one we were talking about earlier?

BOARD MEMBERS: Crematory.

MR. PALEN: I don't think I saw a definition for

crematory. Porch, two definitions for porch.

MR. CARPENTER: Front porch and back porch.

MR. PALEN: Pre-application meeting, pre-hearing meeting, pre-submittal discussion, I think you really don't need to define those. I'm trying to look

anywhere to cut out some of the verbiage.

MR. KALEITA: I'm afraid of my inability in the future to carry this code around given the size it's growing to.

MR. WEINER: The definition of intensity is the number of square feet per acre that was the same as --

MR. SNAPP: Number of units.

MR. MACGILLIS: Intensity is for commercial.

MR. WEINER: That should be defined as buildings per square feet.

MR. MACGILLIS: Right.

MR. PALEN: Single family district, there's a definition for single family district, but there's no definition for multi family district. Maybe we've gotten rid of them. Under Specified Anatomical Areas, I think they have a different definition under adult.

There are two of them, there's Specified Anatomical Areas and Specified Sexual Activities. I think if you look back at the adult entertainment I think there are some differences. I'm going to skip over some of the

redundancies here. I think that's probably about it.

CHAIRMAN BLACKMAN: Rosa, go ahead.

MS. DURANDO: On Agr 80/20 and Agr 60/40, is that a fact that 80/20 does not include streets and town open space and storm water retention, that's the definition between the two? I thought they would both be the same, but apparently there is a very important difference, is that right?

MR. MACGILLIS: AGR-PUD 80/20, AGR-PUD 60/40, the first one does not include a storm water retention.

I'll have to check this with Planning.

MS. DAVIS: I think that's right.

MR. DURANDO: I'd like that clarified because I don't understand why there would be a difference between the two definitions, but that's not what we're talking about. And when you say Agricultural Conservation Easement and you use a broad word like Uses, that kind of horrifies me. You have bona fide agriculture, fallow land and uses, I'm not sure what those uses --

MR. MACGILLIS: Well, it will take you back to the matrix, take you back to this.

MS. DURANDO: So that is defined specifically somewhere in there.

MR. MACGILLIS: Future land use chapter right, the

Florida statute. The willingness of taking you there is so you can define those uses.

MS. DURANDO: The best management practices -- what are the objectives of the County, is that known? We do see amounts of population, water quality and quantity, objectives of the account. Does the County have any objective.

CHAIRMAN BLACKMAN: Is that in the comp plan at all?

MS. DURANDO: I don't remember if that was ever --

MR. MACGILLIS: I knew we were working on something.

MR. SNAPP: If I remember right, about year and a half ago, two years, we hadn't adopted the practices yet, but recognized it was something that was coming.

MS. DURANDO: It was very vague. It was not really defined.

MR. SNAPP: And so we were going to define it so when it arrived, we knew what it was. I mean there are other agencies that have adopted best management practices. We haven't done it yet. That was a discussion that we had before.

MR. MACGILLIS: It's got to be referenced somewhere here in the code. I recall seeing it. I don't know under what section of the code it is under.

MR. SNAPP: Under other agencies.

MS. DURANDO: That's not too clearly defined either.

MR. SNAPP: It's in our reference to water management.

MR. MACGILLIS: I think we need the definition in there. We can look at whether or not this is a comprehensive definition, but I know it's referenced several times in the some code. And I know the board directed staff at one point they wanted us to come up with some language and bring it to them last year. But

it all sort of went to the waist side.

MS. DURANDO: And then it's kind of related on the next page, biohazardous waste, waste which may present a threat. I sure would leave May out. I would just say, which presents a threat.

MR. MACGILLIS: Which one are you on?

CHAIRMAN BLACKMAN: Biohazardous waste, the next page.

MS. DURANDO: I mean, when you put the may in there that is a real can of worms. And I'm sure you would not want anything that presents a threat that's pretty clear.

CHAIRMAN BLACKMAN: Is can of worms defined in here?

MS. DURANDO: Way back in my youth the definition of a branch was a small creek.

MR. PALEN: Lets take definitions from State regulations for example, there is no reason for the County to form a definition for biohazardous waste if there is a definition already being used.

MR. BERGER: It's probably what it is.

MS. DURANDO: But it would blanket and not be allowed. Whether it may or may not if it is a biohazardous waste, it's not allowed.

MR. PALEN: This is just a definition. It really doesn't do anything.

MS. DURANDO: Then on conservation easement, I think the most important thing is not mentioned. Conservation easement must have a third party dedication. Conservation easement becomes -- a lot of people don't like it because it's on a title after that, but it has to be dedicated to a third party like the Palm Beach Water Control, the Audubon or Water Management, you know and heavy duty. Water management owns thousands of conservations in northern Palm Beach, they do, wow, millions of acres. It's just not something you make a homeowner's decision about, but there's always a legal third party who could be the overseer.

MR. KALEITA: I don't see how that's relevant to that definition, I really don't. My view is their definition is sufficient and we don't have to get into homeowner's. I don't think that's relevant.

MR. SNAPP: It references to the Florida Statute. It says it is what it is according to the Florida Statute and so --

MR. KALEITA: The definitions are not for the purpose of aiding a particular element of the County and achieving the objectives of the development. It's simply aimed at establishing a standard for the use of that term. And a lot of things you've been bringing up are objectives for you, if you will, rather than objectives period.

MR. BERGER: It's probably in the TDR section in the code anyway. When you get to the substantive part of this code, it's probably in there.

MR. KALEITA: It is in there because you remember who we were giving these easements to and I think --

MS. DURANDO: I think this is a hot topic right now with the bond parcels that were on it.

MR. KALEITA: Yes. I do believe that you have an agenda.

MS. DURANDO: It's still going to be on the conservation easement.

MR. KALEITA: I don't think we need to adjust the code to reflect the current concept if we already have a code that makes sense to begin with.

MS. DURANDO: I'm just looking to clarify what the intent is there.

MR. KALEITA: It looks pretty clear to me.

CHAIRMAN BLACKMAN: Anything else. Rosa, did you have anything else on your list?

MR. DURANDO: Yes.

MR. LAST: On that same page Control Elevation, some how that definition is jumbled in there. I'm not sure what it really means except it looks like something got added to it.

MR. PALEN: Oh, the food and beverages.

MS. DURANDO: It's way too much words.

MR. KALEITA: It excludes gasoline sales guys.

MR. SNAPP: I guess we stop after device.

MS. DURANDO: You need another definition for it

really. Excused Absences, Jon, you'll have to verify this one. We call anyone where if you're out of town or in conflict with another meeting or something like that, we have more excuses possible and out of town was a very significant --

MR. KALEITA: If I could, in the surplus of hindrance language in Control Elevation, it falls in

the definition of convenience store, which is absent from this list.

MS. DURANDO: On Hatchling, as a member of the Audubon, I resent that you have related hatchling to sea turtles. It should include birds.

MS. RECHENMACHER: I want to see about Bruce's comment, it's in the supplementary.

MS. DURANDO: It should be any animal that comes out of an egg, not just sea turtles.

MS. DAVIS: Platypus.

MR. BERGER: That's in a separate section of the code.

CHAIRMAN BLACKMAN: It seems like we're dealing with --

MS. RECHENMACHER: Going back to Bruce's comment, it's in the supplementary regs. The definition should be in the Use Regulations, in the supplementary regs. There are some instances where it refers back to the supplementary regs.

MS. DURANDO: One more, one more, the Littoral Zone is a really insufficient definition. A littoral zone is a planted zone. It isn't grass, it isn't dirt, it isn't rock. That way you're required to put in a littoral zone on 10 percent of your excavated lake area, this wouldn't suffice at all.

MR. KALEITA: If I remember correctly that's Frank's earlier objection to putting substance into regulations, into definitions. I think Frank's right. When you specify what goes into a littoral zone, that goes in the direction of the regulations.

MS. DURANDO: Well, a littoral zone, the implication here is that it's just a degraded piece of

--

MR. PALEN: The implication is it's a space.

MR. SNAPP: Defining a space.

MS. DURANDO: But that's not it.

MR. PALEN: That is exactly it. It's what you do in it. Now what you do in it, you go to that section that has the requirements and it says you plant it. That's what you do. You don't need to have a planting in a littoral zone.

MS. DURANDO: By definition you do.

MR. KALEITA: Not by definition you don't.

MR. PALEN: May become an environmental outrage.

MS. DAVIS: It's a biological definition. It's not a zoning definition.

MS. DURANDO: It's not a littoral zone unless it's growing plants.

MR. KALEITA: If I may, in the interest of peace, I believe the point that Frank is making is very valid.

And that is you do not have to repeat in the definition

of something every substance of regulation that is set forth in that portion of the code which regulates that thing. And instead, you'll be still given the definition. And if you want to know what you got to do in that zone --

MS. DURANDO: I don't think this is a true definition.

MR. KALEITA: Excuse me, if you want to know what you have to do in that zone, Rosa, you go to the section of the code that tells you what you have to do in that zone. Otherwise, we're not going to have a 2500 page code. We're going to have a 5,000 page code.

MS. DURANDO: You're exaggerating. If plants wasn't inserted there, planted graded area, that would do it. Graded area is not a littoral zone.

MS. DAVIS: Can I make a suggestion that we look at a biological, some biological reference material that the will actually define what a littoral zone is and use their definition.

MR. JACOBSON: I second that. That's a great idea.

MR. FISH: I'm not sure that definition is

correct.

MR. BERGER: Some of these may not make sense.

MS. DURANDO: They don't.

MR. BERGER: Rosa's last one, and a couple of them don't. Actually it's in one place in the code and that has to do with the turtle lighting and the sand preservations zone. I mean, a lot of this makes less sense than it ought to out of the context of the code provisions.

CHAIRMAN BLACKMAN: And I think what this has ended up being is the dumping ground for a lot of definitions that are in other sections of the code and then it was just piled here.

MR. WEINER: It sounds like it's easy, but what happens is when in practical use, if you're in a situation where hatchling comes up, the reviewer or someone on staff is going to go to that definition and you're going to have to fight your way out of such a situation. It happens all the time.

CHAIRMAN BLACKMAN: It's an important section.

MR. WEINER: It's a definition that doesn't work for a general situation. Then you end up with some problems.

MR. SNAPP: I think it's the proverbial double-edged sword because what happened is we used to have the definitions in the sections for which they

applied. And then because it was defined someplace else, we didn't bother to redefine it. And then you're in one section and you couldn't find the definition because it's three sections over. So we said, okay, we'll be proactive, we'll create a definition section and put all the definitions in that section and take them out of context. The problem you get when you do that is what we're talking about. You got hatchling, which is talking about a turtle on the beach --

MR. CARPENTER: All of a sudden, you got a different problem.

MR. SNAPP: Which was defined for that specific purpose.

MR. MACGILLIS: If you look at the one above it, Handicapped Spaces, that is going to be taken out and moved over to the parking because that's usually only where it's used and you just have that link in there in that section of the code. That's how we're going to do it. So that hatchling, that will be taken out, moved over to the ordinance where it applies with a link here. So if you're -- where does this go, what ordinance does this apply to. It applies to more than one. There would be a link in that ordinance taking you back here.

MR. SNAPP: Ideally if we got it right, things that

only apply in that specific ordinance would be defined within that section. And things that cross over more than one section would be defined in this section. And of course, we're not going to get it all right.

CHAIRMAN BLACKMAN: Is this almost through or ready to be looked at right now? I mean, should we see this after everything is together?

MR. MACGILLIS: I mean, you're going to see it

again.

CHAIRMAN BLACKMAN: In a way we are right now.

This is the last thing we're seeing, right?

MR. MACGILLIS: Right.

MR. SNAPP: I mean the next thing is the whole package.

MR. MACGILLIS: Staff will clean all this up.

Hopefully, there will be half as many pages to this.

They will be relocated to the right articles when you get them. There will be a hyperlink indicating that this only applies to article in the feature.

CHAIRMAN BLACKMAN: It just doesn't seem like it's quite right for our approval.

MR. JACOBSON: I have a question. Why is it that none of pages are ever numbered? It's a simple question because it will facilitate the performance at this end. Is there a reason we don't number these?

MR. MACGILLIS: No. We used to number them and it was easy to follow.

CHAIRMAN BLACKMAN: This is our one item of business here left. What is our pleasure? Do you think it's ready. Do we have more comments?

MS. DAVIS: Not without numbers on the pages.

MR. KALEITA: I actually have a non-aspect, related comment. I believe it's in the County's interest to alter the definition of Nuisance, in that the definition in here is insufficient. A nuisance also consists of a violation of the zoning code. It seems to me it's in the County's interest to say so, especially. It's certainly in the interest of the public, since the public is allowed to file suit for violations of the zoning code. So I would suggest that any activity or usage violates the provisions of this code.

MR. SNAPP: I would profess it to some people the zoning code provisions because it interferes with the enjoyment and use of your property.

MS. DAVIS: And it doesn't have numbers.

MR. KALEITA: At least I'm looking for a second for my amendment.

MR. CARPENTER: I'll second that. I think that ought to be included.

MR. KALEITA: It is the law on the subject if you violate the local codes of the Commissions.

MR. BERGER: This link is the noise that there must have been some reference to noise. We need yes, we will change that. We need to see what it actually says in the noise zone.

MR. MACGILLIS: They're called the performance standards.

MS. DURANDO: The definition is not in here, but I often ask exactly what does that mean legally, unrecorded separately. There are such animals in this County.

MR. BERGER: Subsequently, it's covered more or less in the end of Article -- what article is that, is it one?

MR. MACGILLIS: Yes.

MR. BERGER: At the end of Article 1 where it describes what that is.

MS. DURANDO: It has so many unrelated definitions and that one is a biggie.

MR. BERGER: It would be pretty long. I think everybody must have decided to leave it there in Article 1 because there are so many qualifiers that go into determining it and what can you do with it that it's kind of hard to pull out the definition from the substance.

MS. DURANDO: I would like to see some kind of vague stab though, because there are such animals.

MR. BERGER: Oh yeah. I'm telling you we've devoted several pages of Article 1 to this thing. I hope it's not a vague stab. A pretty specific stab, surgical stab. There's a way that we can stick something here that doesn't restate the whole thing.

MS. DURANDO: I mean if you have antiquated, you should have -- and there is, I believe there was antiquated.

CHAIRMAN BLACKMAN: I think what this is going to take too is be understood as one or two people reading through this. I think staff has to read through it

because I'm sure they have more of a working knowledge that we do of what is necessary and more of a keen eye.

MR. SNAPP: Did we take action on Bruce's motion or is it still floating?

CHAIRMAN BLACKMAN: I don't think we took a motion.

MR. KALEITA: I had moved that the definition of nuisance have language added to it to state, or any violation of this code. So that the County could enjoin a nuisance as a nuisance, a violation of the

code. The County sometimes take action to prevent something from happening, which is wrongful and will aid the County to have a language in there that will state, comma or any violation of this code. So that it could enjoin as a nuisance the violation of the code.

CHAIRMAN BLACKMAN: So your motion in eight words or less is --

MR. KALEITA: To add, comma or any violation of this code, to the existing definition of a nuisance.

It would also give those who are offended by such activities on an adjoining property the right to enjoin in the nuisance.

CHAIRMAN BLACKMAN: Is there a motion?

MR. CARPENTER: Second.

CHAIRMAN BLACKMAN: Objection, discussion?

MR. BERGER: With your permission maybe also add it says, link to 7.8. But if we're going to do that maybe to put a finder point on the language that's there to make it clear that that part pertains to this section. And I really want to let them to see exactly what it says in that section.

MR. KALEITA: Absolutely.

MR. BERGER: And to make sure we're not creating something that's too hard to get out of.

CHAIRMAN BLACKMAN: There is a motion and a second

to amend the definition of nuisance, is there a discussion on the motion?

MR. SNAPP: I'm trying to figure out the benefit of

that.

MR. KALEITA: Let me explain why I'm doing this. Several years back, I had an occasion to research this subject very, very, very extensively in the course of some litigation. And what I found out is that it is permitted by the courts or any party adversely affected by a nuisance to file suit to enjoin it.

However, the easiest way to prove that it is a nuisance is to show that there is a law which says that it must be done a different way or not at all. And therefore, I thought to myself, if this ever comes up again, I'm going to recommend to the County that a nuisance also be defined as a violation of the code. So that those who violate the code have more people looking out to make sure they don't it.

MR. SNAPP: I wasn't looking at it as a benefit. I was looking at it as a drawback because personally, I'm not being an attorney, I don't really want to promote litigation.

MR. KALEITA: I'm not promoting litigation, I'm expediting it.

MR. SNAPP: You're making it easier.

CHAIRMAN BLACKMAN: Frank.

MR. PALEN: Is it possible if we brought a number to the attention of staff, that they can go back and take a look at the language. I think Bruce made a good point that it may need to be examined a little bit more because it may raise some other issues that we're not addressing right at this moment. I'm not going to make a motion. I'm just going to give you a copy of my comments and you can do with it whatever you want to do.

CHAIRMAN BLACKMAN: We have a motion and a second on the floor to amend the definition of nuisance. Should we vote on that?

MR. MACGILLIS: As long as you give staff a clear direction if you want us to research that.

MR. KALEITA: I'm asking staff, motion is amended stating that we ask to take a look at that issue and if it appears to be beneficial to amend it, then do so.

CHAIRMAN BLACKMAN: And we have a second, is there any discussion? Seeing none, all those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

MR. SNAPP: No.

CHAIRMAN BLACKMAN: Motion passes. And we're left with Article 18, what to do with it, D.J.

MR. SNAPP: I move that we table the vote on this until the staff comes back with the volitions and amendments and the additional research that we've asked for. We table it until the next regularly scheduled meeting.

MR. JACOBSON: I second that.

CHAIRMAN BLACKMAN: Motion on the table to table it.

MR. SNAPP: Can you meet that?

MR. MACGILLIS: Well, our next -- we handed out a calendar at the last meeting to see what our schedule is.

CHAIRMAN BLACKMAN: What's at the end of the month?

MR. MACGILLIS: Bill and I sat down with Lenny and

Barbara to look at this. Obviously, staff needs some more time to review the whole articles. I think what we're looking at now is rather than you getting it back at the end of this month. Actually, you'll be getting it on the 28th of August. We'll still keep the thing with the board meeting.

MR. SNAPP: So if I amended my motion to leave it on the table until the 28th of August that will be --

MR. MACGILLIS: That's when we will bring it back to the Land Development and Regulation Board.

MR. SNAPP: I'd like to amend my motion until the 28th of August.

MR. JACOBSON: I'll second that again.

CHAIRMAN BLACKMAN: Okay, motion is second, discussion, Frank.

MR. PALEN: As a technical matter, you bringing it back to the LDRC, that means you're going to bring it back to the board.

MR. MACGILLIS: Yes.

MR. PALEN: One of D.J.'s proposals was tabling any

discussion of this until that point.

MR. MACGILLIS: We will have another meeting between now and then.

MR. SNAPP: When are you going to the Board?

MR. MACGILLIS: Towards October.

MR. SNAPP: Well, if you're doing this in August, then it doesn't hold anything up.

MR. PALEN: I don't see a problem.

CHAIRMAN BLACKMAN: Is that okay with everyone, Lenny?

MR. BERGER: I'm thinking it's possible that it will take more than one meeting to go over the code as a whole. So we can begin on that date.

MR. SNAPP: The 31st.

MR. BEGER: Yes, and continue, as necessary, with

the ULDRC proceedings if we get that far.

CHAIRMAN BLACKMAN: Okay. We have a motion on the table until that time, which is the 28th of August.

MR. MACGILLIS: Or if we can schedule it before

then, if we can call and get a quorum before then or
you want to leave it on the 28th?

MR. BERGER: We'll want to review everything.

CHAIRMAN BLACKMAN: There's a motion and a second,
and discussion on the motion? Seeing known, all those
in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign,
motion passes, D.J.

MR. SNAPP: I have a suggesting. It doesn't need
to be a motion, but since it probably will take two
meetings to do this and more than likely we'll get into
a situation where we're going to be meeting as the CTF
and then meeting as the LDRC and we'll have quorum
issues and I would propose that we break this up in
sections and have one meeting and try to get through as
many sections as possible.

And then convene at the LDRC and then bring
everything else back. And have it flexible enough that
we have a section that's a controversial section three
or four or whatever it might be. Then we just would

agree to move that out and keep moving along and get as much done the first day and save the rest for the second day.

CHAIRMAN BLACKMAN: Is that okay with staff, just a general direction. I don't think that needs a motion.

MR. MACGILLIS: We'll be providing you with a calendar with the dates.

CHAIRMAN BLACKMAN: Staff comments, anything?

MR. WEINER: Under Story Building, it's defined as 14 feet from floor to ceiling. I understand what you're trying to accomplish there, but it would make a lot of retail stores nonconforming.

MR. KALEITA: Like WalMart.

MR. WEINER: Any large store is done with more than 14 feet. I understand you're trying to limit heights of buildings, but I think you need to break it down somehow.

MR. MACGILLIS: We'll look at that.

CHAIRMAN BLACKMAN: Any staff comments, moving through the agenda here.

MR. MACGILLIS: No comments.

CHAIRMAN BLACKMAN: Any board member comments?

MR. JACOBSON: Yes. Drive carefully it's a bad weekend.

CHAIRMAN BLACKMAN: We're adjourned.

(Thereupon, meeting concluded at 4:15 p.m.)

CERTIFICATE

STATE OF FLORIDA)

COUNTY OF PALM BEACH)

I Rita Hazel, Professional Court Reporter and Notary Public in and for the State of Florida at Large:

DO HEREBY CERTIFY that the above-entitled and numbered cause was heard as hereinabove set out that I was authorized to and did report the proceedings and evidence adduced and offered in said hearing and that the foregoing and annexed pages comprise a true and complete PALM BEACH COUNTY CITIZENS TASK FORCE.

I FURTHER CERTIFY that I am neither a relative nor employee of any of the parties or their counsel, nor financially interested in the action.

Witness my hand and official seal in Palm

Beach County, Florida,

this _____ day of _____ 2003

RITA HAZEL

Professional Reporter

Notary Public, State of Florida

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