

**PALM BEACH COUNTY
CITIZENS TASK FORCE**

Thursday, June 19, 2003

2:00 pm - 4:50 p.m.

**100 South Australian Avenue
West Palm Beach, Florida**

Reporting:

**Rita Hazel
Notary Public**

A T T E N D E E S

Wesley Blackman, Vice Chair

BARBARA NOBLE

David Carpenter

Bruce Kaleita

Steven Bruh

Ron Last

Maury Jacobson

STEPHEN DECHERT

DAVID HORNE

CARMELA STARACE

LARRY FISH

MARK WEINER

FRANK PALEN

KEVIN RADER

Jon MacGillis, Zoning Administrator

Bill Whiteford, Zoning Director

Lenny Berger, Esquire, Assistant County Attorney

Peggy Smith, Secretary

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P R O C E E D I N G S

CHAIRMAN BLACKMAN: I'd like to call to order the Citizens Task Force Meeting. The time now is 2:10.

MS. SMITH: Joanne Davis.

(No response).

MS. SMITH: Susan Daniels.

(No response).

MS. SMITH: David Carpenter.

MR. CARPENTER: Here.

MS. SMITH: Barbara Katz.

MS. KATZ: Here.

MS. SMITH: Barbara Noble.

(No response)

MS. SMITH: Henry Deibel.

MR. DEIBEL: Here.

MS. SMITH: Kevin Rader

(No response)

MS. SMITH: Stephen Dechert.

MR. DECHERT: Here

MS. SMITH: Bruce Kaleita.

MR. KALEITA: Here.

MS. SMITH: Ron Last

MR. LAST: Here.

MS. SMITH: D. J. Snapp

(No response)

MS. SMITH: David Horne

MR. HORN: Here.

MS. SMITH: Steve Wesley Blackman:

MR. RAFTON: Here.

MS. SMITH: Rosa Durando.

(No response)

MS. SMITH: Stella Rossi.

(No response)

MS. SMITH: Carmela Starace.

MS. STARACE: Here.

MS. SMITH: Maurice Jacobson

MR. JACOBSON: Here.

MS. SMITH: Wayne Larry Fish.

MS. FISH: Here.

MS. SMITH: Steve Bruh.

(No response)

MS. SMITH: Mark Weiner.

(No response.)

MS. SMITH: Frank Palen.

MR. PALEN: Here.

CHAIRMAN BLACKMAN: Okay. Moving on, additions, substitutions, deletions.

MR. MACGILLIS: Now that we're on the record, I got a call from Dewayne Diaz's alternative, Susan Daniels. She has a medical problem.

CHAIRMAN BLACKMAN: Yeah. I got a call from her too, we'll recognized that. Okay, so no changes to the agenda. Then is there is a motion to adopt the agenda?

MR. JACOBSON: So moved.

CHAIRMAN BLACKMAN: Okay. Motion second?

MS. STARACE: So moved.

CHAIRMAN BLACKMAN: Discussion, seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

MR. BLACKMAN: Those against, same sign, motion passes.

Excused absences, Let's recognize those people who have called in and said they were not going to be here as having excused absences. Is there a motion?

MR. JACOBSON: So moved.

MR. BLACKMAN: Is there a second?

MS. FISH: Second.

MR. BLACKMAN: Discussion. Seeing none, those in favor,
aye.

BOARD MEMBERS: Aye.

MR. BLACKMAN: Those, against, same sign.

MR. WHITEFORD: Mr. Speaker?

MR. BLACKMAN: Yes.

MR. WHITEFORD: While you're on that part of the agenda,

I'd

like to introduce Barbara as a new member, Barbara Katz.

Barbara

has been around a long time, very active in the community, especially in the western Boynton, Delray areas etc. I'd like

to

welcome Barbara aboard.

MS. KATZ: Thank you.

MS. STARACE: Whom are you replacing?

MS. KATZ: I don't have a clue.

MR. CARPENTER: Barbara, did anyone tell you the rule about the first year, you have to bring cookies.

MR. BLACKMAN: We have some for you today. So don't worry about today, you're off the hook.

MR. JACOBSON: That's been upgraded. I'm sorry, Mr.

Chairman,

that's been upgraded to bagels and lox and cream cheese.

CHAIRMAN BLACKMAN: Okay. We have a set of minutes from

May

8th is there a motion to approve?

MR. JACOBSON: So moved.

MS STARACE: Second.

MR. BLACKMAN: Motion is second, discussion, seeing none.

All those in favor, aye.

BOARD MEMBERS: Aye.

MR. BLACKMAN: Those against, same sign. On to our

favorite

topic, ULDC Amendments, Article 3, Chapter B, Overlays, staff?

MR. MACGILLIS: There were only minor changes made to this

Article. Previously, Article 6.7 was relocated to the other Districts that were located in other Articles throughout the

Code

to keep it all in the same area. That was to be the Airport

Zone

Overlay, which was in Article 18 and the SRE Zone that also

was

in another area of the Code for consistency from all the other

overlay district. We also located the Northlake Overlay

District, which was adopted by the Board last October. It had

not been qualified for a code. It was incorporated into here.

Also under the Lake Worth Corridor District we added specific

provisions for infill redevelopment deviations, page, it's on

Page 12 of your backup material. This was our first attempt

to

deal with infill redevelopment in that corridor. That is one

of

the main goals that's been directed for redevelopment in that

area. The Planning Division is currently working on a Master,

an

entire project for infill redevelopment. These provisions

here

were to assist the CCRT in trying to help with some of the projects that has been coming in and receiving variances over the last couple of years. These provisions were added, hopefully, to allow for some of those projects and move forward,

at the same time, address some of the infill issues that were trying to address in a larger picture.

MR. WHITEFORD: While we're on that section of code, we're aware that Callonade needs to be respelled on top of page 12.

On page 14, we discussed it with the subcommittee changing the rear service road, under C, at the top of page 14 to 20 feet and there's a parking easement listed.

MR. JACOBSON: You say 20 C on that?

MR. WHITEFORD: C on page 14,

MR. JACOBSON: Right.

MR. WHITEFORE: Top of 14, 20 feet versus 30.

MR. MACGILLIS: And your back-up material also, we're sorry we didn't get this out to you on time. It was provided to you on your desk. This is the summary detailed background information. And this form sheet is the errata that after the draft was sent to you, these are changes that you've made to the actual articles. If you would like me to go through every

one of these to explain why we've changed this? I can do that.

MR. CARPENTER: Sorry about that. I have one question about the service road effect.

MR. MACGILLIS: Page 14.

MR. CARPENTER: We're talking about just any road that provides, that goes to the rear of any building. Is that a rear service road?

MR. WHITEFORD: No. There's different things, a couple of things that could happen back there. You could have a real road. You could have something called a service road, which we would recognize as an alley. You could have a garage or you could have a driveway.

MR. CARPENTER: Okay. This isn't a rear drive thing.

MR. WHITEFORD: This is a rear drive. This is akin to an alley. The idea was to link up behind all the buildings along Lake Worth Road on the north and south side a service road.

MR. CARPENTER: This is only in the Lake Worth district.

MR. WHITEFORD: Yeah. It's only on Lake Worth Road. An alley that you could promote shared parking and crossed access that type of thing. We're having problems with the width, 30 feet which is just killing people. So we're mentioning it to Engineering to accommodate the easement that they need within

the width of the pavement.

MR. CARPENTER: Okay.

CHARIRMAN BLACKMAN: I'd like to note that Steve Bruh and Barbara Noble have entered. Any other questions to staff?

MR. WHITEFORD: While we're on the overlays, the blue sheet does outline some changes to the GAO, that didn't make it into your orange copies, it's in a blue version and it's hot off the press, it's still warm.

MR. KALEITA: Go Gators.

MR. WHITEFORD: Yeah, really. This was just recently brought to our attention. Can we, again, talk this over with the subcommittee? We'd like to really, the GAO Overlay, which is the Glades area overlay hasn't been, you know, phenomenally successful. We're really trying to promote some economic growth out there and some stimulus. What we did was we went to a graduated system, a fighting scale on an approval process. Essentially what the changes created were permitted uses are permitted; special uses are still permitted by special permit. Conditional uses are now allowed by the DRC. That's the big one. And then uses which aren't listed in our matrix, our use matrix chart, you can request as a conditional use to go to the board. That didn't change.

Just that one step where conditional uses, can now be approved by the DRC. They can be a big benefit. It has to meet the same standards as a conditional use except they have to go to the DRC.

CHAIRMAN BLACKMAN: Now might be a good time to talk about the difference between the DRC and the DRO because it's referred to as DRO.

MR. WHITEFORD: Yeah. You're going to start to hear us say that. Lenny can probably help me with this a little bit. But the overall concept of the DRC is being converted to one of a Development Review Officer. As a result of some case law, we've been guided that direction where the authority to grant that type of approval has been shifted to a burden of an individual versus a committee.

So the committee is now acting in an advisory capacity. There's no official hearing. There's no official meeting. There's a mere deadline, a series of deadlines of review dates, by which a decision will be made by the DRO, but it's now a Development Review Officer. Essentially it's going to be myself. I'll be delegating it to a group of people in my office.

MR. CARPENTER: This is only in the Glades?

MR. WHITEFORD: No, that's throughout.

MR. CARPENTER: Throughout.

MR. WHITEFORE: The DRC is now going to be referred to as the DRO. No longer a committee, it's an officer.

MR. CARPENTER: The officer is that a real individual or is that the whole committee?

MR. WHITEFORD: That's me.

MR. CARPENTER: Okay. You're the officer and they're representing you?

MR. WHITEFORD: They're advising me.

MR. CARPENTER: They're advising you.

CHAIRMAN BLACKMAN: Bruce, Bruce.

MR. CARPENTER: Can I call you now about all my --

MR. WHITEFORD: No. Call my advisors.

MR. KALEITA: This is a nominal concept to me. And I wonder whether I may throw out some reservations about it. Conditional use proceeding is a quasi-judicial proceeding, that is, it's considered to be a proceeding that is required to be open to the public in which evidence is presented, witnesses are heard and testimony is given and the person making the decision, must make findings of fact and conclusions of law. This change-- I don't think I did that.

MR. WHITEFORD: No, I did.

MR. KALEITA: This change runs afoul, at least, in my memory of the law in this area. And when I heard the term DRO, I figured you meant a hearing officer and one with legal training. And let me say that my view is that on behalf of my organization I would have to express some concern about this and ask that this not be passed on at this time because of the legal question that it raises. In addition, the second problem with it is the conditional uses are called that because there may be conditions imposed upon them.

And this has always been a power of reserve to the elected officials unless it is delegated through a Hearing Officer. So, I'm going to say that if this is seeing a solution to a problem, that in my opinion, I understand that the County Attorney may be compelled to comment otherwise or refute otherwise. In my opinion, this is just going to end up creating trouble of both a practical and a legal nature and I would suggest that we draw it out of this measure for further explication.

CHAIRMAN BLACKMAN: I think Carmela and Lenny wants to Respond too.

MS. STARACE: That was the question I asked you to begin

with, why the change and you're saying because we have to. Is it changed legally and that's why I asked you, why the change?

MR. WHITEFORD: Okay. Lenny why the change?

MR. BERGER: Functionally, it's not going to be any different. It's still going to be a public proceeding. It's still going to be an appealable public proceeding. It's still going to be a record of decision. So it's going to function entirely the same way. And the reason that this happened is there was a case that came out of the 2nd District Court of Appeal that determine that, and it is a fairly interesting decision, that a committee is a Sunshine Committee. And we don't have any quarrel with the open meeting aspects of it. It's still going to be noticed. It's still going to be a public hearing proceeding. It's just in front of the DRO. The problem that we solve with having this staff committee be a Sunshine Committee is that inevitably one or more of the staff members will talk over an application outside of this public proceeding. It becomes practically very difficult for the staff to prepare at all for one of these DRC Committee meetings. I mean, frankly, the DRC members are just staff members of the different agencies that get together and talk

about development applications all the time. It's what they do. And if we were to continue to keep this committee as a Sunshine Committee, under this particular ruling of the court, they would risk violating the Sunshine Law if they ever talked about an application. So, what we've really done is, frankly, I believe it's going to function exactly the same way. But what will happen is, the agencies that typically would report to, what we'll call, the DRO, the agencies that would put their comments down as a record, would say to the DRO, hey, I think you ought to put this comment down. And it will be put down.

MR. KALEITA: Can I make a suggestion?

CHAIRMAN BLACKMAN: Bruce, you have a follow-up?

MR. KALEITA: Yes, I do. I think that you're creating a bigger problem with your cure than you are solving. That is to say, if the people on the DRC would violate the Sunshine Law by chitchatting among themselves before the meeting, then what they ought to do is not chitchat among themselves before the meeting. And we ought not to go out and create a second problem by solving the first. And, it seems to me that I believe I could probably have such a cause, not that I'm challenging anybody, but in a legal test, I don't think the

system that is being proposed here would be constitutional. In that, one cannot delegate a staff the right to oppose conditions of approval on zoning petitions. That is a public hearing in front of the elected body. That's the first problem with it. The second problem with it is, if there's going to be a quasi-judicial proceeding, it should really be subject to the hearing officer process and not to a department head. And, I might add number 3, if I were Bill; I might not really want to have this job. It just looks to me -- like, for example, suppose the -- let me get ridiculous so long as nobody attacks my example, let me get a little ridiculous. Suppose the proposal is to have a skunk kennel located next to an old folk's home. Then you're guaranteed that you are going to be besieged by those offended by the proposal if it's a conditional use in that district. And I submit to you that if the commissioner doesn't like what's being put before him, you're not going to like it. I've got further questions. Is there a set of procedures by which you would discharge this hearing officer's function? And if there isn't, I think there ought to be.

MR. BERGER: I think that's in Article 17.

MR. MACGILLIS: Yeah, later on in your agenda.

MR. KALEITA: I've got grave reservations about this and I think it's -- you're making a worse problem than the one you believe you're solving.

MR. CARPENTER: I'm a little surprised at the, I mean, I never considered, for that matter really thought about DRC being quasi-judicial. I'm sort of surprised that it is considered quasi-judicial to throw us into the -- I don't understand, you know, how agencies that represent different factions of the government come together and form a quasi-judicial body. I mean, that kind of puzzles me a little bit. So in the beginning I'm a little puzzled as to why, you know, we're flipping to this and hearing this quasi-judicial kind of surprises me.

MR. BERGER: Well, I don't think for the most part that it functions in a quasi-judicial capacity in the way that the Zoning Commission does for its conditional use and the way that the Board of County Commissioners does. I think certainly, in the DRC process that happens before it goes to the Board, I really don't think that can happen. At that point, I don't think that it really functions in that fashion.

Frankly, if there's a certification issue, that has always been appealable to the Board or ultimately to the Board at the

real public hearing phase. I guess what I'm trying to drive home is that it's the same public process that it always was. The only difference is that and maybe, Bill and Jon, you guys can speak to this, I don't think that staff members talking over an application is done for any reason other than to prepare for DRC so that it's not to postpone indefinitely. Frankly, what I heard is that it would be very, very difficult to have any development application go through just simply one round that agencies couldn't discuss it among themselves. And there's a lot of overlapping duties and concerns among the agencies.

MR. CARPENTER: I don't have a problem with either way, personally, whatever you guys decide works. I don't have a problem. I'm just taken back. I just don't understand the quasi-judicial. I can understand it with another body, like just pick something out, Board of Adjustments, where you're coming in and the case you have to decide whether or not something meets specific requirements. But where you got an engineering guy there, he doesn't ask somebody where it meets requirements. He just says that this doesn't meet our requirement here.

MR. BERGER: Maybe Bruce, you can fill me in.

MR. KALEITA: Tell you what, we'll call each other about this after the meeting, which is the right time for you and I.

MR. BERGER: What I want to know more about is what aspect of the DRO procedures --

MR. KALEITA: I'm not saying the DRO as it presently functions. The DRC, as it presently functions, is quasi-judicial, although, it is my personal opinion that it is. If I had to challenge an unlawful act by that committee, I would end up in a quasi-judicial appeal or appeal of a quasi-judicial sending it to the circuit court. I believe the Pompano Beach case says that and I believe there's a bunch of others that say that. It's just that nobody ever takes those kinds of appeals. They work things out. But here, when you're going to take a Conditional Use proceeding and give it to a Staff Board to decide, with the power to impose conditions, you are out of bounds with Staff power. And that is a power that cannot be exercised by Staff. And the manner in which it is proposed to be exercised, the proceeding itself is basically quasi-judicial. Therefore, there are going to be adversaries added, the pros and the cons, they can have lawyers and they can put down evidence, there could be witnesses and that sort of thing. And I'm suggesting to you

that it should be taken -- I'm not saying abandon the scheme. I'm saying take it out of this package and give it some scrutiny. And maybe Lenny and I -- not that you have nothing to do or I have nothing to do, but maybe we can both look at the case law and see if we can come up with something in the middle.

CHAIRMAN BLACKMAN: I'm going to recognize Carmela, but first I might have erred in taking this out of order because it is dealt with in Article 17. And we can deal with it there during that discussion and the focus should really be on all the other districts, Carmela.

MS. STARACE: I'll deal with it then, but as far as what's going on in here -- I'm sorry. As an elected official, I sure like the way we can get around the Sunshine Law. From a personal point of view, I don't like the way this is going. And I have a few concerns. So I'd like to table this for another day and another discussion even when we get to 17 because I just think there's a lot of concerns here. A duck is a duck, is a duck, is a duck.

MS. WHITEFORD: I think what has happened here is that you've taken two discussions and they've been melted into one.

The first one was about the GA0. The second one was about

the DRO. It's only in the Glades area overlay that we had suggested, I think what Bruce is objecting to in part, which is that uses permitted by Conditional Use, would now be allowed by the DRO. And that was not meant to be a delegation of a public hearing process or a quasi-judicial procedure to an individual. What that was intended to be was just a simplified approval process. Instead of on the chart, it used to be indicated as an A, which is a quasi-judicial use. It now, by this language, reads as a D, meaning it can go to the DRO. It wasn't intended to, as I said, delegate any type of authority from quasi-judicial to individual.

CHAIRMAN BLACKMAN: So you're now changing the DRO procedure just because of this?

MR. WHITEFORD: No. Absolutely not because that's the second issue, that's a whole different ball of wax and a whole different thing. This whole conversion of DRC to DRO is separate. It's totally separate.

MR. PALEN: Are there instances where Conditional Uses are approved by DRC today?

MR. WHITEFORD: No. In fact, there's no situation today where a Conditional Use can be approved by the DRC. This was a suggestion we made to help things in the Glades area overlay

to kind of throw in and connect the best sliding scale that we talked about in the past. The process sometimes hurts people.

They can't afford to do it. It takes too much time, da, da, da, We've done a lot out there, notching it down a bit. We've knocked it down a little bit so otherwise, what would have been a Conditional Use is now approved by DRO. Uses not listed would now be Conditional Uses. It was supposed to be meant to improve our processes.

CHAIRMAN BLACKMAN: So you're moving it from a quasi-judicial to a staff review with none of the same baggage.

MR. CARPENTER: You pointed out in the west, you said that we're talking about overlay in Westgate overlay district. Aren't some of the uses there that were Conditional B, aren't you allowed to go to DRC with some of those? I know some of the Conditional A's are lessened down to conditional B's.

MR. WHITEFORD: They're notched down a little bit.

MR. CARPENTER: Knocked to Conditional B. I thought there were a couple that were, I'm sure if Office Warehouse is one of them that's not a permitted use in the other districts.

MR. WHITEFORD: Right.

MR. CARPENTER: But this, I was just bringing up that this would be similar to that district in the fact that you're

lowering the thresholds for some of the improvements in certain districts because of particular reasons in this district.

MR. WHITEFORD: Correct.

MR. CARPENTER: Okay.

MS. STARACE: Why does the, you know, the Sunshine trying to circumvent the Sunshine Bill?

MR. WHITEFORD: Well, because of in the blue page that you see, you see that it's first mentioned the DRO and West access. It talks about a little bit data and the summary. We got caught off on that train of thought.

MR. MACGILLIS: The standard train.

MR. WHITRFORD: All with good intentions.

CHAIRMAN BLACKMAN: Bruce.

MR. KALEITA: The road to disaster, of course, is paved with good intentions. And I commend you for your good intentions. I think you're really talking though about special use. I think that if you want to make it for an ease of an application for Conditional Uses in places where within 300 feet there's not a single living creature, it's an objective position. It seems to me that you're really talking about taking it out of the class of Conditional Uses and making it a

special use, in which, unless I understood, you would plunk right in front of staff to decide whether to approve it or not. But, once you call it a conditional use, you are now making it into a type of approval, which is quasi-judicial in character, which involves all this stuff. This is an independent problem apart from the finding by the District Court of Appeal that the DRC is a quasi-judicial body, but that opinion, which Lenny is referring to, only underscores the importance of my criticism. And that the very Board which is going to do this, is quasi-judicial. You're going to assign it to a staff member, that's not okay. That's not going to work and it needs to be worked on. I'll be happy to help work on it. I've got nothing here on my agenda except to make sure that the right thing happens. I commend your motive. I just think the means chosen is perhaps not well thought through. I'm sorry if I offended your personal thought too.

CHARIMAN BLACKMAN: Are there any other things in this overlay section that we should --

MR. CARPENTER: I have one other question related to the --

MR. WHITEFORD: I'm afraid to mention them now.

MR. CARPENTER: On page 32, which is the Turnpike Aquifer Protection Map. I remember at one time we had a discussion

about reducing that down to minimum shape because at one time, I think, it was like squared off and the whole thing went down to 7. Is this -- what was the result of the minimum distances that we were asking for of that shape?

MR. MACGILLIS: The description on page 31, which is the form from last week. It's an updated one from the last CTF meeting back in March. I think it was in March that this was presented to you. Maybe it's on 29 now, the legal description now, two pages before. It is now down to three times the amount it was.

CHAIRMAN BLACKMAN: Any other comments on this section, I guess it's Section B, Chapter B? Is there any public that wishes to address this item? Okay, then back to the task force for action.

MR. KALEITA: Can I suggest that if we intend to approve this that we withhold approval of the portion that we intend to inquire into further which, from my understanding, concerns Class B Conditional Uses in the Glades Area Overlay, and that that be the subject of additional discussion later on.

CHAIRMAN BLACKMAN: We are going to see this again in its entirety and that might be an appropriate time to bring that up.

MR. KALEITA: So I'll make that motion.

CHAIRMAN BLACKMAN: There's a motion and a second by Maury.
Discussion on the motion? Seeing none, those in favor, aye,

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. Motion passes. Moving on to Article 3, Chapter C, Standard Zoning Districts. Is this titled correctly?

MR. MACGILLIS: No. This is the supplement of the changes.

CHAIRMAN BLACKMAN: We're on Article 3, Chapter C, Standard Zoning Districts.

MR. MACGILLIS: It's correct on here, incorrect on other sheet. It's correct in the document here.

MR. WHITEFORD: Okay. But it's not correct on the table Counselor.

MR. MACGILLIS: Right.

CHAIRMAN BLACKMAN: So we'll go to the important page, 3. Bill, do you want to explain this.

MR. MACGILLIS: There's some backup material that probably you'll need to look at in this package as you go through it. This is these charts here. You all are going to need to follow along with it because the first thing that we are going

to get to is the Zoning Districts that have been deleted.

MR. JACOBSON: I don't know which sheet it is.

MR. WHITEFORD: You've got the orange which is the errata.

You've got the chart that looks like this. It's going to describe what we call the pyramid scale and attached to it is a strike out and underline of what was previously given to you for an ease of understanding what was changed. So we'll discuss what was changed and the zoning districts that were eliminated using the strike out, underline version so you can visually see it.

MR. FISH: Is there a supplemental package with that?

MR. WHITEFORD: Yeah. That's behind the orange sheet.

CHAIRMAN BLACKMAN: Are we all set?

MR. WHITEFORD: I think -- before we discuss the property development regulations it would be better to actually start with this chart that did make it in your packages. It's behind your orange errata and the concept of the pyramid zoning which, if anybody has been around for a while, knows that that is how zoning was done once upon a time here in Palm Beach County. What I generally tell people is that there are five

different types of Development Review Procedures and Development Approval Processes. You have your overlays that we apply, you have standard zoning, you have planned developments, you have traditional developments and you have our density bonus programs. And all those are different things that we'll be discussing with you as we go along through the code amendment processes because we're trying to break those out and to make them more clear and to jump out at you in the code. That's not to mention the whole slew of supplemental standards that address specific dunes, walls and fences and go into other articles of the code. The meats and guts of the code are in the overlays, the standard districts, the planned developments, the traditional developments and the density bonus programs. The pyramid is intended to do a couple of things. One was to eliminate unnecessary zoning districts and you can see on the strike out underline on the next page some of the districts that we got rid of and I'll explain those in just a minute. But the pyramid, again taking that sliding scale approach, you see that if more intense zoning districts are allowed in a planned category that the lesser intense zoning districts are permitted as well. That's the pyramid. So if you got the most intense, you'll have the

lesser intense as well. Once upon a time, it's the way things were. It changed when the 89 Comp Plan got adopted and the corresponding ULDC for various reasons one was the Board adopted a whole lot more planned categories and they assisted, at that time, a one to one correspondence for a couple of different reasons. One, because we had minimum density requirements in the code at the time or in the plan.

And also the board wanted a certainty in the zoning that you were going to get. Now things happen, but they actually have the flexibility. We suggested two so that you could have a range of categories that could be applied to a piece of property. It not only allows that, but it also makes an awful lot of zoning that's out there on existing properties that once were conforming at the time, are now conforming again. So we corrected a lot of nonconforming places. The highlighted categories are the categories that have been designated as the category, the zoning district necessary to obtain a conditional use approval. So rather than allow conditional use, for example, in any one of the zoning districts that's permitted in a land use designation is a single district. And every bit of that district is going to get the conditional use. Otherwise, we'd have a zoning map that would never change

and it would be just a bunch of traditional uses everywhere.

We'll go to the second page and it talks a little bit about the districts that were consolidated and why and begin to address them. The CCS0 is actually an overlay that was recognized in the plan and is only applicable in the AG Reserve and it had greater limited applicability and it really was an overlay not necessarily a district. The code kind of flip-flopped around in the language and it never really was clear and we're working with the planning division to hopefully eliminate that.

MR. KALEITA: What page is the CCS0 on?

MR. WHITEFORD: It did resolve, if you find the --

MR. KALEITA: I have that, but I can't find the --

MR. WHITEFORD: It's the very second page of that document.

MR. KALEITA: I can't find any mention of CCS0.

MR. WHITEFORD: It's one of the strikeouts.

CHAIRMAN BLACKMAN: It's almost at the --

MR. WHITEFORD: Look down that left column. Special Ag and RSER, Special Ag was a district that was created to pull some of the more intense uses of the AR into required rezoning. What we've done is taken the same locational

criteria that would have applied to those uses, still apply them to them, but allow them in AR and had very little duplicability. I think only a couple, only a handful of properties ever got that zoning or were assigned that zoning.

RSER was an attempt to allow quasi-commercial uses out in the rural communities within a one-quarter mile of certain intersections of which I think only one intersection actually qualified. It was used on one occasion, but the thought process now has been that those types of uses really should have had a commercial land use, but they should have been allowed in a kind of a quasi-commercial zoning district.

CSR is a zoning district that was never utilized. It allowed a rural subdivision with a golf course and a rural community that was never utilized and feed back has been that the golf course communities aren't necessarily what the system really emphasizes in the western communities. RTF was combined with RT. RTU was combined with RS. So one up and one down. And as you work yourself, as you work across the chart, we took the lesser intense of the designations the Property Development Regulations so as to assure that any property that was zoned RTF, is consistent now with RT. As you can see, for

the most part they were identical, the setbacks, the lot sizes, you know that type of thing. The same thing in RTU and RTS so we, again, would not create any non-conformities.

Minimum densities no longer apply in most of our zoning districts. They only apply to those zoning districts that correspond to the high residential plan categories. If you know what the comp plan, that's high residential 8, 12 and 18.

They're the only districts now that have currently have a minimum density. There's actually one change when you get to the copy that you were given in your packet that you received earlier but you have to make an adjustment to. There is that minimum density accepted in those planned categories and that typically corresponds to RM. RH and RM were combined there really was not a whole lot of difference between those two. You drive around town and you see a part of town that seems different than another multi-family part of town. It really wasn't targeted because the Property Development Regulations were essentially the same. It was driven by a density. Density is still out there it will drive those differences in multiple family communities, but the Property Development Regulations were and always have been identical.

CHAIRMAN BLACKMAN: Bill, I think David has a question.

MR. WHITEFORD: Yes.

MR. CARPENTER: I was kind of surprised to see the RH taken off of there.

MR. WHITEFORD: Yes.

MR. CARPENTER: But, I have a question related to; the RH properties are out there possibly with a 12-land use on the map. What happens to that? Does the future land use map get changed now to reflect the 8?

MR. WHITEFORD: No. RM will be consistent with HR 12. RM already is consistent with HR 12.

MR. CARPENTER: All right, with maximum density under RH 8?

MR. WHITEFORD: No. It is the standard zoning district and it also wasn't RM. The maximum density in RH was always 8 units per acre too. RM and RH and maximum density will always be the standard district which is all we're talking about right here. You get to those 12s, those 18s.

MR. CARPENTER: Per PUDs.

MR. CARPENTER: Per PUDs

MR. CARPENTER: Right, but, okay I see what you're saying. Whenever HR, whenever it shoes HR 12 land use, then that's would the standard density would be 8?

MR. WHITEFORD: The standard would be 8 and 12. Actually in HR8 would be 6.

MR. CARPENTER: Then 12 would be 8?

MR. PALEN: It's 6 or 8?

MR. WHITEFORD: In HR8 the maximum density in a standard zoning district in 6 units per acre. You get the 8 by being a planned development. In HR 12 and 18 the maximum is 8. You get the 12 and 18 through being in planned development.

MR. CARPENTER: Okay.

MR. WHITEFORD: The density is going to be driven by the plan. The density isn't driven by the zoning, it's driven by the planning.

MR. CARPENTER: So when we see where the RH district remain on the maps?

MR. WHITEFORD: It will, but we're writing language and a code that will say it will correspond to the RM district and we'll be doing that throughout the code. Anywhere that you're eliminating a district, for example, RTU will not correspond to RS, RTS will correspond to RT as examples. We have precedence for that. You may remember the CS Zoning Districts, Specialized Commercial-

MR. CARPENTER: Yes

MR. WHITEFORD: There was a time when that corresponded with something that was one time called CS Stage, now its CH0.

But we recognize those old zoning districts and we correspond them to the new ones and hopefully, this will be the last time that it happens. So in a nutshell that explains those two charts.

CHAIRMAN BLACKMAN: Did you finish with the commercial?

MR. WHITEFORD: Yes, yes. Well, we added the CH0 back to your handouts and we really don't need to go into that because only you and I know about that. We changed it.

CHAIRMAN BLACKMAN: Okay.

MR. WHITEFORD: I can move along with the rest of that Chapter C. You can go page by page, you got questions I can point out the changes that we made.

CHAIRMAN BLACKMAN: We're back to the draft that occurred in our original package.

MR. WHITEFORD: That's correct.

CHAIRMAN BLACKMAN: Beyond that it's just consolidation making sure that it's parallel with this new table.

MR. WHITEFORD: That's correct.

CHAIRMAN BLACKMAN: Are there any questions regarding the Section, Chapter C? Do you want to highlight anything staff.

MR. WHITEFORD: I'm trying to think of anything that's significant. There were some things on the errata, the orange sheet, but minor things, unless you have a question about one of those.

CHAIRMAN BLACKMAN: Let's see if there's any public comment. Is there any member of the public that wishes to comment on this Article 3, Chapter C, Standard Zoning Districts? There is none.

MR. WHITEFORD: I will say that on page 8 under townhouses, one thing that wasn't done that needs to be done is to take the supplemental standard for townhouses that are currently in the 6.4D of our code that's the supplemental standards, and take those out of that section and put them under townhouses, if it's an on the old townhouse regs. And do the same thing for zero lot line.

Right now they're in two separate sections of the code. Doesn't make a lot of sense. Mostly that was our goal to consolidate that. That was an oversight. We went ahead and updated all these separate sections, cleaned it up, simplified it and you can see that the townhouse regulations have gotten pretty minimum, but there are some things in 6.4D that need to come out and be placed under here.

CHAIRMAN BLACKMAN: And we can see that when we have

everything in front of us?

MR. WHITEFORD: Oh yeah. And the new changes are really being proposed to those standards by eliminating redundancies that type of thing.

CHAIRMAN BLACKMAN: Yes, Steve.

MR. BRUH: I'm over here searching section Section 3, of Chapter C. I have not seen it.

MR. MACGILLIS: Section 3 of Chapter C, that's the part that was relocated to the prior article we just went over, the Plan Development. Really it's an overlay. It just shows up on your errata sheet. That it was relocated to that section. If you look at your errata sheet for the article we just finished reviewing.

MR. WHITEFORD: The C graph about the SR 80 overlay, is that the section?

MR. BRUH: Yes. I was just asking.

CHAIRMAN BLACKMAN: Okay we went to the public is there a motion on this.

MS. STARACE: Moved.

CHAIRMAN BLACKMAN: Motion to approve?

MR. JACOBSON: Second.

CHAIRMAN BLACKMAN: Motion to approve by Carmela and

second by Maury. Discussion, seeing none, those in favor, aye,

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign, motion passes. Moving on, Article 3, Chapter D, Planned Development District.

MR. WHITEFORD: You've got two things again. You have an orange errata and you have a summary. Let me begin by just giving you a brief outline overview of what we did here. We try not to change the regulations a whole lot. The changes that obviously were made were brought to the attention of the subcommittee and we modified them accordingly.

The overall goal though was to take the different types of planned developments that we have, take all of the redundant regulations that was applicable to each of the planned developments and move it to Chapter A, the first section, Section 1. So Section 1 got bigger. Section 1 now has all of the new requirements that are applicable to all planned developments. The planned development types of which, we did eliminate one, solid waste planned development is now conditional use or RPO that type of thing. The supplement produced these type of planned developments go into the

details of just that specific type of planned development. So, we tried, in doing so we cut back on quite a bit of bulk.

And hopefully, by consolidating all the general standards they can be a little bit easier to use, kind of a recipe book.

A applies to everything, A&B if you're a PUD and A&C if you're MUPD. Those two, I call those, the real meat and potatoes of what we do. A lot of planned developments, PUDs and MUPDs, residential, gated community, residential property and shopping centers particularly fall under MUPD. MXPD is next in the order. It just so happens we have a very interesting MXPD project in process right now.

It looks like it will probably be our first successful one. We had a couple that were approved and never got built, never amount too much. But, it did give us an opportunity to test our standards. And we found that for the most part they were working and they were successful and we tweaked them accordingly with a lot of the info that we got from this particular designer out of Atlanta. He does a lot of these projects nationally. The other two are the mobile home and the RV park.

CHAIRMAN BLACKMAN: Yes, Carmela.

MR. WHITEFORD: I did forget TIPD. That's in there too.

MS. STARACE: On the section under general use.

MR. JACOBSON: What page are you on?

MS. STARACE: These are just notes. I don't have anything - let me see. I have Page 4 on this. Anyway, it's about the trees and you know, the group decides it wants to do 12 foot trees minimum, 14, you know, 14 to 16, remember we were discussing that.

MR. WHITEFORD: Yes. That was discussed in the landscape code and then there was a recommendation made by --

MS. STARACE: I just want to make sure we can call them.

MR. WHITEFORD: Yes and there was a recommendation made along the way that in a PUD as an exemplary standard and then on page, that 50 percent of the trees in the right of way be buffer, in just the right-of-way buffer be bumped up from the 12 to 14. I think that's in here.

MS. STARACE: Let me ask you a question. If it's 14, does it have to be a certain distance from each other. Otherwise, if you're going to make that close like you want to, you're going to have 16 and 18 foot trees in order to not have them hitting their tops together.

MR. WHITEFORD: The landscape code requires trees to be

spaced certain distance apart. Does a lot of clustering, but it also gives a lot of flexibility to the designer. And regardless of how they are planted and where they are planted, they must meet horticulture practices for mature growth.

MS. STARACE: So, I guess what I'm asking you is, in other words, the median, the minimum is 14 and 16? I mean is it going to be 14, 16, 12? I'm just trying to figure out how you're going to word that.

MR. WHITEFORD: What we're talking about is at the top of page 23 and it does need a slight modification because I was under the impression that it was only going to be applied in the right of way buffer. It's not going to apply to all of them. So I think that it needs to be clear here. It's only 50% of the required Canopy trees in the right-of-way buffer that will be bumped up to the 12 to 13 because you were sensitive to the comments we received here in the landscape code in general. You made it very clear that you didn't want to see trees bumped up bigger than 12 to 14 that was recommended at one time.

In this case as an exemplary standard, that density bonus, it was the recommendation of the various subgroups that met with us that I believe, in the right-of-way, bumping up

half of the number of trees. Because that's where you have the big impact. That's where it would be the most noticeable.

MR. FISH: Should that be changed to say the right-of-way buffer?

MR. WHITEFORD: Yes. It needs to be changed to the right-of-way buffer.

MS. STARACE: I was wondering did anybody else have a problem. Seeing as you represent people who are going to live by this Bruce, do you have a problem with it?

MR. KALEITA: No. In all honesty, I don't have a problem with it.

MS. STARACE: Okay because we did.

MR. WHITEFORD: Just so you guys do know we did get some comments from Goldcoast Builders and we did incorporate,

MR. KALEITA: I believe almost all the changes.

MR. WHITEFORD: Yeah, all the changes that were requested by Goldcoast were incorporated.

MS. STARACE: I understand the recommendation from Goldcoast is between 12 to 14 foot trees, that is, a minimum of at least 12 feet is that what you got.

MR. WHITEFORD: The minimum is 12, that's correct.

MS. STARACE: Okay, all right. And the other question I

had was on Section 2, Planned Unit Development, number H. In your Homeowners - it just hits home because we just went through this. In your Homeowners Association you have, guide the growth. How can a property owner guide the growth?

MR. WHITEFORD: I think it's on page number --

MS. STARACE: If you could do that, I'm sorry.

MR. WHITEFORD: Just a second, page 38, guide the growth. I think that's one of the agents that's in the older thing.

MS. STARACE: I mean, I wouldn't want to tell them --

MR. WHITEFORD: That's page 1 and 10. I think - and what Jon is saying is much more verbiage, shall be formed to manage common areas and to implement the master plan, include master plan.

MS. STARACE: Okay. What's the sentence before it because I don't have the same page.

MR. WHITEFORD: On page 38.

MR. MACGILLIS: Concurrent with the first recorded plat a property owners association shall be formed to manage the common areas and --

MS. STARACE: That's the problem I'm having. We just finished a homeowners association on an area that World Professional developed and there were 81 homes. And he came

to us when about the 20th home were done and he wanted us to take over the homeowners association. We said absolutely not because when they're planting some of the trees died, some of the whatever, whatever. Why would anyone want to take over a homeowners association until almost the last half, if you can hold it that long, this way you don't have to put the honors of the expense on the homeowners. You keep it on the developers.

MR. BERGER: Usually it's at 51%.

MS. STARACE: No that's only for condos.

MR. BERGER: A lot of the communities that we deal with – Bill?

MS. STARACE: By law it's just for condos. The homeowners association can take it over if they want the last house.

MR. WHITEFORD: Yes. I'm sure by law you're correct, but most of the HOAs that we see being formed mimic that condominium law even though they're not condominiums.

MS. STARACE: Nonsense, we found out and we did, we held out until he had only five houses or six houses left to build.

Because a lot of it – well, it was 24 trees that had to be replanted and they were big trees.

MR. KALEITA: Can I offer a comment on why it may be a problem.

CHAIRMAN BLACKMAN: Yes.

MR. KALEITA: It's been my experience that in the turnover of control of the association normally occurs when the homeowners control enough votes that they can elect the majority of the board, and at that point, when that occurs, but then what happens the association hires an engineer to look at the improvements of the board being constructed and if the engineer's report indicates defects in those improvements then a demand is made upon the developer to conform them. If the developer doesn't then there ensues some litigation which ultimately and in 90% of the cases the developer ends up settling them anyway.

MS. STARACE: Right. But it is harder when the homeowners have to do it than when the developers do it, believe me because I am unfortunately living there. I got on the phone with an elected official in the area.

MR. KALEITA: I am not in anyway minimizing your concern. I'm just saying that this is how it usually happens.

MS. STARACE: Well, anyway I'm just throwing that out.

MR. CARPENTER: I mean the reasons that the homeowners want to take it over in some instances when it gets over the 50% so that they can have control over the properties in the rest of

the development. That's an incentive to take it over.

MS. STARACE: Yes and no. We thought that too and some of them were in mind of that and when the push came to shove we saw how many dead trees and how many things the homeowners would have to be responsible for we really thought better and we waited.

MR. CARPENTER: It's a matter of whether you want control or not, and at what point of the development you want control.

I know that is a fact because when they take over that's when I'll lose my membership.

CHAIRMAN BLACKMAN: Frank has a comment.

MR. PALEN: I agree with Carmela. The language as I recall, my memory in the subcommittees I attended that was supposed to be taken out, guide the growth.

MR. WHITEFORD: Yes one of the suggestions we got was to manage the common areas and govern the operations of the HOA or something of that nature. We can come up with some language I think with a little help from Lenny on exactly what the HOAs are supposed to do.

As far as time frame for turnover, I can't tell you that our office is certainly contacted often by HOAs just prior to turnover as they're doing due diligence, whether it's the folks

from the HOA or an attorney or engineer, whomever, We're contacted quite often to provide the public records as they go through and they're checking.

CHAIRMAN BLACKMAN: Any other comments on this section.

MR. LAST: I got a couple.

CHAIRMAN BLACKMAN: Yes, Ron.

MR. LAST: Street trees, it talks about street trees only on right-of-ways, on page 12 I'm sorry streets over 50 feet in width and greater. Does that mean that there are no street trees on a 40-foot right of way?

MR. WHITEFORD: That means that there are none required. That doesn't mean that you can't install them. Part of the justification there is that on a 40 foot wide road there's only a sidewalk on one side. So, you don't really have, trees on the opposite side of the sidewalk is just really somebody's trees in his front yard. At that point to the road is quite narrow. And it's only a number of palms that can be on a 40 right-of-way. We got into all the nuances of trying to get those few trees into 40 foots and 32's, that sort of thing. It's very difficult.

MR. LAST: Is it required now on a 40 foot?

MR. WHITEFORD: Sometimes there are conditions of

approval.

MR. CARPENTER: I have one question on the same thing. Bill, on that D sheet, should the wording be, 50 feet on both sides of all rights of way 50 feet or you think street is inappropriate.

MR. WHITEFORD: The definition of street not includes right-of-way, access easement or willowed. Street is a general term. It's used throughout the code.

MR. CARPENTER: So street in the right-of-way you would consider that to be synomonous.

MR. WHITEFORD: Right.

MR. LAST: That same number 2, that says that the setback for the tree is 25 feet from the end of the pavement and no sidewalk is required. So that puts it outside the right of way into a person's lot? I don't know if you could do a 50-foot right of way without a sidewalk.

MR. WHITEFORD: Well, you can, you can't. The code actually requires a sidewalk, but there's a provision in Article, in the Subdivision code that if you do a Pedestrian Master Circulation Plan, you actually put your sidewalk subject to that plan and there may not be a sidewalk. The only reason we put this in here is because in the event that

there's not a sidewalk, which is rarely typical, when you see a tree between the road and the sidewalk, we didn't want to see it so far from the edge of the pavement that it no longer functions as a street tree. We thought it would be best to put some sort of capping versus none at all.

MR. CARPENTER: A maximum of 25 okay. The DRT standard is 11 feet, if I remember right, from the edge of pavement, that's no curve and then it's 3 or 4 feet with a type D, set back.

MR. WHITEFORD: Right.

MR. CARPENTER: So you can still utilize the 11 feet from
B

MR. WHITEFORD: Absolutely, absolutely. We just didn't want it so far away. We wanted it to be related with the street trees.

MR. LAST: Continuing on that with the bike lanes, at this point, you can do an 8-foot bike path or 50 foot sidewalks. Is this saying you need bike lanes in the streets or the 8-foot bike path?

MR. WHITEFORD: The 8 foot bike path is the alternative. Like if you provided County Engineering in accordance with other plans, like the Pedestrian Master Circulation Plan I just mentioned a moment ago now it addresses sidewalks with

bike paths as well. And there's various alternatives bike paths, bike lanes, designated lanes, designated and undesignated lanes. There's just a lot of opportunity to ride a bike.

MR. LAST: But the 8-foot bike path could still be on there?

MR. WHITEFORD: Yes, correct.

MR. LAST: Now skipping to page 23, letter D the focal points. They're only required on 25% of the dead end.

MR. WHITEFORD: Yeah. This is one of those things that we attempted to codify one of our exemplary standards. Yeah, we were asked to do that and we pretty much have drained the well on what we can come up with as exemplary standards. It's gotten more difficult to come up with new ideas. We've met with so many people and we've seen so many examples. The 25% I believe coincides with another provision that we were going to in the PUD section, I think to try to limit the number of dead end streets that you can have. Therefore, this would coincide with that limitation. Typically, it's the focal point that you would see in the middle of a cul-de-sac.

MR. CARPENTER: What did we ever do about that minimum. I remember we talked for a while about the minimum number of

dead ends. Is that in --

MR. WHITEFORD: It's in the PUD section.

MR. CAPRENTER: What did we back with that? Because I remember we were questioning the fact that there are so many properties already developed and a lot of times you're, you're going to have a piece that can't have connections to some of the properties because the previous development.

MR. WHITEFORD: You're actually talking two different things. You're talking interconnectivity and you're talking about dead ends.

MR. CARPENTER: Okay.

MR. WHITEFORD: Interconnectivity is still pretty much driven by the comp plan. There are some things in here that talk about interconnectivity. But I believe it's only under the MUPD section, where they talk about interconnection, cross access, cross access with similar relief, similar uses so that two shopping centers would have cross access.

MR. CARPENTER: Well, the interconnectivity that would kind of be together with limiting the amount of dead end streets because if you couldn't have a dead end street then it would have to connect to something.

MS. STARACE: That's what we tried to tell them on the

extension of SR7.

MR. WHITEFORD We didn't want to overly burden the projects. Getting back to answer your questions about how many focal points you had to provide, you're going to put in a certain percentage. There is a minimum. You talk to some people it would be 50% or 80% enough to make an impact and we thought that 25% was a good starting point. That's not to eliminate all the different improvements that can be added to a project.

MR. CARPENTER: The dead end street thing is, is on page 11, number five on the bottom.

MR. WHITEFORD: Yes, here we go. That's the 25% connection and you can see the provision that we added that came out of the subcommittee.

CHAIRMAN BLACKMAN: The definition of focal point, where it talks about, shall be in the form of a plaza, fountain, arcade, landscaping or similar amenity. The landscaping and similar is very general.

MR. WHITEFORD: It is and that's why we have the drop down menu on our interactive code to show you all the different types of examples of focal points that we've asked for in the past. Typically I posed for a fountain but nobody has ever

actually done it yet.

CHAIRMAN BLACKMAN: And you think there's a reason?

MR. WHITEFORD: Yeah. I've looked at every statue out there and a statue of myself would be perfect. There's just too many to list.

MR. CARPENTER: I think there's one at the Pottery Shop on Okeechobee.

CHARIMAN BLACKMAN: I'm just wondering how you would have enforce landscaping and someone said that landscaping was a focal point. They could be in the minimum essay it's a focal point.

MR. WHITEFORD: Usually it's the specimen tree that's lit up. It's a tree that's been relocated, an oak tree or something of that nature. Someone could say my xeriscape is my focal point. If a call, we can see through the real ones and the fake ones.

MR. CARPENTER: I don't know how this percentage on the dead end streets is going to work, but I don't know what else to suggest.

MR. WHITEFORD: Is in the code as an objective. It does have a waiver. I mean the intent was to try and cut back a little on the dead ends where possible. I think we recognize

the fact obviously that we need to develop a piece of land they're going to have little nicks and corners and what not that they are going to have to be filled in with little cul-de-sacs and what not.

MR. LAST: I have one last one also on page 23. On the T-Intersection, it says, Lots fronting a T-intersection in zero lot line pods is limited to one of the following. And number two is easement. I mean all the lots will have a 10 ft. utility easement on the frontage of it. So, I assume that would mean that then 23 and 4 would not apply.

MR. WHITEFORD: I think that was meant to say, the idea here was that a zero lot line development. If you have a T-intersection, you got a lot of headlights on a house at the end of the road. And most of the developers have shifted things around or they put a sliver of land between those two units. It's what I call a foot track where the homes are going in the opposite direction. Or it's a lake maintenance easement, it's an easement to get to the lake that's behind their homes and I think what this is intended to be. That's a 25 ft. access easement to the lake maintenance easement. You would consider that to be an acceptable alternative to a foot track for example.

CHAIRMAN BLACKMAN: Does that answer your question?

MR. WHITEFORD: I think we need to clarify it. We'll add some language there.

MR. CARPENTER: Just the general question. What does the number of units per acres have to do it the circumstance you just described.

MR. WHITEFORD: We generally only run into this situation where the density is a little tight and there's not as much room to play. Generally, most of the folks we've been dealing with work in a lesser density pods. I've been able to move things around so you don't run into a conflict so much.

CHAIRMAN BLACKMAN: Anything else, any takers on anything in this Chapter D? Is there any public here to address this item, Chapter D, Planned Development Districts?

MR. WHITEFORD: There's probably a couple things, some more positive things I should point out. If you look on page 24, not the one I generated a discussion out of, I think I should have. We did reduce the thresholds for Planned Development. It's important for this group to know you guys are involved in the business, you get the word out. But we did drop the thresholds recognizing they were a little tougher to assemble, the properties with the thresholds that have been

reviewed.

MS. STARACE: Looking for a motion?

CHAIRMAN BLACKMAN: I think Bill has something else.

MR. WHITEFORD: As you look through this document, you start comparing it to the current ULDC on the Planned Industrial Park Development. For example, we took out the Land Use Justification Report and the sector plan requirement that's in the PIPD. There is only a couple PIPDs in the county, business centers, Park of Commerce.

Again, trying to promote those mixed use of dollars in the development. Currently what the code says is that you're supposed to have some sort of balance, some sort of sector in balance type thing. It's a bunch of legal type stuff, but with the appropriate land use and the flexibility that we think the code allows. What you end up with is a good mix of light, general and a percentage of commercial and if so desired, the current code recognizes a residential development in a PIPD. One of the best examples around is the Vista Centre, which you may or may not know is actually going to be built as residential units with a couple of Pods.

MS. STARACE: I thought you guys were going to be out there.

MR. WHITEFORD: We are going to be out there, but you can live and work right there on site.

MS. STARACE: Isn't that a village in Disney Land or something called Celebration. I can go up to the building, to your house and knock on the door.

CHAIRMAN BLACKMAN: We didn't have any member of the public that wishes to address this? Bill, you have something else?

MR. WHITEFORD: Just the last thing, just again to highlight. I'm sorry, I don't want to drag this out, but live work, it's also a new concept, it's in the MUPD standards. It's not considered being density. It's primarily workplace but you hear about that quite a bit in West Palm Beach as some of our municipal areas and is a concept that we've now included in our code and we've had some people very interested in pursuing it, live work.

CHAIRMAN BLACKMAN: Okay. Now I guess we're looking for a motion.

MS. STARACE: Motion to approve with the amended changes and looking for a second.

MR. JACOBSON: I'll second it.

CHAIRMAN BLACKMAN: We have a motion and Maury seconded

it. And we're clear on the changes. There were a couple on page 23 and one on page 28, no 38.

MR. WHITEFORD: And I should clarify, we're going to have to go through the memo that we got from the Goldcoast Builders. We'll sit down with them, we'll go to each item, item by item and we'll clarify and work out the details.

CHAIRMAN BLACKMAN: Okay, any discussion on the motion? Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

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

MS. STARACE: Mr. Chair?

CHAIRMAN BLACKMAN: Yes.

MS. STARACE: I'd like to ask if we could reorganize and do number three first before we continue.

CHAIRMAN BLACKMAN: What did you say?

MS. STARACE: I'd like to consider number three before we continue and reorder the agenda. I'm looking for a second.

MR. JACOBSON: I'll second.

CHAIRMAN BLACKMAN: But we actually finished with all the Article 3's that was in here.

MR. KALEITA: She means Agenda Item 3.

MS. STARACE: Agenda Item 3, Article 17, Decision Making Bodies.

MR. KALEITA: Let me second her motion and explain it and also point out some additional things. Carmela has to leave before this is likely to come up on the agenda and she's concerned about the invert. I also know that there are some members of the audience that wish to speak to this that may not be able to remain for the entire meeting. I'm seconding her motion and I think this is an important item. And I would encourage that we reorganize the agenda and hear this matter at this time.

CHAIRMAN BLACKMAN: I just don't see the Number 3. I see it as Number 5, C5.

MR. KALEITA: I'm looking at an agenda date of June 13, 2003, which just says Item three, Article 17.

CHAIRMAN BLACKMAN: Are you in, today's June 19th?

MR. KALEITA: That's what I said. I've got an agenda the staff sent me, They said it's it was Item 3. It's an item that was added at the last minute. You've got to understand some people might want to go over it. Article 17 is what we're talking about.

CHAIRMAN BLACKMAN: We're marching to the beat of a

different drummer.

MR. WHITEFORD: The cover memo didn't really reflect the outline of the agenda. The cover memo says what you're going to look at today. The agenda is totally different order. That was an error on our part.

MR. KALEITA: Okay. Whatever item we're on, I'd like to bring it up now.

MS. STARACE: For the record, item C5, Article 17 Decision Embodiment.

CHAIRMAN BLACKMAN: And you want to address that now?

MS. STARACE: Yes.

CHAIRMAN BLACKMAN: And I think there is a general agreement to do that.

MR. CARPENTER: Move to reorder the agenda.

MR. JACOBSON: Second.

CHAIRMAN BLACKMAN: There's a motion and a second, discussion. Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHARIMAN BLACKMAN: The agenda is reordered and this is on Article 17.

MS. STARACE: If I could gentlemen and ladies, this has to do with you. This has to do with the CTF Board on page 7.

The board is being changed and I wanted everyone to realize that. It looks like we're going from whatever amount we were down to seven members and alternate, two alternates, yeah, alternate one and two, which we have our two-year term and a three-year term.

I'd like to speak on this because we all represent different entities here. Not just different districts and that's what the input of this board was doing so well with. And that will probably be eliminated in the sense that Tony Masilotti has about four people from this district on this board right now and so does Karen and so does Warren I mean in different, you know, different titles.

So, that will eliminate quite a few people. And, we might not get a representative from air conditioning. We might not get a representative from Goldcoast. You won't get a representative from the cities. I don't see any here. Because it says here that they really are looking for ones that are in planning, the law, architect, landscape, natural resources, management real estate, related fields. It doesn't say an elected official at all.

MR. FISH: But they're not obligated either.

MS. STARACE: Pardon me?

MR. FISH: They're not obligated to pick any of these professionals either.

MS. STARACE: I understand that, but the point is we will go from 25 to seven.

MR. FISH: Yes.

MS. STARACE: So I just thought we should address that because we're all sitting here making decisions and this stuff is going to come back, and I don't know when this is going to be changed. We might not be here when it comes back.

CHAIRMAN BLACKMAN: In other words, we'd be voting for our demise.

MR. JACOBSON: Mr. Chair?

CHAIRMAN BLACKMAN: Maury and then Bruce.

MR. JACOBSON: I would love to – I surely would like to hear some justification for this change. How it all came about and what was the reasoning behind it. Does anybody know?

MR. WHITEFORD: There is a reason. Right now the committee is made up of actually 38 members. There are 19 members and 19 alternates. And from a staff perspective, that's a large number of people to have to deal with and make copies for and to coordinate. Obviously, we've been having problems having quorums that type of thing. There is also a

policy and procedure memorandum, which dictates on a countywide basis, produced by the county administrator the number and make up board folks, which is typically the seven members plus the two alternatives, for a total of nine.

We wanted to emphasize though that our intent is not to eliminate any participation by any one group, interest group, interested body or anything of that nature. One of the things that's built into the amendment, is for the CTF to create subcommittees. And those subcommittees are to make findings and presentations to the full committee. The idea was as the need arises and as you may get into a specific topic because the scope is very large, an environmental issue or a landscaping issue or an architecture issue, that a subcommittee would be formed and those folks in that specific industry would then advise the CTF.

MS. STARACE: Spoken like a true politician. But, maybe 38 is unruly, maybe that's not the right number. I didn't realize, I thought we were about 25.

MS. NOBLE: 19 is more like it.

MS. STARACE: Okay. So it's not really 38. It's 19 because there are only 19 people sitting here at one time. And there's a difference between being on a committee and on a

subcommittee. And there's a difference between giving input and voting on something. And if you don't see that difference then it's too bad that, you know. And I usually never hit on staff, I don't know who came up with this, but it is too bad that we are such a tiresome group that we asked for paperwork and it's just going to be so much easier for the staff to do seven instead of 19.

I don't think that dialogue is going to go far, even with our County Commissioners. I wouldn't say that though because I am an elected official and I could tell you that would not go far with me because my residents would tell me exactly what I'm saying. I'm sorry if I am such a burden to you. So, I would definitely if you are going to sell this, change the dialoged. I'm kind of sad to see this happening because I thought this was one of the better boards, where, where, and I think you'll agree, you get a lot of good input.

Maybe we're repetitious sometimes, maybe we're tenacious sometimes, but you get a good mix, that you do get a good feeling and a lot of things you put on the books we've done right. So, I kind of, I'm voting no on this and I look for the support of the Board to vote no on this. If there's any other questions or not I'll wait. Otherwise I got until a

quarter to four and then I have to leave.

CHAIRMAN BLACKMAN: Okay. Bruce is jumping at the bit here.

MR. KALEITA: I don't know if I'm jumping at the bit. I'm kind of old to do that. But I have a proxy vote from Carmela in the event this takes longer that she's authorized me to vote for her, that is I understand, pursuant to Roberts Rules of Order, which allow a member of a board that is subject to that set of rules, which we are to grant a proxy vote.

Let me address, however, a question that I have which I have no doubt my organization will ask me. If I could, I'd like to give a little history. I don't want to become tiresome here, but I want to give a little history. It's my recollection that when these regulations first came into existence that was under one of our earliest zoning codes in Palm Beach County and I believe it was 1973. That the idea for the CTF was in that regulation. And it's my understanding that it was done at the suggestion of my home predecessor organization, the Homebuilders and Contractors Association of Palm Beach County. I find myself 30 years later looking at the possible demise of an organization, which my organization sponsored and brought into being in working with the County.

During that time period, we have won awards for our Land Development Code. We have one of the more complex, but well thought out codes in this state. And, I think that is not an accident. I think it's the product of the fact that we have one of the most democratic processes in the state for drafting our codes. One of which is destined and foreordained to hear about problems with it's own regulations in advance before they're enacted, instead of having a rubber stamp, which I believe this new proposed CTF will be. In which appointees of the commission to do what the commission has already told them to do with a code with some staff has drafted. I think that this ordinance as it is currently written puts the fox squarely in the chicken coop, and I shutter to see what we will see in the way of land development regulations if this is adopted.

CHAIRMAN BLACKMAN: Maury.

MR. JACOBSON: Bruce is right. I was in on a new law with the homeowners that was instrumental in getting this thing set up and organizing it. I think it would be, I don't know, what was the population in Palm Beach County? Bill what is it, do you know?

MR. WHITEFORD: 1.2 MILLION.

MR. JACOBSON: 1.2 MILLION. You got 19 people, 36 people whatever it is, that's going to break the administrative efforts that you have or that personnel has in order to accomplish this thing. I think that Bruce put it very well and so did Carmela. And Carmela, I don't represent the air conditioning contractors, okay.

MS. STARACE: I'm sorry.

MR. JACOBSON: I am a former air conditioning contractor,

MS. STARACE: I knew that was your line of business.

MR. JACOBSON: But I'm also other things. What I think is shameful is for this to even come up because all the people on this group, in this group throughout the years have always been totally dedicated, gave their time. Their pay was outstanding. The remuneration was on a regular.

The point was that they were here to perform and they represented the entire structure within our county, population wise. And I think it would be a crime for this thing to be changed because I think these people have to be represented. And I would certainly vote against any such move. I will also speak to my commissioners and others about this as well.

MR. KALEITA: Mr. Chair, I have a question that I didn't get to ask and that question was this. Is there any

particular commissioner who's backing this proposal?

MS. STARACE: I don't want to know that.

MR. JACOBSON: I do want to know that.

MS. STARACE: I'll keep my ears closed.

MR. JACOBSON: Is there a commissioner of a particular group that's pushing this? Was it Bob Weisman that pushed this?

MS. STARACE: What would be the difference who's pushing it. It's being done and that's what we have to address.

MR. KALEITA: It's every commissioner.

MS. STARACE: Every commissioner, he's right. Every commissioner.

MR. KALEITA: I'd like to know.

MR. HORNE: I know one time we had a discussion about having a problem with quorum. And maybe we ought to re-look at how we have alternates situated. Instead of having alternates sit in for that person politically, we should just have alternates At Large would help the quorum situation.

CHAIRMAN BLACKMAN: Larry.

MR. FISH: The argument is bogus. I think you've pushed this committee so hard. We've only recently started having that quorum issue all the time because we've been having

meetings every week. I'm going to vote against this.

MS. STARACE: I would like to call the question, but on the vote, I would like to have each person with their name and their vote. So I would like a name called because this way the Commissioner gets the message loud and clear then.

MR. KALEITA: Before we vote, there are members of the public and I'm sorry, I do mean to be helpful. There are members of the public that will like to comment on this and before we go to motions and vote I think we need to hear from them.

CHAIRMAN BLACKMAN: Okay. We can do this two ways. We can do this two ways. We can take this section now that just relates to the CTF because there are other issues here and we had a discussion on the DRO and that's included as part of this Article. So it maybe appropriate just to take the CTF part out and vote on that individually.

MR. KALEITA: I move that we restrict our discussion right now to this item, and that we take it out of Article 17 for purposes of the vote in the remainder of that Article.

MR. JACOBSON: Okay. I'll second that.

CHAIRMAN BLACKMAN: There's a motion to second it. We do need to see if there is any public here who would like to

comment on this, sir.

MR. BASEHART: My name is Bob Basehart, and I wasn't intending to speak today. I was here to just to see what was going on with respect to the land development requirements. But I think it is important, to me anyway, to express my opinion on the proposed change. Generally, for those of you that don't know me, I'm an planning and zoning consultant. And generally, I favor the smallest boards that I can get because it's fewer votes that you need to collect in order to get something approved. This is different. This is a board that sets and makes the recommendations for what the rules are.

I was at one time the director of Planning and Zoning and Building here. And before that I was Zoning Director. So, I was on staff back in the mid-seventies when the CTF was a young board and actually the Board was expanded.

MR. CARPENTER: We're still young.

MR. BASEHART: The point is that, it was early on and I think still today it was felt to be important that the rules that everybody has to play by are reviewed and recommendations made to the County Commission by a broad cross-section of people that are affected by it. You can't do that with seven

people.

I remember when the board was expanded. Lou Goddard, who is the director for the homebuilders at the time had suggested that there be one engineer, one architect, and one real estate person and etc. to cover all the important processes that have to deal with the Land Development Regulations in the County, and also, that there be clear representation from citizen's groups as well. I think it is real important to the code to be always reviewed in a broad base review so that the points of view and the concerns and interest of the full population are represented in what the rules are. I think if you cut the board down to seven members, one appointed by each county commission that isn't going to happen. My suggestion would be that should be the thing the way it is.

CHAIRMAN BLACKMAN: Okay. We appreciate your comments, thank you. Okay, sir.

MR. SEARS: How are you all doing today? First of all thanks a lot for taking the time that you all are committing to this effort. You should be commended for it.

CHAIRMAN BLACKMAN: Please introduce yourself.

MR. SEARS: Oh I'm sorry, Bob Sears, Jupiter, Florida. I'm a nursery grower currently. I didn't come here for that

purpose. I didn't even know this topic was coming up. I came here to address two issues. One was, the Wellfield protection program that you've just recently approved. Then the second one was based on discussions from a little newspaper article that I've seen about this effort. Talking to zoning personnel, certain things that were said concerned me. So I wanted to come here and share some thoughts on this.

First of all I would echo what I just heard. If anything, the more broader the inputs are, the better this would be for the long run interest of all parties that are affected by this, these regulations and so forth. I strongly echo that. Second, let me just give you a quick background. I'm not trying to impress you at all because I'm just a dumb old farmer out here in Jupiter, Florida. But, I was formerly in the executive management of the Florida Power and Light Company, FPL group, it's utility and operations. I formerly served in EEOC under special assistant to Clarence Thomas, also at US Department of Education under Secretary Bell and Secretary Bill Clohein. I have been involved in lots of drafting of rules affecting public utilities, affecting agriculture, affecting EEOC education, SEC and so forth.

With respect to these documents, I don't see how anybody

in your capacity could possibly go through this stack of documents in such a short time and really comprehend. Number one, they're not even marked for revisions. But you don't even know what's being added and struck. I was also a project developer both here in the United States and overseas and I worked in England during the Greenfield project there. In leading negotiating teams I would never accept documents without knowing what changes have been made to a deal because you simply don't know why changes are being made.

The other thing is, oftentimes, you see the fingerprints of who it is that's changing things and understand where they're coming from by the changes being made. So, I think that's important. Let me finish that point. I guess with respect to this effort here, I went through the development review committee in order to get my nursery cited and approved. I brought you two, actually three articles that I brought you, first two are a series of articles of a small family that was nearly bankrupt a couple years ago.

CHAIRMAN BLACKMAN: You want time under public comment to present that. Can you address the topic of reducing the number of representatives on the Board. You can just limit your comments to that at this time.

MR. SEARS: On that point, I would just simply say that more input from the widest audience possible, including the agricultural community. I don't know if any of you all have any farming background, but, if you don't there is a serious overload here going on in the County. And the concern I have is that in looking at some other topics, we're basically driving out the farm community. Okay.

CHAIRMAN BLACKMAN: Okay. And you'll have time to speak later on those other comments.

MR. SEARS: Thank you very much.

CHAIRMAN BLACKMAN: Anyone else, seeing none. Back to the task force here. We do have a motion and second, and discussion on the motion. Yes, Frank.

MR. PALEN: The size isn't the issue of the Board. If you look at the size of the Land Use Advisory Board that sits in here, it's 16 members. So it isn't size that's the problem. It's certainly not a problem with the Land Use Advisory Board. I think the number of alternates and the way alternates are handled on this Board ought to be re-examined. I don't think you need to have, because no one ever shows up.

I mean, I've got an alternate. I've been appointed At Large. I have an alternate. I've never even met the person.

I don't even know him and I would have no way of contacting him. It was something that was just decreed when they added At Large members to the CTF. I think that should be re-examined. I think the idea of having floating alternates should be examined.

MR. WHITEFORD: We hear you loud and clear. We need to fall back and come back with a different solution. We need to get some help that we could probably use on where we should modify this language that maybe would help us in our coordination efforts and whatnot and considering our staffing levels which I know you don't want to hear as an excuse. But also in making the commission, the CTF, down the road if we ever have some more quorum problems a little bit easier coordinating with your backup people and what not. This is an opportunity to re-examine that.

MS. STARACE: After July you're not going to have the problem because after July, you won't be having these meetings. That's what it looks like to me.

MR. KALEITA: Can I make a suggestion now? I'd like to suggest that we consider asking staff that we table this measure for the present time and remove it from Article 17, and move Article 17 alone. And that we suggest to staff means

that we think could make our own operation more efficient and affordable. And, if it turns out that one of those and I think we have thought of one already and that is to eliminate the alternates for every single member and instead let's say for purposes of discussion, three alternates or four alternates. The way to determine how many alternates you might need Bill, is to go back and see the number of excused absences, which caused a workshop to be postponed. If that number centers around three or four then I think that tells us how many alternates we need to maintain a quorum.

I am going to tell you something, most of the people in this room, darn near all of them, they attended all the meetings. We're all coming all the time. My secretary figured it out one time. This thing hits me three weeks a year. Since I've been doing it for 12 weeks, I spent almost 40 weeks of my life getting in on the CTF and I'm proud of it.

And I want to keep on doing it, but I think if you eliminate the 19 alternatives outright and substituting, let's say for discussion purposes 4, is obviously idea number one. Number 2, is to forgive us for the quorums we have not had in light of the increased frequency of meetings --

MR. WHITEFORD: Don't go blaming anybody there.

MR. KALEITA: No. This feels punitive and I think if you guys are going to base it on the quorums, obviously, you can understand that you guys created the problem.

MR. WHITEFORD: Sure.

MR. KALEITA: And number 3, it seems to me that there has been an accelerated schedule that's been forced upon the department which is not very fair to you, and that's created this problem. And number 4, may I suggest to you as a director, but of course you must know this is in your interest to do this, since otherwise this proposal is likely to anger us, let's see the AFLCIO, the Sierra Club, the Audubon Society, the Save The Everglades Coalition, Goldcoast Builders Association, the Thousand Friends Of Florida, the Municipal League. And may I suggest, that is a very perilous posture for staff to find themselves in, if they have not already secured, at least, four votes for this in the future. And if I were proposing such a thing on behalf of the private sector party, I'd be counting my commission votes before I did it. Otherwise, I would sense that there was a bullseye on my backside with all these groups.

So I'd like to throw out on the table for discussion a motion to delete from Article 17 the changes to the CTF

Ordinance and ask staff to come back to us with a measure that more appropriately, let's say, achieve the democratic objectives that were so valuable when this ordinance was first set.

MS. STARACE: Second.

CHAIRMAN BLACKMAN: There was a contrary motion on the floor so does that just cancel that out?

MS. STARACE: Yes.

MR. WHITEFORD: You guys know my approach to everything, which is to walk out of here with a compromise. I mean, that's what we do, that's what we've done in the past. That's what we'll continue to do in the future.

MR. KALEITA: This question is for Mr. Director. Sir, would we be, I know it was difficult, perhaps impossible, for us to get a definite answer on this before, but is there any particular commission that wants to have this happen for a reason other than what we've heard today?

MR. WHITEFORD: Not that I'm aware of.

MR. KALEITA: Okay. So we wouldn't anger, the commission is not expecting to see this before next month in order to fix the CTF or anything?

MR. WHITEFORD: They expect it to be discussed. They're

aware that it's going to come up.

MR. KALEITA: Then would you please notify me, at least, and I will notify the other organizations the date on which that workshop or hearing is to occur, so our organizations can be present with their representatives to explain why it ain't broke and it shouldn't be fixed.

MR. WHITEFORD: The only time it's going to come up will be when the codes in front of them for first hearing as part of the package that will go to them and the calendar that's been handed out.

MR. KALEITA: Can you notify me when that's to occur even if it's by a phone call?

MR. WHITEFORD: Sure. I want you all to be aware when first reading is scheduled in any event that any of you are wishing to be there that will be based upon this calendar that you are going to discuss at the end of the meeting.

MR. KALEITA: Okay.

CHAIRMAN BLACKMAN: David.

MR. WHITEFORD: Hopefully, it won't be an issue because we'll walk out of here with some sort of consensual agreement.

MR. CARPENTER: My question is, we're here at the CTF and

we're deleting that portion off of Article 17, will this portion that we're deleting, is it still going to be taken to the commission for the discussion.

MR. WHITEFORD: Well what I'd like to do is take the opportunity after this meeting and talk to Barbara and maybe come back next Thursday with some alternative language.

MR. STARACE: Give us reason to come back next Thursday.

CHAIRMAN BLACKMAN: Carmela, you have something else to add.

MR. WHITEFORD: Every CTF meeting we'll discuss Article 17.

MS. STARACE: The next meeting will be the 26th.

MR. WHITEFORD: Yes.

MS. STARACE: The only thing I was going to say is what Dave brought up. If they were going to discuss it in front of the County Commission before we could do anything then we shouldn't table it today. We better make a decision today, but if we have another meeting, that's fine.

MR. WHITEFORD: You will have at least two more opportunities. Hopefully, by next Thursday we'll have it all together. If not then, the other CTF meeting.

MS. STARACE: I'm not apologizing, but I didn't realize

there were 38 people that you had to get paperwork for. That is an extreme. So if you need to eliminate like 15 that's a big help to you.

CHAIRMAN BLACKMAN: Frank.

MR. PALEN: I just want to add if you want to consider a name change that would better reflect the function of the Board. The name of the Board should reflect so people would understand what they do. Citizen Task Force is carried over from the 1973 zoning code. I think we accomplished our job of adopting the 1973 zoning code, something similar to Land Development Regulatory Committee or Construction Advisory Board or something like that.

MR. WHITEFORD: Sure, absolutely. I don't disagree with you.

CHAIRMAN BLACKMAN: Anything else, discussion on the motion? I think everyone's clear on it. All those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. Motion passes. So you're clear on it?

MR. WHITEFORD: Yes.

CHAIRMAN BLACKMAN: Is there anything else in Article 17

we want to discuss.

MR. MACGILLIS: I'd say the most general thing that we did in Article 17 was to have the Public Hearing section. We had the General Section up front and which we moved a lot of the stuff from Public Hearings under the general thing like all the applications, notices and stuff that were located under each one of the Boards. So with the redundances we eliminated that with the general chapter. You have the Public Hearing Section and then clearly the administrative process for the Zoning Director to have the authority to approve those, everything from special permits and administrative variances and stuff. The only other thing obviously, that you've been discussing is the DRO.

CHAIRMAN BLACKMAN: Bruce.

MR. KALEITA: I just have a question, are the things that have been added what is now sort of darkened or highlighted?

MR. MACGILLIS: Actually, the only thing darkened there are the sections of the code that has not been cleaned up yet. So anything you see shadowed will be fixed up when you get the whole document back.

MR. KALEITA: Maybe I ought to ask you this. This is not your typical stricken through and underlined version of a

change to the Article, is it? This is the current Article 4 of the Code, is it not?

MR. MACGILLIS: It's reorganized and cleaned up.

MR. KALEITA: Is there a stricken through, underlined version of the Chapter that would tell us the exact changes being made.

MR. MACGILLIS: We don't have one. If that is something you want, we'd get it for you. What we've done with this new code because there's been so much and relocating throughout the code we tried to do it through the errata sheet, but it got to the point that it was so much being relocated within that code there was no way we would even attempt to go through with the underline and strike-overs a lot. We discussed it with the county attorney's office.

MR. KALEITA: So you just have rewrote it. You'd have to have a side by side comparison to know what was changed from the old one.

MR. MACGILLIS: We could probably do that fairly quickly on the computer system. Go back in and open the original document and pull up the other one and compare them.

MR. KALEITA: Can I suggest if we already know we're going to be rewriting a part of this, it certainly would help.

I think you should make your presentation today. This is a very important part. This is almost like the constitution of the ULDC here. I just like to be sure that what we're doing in the way of modifications doesn't create problems.

In all honesty, I know that sometimes some of the input is not always welcomed or is welcomed with a sense of jaundice or perhaps tiredness or something else. What I'd like suggest is that when one finds out he's wrong. I'm very much into being wrong. Because every time I'm wrong I correct another thing in myself and I get to be better at what I do. I would love to know what's been changed in here. So that in case it doesn't work I get to tell the County in advance and go holy cow, you're right let's do this instead. Is that, I don't want to delay the meeting. I do want to get to closure on this. But on the other hand, if it would help us to understand what's been changed.

MR. WHITEFORD: Sure. We can prepare that document.

CHAIRMAN BLACKMAN: Larry.

MR. FISH: I'd like to further amplify that. I was guest speaker at my professional association last week to explain the changes in the ULDC. And the first thing they asked me is there an underlined strikeout copy available, which is now, I

think, in Article 11. They wanted to know the changes and they wanted me to get copies of it. I said unfortunately, they've not done it that way and I don't think that they're doing it. I was kind of embarrassed and we ask the same thing here several times. And we were told it wasn't going to happen. I think you need to do that when we revise the code.

MR. KALEITA: When you say this, I've heard it through the grapevine, the staff has been told no more staff available to the Zoning Department. So, I know the staff is laboring under tremendous burden and I want to thank you for doing as good a job as you have done. And since part of this is being deleted for rework anyway, it would help for our meeting next week if we had an add, subtraction, strike through and underlined version of this.

MR. WHITEFORD: Let me just ask Jon a question here. We can provide you a strike out, underline of practically any section of the code you want. There are certain sections in the planned development, a probably good example of where there's so many things moved and changed around, that if you got a strike out and underline it will look like gobbledy gook to you. You're better off just looking at the standards that you have in front of you saying these are the new standards

and I have read them and I understand them and I agree with them versus what did it used to say.

To help you, and we did that today with a couple of handouts and I felt that was important too. That these guys need to see strike outs to understand what the changes that were made. If you generally need a underline or strike out for any particular section, page, article, chapter let us know and we'll provide it to you.

MR. KALEITA: We had a request for Article 17 before.

MR. WHITEFORD: Not all the changes were made, but we can have that prepared.

MR. MACGILLIS: You're referring to the subdivision.

MR. KALEITA: Yeah.

MR. MACGILLIS: That was one that was presented here with the 25 pages attached to it with the summary sheet that went through line by line. Some of the early Articles you saw when Aimee was doing these, the staff was actually going through every line accounting for every plan.

MR. FISH: Let's get it up there on the internet.

MR. WHITEFORD: We have it. I appreciate what everyone is saying. We've had a lot staff turnover. I've got dead staff everywhere. But, we're managing. We're coming along.

Things are getting wrapped up and we appreciate the time and effort you guys have spent with us. We're on a time limit that we created. There are a couple of projects out there waiting for some changes to the code, but we feel fairly confident that we can meet this schedule with your assistance.

If not, if we have to fall back we have to think a little bit deeper about some things and discuss things a little bit more.

We'll be glad to do that. We're at your disposal.

CHAIRMAN BLACKMAN: Okay. We have Article 17 still before us. If we want to discuss the DRO we can do that. We have Article 5 remaining. We have gentlemen in the audience that wants to speak. We're one away from a quorum.

MR. CARPENTER: One away from a quorum?

CHAIRMAN BLACKMAN: One away from losing a quorum.

MR. CARPENTER: I thought we already voted on Article 17, didn't we?

MR. MACGILLIS: That was the DRO. That was the discussion on the prior Article and we got side tracked on that.

MR. CARPENTER: Oh, okay.

MR. MACGILLIS: If there's anymore questions on the DRO.

MR. KALEITA: I'm not sure I understand it. I'm sorry.

I guess I need to ask an explanation of why it's needed. Do you know what page it's on.

MR. BERGER: For that purpose it's probably for the best that this is coming back with underline, strike through because it's probably this one and several others make more sense when you look at it in the context of the new Article 2 that lays out all the hearing procedures too. Because this establishes the Board, Article 2 lays out all the procedures.

Essentially what this does is change the letter from the C to an O.

MR. CARPENTER: Is that the only change?

MR. BERGER: The primary change. Well, very nearly, the process is likely going to be the same. But it's going to be signed off on by an individual based on factual information of the different agencies as opposed to the work of one entire group. The reason is because of this opinion that I just referred to a while back when we first talked about it.

It said, that the nature of a development review committee, much like the one we have here, was such that it was a Sunshine Committee. Now mind you, this is everything that's going to be done here is being done in the open with complete public notice just like DRC has done today. The

difference is that the decision-making is going to be in the hands of an individual based, of course, on all the comments and recommendations of the agencies, almost like it was done today except the committee as a whole makes the decision.

The problem, and again we can discuss this set link, I think there's something wrong with this but the problem we saw here was the idea that, as you know, you all are covered by the Sunshine Law and because of it, you can't discuss among yourselves out of the public meeting matters that are before this committee. Staff, and I think I'm talking out of class here, as a matter of course, discusses development applications that come through before it gets to the DRC. And I'm not sure that there's any practical way to avoid that problem except for retasking the procedure in terms of having one officer being the decision making body.

MR. KALEITA: You know, Lenny, in a way this was inevitable after the Court started calling for those development orders that were quasi-judicial in nature. My concern is that we be sure that this thing actually does function as a quasi-judicial body. That notice be given of the hearings, that evidence, that parties have a right to submit evidence and rebuttal evidence and counter evidence and so on.

And, is there any procedure in this ordinance that notifies the ignorant public as opposed to us knowledgeable lawyers about this procedure and if not you need to dress this up with that necessary procedure.

MR. BERGER: That's why I mentioned before it's probably better to look at this in the context of Article 2 as well. This article just establishes the boards and officers. Article 2 lays out all the hearing processes, which is coming next week. It just keeps coming and it will, when we retasked this, we were as careful as we could be to make sure that all the procedural protections that was in the DRC process is still there. We didn't change that process at all. I really was only halfway joking when I said, Bob, all we did was changed the O to a C.

MR. KALEITA: Does that mean then that at the end of each petition the DRO will announce his decision based on what occurred at the meeting? Otherwise, the meeting is going to look the same. ERM is going to show up in jeans. Engineering is going to show up in a tightly button shirt with both sleeves rolled down and the cuffs buttoned and so on. The only thing that is changing is the final yea or nay or postponement will be by the presiding officer.

MR. BERGER: Based on the facts that were indicated to me by these different agencies I deemed this certified or not.

MR. KALEITA: Let me ask this question then. If that's the case then staff would be permitted to continue to informally resolve amongst themselves and persons before the DRC matters concerning the plats and things like that, restaurants and all the rest of it.

MR. BERGER: They're a couple of Sunshine Law cases that say, you are probably aware of them to, if a body is formed for fact-finding purposes only to assist a decision maker in making a decision, then that group that gets together and discuss it is not covered by the Sunshine Law. If they all meet together to form this decision then it is a Sunshine Committee and this is why we did what we did.

MR. BRUH: Can you tell us what the difference is between coming here to the group to make a decision versus the officer making a decision?

MR. BERGER: There are bookend cases. The Sunshine Law is wonderful and mysterious. There are bookend cases that have guided the way governments have been operating every since these cases came out.

There really is a couple of instances where a decision

maker according to the record of this case, made the decision by himself to do this official act based on factual input from people on his staff and even from members of the public, and in that instance the court said, well that person was making his very own decision and he only got this factual input from people he needed so he could make an informed decision. That was not a Sunshine group.

On the other hand, there are cases where a decision maker formed the committee and with the help of the committee came to a consensus decision. That was a Sunshine Committee. You may say gee that's really a game of semantics. But, that's where the law is here.

MR. KALEITA: Any thought given to the use of a Hearing Officer for that job? I was Chairman of the Health Department's Environmental Appeals Board for many, many years.

The problem with that decision is I was always named as a defendant and served with process whenever anyone appealed the decision of my Board. I wanted, that's okay I guess, but I never owed anybody any money. I wonder whether we could use a hearing officer for this because let me say this, the Zoning has already got too little staff to do its job and Bill's all over the place and I know he is. Could we use a Hearing

Officer?

MR. BERGER: I have two answers. The first one is and you're going to have to help me with the bureaucratic staff here. But in most instances the official avenue of appeal today from a DRC decision is to an administrative hearing body, drab.

MR. KALEITA: Isn't that only for certain limited orders though. I don't think that's the general appeal.

MR. WHITEFORE: The concurrency and any, what we call the original DRC approval meaning it's the final authority to DRC.

MR. KALEITA: So everything goes through DRC.

MR. WHITEFORD: Not everything goes through the DRC. If you have an appeal of a certification issue to enter into the public hearing process you actually can appeal that to the Board of County Commissioners.

MR. KALEITA: So you are saying they are intermingling administrative appeal processes here to keep Bill out of court as the nominee for --

MR. BERGER: You know, I live to keep Bill out of court. Yes, there are intermingling processes. The second answer is I have a long program for having hearing officers replace a lot of functions here. Slowly but surely, it's happening. In

fact, one we may be looking at the impact fee appeals board maybe replaced by a hearing officer. The environmental appeals board at one of your hearings a couple of months ago was replaced by a hearing officer. Slowly but surely it's happening.

CHAIRMAN BLACKMAN: We have Article 17 here. We could treat it next week with Article 2 and give staff more time to address some of our concerns, which are here today.

MR. KALEITA: I'd rather do that, let me say that because that way if we forward an entire package to the Commission and in it is a consensus on the CTF issue it doesn't stand by itself and attracts a lot of attention and necessitate a big brouhaha.

MR. HORNE: Motion to table 17 until next week.

CHAIRMAN BLACKMAN: Okay.

MR. PALAN: Okay. I'll motion.

MR. KALEITA: I Second.

CHAIRMAN BLACKMAN: Second Bruce. Any discussion on the motion? Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. Motion passes. Now, to Article 5, which we jumped over.

MR. MACGILLIS: This is an article where actually a lot of stuff in the Supplementary Regulations will be updated. You have the Architectural Standards are all now located in one area. All legal documents that were located throughout the ULDC everything from development agreements to how to record easements have now all located in one section.

MR. CARPENTER: Do we have colored paper procedures with number five?

MS. STARACE: Yes.

MR. CARPENTER: Let me find mine first.

MR. JACOBSON: Jon, would you be kind enough to use that mi ke please.

MR. MACGILLIS: Sure.

MR. WHITEFORD: I think it's the part with really no decent heading.

MR. MACGILLIS: Okay. So there's a section now for Performance Standards, which is our lighting and noise and the summary is noted here. The CTF saw the changes back in November gave us preliminary approval on them. They've now been incorporated in this Article. Created a new section to consolidate all the Accessory and Temporary use Regulations. Relocated the Density Standards for DDDs and TDRs in their own

section. Relocated in the current Article 17, Parks and Recs to this Article. Just a note, not all, there's a portion, I think it's the small community parks.

Parks gave us direction to do this. So basically, there were not a lot of changes other than reformatting, cleaning up the language consistent with the rest of the code. You do have the errata sheet, nothing major there, but just cleaning up stuff. We found errors after staff reviewed it. No substantive changes that, other than this green sheet here filled with DBD stuff that you were working a plan line 24.

MR. WHITEFORD: Let me just talk a little bit about that.

What we call the density bonus program, DBD and TDR. You may be familiar with that. The TDR program currently, the code has a sliding scale approach for the buffers, which actually can be quite excessive. It depends upon the difference in net density between the receiving area and the sending area.

Anytime you're dealing with net density it can be very, very difficult not only just figure out and apply practically, but when you're adjacent to a vacant piece of land which may have a land use designation of five units per acre, you take it under consideration and so you have this humongous buffer that can make a infill parcel especially very difficult to

develop. So, the proposal is on, it starts with line 26, when we break that up to come out with a different approach to buffers.

Currently, the TDR buffers do start at 25 feet, that's why we start 25 and then it's added in 5-foot increments currently by code. But, what we'd like to do is just cap it out. And cap it out is based upon the number of TDR units per acre receiving area is receiving and that's the right hand column. So, between any two projects that you would have, a vacant piece of land, which has a land use designation of MR5, LR3, a receiving area designation, receiving TDRs you would have either a 25 or 30 or 35 ft. landscape buffer.

CHAIRMAN BLACKMAN: Now it's more open ended.

MR. WHITEFORD: It actually just keeps going in five-foot increments. Based upon the discrepancy between the two based upon the net density and not, and based upon the existing net density. If you've got vacant and a nine inch per acre, you're adding 45 ft. to the original 25.

What we wanted to take into account was, wait a minute, there's a potential density on that property. One, nothing stays forever and two, get away from using that net density calculation. It's very difficult to determine and it's not

real practical based upon that gross density figure and then have a cap.

CHAIRMAN BLACKMAN: David, do you had another comment?

MR. CARPENTER: I do have a comment on something on page 44, dumpsters. This is one of mine like pet peeve subjects and I very seldom get a chance to discuss this with Mr. Whiteford or with Mr. MacGillis. The thing that gives me about the dumpsters is that often in our code, in our landscape code and so forth we are trying to create and leave more landscape areas and bah, bah, bah. I mean, that's the objective of a lot of changes that we make in our landscape code. We're trying to make things more attractive. In setting up, just say setting up a site plan in your loading spaces that we put in the back traditionally and if it's butting on this residential back there we require a wall.

MR. WHITEFORD: A wing wall.

MR. CARPENTER: A wing wall all along the loading space. Many times I have in the design, the buildings to try and help everybody and the wing walls back here, in the loading space I make an attempt to put the dumpster at the end of the loading space because I think that's the most appropriate place for it on the site because it's behind the wall and

hidden.

I get objections to the plan because staff sometimes says that that loading space is blocking the dumpster. Thereby, I have to go and create another space somewhere that's inappropriate in most occasions, in my view point in the parking lot, where I got to put, you know, a wooden fence around it and stuff and it's going to look bad probably. And, I don't really think that's a double use because of the fact that the dumpster may come two or three times a week for five minutes. And the business owner, I think it's up to him, you know, if he has a delivery space and the dumpster should say, you know, if he's got a delivery coming, hey my dumpster guy comes here on Tuesday mornings at eight o'clock. You can't be there until he -- there's got to be some recognition that the business owner is going to control or leave some control, if you will, to the business owner so we can appropriately locate these dumpsters in the back behind these wing walls, behind the building instead of putting it. Because of that I am having to create a space in the parking lot and trying to disguise it over here.

So, that would be something I think needs to be recognized in the code. Whereas, we're not creating these

double, and a lot of times I have to create another landing strip, if you will, leading to this dumpster and it doesn't make any sense. So, I would like to see something added in here where you can have the loading spaces in the back and have the dumpsters behind the wing wall, behind the building, whereas, feel like they should be, instead of sitting out in the parking lot.

MR. WHITEFORD: I guess it really goes back to and I was told that there were questions when the parking code was discussed about the number of loading spaces and why certain uses, maybe didn't have loading space requirements and that type of thing. We typically have not had a loading space problem in the County. Years ago there were primarily a lot of dealerships and that type of thing, but the County's loading requirements have seem to adjusted.

There's also flexibility that the DRC has allowed to waive loading requirements in certain circumstances and they do that in the big shopping centers where there's plenty of driveway aisles and that type of thing they can share them. The one interesting thing about a loading space though, is that, the walls typically where the compactor is, you know, it's also the one space that we do allow you to park overnight

a rig or a trailer. You just can't park one of those in the parking lot near your commercial development, but in that location they are allowed to park overnight.

You're right. We do try to leave as much of that up to the businessman. In fact, we have a project right now that we are looking at, a fast food restaurant. There's a big debate among the staff about a loading zone. Nobody is going to have loading and unloading occurring during lunchtime. No businessman in his right mind is going to do that. So I wasn't really super concerned about it and like we can do the waiver, just have them sign a little statement saying they'll do their loadings at off peak hours or something because they are not going to want to have that car in their parking lot.

When it comes to a dumpster, relocating a dumpster to a loading space I guess you can look at it in different ways. It's almost like not having a loading space at all. Perhaps, depending upon how his designed and you can't have a dumpster sitting in the middle of, I'm sure, your meaning at the loading space at the end.

MR. CARPENTER: But where you got the loading space and the dumpster would be at the end.

MR. WHITEFORD: Right, so it's the pulling double duty

essentially.

MR. CARPENTER: But what I'm saying, it is pulling double duty, but I mean, the dumpster is only there for a few minutes in the course of the work and having to create another space just because a dumpster may come for two minutes.

MR. WHITEFORD: I'm with you. I understand what you're saying.

MR. KALEITA: Can I interject here?

MR. WHITEFORD: Yeah.

MR. KALEITA: I was driving through the Publix Plaza out in Wellington where I live, and I saw the exact thing David's talking about happen. What happened was the guy with the bread truck just sat there and waited while the thing went toot, toot, toot, backed up picked up the garbage, dumped it in the truck and dumped the thing back on the ground and drove away. Then he drove on and made his delivery. So, I'm not sure that we are creating an overwhelming public good on solving a problem in an area which is not that all heavily frequented, is shared by two vehicles whose objectives were different.

MR. WHITEFORD: I guess the only problem I would have is if the bread truck were there first would the dumpster guy just

kind of bypass it or would you have a dumpster overflowing.

MR. KALEIA: No, he'd sit there and play the radio while the bread truck made the delivery.

MR. CARPENTER: No, but at least if the dumpster was a mess, at least it's in the back of the building behind the wall where nobody can see it except the kids in the back. They are not going to stick it in the parking lot somewhere. It's hard to keep a dumpster tidy, if you will, because whenever the dumpster comes and dumps, stuff goes everywhere.

When you've got it in the back, the stuff goes everywhere. It's got walls behind it and at least it's limited to the back of the building.

MR. WHITEFORD: I guess somewhat to help your argument a little bit, to my knowledge I don't know that any staff members ever objected to the compactor being back there, but all of a sudden, I guess, when it's a dumpster it's an issue. When it's a compactor, it's not a problem.

MR. KALEITA: Maybe they should be treated the same.

MR. WHITEFORD: So let's, Jon and I kind of talked about it a little bit here, you know. We can encourage that type of thing. We can put some language in here enabling it. We can certainly doctor this up.

MR. CARPENTER: I really don't view it as a conflict personally because the delivery truck is only there for a short period of time. The dumpster is there for minutes. If perhaps they both show up at the same time, the business owner is going to be out there to tell them get the truck out of the way so the dumpster can unload and then you can pull back.

I mean, it's a business solution and I don't think it requires us to create these two huge pavement areas or either two separate pavement areas or either to put the dumpster out in the middle of the parking lot. And, I'm sorry to take a Board's time for that. I mean it is a big issue because every plan that comes through basically has a loading space and a dumpster requirement and so it is an issue that is the case on every project.

MR. WHITEFORD: If there's support, we'll make sure that code addresses it and allows it, encourages it whatever is necessary.

CHAIRMAN BLACKMAN: Anything else in Article 5 staff wants to point out or Steve.

MR. BRUH: I noticed in the errata sheet you eliminated on page 15, G2. You eliminated the word rooftop which says to me that if I have an air conditioner mounted on the ground,

I've got to do some sort of screen for it.

My problem with that is basically why would that be in the architectural review guidelines? The deal is to put forth to take care some problem on the building not some problem on the ground. So, I think, I don't know that it's a good idea to limit that word.

MR. WHITEFORD: No. My instructions to the architectural guidelines were, that was hard enough to do. No changes. The only changes that were done to the architectural guidelines was a corporation of the rural design guidelines that were already in the code so, no. I agree with you. I think that that section only addresses structural and building issues.

MR. KALEITA: Are you aware though that there has been some difficulties with staff requesting site plan amendments after concluding the architectural review. That's a misunderstanding. In one or two occasions recently staff has actually asked for an already approved site plan to be mandatory to reflect the outcome of an Architectural Review.

I shared that committee and we spent a lot of time working on that and managed to modify the whole building industry. Some did not like me for doing that. But, the key is if we are doing a change to that, I think we should clarify

that, that this is not intended to result in the need to modify a site plan.

MR. WHITEFORD: I think what the situation was, is a building footprint is what changed. Other issues have been brought to my attention. What we're trying to simplify is if it's imperative, if it's important. I wouldn't say imperative. It's not imperative, but if it's important enough to have the site plan consistent with a building permit then it's an administrative amendment to that plan just to slap on basically a new footprint.

MR. KALEITA: Thank you Mr. Director.

MR. BRUH: Next item, page 16, line 6, top of 6. I keep reading this over and over and saying what, address and sign are calculation?

MR. WHITEFORE: Area.

MR. BRUH: Area, oh.

CHAIRMAN BLACKMAN: That's an easy fix.

MR. BRUH: Page 17, line 1, all electrical, as air conditioning, something wrong there.

MR. WHITEFORD: I think the "as" is supposed to come out.

MR. MACGILLIS: I think that's just a typo, as shouldn't be there, all electrical, as air conditioning and fixed

mechanical.

MR. BRUH: I'm not sure. I don't know much about satellite dishes, but we work on things that have a direct line from communication towers and the sort. They are screening the effects and the workability of those dishes.

MR. KALEITA: I can answer that question in that I just got a satellite dish television and I interviewed the installer at great length. And he informed me that there must be a non-interrupted line of site directly from the dish to the satellite uninterrupted by vegetation.

So, the way you do that is to vegetate below the imaginary line of connection so that the darn thing is facing upward which means that essentially you've got to install at the top side of your landscaping in order for it to work. And, that's possible for you to do.

MR. FISH: There is new screening for putting in front of dishes, towers, and all that kind of stuff that a lot of cellant antennas have screening in front of them now. There may be some feasibility for screening but if the blocks the antenna it's not worth it.

CHAIRMAN BLACKMAN: So there's screening in from below but not from above.

MR. FISH: So they're not screened from the phone line, it goes through. There are new types of screens.

MR. BRUH: What happens when those screenings are compatibility with the building or not, I don't know.

MR. FISH: That's where the uses are, on top of buildings to protect the antenna. I'm not advocating in favor of it, I'm just saying.

MR. KALEITA: Let me just point out that this regulation does not apply to single-family homes or duplexes or triplexes and so for the average user it's not going to have an effect.

MR. BRUH: But certainly for lots of businesses it will have an effect.

MR. KALEITA: That is a rooftop installation that should be easily screened.

MR. FISH: You move the antenna in to middle and move the screen up further so it doesn't affect the signal.

MR. WHITEFORD: I was told that gas stations have one. I was told that when you swipe your credit card, that's how it's attainable, through satellite.

CHAIRMAN BLACKMAN: Steve, anything else?

MR. BRUH: Yeah. In that same paragraph there, there's some goofy word there. You made some change. Either you made

a change or I'm not sure I understand it.

MR. WHITEFORE: That's a typo there.

MR. BRUH: Yeah.

CHAIRMAN BLACKMAN: Is there such a thing as a Norman range of vision?

MS. STARACE: I saw that too.

CHAIRMAN BLACKMAN: It's on the errata sheet. It's about midway and it says Chapter C, page 39, line 49 on the errata on the second page. David, do you have something?

MR. CARPENTER: Yeah. I have a question related to the architectural guidelines. This isn't the whole architectural ordinance here, is it?

MR. WHITEFORD: Yes.

MR. CARPENTER: It is.

MR. WHITEFORD: That's it.

MR. CARPENTER: Where is it related to the threshold requirements for the districts?

MR. WHITEFORD: The thresholds are found on page 12.

MR. CARPENTER: Page 12, line what?

MR. MACGILLIS: 16.

MR. CARPENTER: So this is going by the DRC thresholds. As far, before it was set up that if the -- if you fell below

the square footage of the thresholds it was required that you go to DRC, then it did not go to the architectural review?

MR. WHITEFORD: If it goes to the Zoning Commission, the BCC, the DRC, the thresholds apply. Then there are some additional standards the multi-family buildings with more than 16 units, substantial renovations and then three specific rooftop types.

MR. CARPENTER: So the thresholds are still in --

MR. WHITEFORD: Yes.

MR. CARPENTER: Even though it doesn't show the threshold list here.

MR. WHITEFORD: Right

MR. CARPENTER: We're utilizing the ERC threshold requirements listed.

MR. WHITEFORD: That's correct.

MR. CARPENTER: One of the things I have a question about that I didn't realize when we were reading the ordinance, and this come about since then. Under the IL District, the threshold is 20,000 square feet in the IL District per DRC?

MR. WHITEFORD: Yes.

MR. CARPENTER: And as you know in the IL district general repair and maintenance, I think, general repair and

maintenance, maintenance repair general, I think is--

MR. WHITEFORD: Auto paint and body shop.

MR. CARPENTER: Is allowed in there.

MR. WHITEFORD: Right.

MR. CARPENTER: So what has come up, this is something we need to figure out since automotive uses are a permitted use.

If it's coming in as part of an industrial project below the threshold requirement, is it then subject to architectural standards?

MR. WHITEFORD: If you went to thresholds, if you went to B5, you would say yes. If you went to the exemption C1, then it would only be visible from a public street or a residential zoning district.

CHAIRMAN BLACKMAN: I think that would rule, wouldn't it?

MR. CARPENTER: I guess where I'm getting through the difficulty is, I was thinking that when we were talking about auto repair and all that stuff, that when the ordinance was coming through, I was thinking more of the commercial. And that's where I was thinking, you know, that it mostly related to the commercial districts because it's out there on the streets and blah, blah, blah.

MR. WHITEFORD: Then the B5 would control in the --

MR. CARPENTER: The difficulty comes in, like say, if I'm constructing an industrial project and it's below the DRC threshold, if I come in and don't indicate auto repair, which is a permitted use, then I don't fall under the architectural guidelines.

Meaning that under the commercial standards it's easy to see if an auto use is going in there because they have to get a conditional use. But I can block my way through the architectural guidelines by just saying I'm not having auto repair and after I build it I can have all the auto repair people I want in there because it's a permitted use.

So I think that we're - well, what I was thinking when we passed the ordinance was that if it didn't meet the threshold requirements then it didn't have to be reviewed. And because it was in the industrial section I was thinking that probably the architectural guidelines wouldn't be applied. Because in industrial you don't maybe expect to see as fancy buildings as you might see on the commercial district on the street.

MR. WHITEFORD: Okay. Again, this is how it would apply and I think we're safe. I think we're smart enough and we worked on this, we spent those 40 weeks on this, if you have an industrial project that went to the Board for example, and

I think I have to take a look -- let me just look at the charts. If the industrial project required Board approval, that would trigger the architectural guidelines regardless. But it would only begin to affect those buildings that were visible from the public street. But, the fact that it went to the public hearing is when we were to identify --

MR. CARPENTER: Absolutely. So what about a piece of industrial land where they are building below the threshold?

MR. WHITEFORD: If they are building below the threshold, when it came to a permit, the location of the property we thought was going to be visible, it would be tagged. The construction of the building fits the use. At that point, it doesn't matter whether you're general repair, paint and body or not. If you're visible it applies.

MR. KALEITA: The problem I think that David is outlining and I think we do need to address, and that is the wording is little loosey goosey on line 17, page 12, where it says that it applies to the following projects. Where legally it was intended to apply to building permits for the following uses and their related signs. If you go to page 14, line 1, F, Review Process at top, it probably ought to read, review all proposed buildings.

I think if we did that we would make it clear, yeah, we're probably going to and it's big enough that somebody can swim through by putting an auto use in the existing building.

And we're going to have to take that building back in and looking at it and go no, you've got to put gargoyles and arches around this thing. And I think if we made some changes to clarify that we might not have that problem, but we knew it about the building that we don't like to look at today.

MR. WHITEFORD: Oh, yes. It only applies to new construction and/or substantially renovated. If someone comes in for occupational license they are going to get it. You know the scenario where someone builds it and doesn't perhaps tell us what the intended use is, and they try to kind of dupe their way into it. Could it happen? Yeah, it could.

MR. CARPENTER: You're not really losing your way because when, like say for example, I'll make up a scenario. I got a 16 thousand foot that has 25-foot bays. Okay, it's going to have tile people in there, auto people and a multitude of things. When the plan comes in, land uses under there, I put permitted uses in the IL District that includes everything, auto, the whole business.

So you're not sliding under anything because you're

saying that you're putting permitted uses in there. But yet, I'm not sure that the stand-alone building thing is still in here. Is that the language? I guess that's out now. That used to be in there.

MR. WHITEFORD: I don't think that's in there.

MR. CARPENTER: It singled out stand-alone buildings but that wording is not in there.

MR. WHITEFORD: Yeah. I don't even think that's in the code, stand alone building provision.

MR. CARPENTER: It was in the guidelines book I got at the office when it was first printed out. But anyhow, that's not in here now.

MR. KALEITA: Let me say we don't want to lose what we did think up here. Can I suggest that line 17 be amended to state this section shall apply to all new construction which could accommodate any of the following uses and their related signs.

And that way if you got an application for something that could have auto use in it, well, maybe you should, it can go under the architectural review because it isn't that hard to do. Maybe that's what we really intended. All new construction, all new proposed construction, which could accommodate any of the following uses and their related signs.

MR. BRUH: I don't know. Could be, would be, should be, I don't know. You're now putting a burden on someone to design some different standard, which I'm not against of course. But I'm not sure you should make something part of a standard that you may never need to apply to something.

MR. CARPENTER: Some of these industrial plans there may never be an auto use in there. I mean sometimes when these guys are putting these, especially, these industrial bay projects together they don't know who their tenants are.

MR. KALEITA: Are you now defending the guy who intentionally goes in with an application that he knows later on is going to accommodate a use for an architectural review and simply sneaks through the process.

MR. CARPENTER: He may not know because I mean, back it up again. All those uses are permitted in the district.

MR. WHITEFORD: I'm trying to think if one of the things we may have done is made a general repair maintenance a D in IL to capture through the DRO, DRC, we may have done some things like that. We thought through all these scenarios. As we went through the code, we were thinking through things.

CHAIRMAN BLACKMAN: Yes, Maury.

MR. JACOBSON: I have a question on page 13, under

Substantial Renovation, that 75 percent. Is that the correct thing?

MR. WHITEFORD: Yeah. We went through that a lot. There's been a push in my office to try and drop it but I kind of said, no, no, no we hammered that one out. It's kind of high. But at the same time, the idea was that you can get to a fairly high substantial renovation figure pretty quick just doing interior modifications without addressing the exterior of the building at all and whether or not that was fair or reasonable to start requiring a bunch of exterior ornamentation.

MR. BRUH: We didn't want to stop someone from upgrading a property and then they've going to be kicked into something that their upgrade would have to be so substantial they couldn't do what they really intended to do.

MR. KALEITA: We really did feel this way, assessed value is generally substantially lower than true value.

MR. JACOBSON: It certainly is.

MR. KALEITA: I will tell you this, my house is assessed at \$240,000. My neighbor's house whose wasn't as nice just sold his for \$680. I don't want to be assessed for what I'm worth. Therefore the 75% figure was permissive enough as to

assessed value to allow a fairly substantial change because we wanted to encourage people to upgrade buildings. But beyond that, it exceeds 75% of the assessed value.

Let's take the numbers again. Let's say a \$300,000 commercial building is assessed at \$210. If he builds something that's worth more than 75% of that, he's got an upgrade. Now, we are thinking that the whole length of Military Trail is a good example of that sort of thing. And we left the number high because we knew assessed value was itself so low.

MR. JACOBSON: Well, being that it sort of struck me on this thing, is that traditionally it's always been a 30% figure as far as I remember. As a matter of fact, it was some of the codes that I thought was still in existence that referred to 30% of the assessed value. So when I see 75 and I understand where you all are coming from, but the point is there is a hell of a difference between 30% and 75% and I'm well aware of the assessed value as opposed to the real value.

MR. CARPENTER: I think it's better because this way it's going to encourage, allow somebody I should say to redevelop their property without going into redevelopment of the building, shall we say, without going into all the other

improvements that may have to be made which is especially related drainage which is cost prohibitive and they probably couldn't make anyway.

MR. JACOBSON: By the way, you also might add life safety factors to include in that claim.

MR. KALEITA: Let's consider things like roofing, for example, roofing can cost a lot of money and we wouldn't want somebody to be forced to keep a leaky roof because they really can't afford to renovate the entire building.

CHAIRMAN BLACKMAN: Let me interrupt here. We're getting bogged down in the architectural review section here, which is okay. I'm not casting dispersions at that, but we do have a person from the public who made a special trip for today and wants us to address us and we still have a quorum right now. We're about to lose two people. I need to go somewhere.

MR. WHITEFORD: I do need to. I have an answer for David. We did think it through and the Board is running out.

This is how we addressed it with those specific uses and how they apply in industrial zones. We went to supplemental standards notes for each of those uses and this is where the language that you're recalling David, this is what it says. It doesn't apply to a bay. What it says is a stand alone or

free standing general repair maintenance facility continues to a public street or zoning district shall comply with architectural guidelines. So it doesn't apply to an in line type situation. It's only if it's stand alone or free standing.

CHAIRMAN BLACKMAN: I think it's important that we get this gentleman in for the record. His name is Bob Sears. We've heard him before, but he'd like to address us. I'm going to give him 3 minutes and then we'll do whatever we have left to do.

MR. SEARS: You gave me 3 minutes. Let me first just give you two articles regarding this gentleman that was nearly bankrupted by some of the actions here. They have improved, things are better and I'm just concerned that you all seriously think through what you're doing with respect to agriculture. For example, a 10x12 slab to put some pumps on.

I was required to get building permits. I had a real big problem with that. I thought that I explained that I didn't want to buy my pumps until I got that. They had to be precisely 10x 12 simply because that's what was on the plan. So, I had to go back through and get an amendment. I said, nope I'll refigure my equipment. There's just too much validity in the old system. Maybe it's fine now. I think it's better. I hate to see us revert back. The other issue I see is, whether you all are really looking at the

big picture because what's going on out here in the agricultural areas, trading of development rights where the mansions are being built right next door to the farms. We're going to see more and more restrictive regulations because people who have a mansion are going to want it like a homeowners association with lots of restrictions. You're going to force out the farms. You're going to then lose the green belt and you're going to have development that's going to look very similar to Dade and Broward County. That's what you all want, that's good and I want have enough time to talk about the Wellfield Protection but I'll address that in other ways.

CHAIRMAN BLACKMAN: Okay. Thank you, sir.

MR. SEARS: Thank you for your time. Where do I leave that, here?

CHAIRMAN BLACKMAN: Sure. We were discussing Article 5, we can continue with that or we can adjourn. It is nearing 5:00 what is our pleasure? Are there are any other comments on Article 5?

MR. LAST: I've got one. On page 25, under easements, line 27, I believe, it says zero line easement, 3-foot easement contiguous to the zero lot line.

MR. WHITEFORD: Yeah. We caught that, it's a typo, it's 2 foot, 24 inch with an 18-inch overhang. I think we even allow the overhang now up to 24 inches will include the gutter.

MR. LAST: But it is a 2-foot easement.

MR. WHITEFORD: 2 foot.

MR. BRUH: You know what, I got a question here. This is about something of an opening to a wall?

MR. WHITEFORD: You're probably in the zero lot line section. Yeah. I got some of that stuff marked too.

MR. BRUH: You might want to say something in there about the building code. If it's 5 feet away from the building code, you can only be 10 or 20 percent tops.

MR. WHITEFORD: Yeah. We were talking about whether or not we wanted a zoning instruction or another code that would address the issue.

CHAIRMAN BLACKMAN: Are we comfortable with the recommendation on Article 5, to approve Article 5?

MR. CARPENTER: Motion for approval.

MR. JACOBSON: Second.

CHAIRMAN BLACKMAN: There's a motion and a second, discussion? Seeing none, those in favor, aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. We're under Staff Comments, I think.

MR. MACGILLIS: This is just simply to show you where we

are. Anything in yellow is what we didn't go over today. We will bring it back at the next meeting with the Standard Zoning Districts, Supplementary Standards Definitions. And the calendar is just an outline of the projects until November.

MR. KALEITA: Bill, are these the dates that we can expect to have to assemble to oppose the abolition of the CFT?

MR. WHITEFORD: You can put a big star next to I think it was Thursday September 25th.

MR. KALEITA: Not the ULDC to BCC date of August 5th.

MR. WHITEFORD: No. That's just a paper copy. That will be the same thing that you will see at the LDRC Hearing on the 31st. CHAIRMAN BLACKMAN: I think we're going to end the Board, comments?

(No response.)

CHAIRMAN BLACKMAN: so we're adjourned.

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

comprised a

true and complete transcription of the **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