

PALM BEACH COUNTY  
CITIZENS TASK FORCE

Thursday, March 27, 2003  
100 South Australian Avenue  
West Palm Beach, Florida  
1:47 p.m. - 4:46 p.m.

Reporting:

Shirley King  
Notary Public

ATTENDEES

Wesley Blackman, Vice Chair

D.J. Snapp, Chair

Joanne Davis

David Carpenter

Isabella Fink

Steve Bruh

Bruce Kaleita

Rosa Durando

Frank Palen

Ron Last

Charlie O'Meilie

Maury Jacobson

Larry Fish

Aimee Carlson, Senior Planner, Zoning Division

Lenny Berger, Esquire, Assistant County Attorney

Bill Whiteford, Director, Zoning Division

Barbara Alterman, Executive Director PZ&B

Michael Dyett, Consultant

Jon MacGillis, Zoning Administrator

## I N D E X

<u>Item</u>		<u>Page</u>
1	Call to Order/Convene as the CTF	
2	Roll Call	
3	Motion to adopt agenda	
4	Excused absences	
5	ULDC Amendments	
6	Landscape Code	
7	Sign Code	
8	Staff Comments	
9	Adjourn	
10	Certificate of Reporter	

## PROCEEDINGS

CHAIRMAN BLACKMAN: This is the Citizens Task Force meeting of March 27, 2003. The time now is 1:47 p.m. The secretary, Aimee, is going to call the roll.

MS. CARLSON: Joanne Davis.

(No response.)

MS. CARLSON: Susan Daniels.

(No response.)

MS. CARLSON: David Carpenter.

(No response.)

MS. CARLSON: Rick Burns.

(No response.)

MS. CARLSON: Karl Kahlert.

(No response.)

MS. CARLSON: Barbara Noble.

(No response.)

MS. CARLSON: Hank Deibel.

(No response.)

MS. CARLSON: Isabella Fink.

MS. FINK: Yes.

MS. CARLSON: Steve Dechert.

(No response.)

MS. CARLSON: Dee Primm.

(No response.)

MS. CARLSON: David Self.

(No response.)

MS. CARLSON: Bruce Kaleita.

MR. KALEITA: Here.

MS. CARLSON: Ron Last.

MR. LAST: Here.

MS. CARLSON: D.J. Snapp.

VICE CHAIR SNAPP: Here.

MS. CARLSON: Wes Blackman.

CHAIRMAN BLACKMAN: Here.

MS. CARLSON: Rosa Durando.

MS. DURANDO: Here.

MS. CARLSON: Carmela Starace.

(No response.)

MS. CARLSON: Charlie O'Meilie.

MR. O'MEILIA: Here.

MS. CARLSON: Maury Jacobson.

MR. JACOBSON: Here.

MS. CARLSON: Larry Fish.

MR. FISH: Here.

MS. CARLSON: Steve Bruh.

MR. BRUH: Here.

MS. CARLSON: Kent Wilmering.

(No response.)

MS. CARLSON: Barkley Henderson.

(No response.)

MS. CARLSON: Frank Palen.

MR. PALEN: Here.

(Additions substitutions and deletions.)

CHAIRMAN BLACKMAN: Okay. Are there additions, substitutions or deletions to the agenda?

MS. CARLSON: No, there are not.

(Motion to adopt agenda.)

CHAIRMAN BLACKMAN: Is there a motion to adopt the agenda?

MR. JACOBSON: So moved.

MR. BRUH: Second.

CHAIRMAN BLACKMAN: Moved by Maury, seconded by Steve Bruh.

Discussion?

(No response.)

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

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: Motion passes.

(Excused absences.)

CHAIRMAN BLACKMAN: Excused absences. Could we have a motion indicating excused absences for the people that called in but are not here?

MS. CARLSON: And those would be, Karl Kahlert, Steve Dechert, Dee Primm and Bill Cauble.

VICE CHAIR SNAPP: Motion to approve excused absences for those that requested it.

CHAIRMAN BLACKMAN: Motion by D.J.

Is there a second?

MR. JACOBSON: I'll second it.

CHAIRMAN BLACKMAN: Second by Maury.

Any discussion?

(No response.)

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

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: Motion passes.

(ULDC Amendments.)

CHAIRMAN BLACKMAN: Moving on to the ULDC Amendments. We have the Landscape Code and the Sign Code today. I'll just turn this over to Staff. And we have our consultant present today. So go ahead, Aimee.

MS. CARLSON: We have Michael Dyett here in person this week. And Michael's going to start with the Landscape Code. He's going to do a brief presentation and then answer your questions. I'm going to turn it over to Michael.

(ULDC Amendments - Landscape Code.)

MR. DYETT: Thank you very much. It's great to be here and great to be in person. This is much better than videoconferencing. Although videoconferencing did save 16 hours of plane flight.

I would like to go over what we've been doing in terms of the objectives for the Landscaping and share with you that I think we've had very productive meetings with the subcommittee, Staff and industry, and they've come forward with amendments that I think do resolve and respond to all the concerns, with the idea of having clear regulations, improved organization, and emphasis on quality and quantity, not uniform standards, that will really enable more flexibility and design in responding to what we understood the Board wanted, which is to have more landscaping and more creativity, more naturalistic outcome. And we thought the one way to do that is really emphasize the role of the Alternative Landscape Plan.

We've also built into this Code and the Sign Control Code what we call Design Principles. And while they may not actually be adopted as part of the final Code -- we're dealing with what people call these pull-down windows -- they're adopted separately, they're really good guides to legislative intent and I think will be very helpful in project review by expressing the County's and the Task Force's and Industry's expectations, so they've been designed to call up the differences between the tiers to really express what a lot of design concepts are. And we had this peer review session with a lot of national leaders, heads of -- the architectural school, for example, in the University of Miami, they, too, helped us really refine some of this language.

The emphasis also on flexible provisions, averaging and allowing to compensate for lower heights by having more trees that are taller, responds in part to some of the industry concerns that you can't always get the right trees at the right height. And in fact, over several years, the trees that have come in the smaller containers, at maturity will look

exactly the same and may even be healthier because they've had a chance to really grow into the space in which they were planted.

We've also -- and this is another important addition with this Code -- is tried to expand and have an interactive plant list that will be on a CD that picks up the species that makes sense here in South Florida. And it's a larger list, which means that they can go out into the nurseries and get a greater variety of plants, get credit for them, and I think just have a richer landscape.

The Alternative Landscape Plan will follow a menu, a set of checklists, so it's not really a blank check or an open-ended alternative, but it will have a very tight framework that will be modeled on that comparison standard that you see at the beginning of the Code; and this we would envision as a checklist at the end.

We want, with the naturalistic design, to allow for these meandering plantings and a hierarchy of planting materials and colors. And all of this is intended to provide environmental benefits, shading more pervious surfaces, planting that reflects the water conservation aspect that's recorded here.

We've got 10 key Design Principles -- I'll not go into the details -- but I think they're really at the heart of the opening of the Plan, in terms of the responsiveness, the sensitivity to the tiers, emphasis on materials and natural landscapes, having the connections and the connectivity -- that I think is another key idea in the Comprehensive Plan -- enhanced agriculture -- often landscaping is done at the end without a close connection to the architecture to conservation and sustainable design -- to put this all together so it's not just beautiful places, but places people can walk through and enjoy.

The Alternative Landscape Plan mentions allowing some flexibility to respond to site characteristics. And you can't carry everything. If you look at the table in the front, you'll see certain standards are not able to be modified, but others are.

(David Carpenter arrives at 1:53 p.m.)

**MR. DYETT:** And you can achieve that next, and I think would make good sense, the canopy tree standards, for example. As of right, you can have a 10 percent reduction for 10 percent of the number that you have to install if you put in an additional tree for each of the lower trees. But you could have more flexibility under the Alternative Landscape Plan provisions. We've got palm standards in these. And the drawings will be enriched so they show the three palm types, the coconut, the royal and the phoenix, and really distinguish whether it's the gray wood, the clear trunk, and the total height of the palm.

The species mix, with 60 percent of plants being called off this species list that is in the Code in the appendix, and we've expanded the species mix from what you currently have so that at the larger project, the 60 and 80 or more trees, we have more species required. And I think this will, again, give you a far richer array. We've tightened up the allowance. They fit well with the other sections of the Code, provide that credit for existing trees, created a distinction between formal hedges, which we don't want outside the Urban and Suburban tier because we want to encourage more of the informal plantings.

Ground treatment is important and there's some tightening up of the rules and measurements.

Prohibited species would just rely on the separate Section 9.5. And you've listed the other controlled species that really do create planting problems.

We have increased the interior plant requirements and set minimum standards by tier. Again, picking up the differences between the tiers and allowed for landscaping in easements and overlapping easements, which is a very important concern of industry, that you are enabled to get more efficient use of your land by having these overlaps, and allowing for flexibility in spacing. Because sometimes if you're at a uniform spacing,

Florida Power and Light is right there and that's where the tree is supposed to go in, it creates a conflict. So we're fixing these problems. We've got the landscaping around the signs -- if the drawing could be enhanced, you could clearly show this -- but also allow the landscaping to be adjusted if there's a question of sign visibility.

Berms are really intended to be more naturalistic, not formal, straight lines, but meander with natural slopes, drainage and adherence with the Design Principles.

Foundation planting is required everywhere around all sides of the building except in these Traditional Districts, where we're trying to get the buildings right up at the sidewalk, so it makes sense not to require any foundation planting there. And I think that's another cost savings that could be an incentive to go the Traditional Development District route for those that think there's a market.

The buffers. As you've had before, we carry forward these buffer concepts. And the adjustments here are more technical in nature. Right-of-way buffers, we're trying to have more of a meandering, naturalistic look and increase with the planting strips. We want to encourage flowering species clustering so that these windows, which might be up to 40 feet in width, are spaced at least 100 feet apart so that you're not having long expanses of windows clustering at the end. So these additional rules will, I think, create the right mix and strike the right balance.

Incompatibility buffers call for the landscaping along the walls. And these can be used with berms so that you have a combined berm and planting to achieve the screening effect, and you can reduce the width, which makes economic sense if your property is adjacent to someone else that has the same type of buffer required.

Parking lot. Landscaping emphasizes shading so that it's cars with the walkways and shade and the pervious surface requirements vary by tier, with increasing amounts of pervious surface, grass and other kinds of horse material as you're in the Rural and Exurban areas. Parking lot landscaping includes the standards that pretty much are what you now have with the terminal and interior Islands and the perimeter planting.

What has been expanded and beefed-up in this Code are the requirements for installation and maintenance, the pruning standards, the prohibition, the movement of certain percentages of canopy, making sure that the tree attains a 20-foot high canopy before you start the pruning. We don't want the hatracking and we don't want -- we will be adding pruning illustrations with the palm, as well as these trees, so there's no misunderstanding about what the County's expectations are there as well.

Administration allows for inspections both before and after installation and notification with a 30-day time period for correction of violations.

Certificate of compliance would be new; the idea that these are completed by the landscape architect in charge of the project and they be accepted within 30 days if there's no follow-up field inspection. There would also be clear enforcement authority with penalties that the County can impose, with each day being a separate offense.

The appendix, as I mentioned, is going to have this really very extensive, innovated plant list on a CD. And I think the handouts at the table show you a printout of what John's been working on with the County Staff. It would be an Alternative Landscape Planned checklist, which would really show the specific standards of what you could do. It would really be part of a supplemental application.

And we've, lastly, just included just some Florida No. 1 plants, for those who are aware of what those specifications actually mean.

In a nutshell, more landscaping with this Code, but more flexibility in meeting that requirement. So there's a balancing of additional requirements with some cost savings through flexibility and building, modify the heights, 'cause it's a lot less expensive to get

some of the shorter trees from the nursery. It's a stronger, clearer role for the Alternative Landscape Plan, emphasis, again, on the naturalistic planting, implementation of the tier concepts, and really much better integration with Section 9.5 of the Vegetation Preservation Protection.

So we asked these questions as we went through our meetings with the subcommittee and the CTF and I think we generally had positive answers, that the Landscape Plan option provides flexibility. The Design Principles seem to be helpful to those working with the Code. The standards, I think, are going to achieve the effect the Board is looking for and respond to the distinctions that they want to see between the Exurban, Rural, Ag. Reserve and Urban tiers. And if there are any other concerns, we've got at least one industry representative up here from this morning's meeting to confirm that dialogue. And I'm, of course, able to answer any questions you have.

Went a little fast, but I know you're familiar with much of this.

CHAIRMAN BLACKMAN: Thank you, Michael.

I think as far as a format, it would be good to ask the subcommittee members if they have any other things to add to Michael's presentation, based on your deliberations while you were in the subcommittee, and then we'll open it up to the full CTF and then we'll go to the public.

And Rosa was on the subcommittee. Rosa.

MS. DURANDO: Yes. I just want to clear up some matters and state some of my unhappiness.

The most important thing to me, and I raised the issue, the Lake Worth Lagoon Loxahatchee River buffer, 50-foot wide preservation buffer, et cetera. That's not nearly good enough. I was questioned, well, what would you be happy with? And I said, at least a hundred feet.

Now to back me up, I stopped at the Water Management District. And although this quotes DEP and the District, I have the Loxahatchee Plan here -- and that also leaves a lot to be desired -- but very emphatically it says, the corridor area was generally expressed to be the one -- the maximum extent of the flood plain, blah, blah, blah, an area -- a buffer area of 100 feet on each side of the river, or 350 feet on each side of the river measured from the center of the main river channel, whichever is greater. And then it goes on talking about the wetland situation.

That's a flood plain. The whole river is in a flood plain. And 50 feet certainly is not only inadequate for the protection of the river, it's inadequate for the viability of the property person. They will either have flooding -- 'cause this County, it's a three-day, 24-hour storm, and then you're on your own. I don't like that either, but we're not discussing that.

I would say that most of the construction that will come in will be subject to intermittent flooding and I don't want to see any more bulk (ph) heading and back filling. And this is the latest adopted Plan by the district and DEP, official. There are other references in there, but that's the important one. And I failed in subcommittee to change that, mostly because of a quote in here. And that quote is questionable. I don't know where it comes from.

So that's the primary thing. And then I have some other lesser questions. Should I go on to them now or wait for an answer, or what?

CHAIRMAN BLACKMAN: Bruce has a comment, too. And did it relate to Rosa's previous comments?

MR. KALEITA: What page are you on?

MS. DURANDO: Page 23.

MR. KALEITA: I would appreciate it if people would mention the page they're talking about. That helps.

MS. DURANDO: Okay.

CHAIRMAN BLACKMAN: Rosa, why don't you go through your list and then we'll get other subcommittee members.

Bruce, did you have a further question?

MR. KALEITA: I want to study this for a moment.

CHAIRMAN BLACKMAN: Rosa, why don't you go through your list and see if there's anything else.

MS. DURANDO: I think it's great and I want to know when the first subdivision is going to be prosecuted, that there will be no berms in the Ag. Reserve or the Rural tier. Is that for real? That's on page 3, Naturalistic and Tier-Specific Landscaping. I think it's great, but I wish you luck in supporting it legally.

MR. CARPENTER: You must mean there's no berm requirement. I mean, you can't keep somebody from putting in a berm on their own property.

MS. DURANDO: Okay.

MR. CARPENTER: I don't know.

MS. DURANDO: I just had a question. I think it's a great idea, but I was wondering if that's the way it was going to be?

CHAIRMAN BLACKMAN: Anything else, Rosa?

MS. DURANDO: Yes. On page 6, General Provisions, they talk about Exurban Ag. and the different tiers. I would like to know if this refers to large cleared areas that have graded and polo fields and there isn't a tree within 36,000 feet. And that has happened without a permit.

(Bill Whiteford arrives at 2:06 p.m.)

CHAIRMAN BLACKMAN: Page 6 you said?

MS. DURANDO: Page 6, under Plant Quantity Interior Trees, minimum required residential trees. I'm not sure where the Rural tier in the shape of a 10-acre field with no trees left; is that legal?

MR. KALEITA: I'd like to make a comment.

CHAIRMAN BLACKMAN: Yes, Bruce.

MR. KALEITA: I don't think we'd require people to landscape open fields.

CHAIRMAN BLACKMAN: Especially if they're polo fields.

MR. KALEITA: Because we're going to have horses running into trees. And I used to ride horses and I know that hurts.

My view is that we're landscaping built sites with buildings on them, not open fields. And I don't know if I could watch a polo match through a forest.

MS. DURANDO: No, no, not the match. Just in the Rural tier just tracts of land that have been cleared and barns are on them and they're cleared fields with no trees.

I have a second part to that, but I haven't gotten to that.

MR. KALEITA: Well, what's wrong with that? That's what happens.

MS. DURANDO: It's kind of barren and horrible looking.

MR. KALEITA: Well, we didn't think so on my father's horse farm, but I guess there's different tastes.

But we didn't build structures which therefore triggered the requirement for filing a Landscape Plan. And I think that you'll find the reason that it's happening, is because you don't have to file a Landscape Plan in order to create a horse pasture. And I don't think we should start requiring that you file a Landscape Plan with a horse pasture either.

CHAIRMAN BLACKMAN: Rosa, keep working through your list. And Michael's doing a good job of keeping track of these.

MS. DURANDO: The foundation planting. Again, I'm going to bring up in rural

residential areas -- or the Rural tier. Barns can go up without a permit -- page 7.

Now, if there are trailers that house grooms, are any of these edifices subject to any kind of landscaping?

CHAIRMAN BLACKMAN: Do we have an answer for that quickly?

VICE CHAIR SNAPP: Well, the quick answer is, if the groom's quarters are below a certain threshold and below a certain number, then there isn't a permit, because they can pull it under the agricultural exemption. However, when they get over a certain size, which is described in our Code, and they get over a certain number, then -- yeah, I think it's 3 -- then a permit is triggered. And with the permit being triggered, then our inspections and the foundation plantings and all the other rules would apply. But if they get below the agricultural cutoff, it's a State law, and so, yeah, they would slide by.

CHAIRMAN BLACKMAN: Michael.

MR. DYETT: We are thinking of a technical addition to the exemption for bona fide agriculture, which would be, that if significant new agricultural activities -- this is under exemptions, my page 23, it's E -- if significant new activities or the intensity of existing activities are changed or modified that would have a substantial impact on adjacent property within 50 feet of the property, then a perimeter six-foot hedge would be required. So if agriculture does impose an impact, agricultural activities on this neighbor, we were thinking of protecting that neighboring use. And that would be an amendment to E.3.

MS. DURANDO: On page 24, where you have exemptions, you have bona fide agriculture.

MR. DYETT: I was reading that -- we would reword that exemption. So take that out and it would say now, if significant new agricultural activities are established or intensities of these activities increase substantially within 50 feet of the property line and they create a negative impact on adjacent land, then a perimeter six-foot hedge shall be required along the right-of-way and for the loading and staging areas. So we would propose that amendment.

(Joanne Davis arrives at 2:11 p.m.).

CHAIRMAN BLACKMAN: So that would be new wording under E.3 on what is on my page 24?

MR. DYETT: Yes.

CHAIRMAN BLACKMAN: Okay.

MS. DURANDO: Because in another spot you talk about, if construction is not visible from the road, they don't have to buffer.

I don't think that's the case anywhere in this very flat County. That every structure raised on a tract of land that's one and a quarter acres or 10 acres is clearly visible from the road unless it's softened by some landscaping. And I'm not talking Ag. Reserve now. I'm talking a Rural tier.

MR. DYETT: The other area where we did have the exemption, in back of the barns where you couldn't see it or the industrial buildings that are in Industrial Zoning Districts. I think they should be allowed to have the paving up to the rear of the building.

MS. DURANDO: I'm not questioning that. I'm questioning construction in the Rural tier, where it's all either residentially developed or underlying residential.

MR. DYETT: Well, if we can hear the specific areas where we erred, then we'll try to make those technical corrections. We've tried to catch them all as we're going along.

MS. DURANDO: Because all agriculture in the Rural tier has underlying possibilities to be subdivision, and usually adjacent to it is a subdivision or other residential developed land.

MR. DYETT: I think what we've just said would kick any change, any activity, into a

buffering or screening situation, so let's just see if there are other areas. We do want to catch any technical things. But I think in the big picture, I think we have responded to everything we did hear from the subcommittee. We met this morning with several members of the subcommittee.

MS. DURANDO: Other service areas visible from a public street.

CHAIRMAN BLACKMAN: These areas came up today in the subcommittee meeting, these topics.

Rosa, were you at the committee meeting this morning?

MS. DURANDO: No. I thought it was signage. I was told it was signage. And I just couldn't go to two meetings in one day.

CHAIRMAN BLACKMAN: Okay. Well, let's get through your list. We do have a lot of material to go through.

MS. DURANDO: Here's an easy one. On page 11 when you talk about pruning, this I presume does not apply to FP&L, when you see no tree topping or hatracking is prohibited. Is there an automatic exemption for utilities? 'Cause they do some God-awful trimming and I'm sure you'll never stop them.

MR. WHITEFORD: It's on page 61.

MS. DURANDO: Are they exempt?

MR. DYETT: Yes.

MS. DURANDO: I just didn't see it.

Well, the main thing, again, is to buffer for the Loxahatchee River.

CHAIRMAN BLACKMAN: So noted. And Michael has noted it, as you can tell on the screen here, so we'll address that item.

Any other member of the subcommittee wishing to make comments? Bruce.

MR. KALEITA: Yeah, thank you, Rosa, for bringing to my attention -- I think you brought to my attention page 24 of paragraph E.3.

I don't understand paragraph E.3. Are we saying that bona fide agriculture is exempt except that it has to have a perimeter buffer along the roads and for loading and staging? And if we're saying that, that's going to come as a fairly big surprise. I don't know of any farmers that are used to putting ficus hedges along their -- or palm trees and berms along the edges of their farm fields, and I don't want them. Was this in the current Code?

MR. DYETT: This came from State legislation. And we suggested some amended language that would only trigger the buffer requirement if the agricultural activity is increased and causes a new impact on the adjacent use.

MR. KALEITA: Is this in the Code right now?

MR. DYETT: It's in State law, the bona fide agriculture exemption. So we put that bona fide agriculture exemption in and only clarified it in relation to the change in activity within 50 feet that has an effect. So if an agricultural operation puts a new road in, to bring in its equipment, the only requirement that they then have is to put a six-foot hedge in, not a wide buffer. It's just a hedge.

MR. KALEITA: That's not actually what this says, though.

CHAIRMAN BLACKMAN: He has new wording.

MR. DYETT: I'll write this new wording on the screen.

MS. DURANDO: Are you presuming that bona fide agriculture must have had a greenbelt exemption on the property?

MR. DYETT: I'm just working on the definition of the bona fide agriculture under State law.

MR. CARPENTER: You said, if the activity, and you made reference to a road, as far as agricultural activity. What about agricultural activity like a field or plants or -- I mean, I'm

not exactly sure what the line is on agricultural activity.

MR. WHITEFORD: While Michael is typing that, maybe I can just talk a little bit and give you a little bit of background.

Bruce asked a question, and right now the Code currently does exempt bona fide agricultural uses from the Landscape Code, period.

What's being brought up now is whether or not certain structures, certain uses within certain distance of a right-of-way, should be screened from view.

When I look at E.3 on page 24, what it really says to me is that, loading and staging areas within 50 foot should be screened. And if that's what it's supposed to say, that's what it should say.

Now, if we're also talking about -- you know, I heard foundation plantings and barns. Well, no, foundation planting is not required for barns. A barn is a bona fide agricultural structure. There is no permit. There is no landscaping required for it. It's exempt.

But if there are certain activities you want to see landscaped, it's important for that to come to our attention. Because right now the way we address it in the Code is two ways: Certain uses have certain landscape requirements and they're called out in supplemental standards in the Code, nurseries being an example; the other is, if a use is of the intensity that would trigger DRC review, the DRC has some authority to address incompatibilities and the ability to require certain types of buffers, for example, the Magna Train Facility. The Magna Train Facility is a huge facility. It came through just DRC. No public hearing. There wasn't anything whatsoever. The DRC did require the landscape buffers and the incompatibility buffers along those property lines between it and a PUD and some landscaping elsewhere around the property. But that's how we currently address it.

Honestly, I don't know that we need to address it any more thoroughly than that. I can tell you also that a hedge is a hedge and what's it going to do other than hide a view. It's not going to do much to protect from dust or noise or smells or anything else. But I will also say that hedges are one of those type of things that we were trying to get away from in the Rural tier, because it's more of a manicured look. Some of the direction we've been receiving is to go more with shrubs, something more naturalistic, to get away from the hedge appearance.

MS. DURANDO: So what would you have? You don't want a concrete wall.

MR. WHITEFORD: I don't think you need anything.

MS. DURANDO: You wouldn't have anything?

MR. WHITEFORD: I think we've already taken care of it.

MS. DURANDO: Compared to what?

CHAIRMAN BLACKMAN: David, did that help answer your question or yours was a little different?

MR. CARPENTER: I guess I saw your increase in activity. I'm not sure where that is you typed.

MR. DYETT: The intensities of these activities.

Let's say you're doing -- you have a certain citrus operation and you want to bring a packing operation into it and start trucking or putting in a drive-in and a new packing facility.

MR. CARPENTER: I understand that example.

But, I mean, if you had orange trees there and you let cows in the field, that's an increase in activity. If you put container materials, just say, along that area --

CHAIRMAN BLACKMAN: It's important we have just one conversation going on here and right now Dave has the floor.

Dave, continue, sir.

MR. DYETT: We were only trying at this morning's meeting to respond to a situation, were there any examples in the bona fide agricultural areas where an adverse impact might occur on an adjacent residential property? And we were trying to describe one that might occur. And this was where we were this morning in the language, to look at significant new, or maybe we have, or substantial or are substantially increased.

MR. CARPENTER: Could that increase in activity be, could you say, related to structures or vehicles?

MR. DYETT: Are intensities of these activities related to structures or the vehicles?

MR. KALEITA: Well, hold on. I don't know that we should draft it right now. I've got a suggestion.

CHAIRMAN BLACKMAN: And what is that, Bruce?

MR. KALEITA: It seems to me -- I grew up in a farming community and I'm not offended by farming. I don't know what a significant new agricultural activity is. But as far as I'm concerned, it could be the arrival of six new sows, where you previously only had four.

And my view is that we should be landscaping structures. And therefore I'd like to suggest that we -- the exemption simply state, that if loading or staging areas are constructed or created within 50 feet of a road right-of-way, then they shall be buffered from the road right-of-way.

But if you're going to tell me that we can depend upon County Staff to recognize a significant new agricultural activity, I'm going to tell you that I don't think we can.

MR. WHITEFORD: And I'll agree that we can't. Agricultural activities, I mean, many of them don't get permits. They're permitted uses. They don't get permits. They don't come under our review. We have absolutely no idea when they're being added to.

I still would like to go back to the suggestion I made earlier and what we've been chatting about over here, is that, if there are specific uses in the ag. area, you go through the matrix and you identify them, that you want to see the specific elements screened or that type of thing screened, a packing plant, the nurseries, whatever it may be. We can address that through the supplemental regs. specifically for those uses. But everything across the board, there's no way.

CHAIRMAN BLACKMAN: Again, I think it's a good idea to bring out general ideas and concerns that we have on this topic. We have people from the public, too, that I'm sure wish to have input.

MS. DURANDO: The original concern was not like a farming arrangement that was referred to. We're talking 300 acres with almost 3,000 horses. We're talking about, to put it nicely, a manure problem. We're talking about a lot of smell, a lot of flies, and a problem with getting rid of 36 tons of manure almost daily. And if you don't screen that -- unfortunately you call that agriculture. I would prefer it was not. But what's happening in Wellington and the Magna Group on Lyons Road and potentially Heritage Farms, it can happen anywhere. The horses are a money thing right now. But I wish they were called entertainment or recreation, but unfortunately they're called agriculture. This is not road cropping, raising corn. It's not a pig in the backyard. It's thousands of horses in this County.

CHAIRMAN BLACKMAN: We understand.

D.J.

VICE CHAIR SNAPP: Some of what I was going to say has already been hit by Bruce and Bill.

But in general, with things like substantial, words like that, or new activities or increase, we try to stay away from stuff like that. Our approach has always been to define

things as finitely as possible and not have anything that is open to interpretation by someone, because then you have a problem with one individual interpreting it one way and the next interpreting it another. So I think that's probably a big reason you heard the kind of backlash that you just heard, because we don't like things like that because they're not definitive.

And to follow up on that, I agree with Bill and Bruce, in that, I don't think this is broken. And like the example you gave of an orange grove adding a packing plant or a citrus processing plant or whatever else, those kind of activities already get caught in our umbrella and those structures -- then we pick up all this. And we went through extensively when we did the Nursery Code and stuff, the revisions recently, where there's activities for staging and loading areas. We've already put in for buffering, depending on where the drive is located. There might be buffering required in addition to the drive or to even storage areas; like if you have walls that you have sand or mulch or whatever else that's being stored there, then there's landscaping and buffering requirements, so there's authority in the Code. I think we can catch them under that.

CHAIRMAN BLACKMAN: Any other comments, generally, on the Landscape Article?

Yes, Frank.

MR. PALEN: I wanted to focus on page 63 and 64, Administrative Provisions. I guess particularly on page 64 under enforcement, notification of violation. Once there's a notice of violation, then the Code Enforcement Officer can extend a 30-day time period as necessary -- or when necessary.

I think that's awfully broad discretion to give to a field officer. That's one question that I have.

MR. DYETT: It's qualified in relation to acts of nature, hurricanes and drought. And you certainly have storm situations and that was what we were thinking about, when the storm has just created a situation where you couldn't do the remedial work and bring it up to standard.

Lenny has an observation.

MR. BERGER: I was going to recommend that a lot of this can be folded into the existing Code Enforcement Section. And, frankly, what has always gone on here, is that, the Code inspector generally does give an amount of time to comply based on what the inspector thinks is needed to comply under the circumstances. If it's getting a fence permit, that's one thing. If it's rebuilding your house, it's something else again. But like I say, that's in there.

The only things we might want to have in here, because it is a little different from the garden variety -- sorry -- from the normal kind of Code Enforcement situation is the -- is what is O.3, that deals with violations. That talks about how each tree is a distinct violation or each day that landscaping is in place is a distinct violation.

That might not be so plain in the general Code Enforcement Statute. But a lot of the stuff of the fines and additional sanctions and review board, I think all of that can just be folded into a simple reference to the Code Enforcement Section.

MR. DYETT: We had that and we were asked to put this in. So I think yours is a good idea.

MR. PALEN: What it suggested to me was that the fines would begin to be imposed by the administrative officer prior to it being presented to the Code Enforcement Board, is the way this thing's suppose to be drafted --

MR. BERGER: Actually, the way it's worked, in the landscaping arena today, chopping down -- what are they? -- specimen trees, that's already seen in some cases as

irreparable harm, you pay a big, fat fine anyway. Again, that's already in the Code.

MR. PALEN: Well, I understand the Code would say from the date of violation would run --

MR. BERGER: But it would be from the Special Master. It's not administrative.

MR. PALEN: All right.

CHAIRMAN BLACKMAN: Anyone else have general comments on this Article, Landscaping?

Yeah, D.J.

VICE CHAIR SNAPP: I have a couple related to the buffering. You slid by something in your presentation that I wasn't clear on.

CHAIRMAN BLACKMAN: What page was this on?

VICE CHAIR SNAPP: I don't know. I was following when he was doing the slide presentation.

And you were talking about clustering and minimum 40-foot separation in the clustering. Under what circumstances was that?

CHAIRMAN BLACKMAN: Might be on page 36.

MR. DYETT: The idea we had with the subcommittee this morning is that, we want to --

VICE CHAIR SNAPP: Which buffering is it?

MR. DYETT: This is the perimeter right-of-way buffering.

And we're -- one new idea is, you allow the cluster. Second new idea is that, you don't want to cluster so much that you're creating a large window, if you will, that shows your beautiful buildings and not meeting the right-of-way buffering requirement, so the width of the window that could be created by the clustering. So it's limited to 40 feet.

And the second standard is that these windows have to be at least 100 feet apart. So you couldn't get around it by having a little window and a little cluster and then another window, to enable you to get views of your buildings.

And that was -- the intent is to offer the flexibility of clustering, subject to these two limits; the 40-foot width of the window itself and the spacing between the windows of 100 feet.

CHAIRMAN BLACKMAN: Okay.

VICE CHAIR SNAPP: The reason I picked up on that -- and I have several buffering questions to ask you -- is, I have no qualms with that in a residential situation. I'm thinking about in a commercial situation, particularly in retail. I don't think it's important in office, but in retail -- I mean, right now you've got 30 foot on center between these trees. If you're going to cluster them and your minimum is 40, you only picked up 10 feet; you haven't even picked anything up. But if you can't do it for another 100 feet, then you've actually accomplished nothing.

And the reason to cluster would be to have these nice landscape sections that would be esthetically pleasing and at the same time create these windows of -- view windows, which are important in retail, for people to be able to see where they're going and where those people are. And especially when we're looking at reducing signs and sign setbacks and so forth, it's even harder to find places. I find that a little overly restrictive.

MR. DYETT: Mr. Snapp, that's exactly the role of the Alternative Landscape Plan, which is why on page 8 -- or my Table 8, that summarizes what can be varied. You have a yes here that would apply, I believe, then to the color and clustering, et cetera.

VICE CHAIR SNAPP: But I don't know what that yes means. It's a possibility for something to happen, I don't know.

MR. DYETT: It means the Alternative Landscape Plan can vary or adjust that

standard in the context of an overall. So what the Code is doing is setting up some specific standards and then saying, if you come in with --

VICE CHAIR SNAPP: So if I come in and I show them why this will work and he says, okay, I like your Alternative Landscape Plan, then I can run with it; is that what you're saying?

MR. DYETT: Yep.

VICE CHAIR SNAPP: Then you've satisfied me on that.

CHAIRMAN BLACKMAN: And that is essentially providing the flexibility that people are looking for, saying that -- almost like establishing a Planned Development District for landscaping -- that if you increase the size and quality of species and that sort of thing, they would accept that possibly as an alternative.

MR. DYETT: Exactly. And the basic standard is a starting point for the review and approval process.

VICE CHAIR SNAPP: That satisfies my question.

On page 9, and this would be on walls and fences. We put the walls and fences up to buffer the property from incompatible uses and to not impose on our neighbors.

We used to put those walls and fences on the property line and then we moved it to five feet inside the property line and now we say the landscaping goes on the outside of the wall or fence.

One of the things that I've seen over the past three years is a lot of the residents that you're backing up on would rather have that wall on the property line, because it affords them a certain amount of privacy and security that they don't get when you put it off the property line. They, in essence, get a free fence that's six-foot high and substantial in construction.

And my suggestion would be to have a provision that you could put that on the property line if it's desired by your neighbor, as opposed to having it 75 feet in, in which case then you put the landscaping on your side of the wall or fence as opposed to the other side because you got to maintain it.

MR. WHITEFORD: The fence setback for five feet is only required along a right-of-way. The intent being that the setback is only required if the wall is adjacent to the street, such as the entry to the front property.

VICE CHAIR SNAPP: Well, that's in this particular section we're talking about right-of-way here.

MR. WHITEFORD: Right.

VICE CHAIR SNAPP: But right now, if you look at our incompatibility buffer, our walls are required to be five foot off the property line whether we're butting residential or commercial or industrial or abutting residential. And I know that I've run into frequently the people that have those neighbors that have said, hey, we don't want that wall here; we want it on the property line. And you can't put it there under today's Code. You used to, but you can't today.

MR. WHITEFORD: Again, that gets back to, who should get the benefit of the buffer, the new project or --

VICE CHAIR SNAPP: I'm just saying, have a provision that if the property owner request it be on the line, 'cause they're the one we're protecting, not the petitioner, the neighbor, okay -- you're my neighbor. I'm building a shopping center next to your residential property. If you want that wall or fence on your property line and you write a letter to the County that says, I would prefer it there, today we have no provision to put it there. And that's the person we're trying to protect. It seems reasonable to me that we should afford them the ability to be protected the way they want.

MR. DYETT: I think that's a reasonable option.

VICE CHAIR SNAPP: I'm just saying; let's have that as an option, not a requirement, as an option. The Code can still say, you're required to go five feet, unless the adjacent property owner request it to be on the property line.

I got a couple more. One is, when the right-of-way buffering or the landscape buffering is adjacent to the easements. We used to have a provision to have a five-foot overhang into the easement area and now we're getting rid of that?

MR. DYETT: No.

VICE CHAIR SNAPP: I thought it said, no, you couldn't overhang the five feet.

MR. DYETT: No. I believe you can.

MR. CARPENTER: The top of page 7.

VICE CHAIR SNAPP: All right. We didn't eliminate that. He's got a separate issue on that.

The last thing I've got is on in-fill. It's not on a page.

The future of this County, in terms of growth and development, I think is in-fill. And I think, those of us that are staying, hope that that's where it's going to go and they're not going to continue to eat up all the land, that we're going to go back and fill in.

I think -- I didn't see it in here if it's in here, but to me there should be some provision for a relaxation of the provisions and requirements on in-fill, so that you would encourage people to go and develop in these places where the infrastructure already exists, and for redevelopment and so forth, and so that there might be some kind of provisions for in-fill to have a reduced right-of-way buffer, just like reduced parking requirements, or some trade-offs with increased landscaping for height or whatever else it might be. If that is the future, which I believe it is, is in-fill, then we ought to have some kind of provision to encourage that. And that would require some kind of relaxation, whether it's like alternative betterment landscaping or whatever, but it should be --

MR. DYETT: I think it's in there, both in the initial 10 Design Principles, which talk about the Urban Suburban tier, and specifically in the Alternative Landscape Plan, which allows use of these.

We specifically, for the Traditional Development Districts, exempt certain things. We'll take a fresh look to see if we need to add additional language, but I believe everything you want can be done.

CHAIRMAN BLACKMAN: In one of our previous meetings, D.J., you put forth a motion and we agreed to have Staff look at our nonconforming section and I think it can be addressed there. Look into that.

Any other questions?

MR. MACGILLIS: Just to let you know, the Planning Division is currently working on in-fill study. We're going to be coming back next year at the end of this year to start working on the regulations for the in-fill. At that time we wanted to come back in and address the Landscape Code for the in-fill lots, bring back this Code probably next year when we do the entire -- and like Wes is saying, there is provisions in Article 1 that talks about the nonconforming --

VICE CHAIR SNAPP: When you do that, are you going to also count redevelopment in the Urban tier the same way or are you going to look at that as separate -- in terms of in-fill development? Are you going to recognize an area --

MR. MACGILLIS: That's what the study is going to do. The study right now, we don't know if it's going to be corridors or actually the areas that the Planning Division's already recognized. We did have an in-fill team that met last year and that's -- it came down to we realized we needed to study them first before we could actually determine where the areas

would be.

VICE CHAIR SNAPP: Thanks.

CHAIRMAN BLACKMAN: Any other comments on Landscaping before we go to the public?

Yeah, David.

MR. CARPENTER: Just picking up on the redevelopment. And I think -- and you and I have had conversations about this because you're on the commission down in Lake Worth and I've been on the commission in West Palm, where the major projects that you get in are mostly redevelopment, where the City's figured out ways to work with property owners to get them to upgrade property where they can't meet requirements. And I think that's an area that -- you know, I think everybody is willing to recognize that the County's Code is written for a blank piece of property. And when you get into redevelopment, there's a lot of problems. And I think that's where we need to concentrate if that's where we're wanting -- seems like we're pointing people to go to the east of 95 because of the traffic credit that we're giving them over there and also everything else. So we need to figure out something to accommodate redevelopment or to be a little more flexible I would say.

I got a question on the foundation planting on page 7. It's on page 7. And then it's further back in the text on page 33. It's requiring five feet around the total perimeter for all nonresidential structures.

I think some places, like in the rear of the buildings, I'm not sure that planting should be required in the rear of the buildings, foundation planting, because those are typically delivery areas. If those areas are used for parking, I can agree with it, for public parking. But if it's not a parking area, if it's a delivery area, I don't agree with putting foundation planting.

MR. DYETT: We can add that on the exemptions.

MR. CARPENTER: And looking under your exemptions on page 33, agricultural or industrial buildings not visible from a public street or residential zoning district.

Generally industrial buildings are back in an area where -- I mean, there may be a road going in front or something like that, but I don't know the viability of requiring landscaping totally around industrial buildings, especially when most of them are designed for vehicular traffic and not accommodating pedestrian traffic. Because by nature, the industrial structures are --

MR. DYETT: I've written a lot of industrial zoning district regulations. And I think, particularly if the industrial building's within 20 or 30 feet of the front property line, it is like their front yard. And most of the manufacturers, industrial operators, recognize a little foundation planting around their front doors is appropriate.

MR. CARPENTER: The front facing the street.

MR. DYETT: Right. And that's really the thrust. And the idea is really not to have it in the rear where they're having their activities and --

MR. CARPENTER: What about on the sides?

MR. DYETT: Well, that's a judgemental issue. The subcommittee seemed -- the Staff seemed interested in sort of wrapping that around.

But the minimum, I think, it is appropriate to have the front landscaping in the industrial buildings in the Industrial Districts. And where they're on the edge, if the industrial building is on the edge of the Industrial District and faces a Residential Commercial District, then you'd wrap it around the edges, because those can be seen from these other districts.

But when you're in the interior, still though keep the landscaping because amenities

are just part of the -- you know, what is Palm Beach style and character. I think that most of your operator's would be willing -- the boss comes in to work and he would like to see some plants on the other side of the front walkway. I've never had people complain about that requirement in front of the building.

CHAIRMAN BLACKMAN: Bill, is this something that could be addressed in the supplemental regulations for different uses?

MR. WHITEFORD: Well, let me just tell you the way it's currently done and what the Code currently says.

Foundation plantings right now are required around 40 percent of your frontage or your sides. But it's being recommended, bumping it up to 50 and including the rear facade as well. It's not 100 percent around the whole building. It's just 50 percent of each facade. That's clarification, number 1.

The second is the exemptions. Exemption A.1, agricultural and industrial buildings, it's a good exemption, from the aspect that it's also the same exemption that we use for the agricultural guidelines, so at least it's consistent in that manner. That if we don't require those types of structures -- they're obviously required by the agricultural guidelines -- why would it need this supplemental standard as well for foundation planting? And that was one of the things we compromised in creating consistent regulation in the Code.

MR. CARPENTER: I see under foundation planting on page 7 it says, may relocate portions of square footage to other facades.

Can that be done as a standard practice without a separate --

MR. WHITEFORD: What that means to me is that, if you had some foundation planting, the 50 percent that may be required around your rear facade, if you didn't want to put it there, that maybe you would bump it to the sides where you would have, instead of the Code required 50, you'd have 100; you could juggle it around.

MR. CARPENTER: Can you do that without going through the Landscape Betterment Plan or --

MR. DYETT: Yes.

MR. CARPENTER: -- Alternative Landscape Plan process? Is that a standard?

MR. DYETT: Yes. We do have certain standard rules on the heights. I think the idea was, there were certain standard changes that could be done without going through the ALP. The ALP is where you want something in addition.

MR. WHITEFORD: What I would say then, is to add that language to page 32 -- or 33, just stick it right there, you know, accompany it with the actual regulation, so that it's right there. Here's what the Code says. Here's what's typical. And then, oh, by the way, here's some flexibility, and just codify it that way. Don't mix it in or get it confused with the Alternative Landscape Plan guidelines and flexibility.

MR. CARPENTER: So then if I had a 100-foot building and I had 50 feet of landscaping required in the rear, I could move the 50 feet to the sides and front or distribute it just as under general practice.

MR. WHITEFORD: Correct.

CHAIRMAN BLACKMAN: D.J., do you have something?

VICE CHAIR SNAPP: The problem that I see with this is that, like when you were describing before about the guy coming in and having all the landscaping in the front and people taking care of it. That's true in a business park. Like if you go to Motorola or Pratt Whitney or something like that, you're going to see that nice landscaping package and those places look great.

One of the predominate uses that we have is small use industrial buildings and they are ratty looking. And if -- they have no perimeter landscaping, they have no nothing. We

need to do something about it.

The concern I have about foundation planting was that type of a building. If you take a mini warehouse or you take a regular warehouse, and let's just take a 20-foot wide bay. You've got 12 foot and an overhead door. You can't plant in front of that. You got a three-foot door for pedestrian entrance and exit. You can't plant in front of that. You got 15 feet out of your 20 feet that's gone right there. And then you got your access or sidewalk or whatever. So in the front of the building it's very difficult to have any landscaping if you've got a bunch of open bays.

And so I would have no qualms about saying, okay, you take this -- you keep the number of plants in the plan, but move them to the perimeter. That's where I think you need the landscaping anyway, is on the perimeter, buffering the highway and buffering your neighbors. And even if you plant it up next to those buildings, they run over it with the delivery trucks and everything else and it doesn't live, it doesn't last. Same thing with landscaping in an industrial park is a waste of time, because the curbing's going to get busted by the trucks hitting it and everything else.

So I'm not opposed to saying, okay -- I don't want a reduced number of plants, but let's just say, okay, let's give you the option to move it out off of the building and out on the perimeter of the property where it's going to live and be functional.

MR. WHITEFORD: I can tell you we're having great success with foundation planting, to be honest. It really has worked out well. It's been a great concept. It's a marginal standard in the Code that actually has had a significant impact on landscaping in the County and actually the way designers are now designing buildings, with their entrances, their entry features, their architectural sidewalks.

Moving it out to the perimeter --

VICE CHAIR SNAPP: I'm only talking about an industrial building. Mini warehouse, where are you going to put it?

MR. WHITEFORD: The one thing I would say about some uses is, if you have your building and it's adjacent to your landscape buffer, do you need to have both the foundation planting and the landscape buffer? Maybe that's an area where you'd want to say, either move it around, based upon that flexibility we're talking about, or perhaps it's not necessary.

But we've had some mini warehouses where it's worked out terrific. We've actually taken some very barren walls and right now the 40 percent Code -- provision in the Code, bumped it up to 50, has dressed up what otherwise would have been a very bleak, ugly facade, other than the minor things that would have been required from the agricultural guidelines. I mean, really embellishes quite a few buildings.

MR. DYETT: I think the short answer is, is if we added here, on my page 7, if you relocate to other portions of the facade, or to a perimeter buffer, that would give you an option to do this with the ALP. So why don't we just put that in as an option.

MR. CARPENTER: What Bill just said, you wouldn't need the Alternative Landscape Plan if you're reshifting it on the foundation planting.

MR. DYETT: But if you wanted to go to the buffer, then I think you should do that in the context of an ALP.

MR. WHITEFORD: I think at that point you basically just shafted the whole purpose and intent of the foundation planting, is the point I was trying to make. I don't think that's something we should allow. We really want to keep the foundation planting where it's suppose to be. Because if you put it someplace else, you kind of ruin the whole idea. That was the point I was trying to make.

CHAIRMAN BLACKMAN: Well, we seem to have a difference of opinion here. And

we are going to have differences of opinion. As we've discussed in our subcommittee, there are going to be times when the subcommittee thinks one thing and the consultant thinks another and the Staff thinks another and the CTF may think completely different. But at least we have talked about this; we know the issues and the CTF can act.

Dave.

MR. CARPENTER: I got one more thing. On page 10, Terminal Islands. Okay, right now we have -- we've gone to the 8-foot terminal island, which is -- it's actually 9 feet if you count the curb and 12 feet with the sidewalk. I mean, the only problem I have, I don't see why we would need to reduce the ground area -- or increase the ground area in the terminal island because there's a sidewalk going through it. If we -- and the same thing with the utilities.

You know, working with plans right now with a lot of the increase buffers and facade planting and so forth, it's tough to get your building and your required parking on there. And with things like this coming in and increasing the size of the terminal islands possibly double, I think that's pretty tough. I mean, if we got an 8-foot landscape island out there and put a tree and hedge in there, I can still get the tree and the hedge and run the sidewalk through there, in the 8-foot island. I'm just saying. And then 16 feet with the utilities.

Generally when you're doing the plans, say if you're going through zoning or whatever, you don't know where the engineer is going to eventually locate water and sewer improvements or other things that require easements. But they don't preclude a tree, again, being in that landscape island.

But I think that's a big -- that's a big thing there. It doesn't look like much.

CHAIRMAN BLACKMAN: Michael, do you have a response?

MR. DYETT: The intent is to provide enough open dirt for the plant materials to thrive. And it is probably technically true that you could have the sidewalk running through, but you are reducing the amount of land where the earth would be directly exposed to the air.

MR. CARPENTER: You're reducing the permeable area. You still have your minimum permeable requirement that's overriding --

MR. DYETT: I understand. And I guess part of my response, I would double-check this, is that I think there's a negotiation on what are the types of trees that you'd be putting in and what kind of ground material are you providing, how's your landscape system work, so that there'd be an assurance that the plant materials would be able to thrive within that reduced cut. Because what we're trying to do is have these planting -- have sufficient area for uncompacted dirt so that you can establish and maintain the plant materials.

MR. CARPENTER: Well, four feet wouldn't be any problem.

MR. DYETT: I think that what -- the short answer is on page 9. We are allowing these standards to be negotiated through the Alternative Landscape Plan concept. So there again is a mechanism where the landscape professional can come in and work with the engineers and with the department. So that's why I come back to the role of that first five-page table with the yeses on the far right-hand column.

But the origin of the increased standard was to say, as you're putting in this wall, this unimpacted earth where you're providing the fertilizer and the water and everything else to maintain the plant, that you want to maintain that surface. And if you're putting in a six-foot sidewalk -- but let's say you happen to -- you have four feet, then you still only have four feet left, so it's a significant reduction. And even the terminal -- the diamonds that we have, our diamonds were about five feet by five feet.

MR. CARPENTER: I'm not talking about a diamond. I'm just talking about the island.

MR. DYETT: Right. But you're getting the width down. When you've got the sidewalk in, you're getting the width of the dirt down to four feet and Staff had some concerns about

this from a technical perspective.

MR. CARPENTER: That's plenty of room.

MR. WHITEFORD: The Code currently says that you have the eight foot clear measured from the inside edge of the curb to the other inside edge of the curb. But the problem that we've seen -- I'm not really sure it needs to be even addressed in the Code. I think it's already addressed. This just simply clarifies it -- is that what we've been noticing in the terminal islands closest to the front facade of a building, frequently we've been seeing people put in either ADA accessibility routes or sidewalks through those terminal islands and reducing that planting area from 8 feet to 4 feet. And it's been a problem obviously and we've had to have people to redesign projects to a significant extent and that sort of thing. It's not really something that needs to be addressed if this language changes, because the Code already says that. I think what it brings out or highlights the fact, that if you're going to put a sidewalk in a terminal island, you got to keep that eight feet. That's supposed to be there for the landscaping and therefore it goes from 8 to 12.

MR. FISH: How about a compromise; we can accept the 12 feet, but I don't see why you need 16 feet for utilities. That makes no sense.

MR. WHITEFORD: Is that the fire hydrant? That's the other problem we've been having in some terminal islands, where the utility guys -- we had a problem basically with lights and fire hydrants. Lights aren't a problem. We've been working around those. But the fire hydrants is what's been killing us. Because the guys see that great big terminal island and they want to put a fire hydrant in it and the next thing you know, you can't put the required tree. So what we're saying is, we want to make sure that we can accommodate both. So if you're going to put a hydrant there, you got to put it on a little bit bigger island to accommodate the hydrant and the tree.

CHAIRMAN BLACKMAN: Utilities is more inclusive than just one hydrant.

MR. FISH: That's the issue I have. If the island has a fire hydrant in it and you're not going to be able to plant a tree because there's not enough landscape room there, that's one issue. But every island that has any utilities under it, that's another issue.

MR. DYETT: I think we could work these --

MR. WHITEFORD: There may be a couple little things. But you're right, it's not every utility.

MR. FISH: Because you have surfaces going under all kinds of Islands. You could use that as an issue to say, that's a utility, I don't want them to have that issue.

CHAIRMAN BLACKMAN: Michael.

MR. DYETT: I think we're fine.

MR. CARPENTER: This 16 feet, I think that should be out.

MR. DYETT: That's what we just agreed; we'd only keep it in for the fire hydrant.

MR. WHITEFORD: Like I said, there may be some transformers involved and things like that. We're going to have to identify what it is that's been causing us some problems. But the idea is to accommodate both. That's the idea.

CHAIRMAN BLACKMAN: Wayne, you had something else?

MR. FISH: Yeah, I do.

On the issue about the easements overlapping the buffer by five feet, that's a great tool that's been allowed by the County and it's appreciated. But on projects, especially it could happen on in-fill projects, if you had to re-plat, if you're on a major right-of-way, you provide a 25-foot buffer.

Back in the mid '90's, early mid '90's, it was changed from an easement to a tract, which now makes the setback from the right-of-way an additional -- say it's a 25-foot buffer, then you have a 25-foot front setback. Now you got a 50-foot setback effectively.

And if you have to have a 10-foot utility easement, you got a 60- or a 55-foot setback. I think it would be -- to use the ALP to reduce the buffer to 20 feet and let them have a 10-foot utility easement and plant five feet on that utility easement might still work.

MR. WHITEFORD: Now you're getting a little bit of history. The PUD buffer was 25 feet at one time all the way around the PUD. The current buffer requirements -- this is actually in the ULDC since '92 -- are done a little bit differently.

You have a right-of-way buffer, which is actually maxed out at 20 feet, not 25, and then the buffers around the remainder of the project depend upon the incompatibility of that buffer with the adjacent surrounding uses. So if you actually have a single family residential pod next to another single family residential pod, by Code, it's off-site -- adjacent project, there may not be a buffer required at all. But we do see developers put them in and whatnot.

I think that to partially address your issue, again, you go back to look at a little bit of history. The setbacks have always been measured from the inside edge of that buffer. They may not have been in the '70's -- I'd have to go back and verify that -- but for quite sometime the buffers have been measured from the inside edge -- or the setbacks have been measured from the inside edge of that buffer. It is true that it was only in the last few years, six or so, that we changed the Code requirement from an easement to a tract. And there's some problems with that, because what was happening is that we were seeing the landscaping buffers as easements being platted as part of people's backyards and that type of thing and there was a lot of confusion, them thinking they had the ability to use it for pools and swing sets and maintenance became a problem, so it was changed to tracts for PUD's only, actually, so that it would be under the control of an HOA. For a commercial project, we still allow those buffers to be platted as easements.

MR. FISH: That's true. But it's still somewhat of a -- by changing from the tract -- from an easement to a tract. But I'm just asking for five feet of relief in certain cases where you might have an in-fill situation and you only have so much depth.

MR. WHITEFORD: And I think in the in-fill situations we probably will have some flexibility. But as John mentioned earlier, those in-fill situations are to be determined. But right now the buffers have actually gotten reduced in the current Code from the way they were once upon a time. It's no longer the 25 feet all the way around. The right-of-way buffer actually has been reduced in width previously. There's no change being proposed in this Code.

The setbacks have always been measured from the inside edge. Way back maybe they weren't, like the '70's, but for the last at least 15 years they've been measured from the inside edge.

MR. FISH: I think we should consider the modification or some relief there for places where there's not enough depth, or that's going to come up and you're not going to be able to build the project because -- I'm not trying to get out of the buffer. That's fine.

CHAIRMAN BLACKMAN: We've noted that. Anything else, Wayne?

MR. FISH: That's it.

CHAIRMAN BLACKMAN: D.J.

VICE CHAIR SNAPP: That just made me think of something else.

On zero lot lines we allow one and a half foot overhang for eaves into the adjacent lot when you build on the lot line. But when your lot abuts a tract or it abuts an easement, which may be underground drainage easement or drain pipes going through, right now you can't overhang that. And since we're redoing this Code, that would make sense to me. Otherwise, you have to take the zero lot line and offset your building one and a half feet in your lot, so it's no longer a zero lot line.

MR. DYETT: I think that's something, though, that would be picked up in the residential standard. But I'll make a note of it.

VICE CHAIR SNAPP: That's the one I just thought of.

The other thing is this, with water being a limited resource and getting worse every day in that respect, I notice on page 11 that we've got 100 percent irrigation requirement in all landscape areas. And I would like to see us, if we've got 100 percent native vegetation, we've got zero scape or whatever, that we can avoid putting landscape -- I mean, irrigation in those landscaping areas and not having to water the mulch and the palm tree and whatever else that might be native in that area. I'd like to see us do that as a water conservation effort. We've got some other provision I saw where the landscaping architect was certified. Maybe they could certify that it's 100 percent native and doesn't require.

MR. DYETT: Let me see what we can do.

CHAIRMAN BLACKMAN: Anything else?

Yes, Ron.

MR. LAST: I sat on the subcommittee for the landscape and a couple of the items on the details, from an engineering statement, specifically the detail on Sheet 32, the figure 7.3-6A, it shows the 18-foot buffer and it shows a two-foot swale adjacent to the perimeter of the property. I'm not sure why there's a two-foot dimension there and how they're coming up with that. I mean, that should be, I believe, an engineering calculation, not based on type of soil, run-off area and conveyance. But specific to that it shows a three-foot high berm through that dotted line there and a 3 to 1 would be up 9 feet, down 9 feet, 18 feet. It's showing an 18-foot buffer across, including that two-foot swale area.

MR. DYETT: We're going to be fixing that. We've got a drawing that Engineering's going to give us.

MR. LAST: Okay. And I apologize that I did miss last week. Did we discuss right-of-way details last week and the cross-section that you had or is that part of this?

MS. CARLSON: No, we did not discuss those last week in any detail.

MR. LAST: Is that part of this discussion?

MS. CARLSON: You can bring up comments today if you want or when we do them again in April.

MR. LAST: At the subcommittee we could not agree on those. A lot of the details did not add up. And a lot of the sections seem to have some problems with those.

MR. DYETT: We realize that and we're working on them.

MR. CARPENTER: I've got one more question.

CHAIRMAN BLACKMAN: Yes, Dave.

MR. CARPENTER: I guess we're requiring the swale section as part of the berm now to keep the drainage from running off site. Is that the purpose of the two-foot swale, to keep it from -- is that -- currently in our Code we have language where drainage cannot be included in landscape buffers. Is this conflicting with that or is this the swale outside of the landscape section?

MR. MACGILLIS: It's to recognize, when you do your Land Development Plan, if you're going to incorporate a berm into the final plan, that you need to accommodate the run-off -- Ron's saying whether that's two feet or six feet or --

MR. CARPENTER: I guess what I'm asking; can the swale be in the landscape section?

MR. MACGILLIS: As long as you still maintain the width of the buffer.

MR. CARPENTER: Or does that conflict with the drainage language?

MR. MACGILLIS: As long as you're still maintaining the width to accommodate the plants, you can have it in there.

VICE CHAIR SNAPP: Is that what's meant on page 7 where it says, berms, drainage, the end of the berm section in the center of the page? Right now it says, berms, and then the bottom line under berms is drainage. Then it says, under the current Code there's no requirement. And under the proposed it says, must be contained on the property. Is that what we're talking about?

MR. MACGILLIS: Certainly there's nothing in the Code now. When the landscape inspectors do this, often they're reviewing landscape plans that no one's accommodated. They got all the civil drawings done and the landscape comes in the last thing. And all of a sudden no one's accommodated berms on the property and all of a sudden the landscape architect's responsible; if you're going to have this berm there, where is the water coming from? And we're recognizing in here, we're letting them know up front, if you're going to have a berm, work it with the civil engineer to accommodate the drainage on your property and not have it run off on somebody else's.

MS. DURANDO: Or the road.

MR. CARPENTER: So, again, that berm can be in like the 20-foot right-of-way buffer -- the swale can be in the 20-foot right-of-way buffer?

MR. MACGILLIS: Yes.

MR. CARPENTER: Okay.

CHAIRMAN BLACKMAN: Anything else? I have some items.

MS. DURANDO: On that -- can I clear up something?

If that's in the landscape buffer, are you saying that you can put plantings in it?

MR. MACGILLIS: Actually, at the bottom of page 28, No. B, it talks about what Dave was asking about. As long as you work it out with Engineering.

MS. DURANDO: Doesn't answer that question, though. Can you put landscape plantings in the swale?

UNIDENTIFIED SPEAKER: As long as you get them approved by Engineering, which is what you do anyway.

MS. DURANDO: And that is what accounts for -- you can't maintain it with plant. I would say --

MR. MACGILLIS: It goes through our Engineering department. I mean, they're going to be looking at it. They generally will not allow landscaping that they know is going to interfere with -- they will allow certain types of material or something they know is not going to interfere with the integrity.

MS. DURANDO: It comes filtering in and the integrity is destroyed. We've seen it from one end of this County to the other.

CHAIRMAN BLACKMAN: I have some items just quickly.

Are there any minimum spacing requirements for palm trees? With Royals, if they get closer than 25 feet together, they start fighting with each other. Is that addressed here or is that more of a landscape architecture issue?

MR. DYETT: I think we had some. But, again, we're not trying to impose -- it would be an averaging. And if it's in there, we're not trying to impose a uniform spacing. I think that would apply to palms as well.

CHAIRMAN BLACKMAN: Okay. And then I noticed on the suggested plant list, Queen Palms are a recommend street tree. I would have problems with that. And some of the geiger descriptions, they refer to orange blossoms -- this is real picky -- but orange blossoms on white geigers, just some editing needs to take place there.

And I saw that Loquats, which is a favorite tree of mine, don't show up on the list. And I wonder if we're prejudiced against Loquat trees.

MR. DYETT: Send those to Staff. They'll be picking those up that will be actually

adopted. But we expect that list to be a living evolving list.

CHAIRMAN BLACKMAN: Okay. Anything else?

(No response.)

CHAIRMAN BLACKMAN: We'll go to the public people who are assembled at the other end of the room here.

Anyone else in the audience have something to add? And I know we have an industry representative, Marcie Tinsley. Do you want to add anything to our discussion? You were involved in the subcommittee, too.

MS. TINSLEY: Good afternoon. My name is Marcie Tinsley and I was one of the subcommittee members of the landscape CTF meeting.

In my opinion, everyone worked very well together to compromise in meeting Staff and the Board's objectives with this revised Landscape Code. In the packet that I guess you have right now, I think it includes almost all of our comments that we've made cooperatively.

I think that one of you guys was speaking to in-fill projects. We had one member of our subcommittee, who's not here unfortunately, he represented the in-fill properties very well I would say, constantly making sure that these revisions did include provisions for in-fill developments.

I think when you were talking about the wall, we have had, I guess, certain projects where we've wanted to have a wall on the -- I guess the property line, or somewhat close to the property line, and we have done that. Staff has worked well with us during the zoning process where they've said, if you want that wall on the outside of your buffer or the adjacent -- closest to the adjacent property -- in fact, I just recently had a condition of approval where they added it in there for me as a condition of approval. If I obtained written permission from the adjacent homeowners or homeowners associations, then we can put a wall right up there in that area. And so that is one thing that -- it was a very valid point that you brought up. And I've seen it done before where we've asked for a condition, so we would continue to ask for Staff's support in doing that.

And somebody made a comment on -- David, you made a comment on foundation planting. And I think Bill had a very valid point, that I have to admit, that the foundation plantings that we've been conditioned to do recently have had a very good -- they look very good and they've been well received, because it does complement the architecture. But in this Code we did also put some exemptions too when it's adjacent to bay doors, when it's adjacent to loading spaces, that you would not be required to have foundation planting. But there is one thing in there that says 15 feet, where if you have foundation planting that's required, you can locate it 15 feet away. And after everyone's discussion here today, I think that the number needs to be increased because of bypass lanes and 25-foot access aisles. But we have worked with Staff in the past where we have, for example -- and I hate to bring this as an example -- but a drugstore, which we've seen on every corner, and we've been required to do foundation on the pick-up window side of the building. We've been allowed to put it, let's say, 30 feet or more away because it is -- it's additional landscaping, which we all know that that's not a bad thing to have additional landscaping, but it might not necessarily be good up against the building. So I think if we did make that one change, I think that would help as well.

(Barbara Alterman arrives at 3:15 p.m.)

MR. WHITEFORD: That would be kind of a compromise to what D.J. and I were talking about, not putting it necessarily to the property line, but within a certain distance of the foundation.

VICE CHAIR SNAPP: And I'm not opposed to where it goes, but just in some cases

it just doesn't work.

MR. WHITEFORD: Right, exactly.

VICE CHAIR SNAPP: And if you're not putting it in the bay, loading bay or overhead doors, then if you don't replace it, then you're in conflict with your 40 percent or 50 percent requirements.

MR. WHITEFORD: And I think Marcie's right. And we've been doing this already through the mechanisms that aren't allowed by the Code, but I think the flexibility obviously -- you're right -- needs to be there. It's just a matter of how far. But some were in the vicinity and we can come up with a number that works for everybody.

MS. TINSLEY: Thank you.

CHAIRMAN BLACKMAN: Anyone else from that side of the room?

Yes, if you'd introduce yourself and who you're representing.

MS. HERZOG: Yes. I'm Marge Herzog, "A" Road, Loxahatchee.

I was concerned about a lot of comments made about replacing the canopy. But what is spelled out in the whole thing talking about preserving the old growth canopy? Is there anyplace in there where you're spelling that out?

MR. DYETT: That's actually all spelled out in a separate section of the Code called Section 9.5. This part of the Code is looking at the new planting; 9.5 is looking at the preservation of existing planting. And they're intended to work hand in glove.

MS. HERZOG: So there's no percentage spelled out here that would tell how much old growth would be left?

MR. DYETT: No. That will be covered -- there will be a separate CTF on 9.5.

MS. HERZOG: Okay. On page 34 they mention a palm tree as a canopy. And in a rural area, that seems like too formal of a tree to be used. They need a better canopy tree in the rural area.

And I was glad to see the concerns for the rural compatibility and human values. And hopefully rural parkway standards will be used on the road vista's portion.

MR. DYETT: Yes.

MS. HERZOG: Okay. And on page 17 where you talk about the appearance and preservation and land values, are these standards strong enough to control the rural appearance, preservation and land values?

MR. DYETT: I think so.

MS. HERZOG: You think so.

That's all I have. Thank you.

CHAIRMAN BLACKMAN: Thank you.

Anyone else?

Yes, Brad.

MR. SWANZY: My name is Brad Swanzy. I only have a couple of issues and most of them have been brought up and brought to the attention by several of you. Marcie, I believe, brought up one of them.

The planting, the foundation planting, I agree with its need. I think it has been well received. I think it does work well. But I think there are instances -- and it does sound like there's flexibility in order to accommodate this -- just from the projects I have worked on, I know at 40 percent, and looking at the front and the sides, we have had some difficulty at times trying to get that landscaping there. And not just in the location of it. What concerns me is, if you increase it to 50 percent and all four sides, if the back was a loading and you're not going to put it there, you could potentially be increasing the landscaping on the front and sides from 50 percent to 67 percent. And if these are retail areas, you, again, start to really inhibit the visibility of these people that really depend on that visibility for

survival. And when you compare that to, you've got your landscaping buffer and you've got parking lot trees between that right-of-way buffer and the facade of the building, it can be difficult.

And a lot of times when we are, say, designing the landscape for some of these shopping centers, all of the retail spaces might not be leased yet and you don't exactly know, are they going to take a 20-foot bay or are they going to take two 20-foot bays, is the landscaping you're proposing going to be right dead square in the middle of where they have a 40-foot frontage and they're going to want that facade sign, so it does make it difficult. I think we're getting a good amount of landscaping with the 40 percent, looking at the front and the sides. And, again, as they had mentioned, we've had several drug stores with drive-throughs, we've had Starbucks Coffees with drive-throughs, and it does make it difficult. And we have had the ability on some of these to actually move it beyond that drive-through aisle to maybe an adjacent landscape island that might be separating a parking from a central drive or something. Moving it there helps, but I am concerned about increasing it not only to 50 percent, but to include all four sides.

Another item, and it was brought up with the walls and so forth, whether they're on the property line or on the interior line. And I understand when they're on the right-of-way it makes sense to have that landscaping on the outside. Without it, you would have a wall adjacent to a roadway and somebody else is getting all the beautiful landscape in their backyard, and they ought to do their own landscape. But along where you do have shared property lines, let it be on the wall, the landscaping, and let them share the wall. We've done that. We've had some instances where we've had shopping centers adjacent to shopping centers and they share the buffer and we don't have to duplicate the hedge; where it might require each one has a hedge and a tree 30 feet on center, they might alternate their trees and share one hedge. If there could be a provision for that.

The only other thing -- and this doesn't really concern me as much as it does a lot of the people doing the site planning -- but this was brought up in discussing the terminal islands. I don't disagree with the width, increasing it to allow for the sidewalks and so forth, because I know in the plans that I have brought through -- and I try and get them to pass Adam of Water Utilities and it doesn't work -- you need that extra room to get the landscaping in there. But I do know there are times when, to make a project work and you've got your drive aisles and you have to maintain certain widths for fire access and radiuses and so many square foot of building and so many parking spaces, not so much the width of that terminal island, I don't think four feet is going to kill a row of parking -- and I know the City of West Palm Beach has 1 per 10 spaces and you're looking at changing to 1 to 12 -- but that does start to, if you start chopping and you have what's currently a row of 24 parking spaces, you might have a terminal island and one island in the middle, if you go to 10 and you have a row of 24 spaces, first thing you know, you're going to lose an extra space all the way across that lot because you're going to end up having to say, every seven, an island every seven spaces.

And that's all I have to say. Thank you.

**CHAIRMAN BLACKMAN:** All right. Thank you.

Anyone else?

**MR. CARPENTER:** I wanted to just follow up on what he -- I think by putting the requirement -- and I'll go to the rear of the building -- you know, start with the foundation planting in the rear -- it puts an onerous task on us to try and then place the landscaping elsewhere, even if we are allowed to do that. Because you have the walks going into the front doors and paving related to the store or the office or whatever that may be in the front of the building that may already be limited to make up a number of maximum available of

60 percent across the front when you take out the sidewalks going into the door. And then that would make it impossible to relocate. And I don't know the validity of requiring landscaping in the rear of the building or what that would help.

Now if, again, if the rear of the building has parking, you know, associated with the rear of the building, I can understand a requirement for that.

MR. WHITEFORD: As you know, the Code does require a certain amount of parking in the rear of all structures in an MUPD. So we do see parking obviously behind shopping centers and whatnot. And shopping centers are being designed differently these days, where that rear access aisle is being used now actually for circulation in many cases, not just loading and deliveries.

But one of the ideas I was going to throw out that may help try to accommodate this -- and it seems fair -- in the calculation, the 50 percent along the rear or any facade that may have bay doors or a loading zone or a loading space or a truck well, that that be subtracted out of the calculation; that you actually only have the 50 percent apply to that portion of the facade that is a true facade. And maybe that would help to make it work a little bit better.

MR. CARPENTER: Now, if I'm reading this right, related to industrial, that's the biggest thing, if these back areas are not visible from residential areas or the right-of-way, if we landscape the front of the building, the back of the building is facing somewhere else and there's no requirement there. Okay.

CHAIRMAN BLACKMAN: Anyone else from the public?

(No response.)

CHAIRMAN BLACKMAN: Okay. Back to the CTF.

I think we have work to do on this Article. I think we've flushed out a lot of good issues here, flushed them out and flushed them out a little bit. And to try and adopt this today I think would be impossible. So what is the pleasure of the Task Force, in terms of -- do we need to take action on this in some way just to table it or to move it to a date certain or do you want to do that?

MS. CARLSON: You can just give us direction. We don't need an official motion.

CHAIRMAN BLACKMAN: Any comments from the Task Force?

Yeah, D.J.

VICE CHAIR SNAPP: I got a question. Have we considered -- I think of industrial property in particular. If you take a property and if I was to develop it and I put a wall around it, which frequently happens with mini storage, where you basically enclose the property, so you have the wall set back 15 feet, or whatever, inside your property lines and you put drainage, swales and landscaping or whatever else on the outside of it, so that from properties that are adjacent and from the street, you don't see into this property; you see a landscaped wall decorated with a gate system and you go through. And in an industrial area, to me, that would be a real good choice if you had the option, if you put this landscaping outside where everybody gets to see it. So from driving down the road or from adjacent properties, this place looks nice. And maybe you plant some trees inside the wall and stuff like that, but you don't have all this stuff around the building. It really kind of gets in the way. And in mini storage facilities that's very true. And with a lot of different bays, we have the nursery buildings, that's also true.

MR. DYETT: And I don't think that the way this is both written and with Bill's amendment that the interior landscaping would be required. So I think what you're describing, and if you can visualize it, would not have to have the planting in front of those bays, that just makes no sense, inside in that secure area.

VICE CHAIR SNAPP: And it's expensive to put those walls up and at the same time the project looks nice when you do it.

CHAIRMAN BLACKMAN: Any other comments before we move on to the Sign Code?

MR. CARPENTER: I just wanted to say, the mini storage is allowed in commercial district. The way it's written, it doesn't exempt commercial districts from foundation planting.

MR. DYETT: But it's industrial buildings. And I think what we could do is clarify that -- what is included within that to make sure that the mini storage kind of -- because mini storage is certainly an industrial facility.

VICE CHAIR SNAPP: That's kind of the way we treat mini storage now; we're saying, that look isn't bad. When we first started getting mini storage in this County, they didn't look that good. And then we've kind of learned from the experience and evolved some things in terms of setbacks and walls and landscaping. I'm just thinking, maybe if we thought that through, that might apply to industrial, which is probably the least attractive to all our land uses.

CHAIRMAN BLACKMAN: Steve.

MR. BRUH: Economic viability. We keep tweaking this thing and more and more regulation, more and more things we've got to put into that property before we do what we're trying to do, which is develop a piece of property so it can add some economic viability to us.

We've got this American dream of being able to go out there and start a business and better your life. Businesses in residential properties are faced with more and more regulations which impact our ability to do business and increase the standards that we must have in order to move ahead. Those things tend to increase the costs of staying in that business. We further have the costs of maintenance and the unpredictability of supply. You know, it's nice to say we're going to have all this vegetation out there, but, frankly, I'm not sure we don't have a limited amount of that vegetation to go around. And as we go further down the road on that, that could put us in a position where the economics of that become rather strained.

And I think we just need to keep in mind that, you know, what we're trying to get. Of course it's a great thing, that we want to make an esthetically pleasing landscape that will make someone feel good about the place we're in, but we don't want to do it at the expense of economic viability. So I just think it's something we need to keep in mind as we up that standard, that things are and things do need to be maintained and things have to be available to us and those things may not always be.

MR. DYETT: I just would leave you with that thought as we also go into signs, as we've always tried to balance some increase in the standard with some cost-saving measures, and particularly the provisions. To have a percentage of the trees be of lower height is a real cost savings. So we tried to balance all of that and we don't just want to add requirements without seeing where we can save money.

MR. BRUH: As you mention that, you've got that thing about, you can decrease the height of the tree by 10 percent, pull up a tree, you get -- then you've got to put another 8-foot tree in. I'm like, would I do that? I just can't imagine that I would save a foot and a half and then have to supplement it by putting a new 8-foot tree in.

MR. DYETT: But there is the, under the Alternative Landscape Plan, the idea that you can have 50 percent of the trees at 50 percent reduction in height, which is a real cost savings if you put more trees in.

The landscape architects do tell us that that particular deal will get you more vertical footage, but at a lower rate, because the cost of going up to the specimen tree is much higher. So we really did think about that.

CHAIRMAN BLACKMAN: Any more on the Landscape Code?

(No response.)

CHAIRMAN BLACKMAN: We'll close the book on the Landscape Code and go to Sign Code.

Yes, Rosa.

MS. DURANDO: What happens now with all this discussion?

CHAIRMAN BLACKMAN: I think Staff and the consultant are going to digest our comments. I think we've presented them with a lot of good material. And they'll return it back to us at sometime in the future.

MS. DURANDO: So there will be no more subcommittees then?

CHAIRMAN BLACKMAN: I'm not sure about that. Aimee?

MS. CARLSON: I don't think there's a need for any more. I'm going to leave that up to John. He was the one working on that section.

CHAIRMAN BLACKMAN: All right. On to Signs.

(Frank Palen left at 3:40 p.m.)

(A recess was taken.)

(ULDC Amendments - Sign Code.)

CHAIRMAN BLACKMAN: We're going to get started. Our consultant has a tight timeline here, he has a plane that leaves at six, so we're trying to use his time to the best that we can. So if we can concentrate on questions that he can answer, I think that would be the best use of our time. We probably have an hour to go while we have a quorum, so he's going to get started on the Sign Code and we'll just see how far we get. But it'll probably be a work in progress, as is the Landscape Code.

Go ahead, Michael.

MR. DYETT: As I was starting to explain, we wanted to have a set of regulations that picked up on the City's regulations with the seamless transition and provided some cases of controls, but also using the themes we saw in the Landscape provision, have flexibility and predictability through what we call here a Master Sign Program, have expanded exemptions and a legally defensible Code.

I've been reading some recent decisions on sign regulations in Florida, so I've been learning a lot about the rules here, and with Lenny's input, the County Counsel, providing you with what we think is a very strong and legally defensible Code. What's most important is that it be content neutral, focus on time, place and manner regulations, but also have design concepts that we think then would be a basis for clarifying the expectations of the County for sign regulations.

The Master Sign Program concept which you now have applies only to freestanding signs and would be expanded to all signs. There is some reduced sign size and height allowances and a generalization so that sign types are treated as either building mounted, freestanding ground mounted or there are other specialized signs. And this allows the most flexibility in creating an advertising program for the business that makes sense.

Monument signs are encouraged, but not required. And we've got some other ideas about the the sign base and its relationship.

You may have some questions about why we expand and exemptions and we clarify them with this idea of small signs, and also questions about how we're dealing with tiers.

The Design Principles are first, visibility; you've got to be able to see the signs, they've got to be of sufficient size and in the right location that they make sense; the legibility, that there are not restrictions on how big the images of the letters could be; readability, which relates to the speed and width of the roads and architectural compatibility, so it's picking up the same images; then our Master Sign Program applying to all commercial planned development and redevelopment. So an older shopping center, such as the Pine Trail Center, that then could come in with a complete package for you under the new Code and have the flexibility to make certain adjustments. And also, while it would be a two-step process, one of the concerns we hear from Staff, when the current Code was set up, there was too much specificity. And so if they didn't know the tenants, they didn't know how to define the sign. So we clearly labeled the idea of generic sign type, Tenant A, Tenant B, Tenant C, so you can go ahead with a two-step program and know what you want.

Some of the subcommittee members wanted more structure for the Alternative Sign Plan and we do have a little more work to do. We just heard about this idea. We would envision the same kind of checklist you saw on the front of the Landscape regulations we've just been looking over, that would show just what you can vary and how you can vary it. I think the Alternative Sign Plan concept is a further way of responding to the agricultural landscape nature to meet the needs of auto dealers or whatever it may be, and also to address some historic signs we've heard about in the County. We put all the exemptions up front, put them all together. Now you see them in a couple different places in the Code.

And we start with the idea of the uniform exemption for small signs less than -- whatever it may be, whatever it says. Instead of separately calling out equipment, lump them all together. Jurisdictions that do this are much more likely to have a defensible Code than those that try to make a lot of separate distinctions.

We've extended the idea of the change of business signs out to 180 days, because it may take a certain amount of time to go through the approval process for permit and signage.

Interior signs inside a mall or sports stadiums that you can't see, they're completely exempt, as would be official signs or government signs or parking and directional signs, warning signs, temporary signs for construction, political campaigns and real estate. We did get some additional advice on these exemptions from the subcommittee this morning that's in your packet. You can just quickly go over it. I think all those adjustments make sense and can be easily folded into the next draft.

When we had the peer review process with some national attorneys on that, and one of their points of suggestion, points of advice, was to have a process of public artwork so there's no misunderstanding about whether a mural is a piece of art or a mural is a sign. So we have a process in place to get that kind of written determination up front that then would be binding later; you know, go commission the artist and then suddenly be faced with a violation of your square footage requirement and nothing left for your tenants. So we have these kinds of rules.

As most jurisdictions do, we limit the wall signage to 25 percent. And we do allow some neon signs. We don't want movement, temporary signs. We could see specific instances where, in a place like City Place, the banners are certainly helpful, the A-frame signs for sandwich shops in arcades or in the Traditional Districts make sense, too. So we're not intending to say no to those, just the kind of temporary sign where people put in trailers and drive around the County, that's really a violation of the Code. And I think the

illustrations and the specificity of exemptions give the County a better basis for enforcement action.

Obviously no obscenities, no obstruction to driver visibility, no traffic hazards, no signs above the ridge line or parapet. We would allow the signs as you see on the mansard roof with the parapet here. That sign is okay. But a structure here or a structure that would go up and back, the sign would be up here, that would not be allowed. Currently the County does not allow roof signs, but many of you remember the McDonald's in Jupiter Farms that has the very attractive sign on that roof. And why create signs -- why make signs like that nonconforming? They've been approved. That makes sense. But to be above the ridge line, I think, is a little excessive, so we would clarify that rule. So here's a case where we're offering more opportunity for signage, subject to some additional rules.

We don't want signs on public bus shelters, water vessels or the vehicle displays, those traveling tractor trailer operations. We would have exemptions here just because people, FedEx, DHL, need the opportunity to park their cars and do business, so this prohibition wouldn't apply to them.

We've got rules on computing the sign area. We've got some advice from the industry that asks what specifically -- at issues like these channel letters they're saying, if you have something like the Lord and Taylor name in script, if you have to square it out, it's quite an excessive area, so would we look at some options to look at the actual area of the script for a logo or the channel letter script? And I think we can do a little more on that. But having a series of drawings so everyone knows how the area is measured, I think, avoids any problems at the counter, which was the objective of doing this. And now that we get into it and the industry has a couple of issues, then we can refine the measurement. But I really believe the rules of measurement make a lot of sense in the Code, so no misunderstanding when you're putting the scale down at the counter about where you stand.

We have illumination standards and we've got some advice here. And it seemed like having external lighting for the rural areas makes a lot of sense. And that's what this kind of drawing is intended to convey.

A new idea is not to limit the number of signs on a building. The old rules used to be, you get one awning sign, one wall sign and one projecting sign. Why not let people make their own decisions? This is a business-friendly Code in that respect. Stay within the budget. I'll admit, the budget is down a little from what it is from one and a half square feet to one square foot. There's a lot more flexibility and more opportunities for the freestanding signs out along the right-of-way where they're visible. So we're allowing a lot more flexibility in responding to this, allowing the canopy or awning signs to be used in a creative way, allow the projecting signs. I think the sizes of these are up a little from the current Code so that this could be a much more useful means of advertising in certain situations.

The ground sign concept includes both the traditional pole sign and what we call the monument sign, which is mounted on a base. And the base has to be at least 50 percent of the width. It doesn't have to be one base. It could have two bases. That monument sign could have two bases and some air, a little window in the middle. And we will further define a monument sign as a sign that might be up to 10 feet high and it has -- it's a sign we want to encourage. Some jurisdictions only require monument signs. I think that goes a little too far.

And we've gone back, in terms of the number and height, so that there are some numbers. And we'll have an errata on your Code. We're not going back completely to a 30-foot pole sign. We're thinking of going back to a 20-foot limit for the commercial, stepping down 15, 10, which is what the subcommittee adds were for these monument and

pole signs, some reduction in height, some being in the maximum number now if you have a 400-foot frontage. Under this Code, you could have three of these signs if you have a 300-foot frontage. So it's that trade-off between the building signage and the signage along the right-of-way and in an auto oriented community, rural and loosely built suburban areas, having that signage out where it can be seen is more important than necessarily having it on the buildings.

In the Traditional Development Districts, you see a different approach, with a greater allowance for the buildings themselves. Here's the rule on this. And the numbers, Aimee told me yesterday when I was here, that those numbers in the first column need to be reduced to I think, 20, 15 and 10, and the numbers in the second column reduced to 15, 12 and 8. And we'll be getting that kind of errata out, if it wasn't picked up already in the errata sheet.

This drawing too in the errata sheet misrepresented the depth of the corner clip. It really should be 10 feet, as you may remember from the Landscape Code. And within this median, within the 10-foot median, it's okay to have a sign up to 30 inches, which is also what we allow for the landscaping in this median, so we want to be consistent there.

Electronic message sign regulations build on what the Board did about two years ago within the recent past, but there's just some simplification, clarification, but no substantial change in policy direction from what the Board had set for these. They're intended for regional facilities, specialized facilities, with exemptions for the time and temperature signs. We've got certain prohibitions of these, in terms of where they are in terms of requirements of findings, because these are discretionary types of signs.

Based on the subcommittees' advice, we now have these pairs of entrance wall signs that I think makes sense that combine two types of entries before the one set of rules, which will make it easier to administer.

Flags and freestanding flagpoles essentially codify what you already have, with some nice pictures and tables, and should avoid any misunderstanding, along with exemptions for the flag, distinguishing the flag from the flagpole, which doesn't require a permit.

Marquee signs: We knew there was some discussion about whether they should be folded in with the building mounting signs. I don't think so. I think that these are unique facilities. We don't have very many. Why not be able to say, yes, to the major operators, whomever they may be? It would also make it easy in the Traditional Town to say, yes, you want it, but you can have the market -- the architectural feature project above the roof line, which under that earlier rule I explained might not be allowed. But this is how we all want to see it, a theatre marquee. Most new ordinances are calling marquees out separately.

On-site directional signage is pretty much what you have in place today, as is the off-site directional signage. We did pull that out of the billboard section because it really doesn't belong there. It belongs with these other forms of directional signage. And that enables you to keep the whole billboard section, which is really subject to this legal settlement agreement, together, intact, that we can say it wasn't even touched.

Balloon type signs are current regulation; just simplified, formatted for clarity.

Grand opening signs, temporary sales, temporary displays and temporary residential development are part of the array of temporary choices.

There was an issue here in the handout the subcommittee raised a question about, the relationship of some of these signs to property lines verses base building lines.

We agree with Staff, that these kinds of signs should be located in relationship to property lines existing today, because they're temporary in nature. But when you have permanent signs, their location should be in relation to the future right-of-way, the base building line, to avoid problems subsequently in exposure and liability for the County.

Administration is fairly straightforward. And I thank Lenny for working on this. Signs and violations being tagged 10 days for PZB to remove them, illegal signs to be granted right of an appeal within 30 days. He brought the idea of amortization to the Board. This is removing nonconforming signs after the reasonable economic life. Illegal signs you could pull out right away. Nonconforming signs, you give them a reasonable period. Then you have a notification and exception process. Billboards are subject to a separate -- this will impose Staff burden. I think the Board is well aware of this. They want this in the new Code.

CHAIRMAN BLACKMAN: Have we settled on a time for what is a reasonable economic life? Was it seven or 10 years?

MR. DYETT: The way it's usually written, the function of the sign value, the sign age and the normal depreciation schedule. So it's a case-by-case basis with some guidelines. You don't want to decide ahead of time that all signs are seven years or 10 years. There is a certain amount of case law and there's a certain process, 'cause everyone needs to be able to be heard on whether that economic life is right. We heard last night about Pine Trial Center that just finished bringing all its signs up to date. So that's very different from someone that has a nonconforming sign that's 30 years old and they've gotten their investment out foretold.

CHAIRMAN BLACKMAN: So given the size of the County and the number of nonconforming signs that we have here, that would be a lot of work on each sign.

MR. DYETT: Yes, it would.

CHAIRMAN BLACKMAN: And that's Staff's concern about the burden that this kind of amortization carries with it.

MR. DYETT: The Board was well aware of those issues, but asked that the Code be returned with those provisions in it. So I think that we do have a charge to come back with an amortization provision. They'll get additional advice on that later, but I think we have a charge to come back with something that -- I've always said it has to start with an inventory, have opportunity for individual sign owners to be heard, not prejudge what the amortization period is. And also allow you, if there's a compatibility that truly fits in, it might be six inches out, the neighbors love it, we call it the notification and acceptance provision. Why not let them be okay with it? That approach has worked well in jurisdictions where we've written them before.

I've got one slide left.

MR. KALEITA: I don't have a question.

In the '73 Code, there was written in a sign amortization program and the inventory became so troublesome and time consuming that the sign amortization program was abandoned and written out of the Code. So before the Commission sets out upon this path, it should be aware that it has tried it before.

MR. DYETT: When we made that presentation to them in February, I believe I touched on it. I think they're aware that it's --

MS. CARLSON: We have very, very clear direction from the Board on this. Staff raised our concerns regarding the work load it would generate and just the issues it would raise and overwhelmingly it was said, go forth, you will bring this back, so we have our marching orders.

MR. DYETT: To take a positive look. The hand-held GPS things, we're just finishing one in the City of Oakland, you go out with aerial photos and digital things today and get inventories done today for a tenth of the cost that you used to spend on inventories, even as recently as '92. So there are some -- but you have a big County.

We've also provided more exemptions that may make life easier, but this is a

substantial effort.

Let me just finish. Just to review, more exemptions, more clarity on measuring the standards. The uniform allowance is intended to give equal opportunities for people. You've got some signs -- it's the pluses and minuses. Some signs are going to be bigger and you're going to see a few more of them and they may make sense, in terms of real estate and projection signs in these neighborhoods. Some signs are going to be smaller and subject to restrictions. And we have this Alternative Sign Plan that I think will help do the job of striking that balance between flexibility and certainty.

So we leave you with these questions: Did we do the right job on standards? Did we think about the distinctions between the rural areas and the other tiers appropriately? Should we go further with materials and lighting or just, as I think makes more sense, rely on our design standards? And then anything else you want to tell us, I'm here to listen.

CHAIRMAN BLACKMAN: D.J., you had something you wanted to say.

VICE CHAIR SNAPP: On the amortization -- and I've already gone on record saying I thought it was a bad idea, primarily in the setback issues where a sign becomes nonconforming because you widen the roads. It's no fault to the owner. The guy had a permit at the time. So you're charged to send it forward and we're charged with giving an opinion which may or may not be in support of that.

I have a question. Since I noticed in our notes that there was a discrepancy and there was ongoing discussion with the Sign Subcommittee, what was their recommendation with respect to amortization?

MS. CARLSON: The committee actually thought it was a good idea. I think they had some concerns about the timing and assuring that we have addressed the economic life of signs and when signs would be caught, so to speak. Essentially it's a two-step process. Number 1, if you don't do any modifications or changes to your site, you just continue up until seven, 10 years, whatever it is. If you do modifications, once you trigger a certain threshold, either building changes, building renovations or site plan modifications, you would have to, at that point, just bring your either freestanding for site modifications or building noncompliance for building renovations into compliance at that point.

Last night, as Michael alluded to, there was some discussion about, what if you have a sign that's just recently been redone maybe in the last six months or so or in the last year or so based on today's Code and now in the next couple of months you've revised the Code and now the sign becomes nonconforming, and addressing that. That's really something that we had not touched on very clearly and we probably need to address that as well and maybe saying signs that have been adopted in the last "X" number of years get a longer time period or something like that. But generally they were supportive of the idea.

(David Carpenter leaving at 3:45 p.m.).

CHAIRMAN BLACKMAN: Bruce.

MR. KALEITA: Mr. Chair, I have some comments on particular sections of this.

CHAIRMAN BLACKMAN: Let's get started.

MR. KALEITA: Okay. I note that on page 20, and quite properly, billboards other than those subject to the settlement of the billboard litigation --

CHAIRMAN BLACKMAN: Did you say 20 or 28?

MR. KALEITA: Page 20.

I went looking for the definition of the term "billboard" and I find that the section on billboards, which commences on page 54, actually doesn't furnish a definition suitable for the prohibition on page 20, in that, there is, in this section, no definition of the term "billboard" as an off-premises sign. And I would suggest, that unless that is set forth somewhere else in the Code, we need a definition of the term "billboard" that says that it's

a sign that advertises a product or services that are not for sale on the premises where the sign is located.

MS. CARLSON: It's in Article 3.

MR. DYETT: And we didn't include -- all we had here is the additional definitions that weren't already in Article 3 at the end of our submittal.

CHAIRMAN BLACKMAN: Go ahead, Bruce.

MR. KALEITA: Well, that was my concern.

CHAIRMAN BLACKMAN: Anyone else have comments?

VICE CHAIR SNAPP: I got two questions. One is on the -- it's on page 8, freestanding signs. We got minimum distances and stuff. We used to have a provision -- and I didn't see it here -- that basically took position that everybody was entitled to a sign. And if you've got neighbors that have signs existing and they happen to be -- if your northern neighbor happens to have it on his southern border and your southern neighbor happens to have their sign on his northern border and you've got a small lot that's an old lot, and under the current Code it wouldn't have a problem, but we have some 50-foot lots that might not be able to get a sign up.

MR. DYETT: The idea was to have that in there. And I'll double-check, but I'm pretty sure --

VICE CHAIR SNAPP: We had an exception before, that if -- which was kind of a hardship exception, if you were -- if there were existing signs -- if you were this small lot and you didn't have the minimum frontage for existing signs, it still would entitle you to the sign.

MR. DYETT: My page 45, we do have the shopping center out parcels. But I'll just make sure that we've covered that. But we'd always intended that everyone had the right --

VICE CHAIR SNAPP: I'm less concerned about shopping centers because we create our own situations.

But you've got -- before the Code's were changed, that minimum 100-foot frontage for commercial properties and so forth, we had a lot of small lot developments. If you take the old roads, like Military Road and Okeechobee Road, there's some 50-foot lots and 37-foot lots and it would be impossible for that individual to have a sign. And I'm just saying we had a provision in the old Code to allow -- that everyone was entitled to at least one. And so there was an exception, if you had this old small lot and no existing sign, that you could still get one. And I think we need to preserve that as an equity matter.

MR. DYETT: We do have it.

VICE CHAIR SNAPP: So that provision is still there?

MR. DYETT: Yes.

VICE CHAIR SNAPP: Okay. The second issue is flag lots.

The last time the Sign Code came up there was a lot of discussion about that. And that's why we had that weird formula for difference -- the function of square footage as opposed to lineal footage. The problem with lineal footage is you can have a 10- or 15-acre tract of land that only has 100 feet of frontage on the highway 'cause it's a flag lot and wraps around other property, maybe it's 600 feet deep. And so you've got a parcel that maybe has thirty or forty thousand square foot of commercial usage on it. What have we done for that?

MR. DYETT: I think it's still there. It's my Section J.1 on my page 53, which is after Table 7.14-13.

VICE CHAIR SNAPP: I probably didn't read far enough.

MR. DYETT: My page 53, that was where we're picking up the flag lot, which doesn't have the frontage, but it has access to the lot --

VICE CHAIR SNAPP: Is this 7.14-14 you're talking about?

MR. DYETT: Yes.

VICE CHAIR SNAPP: I can't read it. It's shaded in the copy.

MR. DYETT: That was a printer problem, which I don't understand.

We tried to bring forward and not change that flag lot rule.

VICE CHAIR SNAPP: Are you saying it still says the same thing it used to say?

MR. DYETT: Yes.

VICE CHAIR SNAPP: I can't read mine. I'll take your word for it.

I'm done.

CHAIRMAN BLACKMAN: Okay. Joanne.

MS. DAVIS: I just wanted a little clarification. I've been sitting here talking to Bill about like the historic designations and those sorts of things. And I'm assuming -- and I just want to make sure -- and I'm assuming signs -- like in the City of West Palm Beach there is the Carvel Ice Cream with the two big ice cream cones sticking out and then Lake Worth has, of course, the fish on top of Tuppen's. Would those signs fit in that category for historic?

MR. DYETT: What we were trying to do with the Master Sign Program is certainly give a way for the historic signs to be protected. We had intended that to happen and we just need to make sure that it is -- our intent was for truly historic signs, to have a way for the County to enable them to not be nonconforming.

MS. DAVIS: Right. The point was -- I can't really, off the top of my head, think of one in unincorporated Palm Beach County that would be regulated -- Bob's Piano -- that those signs may not necessarily be 50 years old, but they certainly are unique. And I don't want to lose that. That's kind of a fun, funky flavor that we've got in some areas.

VICE CHAIR SNAPP: Well, actually on page 38 there's a Carvel ice cream cone demonstrated as a three-dimensional sign.

MR. DYETT: That may need yet a little refinement, but that idea was always in there.

CHAIRMAN BLACKMAN: Would we address that just by age or are there other qualities that --

MS. DAVIS: Yeah, that was the question.

MR. DYETT: I think it should be other qualities to.

VICE CHAIR SNAPP: You have a provision that you could submit your sign to be historic?

MS. CARLSON: You go through the Master Sign Program. We didn't actually create a separate process for it. It's been identified whether a sign is 50 years or older or of particular unique character design.

VICE CHAIR SNAPP: I understand in terms of the unique character. Then the owner might be able to come and say, I want to submit my sign and get it considered so I don't get caught in this nonconforming issue.

Another example is the old Nebraska Meats. There were four or five of those around town. They had the Holsteins.

MR. WHITEFORD: The Farm Store.

MS. DAVIS: The other concern was, what if the Nebraska Meats people, when they suddenly become a nonconforming sign owner, if they really weren't aware that they were a nonconforming sign owner, to come in and do this formalization like, you know, can I keep my signs, and all of a sudden the County comes down and says, you have a nonconforming sign, you have to take it down. So is there a mechanism by which, at that point in time, the shop owner --

CHAIRMAN BLACKMAN: That they can be certified as a nostalgia sign or something like that?

MR. DYETT: The notification and the exception provision, which is my shorthand for this amortization process, haven't been drafted yet with this in mind. Our intent was always to have that idea. So it wouldn't be that you get 30 days, but it would be, this is an issue, here are a couple of different things you could do.

CHAIRMAN BLACKMAN: Rosa, you have a comment, question.

MS. DURANDO: Yeah, I have a question. On the small signs, what does freedom of speech sign mean?

MR. DYETT: We no longer use the term "freedom of speech sign". They're all small signs.

MS. DURANDO: That's a cross-out.

MR. DYETT: It's an example of someone who -- it used to be a separate category. And the idea, really, you could put a sign on there that says, go Palm Beaches, or, I love something, or, support such and such an idea. We can think of lots of things.

MS. DURANDO: A few years ago we had a zoning director who was much maligned in the acreage and there was a big sign erected kind of slandering him. And I'm wondering, that's not freedom of speech, is it?

MR. DYETT: If it's less than eight square feet.

(A discussion was held off the record.)

MR. DYETT: He has other legal remedies that he can pursue. But in terms of sign law --

MS. DURANDO: You can do that?

MR. DYETT: Yes. And it was specifically addressed --

MS. DURANDO: It was nasty.

MR. DYETT: The County can't do anything about that. That individual has the right to take a private action. But the rules -- and I did spend a lot of time reading these cases, as Lenny did, too. We have to allow, if we want to have a legally defensible Code, we have to allow that person to have that eight square feet or less.

MR. WHITEFORD: It's the best part of this job. Don't take that away from me.

VICE CHAIR SNAPP: The best one of those was the Landing Strip when they were in the feud with the County over adult entertainment and they put Commissioner Marcus and Commissioner Roberts scantily clad on the front of the building and then defended it under freedom of speech.

MS. DURANDO: On page 7, where you have illuminations, rural agricultural and so on, the tiers, external lighting preferred, what does that mean? You mean there should be a light, a beam light directed at a sign?

MR. DYETT: Yes.

MS. DURANDO: Why would you allow that in a Rural tier? You shouldn't have it. It's a residential area.

MS. CARLSON: No, you need lighting.

MR. DYETT: This is the little corner store in the rural service area with the gas station or --

MS. DURANDO: Well then it's a commercial property. I didn't realize that.

(A group discussion was held off-mike.)

CHAIRMAN BLACKMAN: So in other words, you would have a flood light or something lighting the sign rather than internal lighting.

MS. DURANDO: I don't like it.

MR. DYETT: But it would have to be screened.

MS. DURANDO: And that can go all night long?

MS. CARLSON: Well actually, in one of the handouts you got today, the committee

made a recommendation, that in the Rural, Exurban and Ag. Reserve Tier, that lighting be limited to the hours of operation for the use itself, so they've addressed this.

MR. DYETT: I would say, but in the Traditional Districts, we'd want these areas to be able to have the signs. Even if the store is closed, you want to be able to have some lighting until 10 o'clock at night as part of the smart retailing. So I wouldn't -- that just because someone closes at seven, I think they should be able to light their display window in a commercial area until ten or eleven; not all night long, but I think the display windows should be enabled to be lit during the early evening.

MS. CARLSON: But not the sign itself.

MR. JACOBSON: Isn't there a security issue as far as --

MR. DYETT: Well, we have separate security light provisions we're not touching. I'm just saying that, let's make sure that the lighting of the window signs and the wall signs be allowed to extend until 10 p.m. at night, because I think that's part of just helping these businesses stay in business.

CHAIRMAN BLACKMAN: Okay, we do have an industry representative here and he was on the subcommittee. And before it gets too much later, it would probably be a good idea to get him up.

Chuck, do you want to come up and you have some comments for us.

MR. CAPPELLA: My name is Chuck Cappella. I'm with Ferrin Sign Company here in West Palm.

I just have a couple of questions, some of which, as Mike alluded to, I just want some clarification.

I guess the first one is, starting backwards, if you will, in terms of recommending that the rural areas, the agricultural areas be externally lighted.

I can think of one immediately, and that's the Loxahatchee Center out there way past on Southern Boulevard. It's a commercial area and it's got a freestanding sign with some tenants on it. It's an internally illuminated cabinet. It must have six, seven, eight tenants on there. Frankly, I would assume that would be considered somewhat of an agricultural rural area, but it certainly is a commercial area. In that case, I don't know that it's proper to designate that they not be allowed to have internally illuminated signs, as opposed to externally illuminated or floods on them. And as the lady pointed out, I don't see that one being more obtrusive than the other. In fact, frankly, you could have a routing sign, where you would have only the copy be illuminated, the rest of it would be opaque, and that would be considered an internally illuminated sign, which would certainly be more subtle lighting than floods or anything on a monument display or a sign. Just a small point. But I'm not certain that that would be --

MR. DYETT: It would be allowed. It would be allowed under both the Master Sign Program and the external illumination. It was only encouraged. It's not a requirement. So we have two cases.

MS. CARLSON: But it is important to have that in there as an encouraged provision to address the tier system, and then have the distinction between the rural and the urban --

MR. DYETT: 'Cause there could be a freestanding corner store where it might be a rural wood frame thing, as we saw in some of these hitching post type places, where the hitching post monument sign is properly lit by some --

MR. CAPPELLA: But you're saying there is some flexibility --

MR. DYETT: There definitely is.

MR. CAPPELLA: -- a choice by the owner to have one or the other.

MR. DYETT: Let's get the rest of your question.

MR. CAPPELLA: I do have a question on clarification. We went over it rather quickly

on page 29, where you have three -- under figure 17.14-10, you show two master illustrations, if you will. Am I to understand the one on the left, where they have the pitch, was obviously built specifically for signage with that master sign on it? Is that or is that not --

MR. DYETT: It's allowed. The label on the left is wrong. It should be struck.

MR. CAPPELLA: And then the one in the middle is obvious. That constitutes a roof sign. And certainly that's prohibited under current Code.

MR. DYETT: That's going to be fixed.

MR. CAPPELLA: Okay. A couple of things. On page 48, two issues I have.

You indicate a minimum -- first of all, you're showing an electronic message center and then you're showing a minimum setback of 15 feet in that graft. Frankly, in probably 90 percent of the cases, if you had an electronic message center, it would be put onto the existing freestanding sign, which, frankly, would be a five-foot setback. I don't know why you'd have the electronic message center being 15 feet back and the regular freestanding sign be five foot back. Obviously it would be consistent to have it the same as your setback for your freestanding sign. As I say, in most of the cases, you refer to it as part of it, not individually set far from it.

VICE CHAIR SNAPP: Couldn't you say, that if the message center is attached to the freestanding or the pylon sign, then you follow -- then you're following that pylon sign setback requirement? I guess it would be incorporated in the square footage. But if it's a separate sign, would it be this.

MR. CAPPELLA: Well, if it's a separate sign, then I think it is kind of arbitrary to make it 15 feet. How would you differentiate from that freestanding sign as opposed to an electronic message center? Why would that be 15 and not five, as would be all the signs in the County?

MS. CARLSON: I think we want to leave this alone. This is in the Code today.

As some of us know, there is some concern about electronic message signs in the County and we're trying to be a little bit more flexible. But I think if we try to open it up too much and push too far, we'll be back with some sort of a prohibition. So I would say, let's leave it. It's in the Code right now, that 15 foot from the front and 30 foot from the side and then the --

MR. CAPPELLA: And what if freestanding sign being put up with the structures?

MS. CARLSON: It needs to be additional setback.

MR. CAPPELLA: You'd then make the freestanding sign be 15 feet back because of an electronic message -- would that apply to a time and temperature unit also?

MS. CARLSON: The time and temperature, it's exempt --

MR. CAPPELLA: It doesn't apply.

MR. DYETT: We had to be sensitive to the action the Board just took on this and that's why the differences.

MR. CAPPELLA: I understand.

One other small point there. Under Section 2 at the very top of the page, you show electronic message centers being prohibited in the windows. Does that even include these small LED displays; sometimes they're as small as six or eight inches high and maybe four or five feet long? That is a LED unit. You've classified that as an electronic message center.

MR. DYETT: If it's behind a window --

MR. CAPPELLA: Inside a window.

MR. DYETT: -- I think it's one of the exempt signs.

MR. CAPPELLA: So the definition would not apply then.

MS. CARLSON: Depends on its location. Right now the Code says if it's in the window, it's prohibited. Like the stock market signs are actually prohibited today.

MR. CAPPELLA: I understand. Thank you. Well, it's somewhat of a contradiction.

MR. DYETT: If it's within the foot, it's going to be prohibited. But if it's set back more than stock market reader boards --

MR. CAPPELLA: If it's set back more than a foot, it would be --

MR. DYETT: Then it's an interior and it would be exempt.

CHAIRMAN BLACKMAN: Then it's exempt.

MR. CAPPELLA: On page 53, we've gone over a couple of issues here, down under off-site signs, under E it says, a minimum of five feet, and you're saying base building line.

Once again, we've had the discussion on this. That could be 40, 50, 60 feet back from the property line. That would make the sign totally ineffective, unless you made that change to read property line. Why would you have a sign there --

MR. DYETT: I guess I explained the position that evolved in which we'll use property line. Staff firmly believes base building line is appropriate for these permanent signs.

MR. CAPPELLA: Are you saying all freestanding signs, then, would be predicated on the base building line and not the property line, as it says in the Code?

MR. DYETT: Where we're using the term "base building line," Staff wants to stay with that.

UNIDENTIFIED SPEAKER: I need clarification. Will we still be allowed to apply for a waiver?

MS. CARLSON: We're not doing anything about prohibiting someone from applying for a waiver.

What we did is, in response to the comments we received from the subcommittee, the temporary signs are measured from the property line and permanent signs we felt it was important to measure from the base building line.

You could pursue a waiver across the street with Engineering. If they grant it, then you use the waiver.

MR. CAPPELLA: Everyone who applies for a freestanding sign will undoubtedly have to go to base building line waiver, unless it's on the DRC site plan, which I know you've exempted some of those.

MS. CARLSON: If it's shown on the site plan, it's previous approval.

And we think that there might be some procedural issues here that perhaps some of you may have been directed to Engineering for waivers maybe unnecessarily and Wendy is helping me look into that.

VICE CHAIR SNAPP: I'd like to jump on that one again, and I've said this before. I think we ought to just put right in the Code, that if -- you have the option as the owner of the sign when you pull your permit to elect to measure from the right-of-way as opposed to the base building line. And if it's inside the base building line, in order to get your permit you sign a removal agreement with the County that says, that when and if they ever widen the road, if you're not entitled to any damages, you will remove the sign, remove it and move it at your own expense, which is -- when we sign those waivers, that's what we require.

And years ago I was hired by the legislature to do a study on some setback waivers and stuff on the Coastal setback line. And one of the things I found was that 90 some percent of the cases with residential requests for variances, we granted them. There's absolutely no reason, if you're going to always grant the variance, to require people to go through the process and the government expense and the private expense to do that. And I think this is one of those cases.

So if the person is willing to sign the document to say, I'll take it out at my expense, I

understand it's my risk and I'll move it, then we have no taking situation with the County, so we have no future liability and they're going to move it, I think that's what we ought to do, just put it in the Code to do that.

MS. CARLSON: We did check with Land Development about that. It's not the case that everybody gets a base building line waiver. It's not the case that there are so many of them, as perhaps we might think. But bottom line, Engineering said, no, they were not comfortable with that approach; they want to keep this provision in here.

CHAIRMAN BLACKMAN: Bruce, go ahead because I want to get through Chuck's list before we lose our consultant.

MR. KALEITA: The base building line waiver, if it were fully explained, would expose the County to litigation over whether it's even valid. So it's better in the County's interest to keep it in as brief a mention as possible in the Code, because what it really is, is an attempt to avoid paying for something that belongs to somebody by asking them to agree to waive the right to be paid in advance. I don't think it needs to be safe for the County to come out and say that in the Code and so your suggestion would actually play into the hands of those who want to litigate with the County.

CHAIRMAN BLACKMAN: We've acknowledged that as being an issue.  
Go ahead, Chuck.

MR. CAPPELLA: Frankly, up until about probably the mid '80's, you couldn't get a sign permit for a freestanding sign without a base building line waiver. That was a requirement of the County. Then it kind of evaporated for no particular reason. I was bringing it in and next thing, you don't need that, and then subsequently they just ignored it or dismissed it.

Couple other issues. And I guess we want to go through these quickly. On page 9 we've had some discussions too about the amount of area of an electronic message center or changeable copy -- I'll lump the two together in an interest of time -- 20 percent or 20 square feet or what have you.

I think Aimee in one of our discussions asked about the Kravis Center. The Kravis Center sign is 50 percent. That's probably a more realistic amount for both.

But electronic message centers and general changeable copy areas, I just make that as a comment.

CHAIRMAN BLACKMAN: I'd point out that there were many different thoughts on that at the subcommittee level and Staff and members of the CTF on the subcommittee really didn't think that should be changed.

MS. CARLSON: And also, the 20 percent is an increase above the current Code. The current Code is 10 percent. We've added some additional exemptions as part of this -- again, it's the balancing act. Don't ask for too much because it might swing back the other way.

MR. CAPPELLA: Let me give you an example: The six-by-ten sign, you couldn't get two lines of six inch changeable copy. That's a 60-foot sign. That wouldn't fit in there. You'd have one line of changeable copy to say very little.

CHAIRMAN BLACKMAN: Keep going.

MR. CAPPELLA: I think that covers the main issues I have. I'm sure we'll have further discussions in the ongoing subcommittee meetings.

Thank you very much for your time.

CHAIRMAN BLACKMAN: Mark, do you have anything to add? This is Mark Gregory. He's also a member of the subcommittee.

MR. GREGORY: I understand we're short of time. I want to thank Staff, Michael and the members of CTF, a lot of hard time put in, and members of this Board were there and

they put their time in. We've tried real hard to work a lot of the issues out and we've accomplished quite a bit.

I think the current Sign Code -- or the proposed Sign Code needs a little bit more work.

One of the issues that I have is, I think the wall calculation for the wall signs are going to be a little bit too strict. The wall variegation needs to have a different way to calculate signage. That variegation is when you have the areas that go in and out. Right now the way the Code reads, it really puts a burden on the industry and on the people who have the more interesting building. And I'm going to prepare something for Staff that would be an alternative that might help them cultivate a better path.

I want to talk real quickly about where we were, where we are, and where we're going with the wall Sign Code with respect to the wall signs. If we look over here, and I don't know if you can see it through the windows, but there's the Hilton sign on the side of this building and there's two big signs. Now, on -- this is what happened when this complex was built 15 some odd plus years ago. Under the current Code, the roof -- the sign that's on top of the tower would not be allowed. A sign approximately one quarter of its size would be allowed on the south elevation. On the sign that faces I-95, the eastern elevation, under the current Code, the flower logo would no longer exist, the letters that are approximately four feet tall would be two feet tall, there would be 75 percent reduction in sign area. So approximately a two-foot tall sign would be allowed under the current Sign Code. Under the proposed Sign Code, it would be halved again; they would be entitled to about a 15-inch letter on that side of the building. And I'm wondering if we really want to go that far.

Hilton would have a 24-inch set of letters to a 30-inch set on the south elevation and they would have a 15-inch set on the side elevation and then that would be about it for that building. And I like visual display on how much this is going to impact.

The current Code that we're using today hasn't even been digested regarding wall signs. It takes maybe 10 to 15 years for these sign codes to start affecting and influencing a community when you enact them. And you don't get that immediate response. We like to have things quickly in our lives. We like to have that right away, then we want to go a little bit farther. And I think that pendulum for wall signs might be swinging a little too far. It's going to hurt a lot of people. I couldn't imagine going to the Hilton and having to explain to them what's going to happen to their sign program. Even if you amortized it, I mean, they're going to have virtually no visible signage from I-95. And I don't want to dwell upon it and I'll talk to some of the other members in a little bit greater detail. And I'd even draw an illustration for you to explain it.

Let's see. I've also -- in parting, I would like to talk quickly about a Master Sign Program to be developed, incorporated into the Records Department. When somebody comes in and files for a common wall sign for a tenant, not a bigger project, but just a common wall sign, that we can have a faster way of processing the permits for the simple wall signs. I think this could be done through records when they get their site plan approved or when they get a project approved, have a criteria attached to it, you come in, you get your criteria that defines the height, types of colors, letter styles, whatever has been approved on, and this would help speed the process along.

Thank you.

CHAIRMAN BLACKMAN: Thank you.

We're back to the CTF now. Steve, you're on our committee, too.

MR. BRUH: Yeah, I had a problem with it before and I guess I still have a problem with these real estate signs in front of commercial shopping centers. When I go down the street, to me that's the worse sign that they have. We've got nice pylon signs, we have nice

monument signs, and then you see this real estate sign out in front of it or next to it, which will be there basically forever. Prior to this Code amendment, that could be 20 feet, that could be 12 feet high -- or 32 square feet, for a sign that may be there forever. And why it is not a provision to put that on the pylon sign is really beyond me. And I think we need to do something about those signs because they clutter up the mess.

MR. DYETT: One problem we have there is the case law specifically exempts the for sale, for lease signs. So it's a little harder to deal with them than to deal with these other permanent signs.

MR. BRUH: Well, we don't have to make it so attractive in terms of size. If we limit them to a smaller sign, one that they may not be as happy with, maybe you'll be able to get them to put it on in another format. If we're going to make it attractive, a 12-foot sign, 32 square feet, that's pretty attractive. That would be the way I'd go.

MR. DYETT: Okay, thanks.

CHAIRMAN BLACKMAN: Any other comments? Just trying to identify issues.

VICE CHAIR SNAPP: As a guy putting up those signs, being the commercial broker here -- it used to be 50 feet. And when we redid the Code in '92, we made it 32 feet. The reason is, most of those either use a four-by-four or a four-by-eight foot sign, which is a standard piece of plywood.

And that sign shouldn't be there forever. In theory, I should be able to sell that place in six to eight months when we put that sign up. I can see that there would be some kind of concern over a leasing sign, especially when you get troubled properties, that, yeah, that sign could be out there for years, if you've got a troubled property.

(Rosa Durando leaving at 4:39 p.m.)

VICE CHAIR SNAPP: I don't know what the Code exemptions are, but the theory behind it is it's a temporary sign.

And the 12 foot, I could tell you, if you wanted to lower that to eight foot, I don't see that as being a problem. Because basically all you're doing is putting a couple of four-by-fours and popping that thing up. So 12 foot is not an issue to me. I would say eight foot is fine. That gets it four feet off the ground where it could be seen.

MR. WHITEFORD: And the 32 is a piece of plywood.

VICE CHAIR SNAPP: It's a piece of plywood, exactly.

And I don't think the sale signs are your issues. It might be the "coming soon" and the "new owner" and the "leasing" and those kind of signs might stay up there for a long time.

MR. BRUH: I know many properties that are fully leased, been leased for years, and there's always a sign out there.

VICE CHAIR SNAPP: Under a leasing provision I could see that. Under a sale, it shouldn't be.

CHAIRMAN BLACKMAN: I'd like to note it's about twenty of five and we have lost a quorum. Rosa has left. Maury is coming back. But we can continue this discussion as long as Michael is comfortable staying here and getting this input.

VICE CHAIR SNAPP: You're not looking for any official action?

CHAIRMAN BLACKMAN: This is just an interactive, bringing up issues, seeing if we can save some time in the future.

Yes, Michael.

MR. DYETT: The one thing I would say, and I put up there buildings like the Hilton, we had talked about the idea.

(Joanne Davis and Isabella Fink leave at 4:42 p.m.)

MR. DYETT: We've had separate provisions for high-rise identification signs that

would provide a relief for those situations, where they clearly have a larger visual range than the smaller signs for the smaller one- and two-story buildings. So that would be a way to respond to the concern that was raised.

VICE CHAIR SNAPP: I was thinking when he was making the comment that he's right, but we have no provision on height of the building, in terms of we've got lineal footage, but we don't have a height. So you could have some sort of a way to increase that based on the height of the building.

(Bruce Kaleita leaving at 4:42 p.m.).

VICE CHAIR SNAPP: And also I would say of the height of the location of the sign, 'cause you wouldn't want to have that four-foot sign eight foot off the ground at the top of the first story.

But the other thing is, in our Code where can you build a ten-story building? We have height limitations.

MR. WHITEFORD: One additional foot of height for every additional foot of setback.

CHAIRMAN BLACKMAN: Any other comments?

(No response.)

CHAIRMAN BLACKMAN: We'll put this in the same category as the Landscape Code and we'll just work on these issues.

With the Sign subcommittee, do you think there's a need to meet?

MS. CARLSON: We will meet one more time when Michael's had a chance to refine the amortization procedures as well as the Alternative Sign Plan. I want to get your feedback on that before we come back to CTF.

MR. DYETT: The only thing that I mention, if we did meet again and we were able to maybe do -- I know it's not your normal Thursday -- but we're able to do meetings where it would be maybe a Wednesday and a Thursday, it would be easier, from my perspective, to come for two working sessions with you back to back than to be coming on succeeding Thursdays. I realize that's not your normal schedule. But if that were possible, we might be able to get a lot done.

CHAIRMAN BLACKMAN: That's something we can consider. I know Aimee has some changes with our upcoming schedule and maybe now would be a good time to go over those.

MS. CARLSON: Actually, at the last couple of meetings there's been a lot of feedback about the time that we've been starting and how long the meeting has lasted. Today was a good example of why we've been trying to start earlier, because we have gone the full time. Last week we did not go the full time. So in response to that, I'm going to try to -- and I talked to Wes briefly about it earlier this week -- try to in part give Michael a little bit of time to make the revisions that are necessary based on the feedback that we've gotten today, is to consolidate the next three meetings into one meeting. So we would get a break for two weeks, come back on the 17th with a very heavy schedule. The meeting would probably run the four to five hours that day, but it would be in lieu of one hour next week, two hours the following week, which I seem to be getting that that's not working for the Board.

CHAIRMAN BLACKMAN: Yes. A concentrated meeting time on the 17th is what we're looking at.

MS. CARLSON: So if that's okay, then that's what we'd like to do.

CHAIRMAN BLACKMAN: Yes.

MS. HERZOG: I wanted to make a public comment also. In the section on signage on page 39, there needs to be a better explanation of what is allowed. The page has what's not allowed in the Urban and Suburban, but it only says on the top there, wall signs

and freestanding signs for the Rural area. So if it could explain it a little bit better or put in a little footnote there that Rural does not encourage the internal lighting, and the neon sign.

CHAIRMAN BLACKMAN: This is what we talked about earlier.

MS. CARLSON: Yeah, it's C.1.

MS. HERZOG: You just lose it. I mean, even Rosa came up to me and said, well, where is the explanation of what is allowed in Rural? And that one line in Number 1 sort of gets lost.

CHAIRMAN BLACKMAN: Anything else?

(No response.)

CHAIRMAN BLACKMAN: Okay. I think we'll see each other on April 17th, if not sooner with our subcommittee meetings.

Anything else, from Staff?

MS. CARLSON: No.

(Meeting adjourned at 4:46 p.m.)

**CERTIFICATE**

STATE OF FLORIDA )

COUNTY OF PALM BEACH )

I, SHIRLEY D. KING, Professional Court Reporter and Notary Public in and for the State of Florida at Large;

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

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 April, 2003.

\_\_\_\_\_  
SHIRLEY D. KING,  
Professional Reporter  
Notary Public, State of Florida