

VERBATIM TRANSCRIPT

**PALM BEACH COUNTY
CITIZENS TASK FORCE**

Thursday, October 16, 2003

9:00 a.m. – 2:45 p.m.

100 South Australian Avenue

West Palm Beach, Florida

Reporting:

Rita Hazel
Court Reporter

ATTENDEES

Wesley Blackman, Chairman

Joanne Davis

Ron Last

Maury Jacobson

Bill Cauble

Frank Palen

Stella Rossi

Carmella Starace

Rosa Durando

Bob Bentz

David Carpenter

Bruce Kaleita

Larry Fish

Steve Bruh

Barbara Katz

Kevin Rader

Jon MacGillis, Zoning Administrator

Bill Whiteford, Zoning Director

Lenny Berger, Esquire, Assistant County Attorney

Carrie Rechenmacher, Senior Planner

Barbara Pinkston-Taylor, Principal Site Planner

Jane Bilka, Zoning Secretary

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PROCEEDINGS

CHAIRMAN BLACKMAN: We will now call to order the Citizen Tasks Force Meeting for October 16, 2003. The secretary will now call the roll.

MS. BILKA: David Carpenter.

MR. CARPENTER: Here.

MS. BILKA: Joanne Davis.

MS. DAVIS: Here.

MS. BILKA: Ron Last.

MR. LAST: Here.

MS. BILKA: D.J. SNAPP.

(No response.)

MS. BILKA: Wesley Blackman.

CHAIRMAN BLACKMAN: Here.

MS. BILKA: Maury Jacobson.

MR. JACOBSON: Here.

MS. BILKA: Steven Bruh.

MR. BRUH: Here.

MS. BILKA: Bill Cauble

MR. CAUBLE: Here.

MS. BILKA: Frank Palen.

MR. PALEN: Here.

MS. BILKA: Kevin Rader.

MR. RADER: Here.

MS. BILKA: Bruce Kaleita.

MR. KALEITA: Here.

MS. BILKA: Larry Fish.

MR. FISH: Here.

MS. BILKA: Stella Rossi.

MS. ROSSI: Here.

MS. BILKA: CARMELLA STARACE.

(No response.)

MS. BILKA: Barbara Katz.

MS. KATZ: Here.

MR. KALEITA: Mr. Chair, if I could say something before we get started. This meeting was scheduled after I had already made vacation plans. Therefore, I have to leave at 12:00 and go and hope for the best. I have made arrangements for Mr. Bentz to be present. I know we have to have a board member here for an official vote.

So I don't know how this may affect the matter in which we vote, in that either a board member who was not present when a discussion was heard cannot vote on the matter in that

discussion or that subject. And I know Larry Fish has to leave early as well. And if you do maintain a quorum, I would like to make an instruction vote that we vote as we go along so that when Mr. Bentz comes in later he will then be able to vote in the afternoon so that the Board can get its business done

CHAIRMAN BLACKMAN: Okay. Can you repeat that instruction? I was writing.

MR. KALEITA: I just think if we discuss everything first and then agree on a vote, would be better because the problem we are going to --

CHAIRMAN BLACKMAN: We're going to --

MR. WHITEFORD: Let me just interrupt you for a second, Bill Whiteford for the record. We intend to go article by article and take a vote to get through it.

CHAIRMAN BLACKMAN: It's simply lining and piling up the articles as the day goes on, okay. Any additions, substitutions and deletions?

MR. MACGILLIS: Jon MacGillis for the record. We would like to add under B on number 3, review changes to Article 4, Chapter 6, Communication Towers and number 4, Fire Works under number 6-C. Also Item 2 is a postponement. Impact fees, we would like to delete that from the agenda. So those are the only changes.

CHAIRMAN BLACKMAN: Once more, I'm looking again.

MR. MACGILLIS: Under B we would like to add number 3 review changes to Article 4, Communications Towers. I think we have some representatives from the industry here. Also number 4 Fire Works and under item 6-C. We would like to delete number 2 impact fee increases.

CHAIRMAN BLACKMAN: Any other changes, additions or deletions to the agenda? Seeing none, is there a motion?

MR. JACOBSON: So moved.

CHAIRMAN BLACKMAN: Is there a second?

MR. BRUH: Second.

CHAIRMAN BLACKMAN: Is there any discussion?

Seeing none, all those in favor say aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: All those opposed.

(No response.)

CHAIRMAN BLACKMAN: Seeing none, same sign, motion passes under right. The people that have jobs, Joanne, I guess, is in the building. D.J. Snapp is coming at 10:30. But, D.J. Snapp did give word that he was arriving at 10:30 and I think by claim we just can say they are excused and Joanne is on her way.

MR. KALEITA: So moved.

MR. JACOBSON: Second.

CHAIRMAN BLACKMAN: Any discussion? Seeing none, those in favor.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Against?

(No response.)

CHAIRMAN BLACKMAN: Same sign. Motion passes. We have four sets of minutes. We can take them in total or individually. There weren't any changes so I think we can do them all at once.

MR. JACOBSON: I move we take them all at once.

MR. BRUH: Second.

CHAIRMAN BLACKMAN: Discussions, all those in favor?

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Oppose.

(No response.)

CHAIRMAN BLACKMAN: Same sign, motion passes under LDRC article bodies primary approval post changes.

MR. MACGILLIS: What we're going to review is what you didn't review earlier in the summer and that's Article 17 and 18. Article 17 is the CTF. You did not give approval on the make up to the CTF. If you turn to page 1,353 of your follow-up material, as you recall, Article 17 is the make-up of the

various boards, advisory boards and various directors.

The only issue that the CTF had the last time, back in June when we discussed this article, was the make-up of the CTF, that's section C. Therefore, things came up. One of the things that came up, actually, was the name change, which staff incorporated to a more reflected one. The board did so and the new name is Land Development Regulation Advisory Board.

The second item was membership. It was a rather lengthy discussion on whether or not to change the make-up of the board and the membership. What staff has come back with under line 36, there would be 17 members. 10 members would be appointed by a majority member of the BCC and they would be choosing from the chart that's found on the following page. And the next change is the actual, how the terms of the new board members would be reflected and that's found on page 14, 1,352. We have two year terms, that would be even number organizations in the table, 2,4,6. Three year terms would be odd members organizations in the chart above, which are 1, 3, 5, 7 and 9 and a BCC appointee for districts 1 through 5 and 70. The last thing that the staff recommended was rather than have alternates, we have a creation of subcommittees that handle matters by the CTF.

CHAIRMAN BLACKMAN: So that's it, currently there would be no alternates or appointed alternates.

MR. MACGILLIS: Correct.

MR. KALEITA: Can I ask a question. I thought when we agreed on 5 alternates, we were going have general alternates. Is that --

CHAIRMAN BLACKMAN: That's at large. I don't see it here.

MR. KALEITA: In other words, I thought, Jon, that the motion selected had been in the interest of reducing the load of work on staff for serving on this board, that we reduce the number of alternates to 5 and those alternates would be able to sit in when any regular member was not present. How come that's not in here now?

MR. WHITEFORD: Maybe I can answer. It was based upon the flexibility of alternating the board appointees. Of which at least 70, not necessarily 5 that Jon just mentioned, but taking into consideration that there is a representation, a very clear representation, by all the organizations involved. And then the next flexibility board for their appointees taking on that roll, not necessarily being an alternate, but filling in for those remaining 5 positions that CTF has suggested to you 5 to 7.

MR. KALEITA: Where did that idea originate?

MR. WHITEFORD: Discussions this morning with

staff.

MR. KALEITA: That staff has postponed a previously suggested motion?

MR. WHITEFORD: Hopefully we can strike a compromise.

MR. JACOBSON: Mr. Chair, let me back up Bruce. I remember that specifically. I believe I seconded the motion. I just can't understand the changes of this thing. I can understand the commissioners making the choice, but I can't understand ultimately doing away with something that is specifically there for a good reason.

MR. WHITEFORD: None other than the explanation I just gave.

MR. JACOBSON: I see.

CHAIRMAN BLACKMAN: I think a major procedural on staff was to reduce the mailing list so it can give this task force flexibility in terms of actually having a meeting and having a quorum.

MR. KALEITA: I'm sorry to address this too much. I don't want to reduce the dignity of the committee appointees to the board by saying they are only good as an alternate. I'm going to suggest, unless the commission has a different direction on this and I don't think they have because our

representatives were at the meeting when this came up. I think we ought to go back to the motion and a second was made.

I haven't found that the Commission would appoint people so unimportant that they should be in a position of coming to the alternates if the regular members of the board don't show up. And I think that is evident in this group that for this many years has served this board with honor.

MR. WHITEFORD: The Commission's role is not an alternative to the suggestion that the CTF may have 5 alternates. We've discussed this in length and we said three, ten. This will give the Board more flexibility of the appointment of people maybe in different roles to the 17 positions appointed the board. And again, it's compliance.

MR. KALEITA: Do we have alternates at all?

MR. WHITEFORD: No.

MR. KALEITA: How do we come up with 10 or 11 and no alternates.

MR. WHITEFORD: It's 17 members and 5 present.

CHAIRMAN BLACKMAN: So can we do 9?

MR. WHITEFORD: 9 would make common sense.

MR. PALEN: Does that interfere with Robert's Rules of Law? Can we establish a quorum with less than that?

MR. BERGER: I believe you can establish a quorum

with less than that, I believe, but I have to check. We are within the bylaws of proper rules.

CHAIRMAN BLACKMAN: Is that in your bylaws?

MR. KALEITA: I remember the motion. I believe that does say that about a quorum membership. That being so, we need to have a measure of whether we will -- again we've experienced the frustration we had last year on a number of occasions. We all showed up, those of us who were coming and we didn't have enough people and people went home. I don't want that to happen again. And if staff says that we can have alternates, that can do that for us. I guess my question is if we don't have alternates that can vote, I think we are taking a step backwards, because we don't really need to have 19, not necessarily 19 of them or whatever it was that existed at the time.

Let me again remake the motion I made earlier in so far as membership of the CTF. And that was the members that presently hold seats will retain their seats and that there be at least 5 at large or alternates that are available to fill any vacancy of an absent member at the meeting so that we are sure when a meeting is set, it happens. It was seconded at last meeting by Mr. Jacobson.

CHAIRMAN BLACKMAN: Are we remaking the motion?

MR. JACOBSON: I would like to second that again.

MR. CARPENTER: I'm trying to figure out what our motion was. This would be -- is it 5 alternates, is that correct?

MR. KALEITA: I believe we're leaving it at 70.

MR. CARPENTER: Only 7 alternates is what you're saying.

MR. KALEITA: Yes, sir. So we can actually still hold our seats if somebody can't make it.

MR. CARPENTER: Alternates have played that big of a part.

MR. KALEITA: A couple of them, if you recall, couldn't actually come because we didn't have enough people.

CHAIRMAN BLACKMAN: And I know in my instance, my appointed person has really been difficult to contact and keep in touch with.

MR. KALEITA: I've got an example right here.

MR. CARPENTER: I won't be against it. If that is what staff is proposing, I'm willing to try it. And if we find that it is not a workable solution, we could come back and add alternates.

MS. KATZ: First of all, I recall that we agreed

upon and we voted, and it was exactly as you stated. Also, this by the staff, suggests eliminating two positions. It's really 19 members as it exists and this says 17, am I correct?

MR. CARPENTER: Yes, ma'am.

MS. KATZ: They also narrowed down, according to this, how the Commissioners are allowed to take into consideration four items. That really narrows it down. And I don't know if -- who are the Commissioners and how would they fit it in? And if you don't have all the alternates listed in the make up in the writing, you're going to have problems and you're going to need them. So I think we really need to be very definite about what we want and what we propose. If we approve this the way it is, we've lost two positions from organizations make up and you have no alternates. I say that openly. I'm not insulting anyone. Let's have it in writing.

CHAIRMAN BLACKMAN: There has been an elimination of two positions.

MR. KALEITA: Which two?

CHAIRMAN BLACKMAN: Do you know which two.

MR. KALEITA: The AFLCIO and what else?

MR. PALEN: A volunteer at large.

MR. KALEITA: So we have AFLCIO an at large and 5 alternates. I believe I ran cross who has left the County that

said we don't have enough people coming to meetings. What have you done to ensure that this problem does not reoccur?

MR. WHITEFORD: I don't know if you can you ever be sure that you have a quorum. Reducing the number, obviously that's going to ensure a partial quorum. Hopefully, that alone, will get the organizations to attend more on those topics that they are interested in. And then filling in the methodology that's reached by the Board, I think we're going to have an easier time in making a quorum.

And I also want to say and I think Ron brought it up, we did have a problem with getting a quorum. A lot of those times it was our fault, meetings were set and canceled. There were a lot of meetings called back to back. There were a lot of problems.

CHAIRMAN BLACKMAN: Larry Fish.

MR. FISH: Was the ADLC contacted about their membership and asked if they wanted to participate at all?

MR. MACGILLIS: We did speak with people who hadn't been a member for quite a while. And they did indicate that they wanted to continue to have someone on the Board so we put them on. The AFLCIO was contacted, although they didn't have anyone on at this time. At any rate, they were eliminated since

they hadn't been trying to get a representative on, but hadn't had one on. We did specifically contact them and they said they want to continue.

CHAIRMAN BLACKMAN: Thank you, any other discussions on the motion? Are we clear on the motion?

MR. KALEITA: I believe the motion is to reinstate the 5 alternates to a quorum, but not return the Board to the previous commission. Everyone okay with that?

MR. JACOBSON: It's fine.

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

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against same sign, motion passes. That was just regarding the CTF make up. We should also do one for the entire Board.

MR. MACGILLIS: No. You already gave us approval on that the last time once we convene as the LDRC.

CHAIRMAN BLACKMAN: Moving on to 18.

MR. MACGILLIS: Once again, we did not get approval on this. The CTF had a lot of questions of staff. If you go back and look at some of the definitions in your back up material, this is on every article. We have a summary of what standards were made. Just quickly go through it. Staff looked

at the entire article. Certain definitions were renamed. After we drafted various terms, it changed a lot of the definitions. Certain words were combined. New definitions were drafted to address some of the traditional codes and the new landscape code.

So with that, is there any specific questions on this Article? As you can see, on page 1,381, all of them are listed in Article 18. However if the term is not defined in 18, it is referenced in hyperlinks where you would find it, especially if somebody were to click on it and it would take them exactly to that article where the definitions are located in the first chapter of that article.

CHAIRMAN BLACKMAN: Do we have any comments or questions of staff regarding Article 18?

MR. JACOBSON: Think that's a great step forward, Mr. Chair.

CHAIRMAN BLACKMAN: Do we have anyone from the public wishing to comment on the changes as presented in Article 18? Seeing none, back to the Board. Do we need a motion?

MR. MACGILLIS: All we need is the preliminary approval on this as the LDRC.

MR. JACOBSON: I move it is accepted.

MR. CARPENTER: Second.

CHAIRMAN BLACKMAN: We have a motion to accept Article 18 any further discussion? Seeing none, those in favor say aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: All those against, same sign motion passes. Moving on to the review of the Commercial Communication Towers. This is a new item.

MR. MACGILLIS: When we discussed this article at the preliminary review --

MR. CARPENTER: What article are we on?

MR. MACGILLIS: Article 4, Chapter C and it's in your big book. This is a CTF item because you never received any material on this prior to this. We had no changes to the communications tower. However, since your last meeting, I have also met with staff as it relates to two types of towers. So we now go to Barbara.

MS. PINDSTON-TAYLOR: I'm just going to summarize the amendments that are proposed to address new State Legislation. These are the changes that actually occurred. One of the main concerns industry had difficulties applying tower communications to certain areas. And of course, we had to provide service where it's needed. We can't deny service. The first item it speaks about is to the new State Legislation. Two

of the things that we were required to do was to delete the language that required proof of compliance with FCC radiation standards. We understood we had to comply with that when this was drafted originally. The second item under Section One had to do with some time frames imposed by the legislation. Our window got narrowed a little bit. So dealing with panels and antennas seen in any single family residential districts on side the structure that is greater than 25 feet right now, requires the Zoning Commission to approve that. It would have to be approved by DRCO, which is now DRC, but we had to reduce the time that the review would take.

The second item deals with substantive amendments. And again, orders to allow these less facilitated places to go into some locations in order to not deny service. The setbacks and separations were reduced for tower requirements from existing residential structures from 300% to 150% present. And in addition we had reduced the separation and setback requirements from existing residential structures in parks 5 acres or greater in size from 200% to 125% minimum separation and the setback went to 100% to 75%. In addition the review process for stealth facilities were broken down. Now it's based on facilities that are 100 feet height or less and the review process would be done by an administrative DRO instead of being

subject to the full DRO process review involved.

CHAIRMAN BLACKMAN: Back to number one, can you explain just for everyone here 200%.

MS. PINKSTON-TAYLOR: The 200% is when you drafted your concerns about the towers coming adjacent to existing homes. So we will build a separation wall of that home to the actual base of the tower so that's what that represents, height and the setback is from the property line. So if there is a home there, the property would have to be set back and the setback would be 75%. I'm sorry, it was based on the stealth. It would be 75% in height from that property line that home is on.

MR. KALEITA: It falls within the space not a vacant residence.

MS. PINDSTON-TAYLOR: Not necessarily. You're talking about monopole towers and guyed towers.

MR. KALEITA: So we're reducing the setback --

CHAIRMAN BLACKMAN: And so you don't have any contact of them.

MS. PINDSTON-TAYLOR: Well, just to make sure there is some business between the facility and the residence that's always a concern.

MR. WHITEFORD: I would point out it does mean two

things. One, the separation, it does unlikely deal with the taller monopole towers subject to the property for having over 100%. And one other change is because what the code outlines. The court promotes monopoles over the guyed towers. The way the current code is written with some of the setback and separation, there were several that didn't make any sense. So we had to go in juggle the numbers around on a sliding scale we are trying to promote.

MR. CARPENTER: These stealth or whatever towers, they still have flashing lights on them.

MS. PINDSTON-TAYLOR: Not really. It depends on where it is located.

MR. WHITEFORD: Most of these are not that height or are in a location necessary for light. If it did require light, it's going to require higher towers.

MR. CARPENTER: I think one of the worse impacts on other properties is lights continually flashing.

MR. WHITEFORD: We had some persons from the FAA work out the issue regarding some lights. It is a problem in some common areas.

MR. JACOBSON: At what point, at what height does something like that come into play. I'm talking about the light

situation. Is there any sort of light deal regardless of where it's located.

MR. WHITEFORD: It's an FAA regulation. I know lights that are 125 high that don't have lights on them. A lot depends on it's location.

CHAIRMAN BLACKMAN: I think someone is approaching, could you say your name for the record.

MR. SLUGGETT: Geoff Sluggett from T-Mobile Wireless, I want to address the question. Anything over 195 feet would require lighting unless there is an approach area field or area property, which I believe we were just discussing how 150 will require lighting. Typically these facilities with flag poles don't require any lights under those heights.

CHAIRMAN BLACKMAN: What is your typical height?

MR. SLUGGETT: Different types of facilities, it all depends on the cover site. I think what you will find is that they are lowering the height because they are billing out more as more facilities come on line. They can reduce the height significantly. You find it starting anywhere from 69 up to 125 at the max what we're seeing --

MR. CARPENTER: I have one question. Is it new technology being applied to whatever to be a shorter height or is it location being closer?

MR. SLUGGETT: It's primarily the more uses of color for facilities toning down the height. Basically the way technology works is the more facilities you have the closer together you have to put them. And the more capacity sites, the more people trying to talk on one site. So you lower the heights, bring them together. So, actually doing that then brings the height down because you can't have tall scales crossing or going over wires.

MR. CARPENTER: I've seen some of these new receptor or whatever you want to call them, like attached on the side of a building or a speaker on there, is that or is any of those --

MR. SLUGGETT: Actually, if you go looking down Haverhill, I know there are about four different areas where you see those.

MR. CARPENTER: Are these attached on the side of the building?

MR. SLUGGETT: That's what they are for, the building. You don't see those at all.

CHAIRMAN BLACKMAN: Thank you.

MS. PINDSTON-TAYLOR: Item 4 Camouflage, we discussed the separation rate of 300% tower height to 150% tower height. We said the separation setback from exiting structures

in parks 5 acres or greater from a 200% to 125% minimum separation and from a 100% to 75% minimum setback. We added language that would allow stealth and camouflage to commercial and private civic pods of PUD's. We allowed language to certain residential zoning districts when associated with commercial, office or industrial uses. We added language for clarification requiring a setback equal to 20% from an adjacent nonresidential zoning districts and public rights-of-way in parks 5 acres or greater to go along with that. The charts have been amended to actually reflect these changes. And the information that you have, the handout that you were given with all the numbers, we tried to adjust and fix. The table that you have, some stuff was left out but all this has been addressed, everything but all that has been corrected.

CHAIRMAN BLACKMAN: David has question.

MR. CARPENTER: Under the stealth and camouflage, you added language allowing as a conditional use.

MR. MACGILLIS: Actually Barbara, you may want refer to the errata sheet that was handed out. The table amendments that were made are on page 2438. All the amendments, what was identified to you, are in the charts that were handed out to you.

CHAIRMAN BLACKMAN: Any other questions of staff.

MR. CARPENTER: Wait, wait --

MS. RECHENMACHER: Actually on page 23 of the
errata --

MS. PINKSTON-TAYLOR: You have to go to the chart
height and it would tell what you review process that is
required.

MR. CARPENTER: I'm looking and the concern that
have is towers is under PUD and you see a couple of them got
DRC. You don't think it should say that some of these PUD areas
may want to know where these towers are going there or not. The
DRC has no notification-type process. I mean, if you are
comfortable allowing them there --

MS. PINDSTON-TAYLOR: These are stealth and
camouflage.

MR. WHITEFORD: Most weren't changed. The ones
that are actually building permits to the DRC and the PUD they
didn't change any. The chart that you see there hasn't
changed.

MR. CARPENTER: I wasn't sure how you treated those
before. You know how touchy those PUD things can be.

MR. WHITEFORD: That was one of the things we
talked about. So we made compliances more strict for the

approval process from building permits to DRC.

MS. ROSSI: I have a concern about the vacant land that we purchased with the bond issue. I know it wasn't mentioned in here, but are the erosion sites still protected?

MS. PINKSTON-TAYLOR: That language we didn't touch at all

MS. ROSSI: Thank you.

CHAIRMAN BLACKMAN: Any other questions of staff? I think we are going to have a representative of industry who would like to make a comment.

MR. SLUGGETT: Basically we agree with what staff said.

CHAIRMAN BLACKMAN: Any questions then?

MR. CARPENTER: I've got one comment.

MR. PALEN: I was going to move for a staff recommendation.

MR. CARPENTER: Again, the only ones that I don't particularly agree with is under the PUD, allowing 60-foot monopole support and a guyed tower of 60 feet under DRC in the PUD without notification.

MS. PINDSTON-TAYLOR: That was existing. We didn't touch that at all.

MR. CARPENTER: Again, that would be a good idea.

I can go with it. It's not something I would question. I would be comfortable with that.

MR. WHITEFORD: Monopoles are great to have on a good size parcel of property. We have had those pop up and this is a tough issue, tough topic, lines are drawn in the sand, what was going through, what process and the ordinance was pretty successful. It got through building and got through the approval process successfully. We pretty much addressed all those issues. My point is, I wouldn't say it's broken and should be fixed.

MR. FISH: I agree with what Bill said. It's very hard to fix a 60-foot tower next to a setback requirement. That's the reason we are asking for these reductions for camouflage and that it already works. There haven't been a lot of cases where they require code allocation on it. Most of these places you couldn't fit a 60 foot tower. So I don't think that we need to worry about it.

CHAIRMAN BLACKMAN: Is it Geoff? Thank you, any other questions? If not, Frank made a motion to accept the motion, staff?

MR. FISH: Second.

CHAIRMAN BLACKMAN: Discussions on the motion? All in favor say aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against same sign, motion carries.

MR. MACGILLIS: The next item is fireworks. The Board of County Commissioners last Tuesday --

MR. CARPENTER: Where is fireworks.

MR. MACGILLIS: I just want to explain briefly why we added this. Last week the Board of County Commissioners wanted to limit the restriction of fireworks in the zoning district. It's on page 22, the second section from the bottom where we added language. It says, the retail sale of fireworks from a permanent fireworks storage facility or establishment shall be limited to an accessory use. The definition is found on Article 4 on page 536.

MR. CARPENTER: Is that the only place where it says something about the sale of fireworks.

MR. MACGILLIS: Yes, limited uses.

MR. CARPENTER: What is the intent?

MR. MACGILLIS: The intent sale allows temporary uses in the zoning district. And on page 23 second from the bottom, it says, the retail sale or storage of fireworks as a principal use in any commercial zoning district is prohibited. Once again --

MR. KALEITA: Where is it that you are talking about?

MR. MACGILLIS: Page 23 second line from the bottom.

CHAIRMAN BLACKMAN: This does not concern the manufacturer storage of fireworks?

MR. WHITEFORD: A manufacturer of industrial uses of the storage of fireworks.

MR. KALEITA: May I ask what appears to be an idol question, but may not be? I just noticed that an actual fireworks store is being built on Gun Club Road. Are we going to make that principal freestanding or are we making that use conforming?

MR. WHITEFORD: Yes.

MR. KALEITA: I'm sorry, maybe I'm just not aware, is there a real danger here that we're trying to prevent?

MR. WHITEFORD: It came up at a commission meeting. Obviously, the board had some concerns about these types of things popping up in residential and commercial areas that are highly trafficked by the general public. My understanding is that they want to see them in less populated areas.

MR. KALEITA: I live across the street from the

fair.

MR. CARPENTER: I've got a question. I guess it hasn't got much to do with the legislation, indirectly relating to -- it's against the law to explode fireworks in Palm Beach County. Anything that explodes is against the law so I don't understand how we can have all these places selling fireworks. That's what gets me.

MR. WHITEFORD: So we don't get too wrapped up in this issue, we and the ULDC are addressing the location of a retail sales and wholesale storage of fireworks. The full actual regulation that addresses fireworks sales in the Florida statutes don't allow fireworks and that type of thing. They have a process where they approve these types of uses.

MR. CARPENTER: There is no way to explain it. It's a bunch of loop holes I guess that everybody is jumping through because it's against the law, and you know it's all wrapped around the issue of selling something that's illegal.

MR. WHITEFORD: It's not selling it, it's how it's being used is the issue, and that is being addressed by fire rescue the actual permitting and the primary statutory requirement. We're addressing something much more general. Retail sales, fireworks and storage of fireworks, that's a whole other issue addressed by another group of votes.

MR. CARPENTER: I understand but --

MR. WHITEFORD: We're aware of the problem, obviously. We're working on trying to monitor the way people use them outside.

MR. KALEITA: That's like the flag off the 4th of July. This is going to be a riot.

MR. WHITEFORD: That's not our intent. Our level addresses the concerns raised by the Board. We are familiar with the fire rescue not being prohibited and the current directions to go to less populated areas, to get them out of commercial districts. That's why you have to compromise. And again, not only the people in retail sales, but around the homes to get responsible when these things pop up, and to redirect permitted sales for industrial areas. It's already on some of industrial uses, particularly of the definition use, which is the storage of the fireworks and of the sale amendment on 23 says in those cases where you have the retail sales or storage.

CHAIRMAN BLACKMAN: Any other questions of staff regarding fireworks?

MR. WHITEFORD: I think you have someone here from the public. I think probably one or two representatives are here today but I think they may want to speak.

CHAIRMAN BLACKMAN: I don't have cards. You will

have to introduce yourself.

MS. GREEN: Kelly Green from Neptune Fireworks about the changes on the new businesses. My store has been in the same location for about 10 years.

MR. CHAIRMAN BLACKMAN: Do you want to address that?

MR. WHITEFORD: That only applies to new businesses put in nonconforming uses limiting to how much use to expand over time. You're allowed to keep the course which you maintain, but if you are closed for anything longer than 180 days, you would be allowed to reopen and you're only allowed a 10% expansion.

MS. GREEN: We're open all year. What are you saying about closing?

MR. WHITEFORD: If the business shuts down or you went out of business to start a new business under a new user, you can't do that for 180 days.

MS. GREEN: Oh I don't have to worry because we're not going out of business.

CHAIRMAN BLACKMAN: Anyone else from the public? Seeing none, back to the Task Force. Is there a motion?

MR. PALEN: I'd like to make a staff recommendation.

CHAIRMAN BLACKKMAN: Motion, a second.

MS. DAVIS: Second.

CHAIRMAN BLACKMAN: Discussions, seeing none, all those in favor say aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: All those oppose same sign, motion passes, moving on. We will be adjourning this set as the Land Development Regulation Committee. And do I have some proof of publication here and is there a motion for proof of publication.

MR. KALEITA: So moved.

MR. JACOBSON: Second.

CHAIRMAN BLACKMAN: Motion carries. Over to the next article, someone in staff.

MR. MACGILLIS: We can start with Article 1.

CHAIRMAN BLACKMAN: Before we do that are we convening as the LDRC but staying in the statute of the CTF? We have not approved these in bulk. Are we going now under the LDRC or is the purpose really to make sure that the amendments are consistent with the plan? So I'm wondering whether we skipped a step there.

MR. KALEITA: Are these amendments already voted on by the CTF and are they in any way, what was voted on by the

CTF. And if the answer is no, then it would then be proper to find out whether or not it is consistent with the plan. Jon, are these the things put together in this big book?

MR. MACGILLIS: With the direction that the CTF was going with, certain items that you asked us to follow up on, research is actually on the summary sheets. Some of the articles went through a lot of discussions. But the direction to staff was more of what people's comments were on some of the provisions.

MR. KALEITA: We actually do not have to repeat the plan because it was already voted on as the CTF.

CHAIRMAN BLACKMAN: So it is consistent with the comp., plan.

MR. MACGILLIS: Yes.

CHAIRMAN BLACKMAN: Okay, why don't you start with Article 1.

MR. MACGILLIS: Picking up on page 136 in your back up material in your supplementary packet. It just outlines the General Provision changes the staff made to the article that the CTF has to make preliminary approval on. Listed there are references in formatting, summary, general comments --

MR. KALEITA: I don't know what you're referencing from.

MR. MACGILLIS: Page 136. Well, I don't know. I'm referring to this one.

CHAIRMAN BLACKMAN: Any on page 130 in the big book?

MR. MACGILLIS: In your code amendment, page 136.

MR. BRUH: Article 1.

MR. MACGILLIS: I'm sorry. We had no changes on that page. On page 137 where you see CTF preliminary meetings, this is a break down of what really came up to direct staff to make changes to the preliminary draft. You specifically asked us to add to the code. If you go down on page 159, line 4, we actually added your language as you requested us to do so. The requested language to change building projects remained. Information and items clearly shown on approved development order, we added in changes reflected on page 159, line 43 as you requested. There were no definitions that were major or nonconforming. We added that to Article 18. Actually, we found Article 1 with hyperlinks specifically to this article. There was a question regarding how structures on sites affected the plan would be allowed to exist.

After talking to staff at the time of reading the minutes, it was not clear whether we addressed your concerns or not. Those modifications allow regular problems and design

changes. Then you may require a variance for the interpretation of the code. Then we turn to your errata for additional changes that staff have found in this article since the packet wasn't out, actually the first part.

That should read three classes. Let me just explain what happened. In Article 16, airports were completely reformatted to signify changes we made to it. Before you got the packet, the County Attorney's Office had to meet additional deadlines and they asked us to reformat 18. They wanted us to just reformat it, no changes were made to it.

What had happened was that staff had already relocated stuff out of Article 18 in some of the other articles into a new draft. We had to move stuff back into those articles of the airport. So we recorded most of it to the new airport. Some of the sheets showing in your back up material into Article 1, it just happened to reference use to airports. When they come back next week, we hope to move these things back to what was that major use. And on page 3 all those moving around and the language of one is also using airport districts. Those are the only changes to Article 1.

CHAIRMAN BLACKMAN: Any questions for staff regarding changes to the new Article 1.

MR. BRUH: Actually, I guess I have some problems with Article 1. When you made this thing about measurements on page 153, the section on measurement, I'm just curious as to when I read through it, I don't know what you are trying to accomplish. I didn't understand measurements in the long term sense of the word. Just like the example on page 154 about height it says, from finished grade to highest point or peak of roof. Then I go down and look at the example and it says, building height refers to the vertical distance in feet, from finished grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the average height between eaves and the ridge for gable or hips and gambrel roofs. Correct me if I'm wrong, but I thought this definition was very different than what it says now.

MR. MACGILLIS: For the record, I'm not sure where that caption is. That should not be there.

MR. BRUH: The example shows the meaning.

MR. MACGILLIS: Staff will correct that caption on page 154. That should not be there.

MR. BRUH: Well, I'm not sure because height usually means just what it says, not the measurement of a roof.

MR. MACGILLIS: We will go with the definition on how to measure height. I think the rules of measurement

throughout the entire code tried to be as clear as possible. We tried to do certain depths, distance, height, on center,

separation from the structure. And it was not clear to the staff how to measure this. Obviously, on height you would go to first, which would take precedence over this before discussion.

MR. BRUH: The example made me more confused rather than less confusing. If you go back on page 153, the proceeding page where they talked about typical distance from a center line to site element and then you have this figure of two streets. And I said to myself I never measure from the center line to that point, ever. Is there something you guys applied somewhere?

MR. WHITEFORD: Yes, Jon is correct. This is a different requirement throughout the code for zoning purposes for common building terms used over and over again. What we found in the code summary and the terms is that they are being defined differently in each section. For that particular purpose we wanted to consolidate them all to one uniformity.

We applied these terms beginning with the separation standards of that type of thing. We do have separation standards using pawn shops, gas stations with convenience stores, that type of thing. And we do use the

separation standards in buildings based upon that measurement from the intersection of two streets using the center line.

MR. BRUH: Again, I think it's just a little confusing. I think we created a monster in that, really to me it's more confusing than trying to give a more better definition.

MR. WHITEFORD: Hopefully it doesn't. If it turns out that it is, you will be seeing us again saying, we tried it your way, change it back to the way it was. Again, our intent was to create uniformity to these terms, which we used for various zoning reasons throughout the code.

MR. CARPENTER: Going back to the definition of height, I'm curious as to how we're going to leave this section reading. Is it still going to say for height, highest point to peak of roof.

MR. MACGILLIS: As defined in Article 18.

MR. CARPENTER: Are we going to note under there another way to measure height or what?

MR. MACGILLIS: I'm sorry.

MR. CARPENTER: I'm just curious on how we are going to leave this section reading.

MR. WHITEFORD: What's coming to my mind entirely.

Let me tell you why we did what we did regarding height. We took a look at the code change. Over time height wasn't really that obviously different. It was low grade design. The height language changed, but the changing over time is good.

MR. KALEITA: Bill, the Fundamental Act, you still have one class of problems even with the clarification. If the party that wants to build a 40 foot house, and restrictions were 45 feet in height limitations, you need only to eliminate an extra 5 feet and then finish around the elevation of 40 feet even. So you are stuck with 35.

MR. WHITEFORD: So you would think, but the Florida code addresses that in Palm Beach County. In tweaking local amendments, it says your finish floor elevation for flood control level is that you have to leave an additional six inches of infill.

MR. KALEITA: That would put me in violation because I went above a foot.

MR. CARPENTER: So I guess my question is relating to measuring and grading height. It's going all the way to the top peak of a slanted roof.

MR. WHITEFORD: No. The definition is still in the code. You go to Article 18 and it really captions it.

MR. CARPENTER: So the height is from finished

grade to highest point or peak of roof, is the definition.

MR. MACGILLIS: It's under Building Height, the vertical distance measured in feet from finished grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the average height between eaves and the ridge of gable, hip and gambrel roofs.

MR. CARPENTER: That's just the language we just amended.

MR. BRUH: Right.

MR. CARPENTER: I don't have a problem with anything. If you write under the word height that says from the highest point, I think that's what makes it a confusing code. If you just get rid of that. It doesn't read under here figured with that heading on there. I think it's confusing.

MR. BRUH: You say the reference to this is in section 18 and I'm saying, okay. Where does it say anything in here about section 18 or superseding or whatever.

MR. WHITEFORD: I think if you go to C-1 on page 231 and Building Height on page 1,390.

CHAIRMAN BLACKMAN: Any other questions on Article 1 for staff? Anyone from the public wishes to address Article 1? We have someone from Planning that is going to make a presentation on the article.

MR. HOYOS: Good morning, my name is Isaac Hoyos from the Planning Division and we find that Article 1 is consistent with the comprehensive plan. So based on that, I recommend that the LDRAB find it consistent with the plan.

CHAIRMAN BLACKMAN: Is Article 1 through or something else.

MR. HOYOS: Well, if there are no changes, then I don't see where there is a problem.

CHAIRMAN BLACKMAN: Back to the Task Force, what is your pleasure for Article 1.

MR. PALEN: I move that Article 1 is comprehensive with the plan for this section.

MR. BRUH: Second.

CHAIRMAN BLACKMAN: Discussions, seeing none those in favor say aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: All oppose same sign, motions passes. Article 2.

MR. MACGILLIS: Page 172 of your code. This article is all about the various review processes that the CTF gave us. We were changing current DRO and their function. We explained that, I think the Board understood how it conflicts in

the current way. Cases in the State of Florida were there because of jurisdiction coding and the way staff contacts other departments outside the form of the current DRC meeting. So it just wouldn't work. It would be changed, being the staff would still meet but they still recommend DRC offer. They would make the final discussion on whether or not to certify the actual items before the general day. So that's the only real work, no real article since CTF gave amendment to the article.

CHAIRMAN BLACKMAN: Want to do less due to jurisdiction proceedings and more due to the Sunshine Law.

MR. MACGILLIS: Yes.

MR. CARPENTER: Is the DRC officer zoning district or appointee or whatever.

MR. WHITEFORD: Both.

MR. CARPENTER: Okay.

CHAIRMAN BLACKMAN: Any questions of staff regarding Article 2? Is there anyone from the public here to address this item, Article 2?

MR. HOYOS: Article 2 is consistent with the comprehensive plan.

MR. CARPENTER: I got one other question, what is the time lapse that the DRC meets? You asked for their approving meeting dates on whenever the DRO gives the final

approval.

MR. MACGILLIS: We don't anticipate any changes in the time.

MR. CARPENTER: Okay.

CHAIRMAN BLACKMAN: Any other questions or comments.

MR. JACOBSON: I move we adopt the Article.

MR. HOYOS: Article 2 is consistent with the Plan.

MR. BRUH: Second.

CHAIRMAN BLACKMAN: All those in favor say aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: All oppose, same sign motion passes. Two down 16 more to go, Article 3.

MR. MACGILLIS: Article 3 is on page 250 of your code. This is a new article that combined current sections into one article. These provisions are related to Zoning Districts, Overlays Districts, Property Development Regulations Planned Development Districts and the newly created Traditional Development Districts. This article establishes a logical progression of provisions that would apply to properties in Overlays, Standard Zoning Districts and such. Of the changes in this article, most have been made by staff.

Minor revisions were made to the PDD and the

matrix in Chapter D, such as the deletion of the RR, MUPD and SWPD districts. Language in regards to infill was added. A General Exceptions section was created in Chapter C to consolidate special provisions for development types. There were no substantive issues raised by the Planning Division. So those are the things that take you to the changes, which are now in this article of your packet.

MR. WHITEFORD: The errata picks up on Article 3 on page 5 and I'm going to walk you through some of them. I'll just discuss this very briefly, it covers overlays, development and so all regulations are wrapped up into one article. In that article starting on page 5 the Planned Development section we changed are suggesting some reviews of the language for the plan to hopefully infill parcels to gain access. They currently are 200 feet as we go into a build out. We find a lot of one mile properties along there that are forgotten. It is not developed. We suggested some reductions and you will find those on page 5 under the PUD. That was one thing that came up a lot and we are trying to address that through certain codes. We talked about them all summer long and I'm sure it's going to come up again. Everything is being done as a result of the infill.

MR. CARPENTER: Can I ask you who does the infill

study?

CHAIRMAN BLACKMAN: I'd like to add that Carmella Starace has arrived (Arrived at 10:45).

MR. WHITEFORD: We are going back and forth. 8 foot high wall side. You know I had concerns about that. The typical private wall home is five feet and I was questioning if you were coming from eight foot whether or not that was necessary and to ensure privacy.

MR. MACGILLIS: I think that's going back to the current code, 16.

MR. WHITEFORD: On page 6, section 5 the changes are highlighted that could be struck out but the second change 6 feet to 8 inches that actually retain the current code. To make it more clear, language of the PDD in Article 11 you think is already a requirement by you, by making the language more general. Still it did equalize some language of the PDD to platted. It made the language more general. Actually, that opportunity we came across a few times, the land development made that change, and the open management plan was brought to my attention on the Planned Development Standards. The language is already in code changes, there were a couple representing western communities along open space so they asked me to beef up that section, which is what we're proposing here. Open space

plan, I require that for all plan developments. How does that relate to buffer tracks. You're talking about buffer tracks and open space in the same terminology.

MR. BERGER: It seems like we're going through changes in this. One good idea is just to have a clean order that a ULDC could go ahead and then you can approve it with all the changes that it brings.

CHAIRMAN BLACKMAN: Back to the terminology.

MR. KALEITA: I don't think that you should bother the CTF and I would like to make a motion that the board set the same standards and terminology for both the CTF and LDRC.

MS. STARACE: Second.

MR. JACOBSON: Second, Carmella moved the motion.

CHAIRMAN BLACKMAN: We now have a vote as the CTF and the LDRC?

MR. WHITEFORD: Page 7 I will not touch on every single one of those oversights that you included. Having a work list gives us an opportunity in this meeting to correct references to the table. Some figures are more clear on what was previously presented to you on page 8. Again, if you have any questions about some of these changes, stop me.

CHAIRMAN BLACKMAN: Carmella, did you have a question.

MS. STARACE: I have a question on H.O.A at the same time. I just had a question on the open spaces management plan and the fact that whoever oversees that ten years from now, who is the agent?

MR. WHITEFORD: The open spaces conserve plan is the same that we use or the AG reserve that cross references. What it says, open space plan reference section of very same type of PUD. It can be in trust or in this case it can be H.O.A. That's something different than the AG reserve tier and maintaining it.

MR. BRUH: I'm looking at some of the fees and figured a little tweaking needs to done, is what I'm looking at.

CHAIRMAN BLACKMAN: What page is that?

MR. BRUH: Page 19 on this sheet which is on sheet 9. We have this amendment graphic. What exactly is amended here?

MR. MACGILLIS: Planning had some concerns about that. Michael Dyett is our consultant in California. His only concern was the roof line wasn't shown. I don't have an answer for that. So amendment shown in your --

MR. BRUH: I see it now.

CHAIRMAN BLACKMAN: What's the difference with this picture and the last one, I think that is the question.

MR. WHITEFORD: The issue was that this drawing really only is recognized as unchanged. This is a three story building. So really the change was in the example of a building abandoned and I wanted to clarify that because tiers as well as age reserve only allow three, four story. So this should not be included on this page. It should say that example of a place built on 438. You can see what Alan is talking about. Just above it is the same language.

MR. BRUH: They do a wrap around only, this is the only change.

CHAIRMAN BLACKMAN: Request last 18 which shows the zero lot line and showing the distance of the unit 70 feet wide. Is that really what that was intended to be.

MR. WHITEFORD: It looks like that. That's what the maximum is based upon. So this example is what it was intended to mean. That's the width of home you can build.

MR. MACGILLIS: That's the garage. The garage can't be more than 30 percent of your building house width.

MR. WHITEFORD: It's 70 percent, not feet, 70 percent.

CHAIRMAN BLACKMAN: Any other questions of staff?

Seeing none is there anyone from the public that wishes to speak on Article 3.

MR. BRUH: Did we ever resolve the issue of dead end length on AG parcels, that variance, that configuration? We had a lot of questions about that.

MR. WHITEFORD: I remember the other substantive plans that we said haven't changed, but we did address it. I believe those are the recommendations.

CHAIRMAN BLACKMAN: Which is Article 5.

MR. MACGILLIS: On page 416 about deadend streets.

CHAIRMAN BLACKMAN: Which is part of this article.

MR. WHITEFORD: Right, as the big article. This next article is made up of a lot of the requirements.

CHAIRMAN BLACKMAN: No one from the public. Anyone else, if not we will have a motion.

MR. PALEN: I had problems with location of zoning boundaries in the area in the central western area. I thought maybe resolve the sector plan trying to come in here and piece together the quad sheets that end, then get this big article out of some map. I don't believe we have maps for it yet, but that's an idea. Parcel building maps, it's only a matter of time before they require some for the zoning approval.

MR. MACGILLIS: That's a good idea.

MR. PALEN: Finish the maps out of the newspaper for example, you're going to have significant development.

MR. WHITEFORD: I'll make a note about that.

CHAIRMAN BLACKMAN: Okay, any other questions or do we have a motion and it would be a motion to approve the changes acting as the CTF?

MR. JACOBSON: So moved.

MS. STARACE: Second.

MR. HOYOS: For the record, Isaac Hoyos from the Planning Division. The Planning Division agrees with the changes reflecting to the CTF and it is consistent with the comprehensive plan.

CHAIRMAN BLACKMAN: We have a motion and approval from Planning. All in favor say aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: All oppose, same sign, motion passes. Let's move onto Article 4.

MS. RECHENMACHER: I'd like point out on Article 4 in your backup packet summary changes that were done since the last time we met. And in addition to that the changes are addressed in this summary here. The details are in the errata sheet. There are some additional bits of approving on page 451. This summary is just a general summary of all the things

that we deleted in zoning. All the uses in this chart were amended to reflect those things. The AG use were consolidated into one area bonified and manufacturer packing plant and shipment were all placed in one area included live stock food which were addressed separately. Some items that were like church and place of worship that's in the errata sheet. There were a number of uses as far as amending the definition section. There is a whole list of uses, but I'm not going through them all. They are showing the use in the text. Even if there is not any type of standard for those uses, they are showing definition shown on Article 4. It comes back later.

MS. STARACE: Do you want us to ask you questions?

CHAIRMAN BLACKMAN: Let's have her finish then we will get to your question.

MS. RECHENMACHER: Also you know we moved communication 6.4 to Chapter C. This standard is throughout the code Article 6. Now it all coincides with Chapter D in the separate packet. Do you have any questions on the changes.

CHAIRMAN BLACKMAN: Which is currently in the errata sheet.

MS. RECHENMACHER: This is a separate plan out of the big book.

MR. MACGILLIS: This will be with your notices that

will be mailed out later.

MS. STARACE: Actually, it's just a church or a place of worship in the AG District shall not be located west of State Road 7.

MR. WHITEFORD: Correct.

MS. STARACE: Isn't Loxahatchee considered a church or place of worship? They have signs for future homes all on State Road 80.

MR. WHITEFORD: That's on the AG Reserve District to the south.

MS. STARACE: So you don't have anything to do with the east as far as AG Reserve?

MR. WHITEFORD: That's correct, only the AG Reserve west of State Road 7.

MS. STARACE: That's the reason why I asked. The other thing is on page 23, Chapter B where you added language for fireworks.

MS. RECHENMACHER: That's on your errata sheet.

MS. STARACE: The retail sales that's fine. Then the section -- I mean how are you going to carry out -- how is that going to be regulated. If it's with special permits, that's fine.

MR. WHITEFORD: If it's indoors, it's subject to inspection. It's just for sales in which you have a special permit for certain times of the year and a certain number of days.

MS. STARACE: I just wanted to know how you were going to carry that out.

CHAIRMAN BLACKMAN: One thing, on top of page 21 on the errata, allocated facilities is probably not a word.

MR. WHITEFORD: It comes up on the spell check. I thought the same thing too.

MR. RADER: What represents a lot. These are some of the things that we are recommending to the code. I'm going to address some of these issues that I see are being ensued perhaps in recent newspaper articles. Maybe not a section concerning this but one of the primary elements is currently the ULDC with having a church on a local street. We need to access this on page 21. Once we get the size of a church, not only have it in front but then also access the material. I think some of the issues that we're hearing about, we would be unable to conform with or the cost of family structure and all the requirements with that but we're starting to see this come up. With that thought, we need to jump on this and allow church uses and other uses for gathering, share uses. We get a lot of folks

going to services on Sunday morning. We don't necessarily have to make a requirement in addition to approval. They are already active.

CHAIRMAN BLACKMAN: Dave and then Bruce.

MR. CARPENTER: Under place of worship, you're saying that's all churches.

MR. WHITEFORD: Correct, or without a facility that was a very big deal for local streets. That's what we were trying to prevent.

MR. CARPENTER: Under access, in reading that, church or place of worship and you slipped in access of 15 feet and 350 seats shall have access to collector or that doesn't mean locate on --

MR. WHITEFORD: That's correct. The 15 is standard. You must check the article. Once you get to a certain size, you not only need a front, but have access to.

MR. CARPENTER: It has to have a front on it to a collector. I don't see why the -- I mean, it's going to have access to it, isn't it?

MR. WHITEFORD: The difference is the terminology in the code. If you define front a frontage in the setback from front is where you then meet a minimum wedge for a lot size and you have to have access different in the terminology and in the

code.

MR. CARPENTER: All right. Under location, it says church or place of worship to a front collector, that doesn't have frontage?

MR. WHITEFORD: That's correct. It just means one of the lot lines going continuous to the right-of-way. They can't be over a certain size. Only to the front you have your access.

MR. CARPENTER: Does that access have language directly it.

MR. WHITEFORD: Yes, it does literally for ingress and egress.

MR. CARPENTER: Then maybe you should modify the language because it shall have access. Maybe it should say that the local road has access to a collector.

MR. WHITEFORD: Access that meant having ingress and egress directly onto the property.

MR. CARPENTER: I figured out what you want it to mean.

MR. WHITEFORD: Adding a word, correct. Not a local street, I can change that.

MR. CARPENTER: I'm trying to find out what your intent is. Is that what I understand it to be.

MR. RADER: It's above 15,000 square feet,
correct.

MR WHITEFORD: Below.

MR. RADER: If you have below 15,000 square feet
you can.

CHAIRMAN BLACKMAN: We have Bruce, Frank and
Carmella in that order.

MR. KALEITA: I'm a little puzzled as to the access
provision, the second sheet. I don't know that we can have a
delegation of that power without a district representative. Are
you going to require this with an addition to the condition of
approval. I don't think that it's in the power of staff to only
allow a variance. This could blow up in your face and I'm not
really sure what the motive is in the second sentence. In that
sense, the requirement for legal access to the collectors based
on the number of people. I don't know what the other answer
could be. It was agreed by the CTF that the right to have
imposes, except for the purpose of recommended requirements.
And so I think this sentence has to come out because I don't
think you have the power. And I don't think that the standard
advises it. It's just going to create problems.

CHAIRMAN BLACKMAN: Bruce, let me point out that
the wording used to recommend that is not imposing.

MR. WHITEFORD: And the reason why people in my office had problems, in other words the goals were too high to address. If we're wrong, this is where to go here that 14,999 square feet that folks are going to say are objectionable and should have a location wherever that maybe.

MR. KALEITA: If you have 17 services a day all in the 14,999 then probably it's considered 15,000 square foot.

MR. WHITEFORD: Exactly. That was a point that was brought to my attention that was addressed with this language

MR. PALEN: I think any regulation zoning code, whatever it's called will exercise a religious act by saying that no church can you permit west of State Road 7. I think it's going to get in trouble. So we need to better be careful with these regulations.

MR. WHITEFORD: Relocated underlined currently.

MR. PALEN: It should still make you understand.

CHAIRMAN BLACKMAN: Any other questions for staff regarding any item in Article 4.

MS. STARACE: Just one thing, Bruce and Frank would know because both of you are lawyers. Do you know why we are putting something in the code? I know everybody can sue everybody. Why are we putting something that's pretty obvious.

I mean like you said if anybody put a church west of State Road
7 --

MR. PALEN: When applied as to federal law. These are legal authority zoning codes. This Statute invents this section. I don't know if it's something the County is aware of. Those rules, everything was located in there.

MR. BERGER: I wrote a note to Bill and what we found in some cases around the County is that they were treated more or less generally. Just because it's a church, if we have some control like this for those kind of uses as well we're probably in fair shape until it comes and testifies again which probably will happen soon.

MS. STARACE: Yes. In the CTF you said most of the time you don't have any regular red flags going off.

MR. RADER: I'm always uncomfortable when it comes to this building because mainly it's a moving target.

MS. STARACE: You don't trust in God, Kevin?

MR. RADER: I do.

CHAIRMAN BLACKMAN: Let's see if we have any public comments now.

MR. RADER: One thing I think that Bill Whiteford is right. I often go to these small churches and I think I've seen just about everything that you can ask. And I try to give

them guidance as to where they could go. Up until this point there are independent places everywhere. The access wasn't an issue. The trouble was that the code didn't give the directions I needed on the other end of spectrum. One question I have, Zoning has worship defined as a retreat and I wanted to make sure we talked about activities --

MS. RECHENMACHER: It's under the very first plat included in there where you see daycares, convention centers, dormitories, retreat.

MR. RADER: Other than that, I really don't have any other comments.

CHAIRMAN BLACKMAN: Thank you. Staff, do you have any follow up on other public comments regarding Article 4, Use Regulations? We will hear from Planning.

MR. HOYOS: For the record Isaac Hoyos from the Planning Division. We have reviewed the changes in the article and found it consistent with the plan.

CHAIRMAN BLACKMAN: Motion approved by the CTF agree with all the conditions in Article 4.

MR. FISH: So move.

MS. STARACE: Second.

CHAIRMAN BLACKMAN: All in favor say aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: All oppose, same sign motion passes.

MR. MACGILLIS: We have a counselor from California on the line. If you want to take the other articles we can or do you want us to call him back in California?

CHAIRMAN BLACKMAN: Let's take Article 5, I think, and just have him available for questions. I don't think we need a presentation from him unless the methodology has changed on what we reviewed.

MR. KALEITA: Mr. Chair, I do have one question. I'm part of a group church in Wellington and we meet at a school--

MR. CARPENTER: Where are you, Bruce?

MR. KALEITA: On page 21, three quarters of the way down. Is that what this code allows for if you meet at a school?

MR. WHITEFORD: In a school, yes. That was the whole idea about the schools, movie theaters, that type of thing. We have a use out there. It is set up for those types of things. Why not take on shared uses, absolutely.

MR. KALEITA: Thank you.

CHAIRMAN BLACKMAN: Going on to Article 5. I see a

participant approaching the mike.

MR. CARPENTER: Can I ask you one more quick thing. Would that in any way impact your statement related to traffic issues?

MR. KALEITA: No, because you're not going to build yourself a new school for meetings in it as a church.

MR. WHITEFORD: If I bring the subject to the DRO and address it to them, maybe some limitations can be placed on it or how many people can gather at that place, the shared time of day, number of services that type of thing.

CHAIRMAN BLACKMAN: Anything else on Article 4? Seeing none, Article 5, staff.

MR. MACGILLIS: On page 665 of your code the only changes that staff has done to this article approval is actually shift some chapters around. On the bottom of page 665 on the chapter you got Architectural guidelines and rural designed standards we merged into a single chapter. Voluntary density bonus and transfer of development rights were merged into a single chapter that would be Chapter E. A portion of these provisions were moved to proposed Article 4, Use Regulations. Basically, everything was as you saw it the last time.

CHAIRMAN BLACKMAN: Are there any questions of staff on this article? Is there anyone from the public who

wishes to address Article 5? We can hear from Planning.

MR. HOYOS: Article 5 is consistent with the plan.

CHAIRMAN BLACKMAN: Do we have a motion? The CTF finds this acceptable.

MR. JACOBSON: So moved.

MS. DAVIS: Second.

CHAIRMAN BLACKMAN: All in favor say aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: All oppose. Same sign motion passes. We're on to article 6.

MR. MACGILLIS: Page 762 of your code. At the preliminary hearing there were comments as to actually when it was to be brought to you because we reformatted the parking code on Article 6. There were a lot of questions on the table that we need to go back to, loading and most loading requirements and actual parking requirements and staff has done that. We did some research and we went through your material here. We see the things that were made to use chart 7, 6 and 4. The only thing that we came up with was the loading requirements for the bay, large trucks and stuff were parked after reviewing entire matrix, and we decided the standard E Type loading fees where you would have it run out but at the same time it's not blocking traffic.

MR. CARPENTER: I understand that it's just -- for example, Standard A on page 803 or 39, whichever you prefer. It says, one space for the first 5,000 square feet. You're saying if I have a 4,000 square foot building, am I required to have a loading space, on page 803?

CHAIRMAN BLACKMAN: Under Standard A.

MR. MACGILLIS: I know in the provisions here it's not necessary.

MR. WHITEFORD: The way it reads probably says differently but what it did say there was wavier in the code at one time and I know I was waiving lots of them.

MR. CARPENTER: It does allow for the DRC to look at how they reduced the size and the space. I think on some of the smaller buildings that I'm working with some of the smaller lots just say an acre and below. So I think it would be nice to figure out whether or not the interpretation was if they were below that, whether they are required one or not as put in the plan. As you know, if a building is small like below 10,000, it doesn't go to the DRC going to have a building permit. One other concern that I've had in the past, before I address it is location of dumpers.

MR. WHITEFORD: We found on page 43 or 807 under Administrative Reduction, that 10,000 square feet was

reasonable, but we can change it. Let's change that to 2,000 square feet. The DRO may waive or reduce the loading standards.

MR. CARPENTER: If the DRO would require that, wouldn't you have to have a DRC application or would we just base that on --

MR. WHITEFORD: Why don't we change it to Zoning Director instead of DRO. We can come to the Zoning Director versus the DRO.

MR. MACGILLIS: That's addressed in your code.

MR. CARPENTER: Relocating it, I mean that really does work because you would not know that a truck is in there when the dumpsters are being loaded. When they are not in operation, businesses in operation and they wouldn't let trucks in, there is obviously trouble. Also my point is putting these dumpsters in the middle of the parking lots and it's real messy and also it is not really a conflict of interest putting it in the loading spaces. I think the language at the CTF meeting should be the same basis just below the language regarding dumpsters on page dumpster 807.

MR. BRUH: Page 43.

MR. CARPENTER: That makes a lot of sense being able to do that in places, put them out in the parking lots. It

turns into a mess because not only are they ugly and trying to put these walls up, but when the dumpster comes, trash gets everywhere and from various aspects are blowing everywhere and these little things that are problematic bring out planning but you appreciate it if you add that in there.

MR. MACGILLIS: The only other thing I brought up was on page 6 in your matrix where it refers to parking and loading at the bottom of each table which we consolidated.

CHAIRMAN BLACKMAN: Any other questions of staff regarding parking in Article 6? Any member of the public wishes to address this item? Planning.

MR. HOYOS: This article is consistent with the plan.

CHAIRMAN BLACKMAN: Do we have a motion?

MR. JACOBSON: So moved.

CHAIRMAN BLACKMAN: So far as the motion, is that correct.

MS. STARACE: Second.

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

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: All oppose, same sign motion passes. We're on Article 7.

MR. KALEITA: Mr. Chair, if I may. I have to depart as of noon prior to recess, and that is that there is an error in Article 17 summary, and I don't know if it's in the text in which the name of it is being changed to something that it's not being changed to.

MR. MACGILLIS: We needed that change. All right. It's good that you brought that to my attention.

CHAIRMAN BLACKMAN: Okay. We can go on to Article 7.

MR. MACGILLIS: Is the video conference working? Can you hear us Michael? The staff is here. We have our consultant from California on video Michael Dyett. Did we lose the connection?

MR. DYETT: Hello, I can hear you.

MR. MACGILLIS: Michael, I'm just going to go through a brief summary of the Landscaping Code. If the committee has any comments or questions, they will ask you.

CHAIRMAN BLACKMAN: We wouldn't need a presentation from you. We will ask you questions if we have them.

MR. DYETT: Okay.

MR. MACGILLIS: At the preliminary presentation the overall organization has been changed in this article as explained in the summary. You will notice in this article that

we placed greater emphasis on design principles and goal of landscape code provisions, between the landscaping and the design. We also added changes to the provisions of the alternative landscape plan. It was significantly expanded to encourage more innovative landscape design and recognize unique site constraints and design options to the code. This gives them more designs to come through with as the Board requested staff to pursue.

Also we made reference to the planting depth requirement for vertical landscape screens in right-of-way buffers. It has been increased to 50 percent of the total buffer and a provision to encourage a varied width has been added. A chapter was created to address parking lot landscaping and it identified more deviations to recognize the various tiers. So hopefully everything in it gives you a lot of help on understanding it a little better. We currently had the changes in the matrix code, but that didn't really work, so Michael actually went and did some changes to the matrix. Such as the Water Conservation and Installation was replaced with an irrigation section. We found acceptable plants to be approved up front to make sure it is correctly listed and helps with the tier system in certain areas where you don't want people putting more formal landscape. And finally, we feel that Michael has

done a good job on this Landscape article and addresses all the issues in this summary made on page 814 Sections A thru F.

CHAIRMAN BLACKMAN: All those were addressed in some manner.

MS. STARACE: Right like I think the Loxahatchee River buffer and the Lake Worth Lagoon.

MR. MACGILLIS: Yes. The Loxahatchee River conservation buffers, that was moved to Article 14. When we get to page 81 of Article 14, most questions are general in nature. We just added them to the generic code. Some of the standards out of the matrix were put in the code. I think you will find them in the appendix on page 86, 87, 88, which addresses all the various tiers and variations. We did discuss it's formulas. The chart is easier for everyone to follow plus the applicant that would use this chart to determine what tier they are in and what they have to follow.

CHAIRMAN BLACKMAN: Any questions of staff regarding landscaping Article 7.

MS. STARACE: 86.

MR. MACGILLIS: I'm sorry page 73 of 873, 874 or 876.

CHAIRMAN BLACKMAN: Any questions or comments for staff regarding Landscaping, Article 7? Seeing none anyone from

the public wish to comment on this article?

(No response.)

CHAIRMAN BLACKMAN: If not, we will hear from
planning

MR. HOYOS: This article is consistent with the
plan.

CHAIRMAN BLACKMAN: Do we have a motion?

MR. JACOBSON: So moved.

MR. BRUH: Second.

CHAIRMAN BLACKMAN: All those in favor say aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: All oppose, same sign, motion
passes. Article 8.

MR. MACGILLIS: This article is a similar detailed
presentation made last year.

CHAIRMAN BLACKMAN: This is the one. We have a
supplemental that came on the second page that detailed the
break down of the changes that were made in this article. Once
again, on this I think the main thing I have seen there,
actually I did get a call from Chuck Cappella who had sent us
his comment. He had some general things he asked us to tweak in
this.

CHAIRMAN BLACKMAN: Steve, you have a question

here?

MR. BRUH: Having looked at this a little closer as I sit here, I had some real problems with real estate signs out in front of the center.

CHAIRMAN BLACKMAN: Did you address real estate signs in front, that sort of thing. They seem to live forever and never disappear.

MR. DYETT: Well, I believe we have added provisions for the real estate signs and I thought they did respond to what we talked about with the County. And they could have temporary signs.

CHAIRMAN BLACKMAN: How is temporary defined?

MR. MACGILLIS: On page 907 of your code, Section four temporary Section 5. Michael, section 5 and section 6, that is a special permit requirement?

MR. DYETT: Yes.

CHAIRMAN BLACKMAN: So then this is a code enforcement issue?

MR. BRUH: The definition on page 897, does it throw out the chapter or does that change from piece to piece, Michael?

MR. MACGILLIS: All the chapters within this whole

article apply to the entire sign code.

CHAIRMAN BLACKMAN: It would be uniformed through this article, but Article 18 is different as related to another part of the code.

MR. MACGILLIS: Temporary uses.

MR. CARPENTER: You're talking -- you said 365 days.

MR. BRUH: 365 days, period.

MR. CARPENTER: I see what you saying. You move these signs that you're saying weren't permitted.

MR. BRUH: On the current code For Sale Sign. They didn't need to have any basic permission to put it out there.

MS. STARACE: On the one that says for two years are in the last sale. A lot of the developers keep the last two lots sale on anything, so that sign stays forever.

MR. BRUH: On that building code the GCO wants a specific time if you go less than two years.

MS. STARACE: I'd like to know if it's a concern.

MR. MACGILLIS: The letter concerns temporary signs. The developer keeps two units.

MS. STARACE: Two or one of the signs delays the sale.

MR. MACGILLIS: Michael, do you want to address that in the code? Can you hear what the question was?

MR. DYETT: I didn't hear the question clearly.

MR. MACGILLIS: The way the temporary signs are reading new developers can keep it until they get a final sale and residential buildings getting the last two could keep that temporary sign or is it more in relationship to building permit process.

MR. DYETT: Well, we did have a time limit of 80 percent of the development. So the example you described of one or two units would not qualify under the provision. There is a three year time limit to 80 percent of the units sold.

CHAIRMAN BLACKMAN: If they hit the three years, the sign is gone in the rear.

MS. STARACE: So it's either one of these. They just have to do one of those.

MR. MACGILLIS: Correct.

CHAIRMAN BLACKMAN: Any other questions regarding signage.

MR. MACGILLIS: I just want to comment or bring up the agency that may apply that you reviewed, actually that Bill spoke to the Board about this at the workshop to determine how to handle that.

CHAIRMAN BLACKMAN: I know staff has worked a source issue regarding this plan and the people power that it would entail, correct.

MR. WHITEFORD: Jon said back in March it was going to be discussing that code project and putting something back in the code.

MS. STARACE: On the signs, I've seen people put up signs. We have it on our corner. This goes to be found that signs stay forever. Would that come into temporary signs, how would you address that.

CHAIRMAN BLACKMAN: Staff?

MR. MACGILLIS: Is there a regulation here for it.

MS. STARACE: Because we have code enforcement officers to address it.

MR. BERGER: I just don't remember where it is I think page 915.

CHAIRMAN BLACKMAN: Anything else on this is from mobile vender signs and are a little bit out of place in relation to talks about the previous page just a little under section 5. Any other questions.

MR. PALEN: Those bus stop signs, can you at least put them where there is a bus stop. They put them on an angle corner and they look bad.

MR. WHITEFORD: That's a totally separate contract. That is contracted with a private building shelter. It's all pretty much outlined in here.

MR. CARPENTER: I have a question. Why would there be a sign there? I mean who would go through the expense of advertising?

MR. KALEITA: It's a billboard.

CHAIRMAN BLACKMAN: Any other questions regarding signage? Staff, anything from the board. Anyone from public wish to comment on this article.

MR. WHITEFORD: I would point out even if we don't have member of the public here, we did get a letter of support. One sign company is represented on subcommittee.

MR. MACGILLIS: I know we can go over them.

MR. WHITEFORD: Chuck is on his way here. He's the one who wrote the letter.

MR. KALEITA: As a matter of fact, I will make that as my motion, that we recess until 1:30 so that no restaurants around here are looking for somewhere else --

CHAIRMAN BLACKMAN: Was it 1:00 or 12:30?

MR. KALEITA: 1:00.

CHAIRMAN BLACKMAN: We have a motion.

MR. STARACE: Second, this discussion on the motion

suggested that we work through lunch.

CHAIRMAN BLACKMAN: We don't need an hour, half hour and I think it was second. Discussion, seeing none. So we will adjourn now and reconvene soon. Would this be the last item that we will need, Michael.

MR. MACGILLIS: Yes. Michael, thank you for approving everything except the sign code. If the Board has to ask some questions, staff will be able to handle those. Michael, thank you very much. We will come back soon after we're done eating.

(Thereupon, lunch was taken from 12:00 – 1:00.)

PROCEEDINGS

CHAIRMAN BLACKMAN: The secretary is going to recall the role.

MS. BILKA: David Carpenter

MR. JACOBSON: He's here but he's not here. He'll be here soon.

MS. BILKA: Joanne Davis.

MS. DAVIS: Here.

MS. BILKA: Ron Last.

MR. LAST: Here.

MS. BILKA: DJ Snapp.

(No response.)

MS. BILKA: Wes Blackman

CHAIRMAN BLACKMAN: Here.

MS. BILKA: Maury Jacobson.

MR. JACOBSON: Here.

MS. BILKA: Bill Cauble.

MR. CAUBLE: Here.

MS. BILKA: Steve Bruh.

MR. BRUH: Here.

MS. BILKA: Frank Palen.

MR. PALEN: Here.

MS. BILKA: Kevin Rader.

(No response.)

MS. BILKA: Larry Fish.

(No response.)

MS. BILKA: Stella Rossi.

MS. ROSSI: Here.

MS. BILKA: Carmella Starace.

MS. STARACE: Here.

MS. BILKA: Rosa Durando.

(No response arrived at 2:00.)

MS. BILKA: Bob Bentz.

(No response arrived at 1:40.)

MS. BILKA: Barbara Katz.

MS. KATZ: Here.

CHAIRMAN BLACKMAN: Okay. We're going to go back to Article 8, which is Signage. We have a representative from them. We were waiting from before for comments in addition to the changes that have already been presented. So we want to start with Chuck. Is that okay with staff? John, is that okay to have Chuck start?

MR. MACGILLIS: Yes.

CHAIRMAN BLACKMAN: I understand that you have some handwritten revisions that we can go over and they are rather brief and introduce yourself for the record.

MR. CAPPELLA: My name is Chuck Cappella and I'm with Farnin Sign Company. We've been in West Palm Beach since 1919. I was with them originally when they opened. I've been with them for about 23 years so I do bring some representative that I feel not only for the interest of the business community, but some idea on a daily basis. Having worked on the sign code now for the past several months, I think we're coming where we have a fairly peccible and balanced Sign Code. But they serve two things. Number one, I'm in full agreement with the fact that we want to make the signs look better, more beautiful, more respectively pleasing. Having said that, I want to make sure we don't go to the point where we make them so minimal that they number one, not effective in any way for the business community and still try to keep that balance. Well, I assume you all have a copy of this. I'm on page 29.

This is a topic that was discussed at several previous meetings. Particularly under permanent size would indicate five feet from the eighth building line. Now normally speaking, when we apply for a permit for a pre-stand assignment, we go from the property line and we're riding on Okeechobee Blvd. and the setback is five feet from that property line. Frankly, that's fair in terms.

CHAIRMAN BLACKMAN: Okay Chuck.

MR. CAPPELLA: And again, this issue had been discussed. Let me just point out a couple of problems with this that I feel from a business point of view. The five-foot setback has been in place for 22 years that I know about and probably prior to that. What this does is allow you put the monument sign in an area where, frankly, that it's most useful. A person driving on Okeechobee Blvd., he looks at the sign, says that's

where I want to go, I'm looking for a restaurant, dry cleaner, what have you. It's now tentatively in the Code to use the base moving line waiver.

Let me explain to you what that is. Some of you maybe familiar with it, some of you may not. Often times the base moving line waiver may be 40 feet back from the property line. There are several areas on Military Trail and Okeechobee Blvd. and some of the other main areas where ultimately this may be widened to that point. Normally, I would go through the procedure of applying for a permit for free standing sign. If it is indeed a case where the base building line is involved in that, I sometimes have to get a base building line waiver. Sometimes not. Sometimes this issue does come up.

However, if you're saying the sign has to be five feet back from the base building line, it could mean, in many cases, might be 45 or 50 feet back from the roadway. Obviously, that's not very effective to put a sign back somewhere back behind somebody's parking lot while you attempt to identify your particular business and/or location. To make that a standard actually is a double penalty. If all of them are going to be base building line, you are now are oblige to go over to Engineering, supply them all the appropriate information, give them what is a standard form of base building line waiver. Now I have done this a couple dozen times. It's never rejected. Simply from a practical point of view, they realize the sign would go out there. And this is incumbent upon that person to do be aware that he is getting away from it.

Summarily, however, it's kind of more important. A lot of small businesses that open up in an area like that want to put a monument sign up. Sometimes, and one of the requirements is to have a ceiling sign survey to apply to Engineering. They won't

accept one without that. You're now automatically sometimes making them do you a site-specific survey. Hundreds or even thousands of dollars are involved in getting that survey, depending on the size of the project. I would submit that there is nothing wrong with the way that the Code had read in terms of as you having a temporary sign back from the property line. Make that the standard and then as you come to the exception where a base building line might be involved in it, then perhaps allow that person or require that person to get a base building line waiver from Engineering.

CHAIRMAN BLACKMAN: Yes Dave. Question.

MR. CARPENTER: Sure. I can identify with what you're talking about because I've done the base building... In the Code, there's a section in the Code that says that the base building line on Military and I forget what other road, is 40 feet from the ultimate right-of-way. Is that the way that it is in the Code, forty feet from the ultimate right-of-way all on Military Trail? So anybody coming in to put in a building or any improvements for that matter. A parking lot or whatever, you have to get a base building line waiver to be able to build in that 40 feet is really what that is. Like Chuck said, it is always approved. But I don't think by having this language in here Chuck, puts anything more on your sign than it does on a building or parking lot. Because it's the same requirement for everything.

MR. CAPPELLA: With all due respect David. A building is one thing. It's a strut removal. Any sign that I can put out there I can kick out in an hour. Couldn't do that with any building obviously.

MR. CARPENTER: I don't mind saying the property line, but I'm just saying that it's not anything more onerous on you than it is on anybody else wanting to build

anything else in that 40-foot area. Put anything in there, you'll have to get a base building line waiver.

MR. CAPPELLA: Say for fact that the sign might be a couple thousand bucks. You're requiring this fellow to go through tremendous... Not only... The time. Say he takes four weeks or five weeks to get a permit signed. If you automatically put a base building line waiver, probably granting another four or five weeks, cause frankly Dave Cuffe got a lot more important things to do than look at a base building line for the site and I've spoken to Dave many times about it. Just for a practical point of view. The cost and time element. Now you may be saying, from the time I applied for a permit, it might be eight weeks or nine weeks until I can get this material back to have the permit then pulled and issued. I'm just saying it's practical...for a lot of small businesses David.

MR. CARPENTER: Now I see what you're saying. When you're coming in for a permit, the base building line and the property line, although they may be different, turn out to be the same thing because the base building lines where you can build, start measuring to build something, I don't know. You're trying to change the language to just say property line.

MR. CAPPELLA: As it has been for the past many many many years.

MR. CARPENTER: Wouldn't that section of the Code have to come out related to the....

CHAIRMAN BLACKMAM: I know staff has been very firm in this and during our subcommittee they were very firm in terms of looking only at the base building lines, Carmella.

MS. STARACE: Yes. I just have a question. So your building line is here and then. We're talking about permanent signs like monuments signs, things like that. Now you're telling the Developer to put this wonderful landscaping around the parking lot and the whole area and everything else in the street. Let's say it's a small store. So now if I have this ongoing berm and everything and I have to measure from the building line, how do I see the sign?

MR. CAPPELA: You do not that's my point.

MS. STARACE: The way we're putting in all this landscaping and berming and everything, you're going to get a lot of land.

MR. CARPENTER: You have to have the waivers for the landscaping. If you didn't get the waiver, you'd have to do the landscaping outside the base building line, which would be 40 feet inside the property line for example.

CHAIRMAN BLACKMAN: And a waiver is provided for in this addition, but his concern is the time and the effort.

MS. STARCE: That's what I'm trying to say to you. As an elected official, okay, I don't want to say it's a pain in the neck, but it's very cumbersome when people have to keep coming back for waivers as it is. It just seems that if it's something that happens constantly, which it does, because you're telling me you give a lot of waivers. Then it should be addressed so that you don't have to keep giving out all these waivers because evidently somethings wrong with the Code. That just concerns me.

MR. CARPENTER: The problem is, goes back to the establishment of this base building line which is 40 feet that the Engineering Department has established that all things could be built in there has to come through them. See what I'm saying?

MS. STARCE: Where does it say all that? I read this. I mean now we're back to the Engineers again. We're always back to somebody Okaying.

MR. CAPPELLA: Page 29.

MS. STARCE: I'm reading 29.

MR. CARPENTER: It's established that the ultimate right-of-way in case that road has to be a super highway. I couldn't tell you why.

MR. MACGILLIS: We have Dave Cuffe here if he could give a perspective of what the base building line is and why our setbacks from the Zoning Code are based on the base building line.

MR. CARPENTER: Let's ask Dave. Let him get up.

CHAIRMAN BLACKMAN: Dave. You want to introduce yourself.

MR. CUFFE: Dave Cuffe from the Land Development Division, Engineering Department. The base building line requirements, I just want to clarify some things on this. These have been a requirement. These have been in the Code since prior to 1973.

MR. CARPENTER: Dave, would you explain to everybody just to start out what the base building line is relationship to the property line and so forth?

MR. CUFFE: The base building line is by definition, the line from which setbacks are measured. The Code provides that the base building line for any thoroughfare planned road and major street, anything that's on the County's Thoroughfare Plan is by

Code 40 feet beyond the existing right-of-way line. Regardless of where the existing right-of-way line is, regardless of where the ultimate right-of-way line may be or anything else. The Code establishes for a major street, the base building line be 40 feet beyond existing right-of-way, which means that without a waiver or anything else, you would come 40 feet into the property and then measure your setbacks from there. Just as though that was your property line. There is a provision in there for a waiver.

The normal means of waiver would be to apply to the Land Development Division to see if part or all of the 40 feet can be waived and in the best case, and move the base building line back to the existing property line. Generally what happens is, if the existing right-of-way line or the existing property line is already out to the fully expanded width of the right-of-way would be required, that 40 feet will be waived. If the existing right-of-way or the existing property line is not all the way out to the ultimate required corridor width, the excess of that 40 feet over and above the ultimate corridor would be waived and where it usually comes in, particularly today, these days where the full 40 feet may not be waived is either if the existing right-of-way is less than the ultimate required right-of-way for the run of the road or where there are additional right-of-way necessary for expanded intersection at the intersection of the roads and that would constitute usually a partial waiver. I won't even get into the local street situation because our main concern here is with the..

CHAIRMAN BLACKMAN: Frank has a question.

MR. PALEN: It seems to me that the policy really is to minimize the creation of non-conformities that in the future might be costly to create the cost of the road construction on major roadway that have to be expanded in the future. It's something

the County thought ahead on certain major roadways rather than just using the usual setback requirement with the property lines, they've recreated this corridor and their making sure that the improvements are going in adjacent to the roadway corridor having setback sufficiently to allow the expansion of the road in the future.

Take for example, on any of these major roadways, and so the policy is to minimize the cost of government in the future in constructing the roadways that they know are going to be coming in and that imposes a certain burden on the adjacent property line to have to use up more of their land temporarily for some passive purpose. So these signs can set back a little bit farther and therefore don't have to be condemned at the time the roadway is actually put through. I guess my question then is, if you're not on a regular basis allowing these improvements to go in, you're not waiving it on a regular basis to allow improvements to go in undermining that purpose.

MR. CUFFE: Right. There is also a provision in there that would allow the use of, say for instance, the base building line requirement is not waived or not enough of it is waived to suit the applicant, we can also and we do fairly often, or where there's not a full waiver of that 40 feet, authorize non-habitable relatively easily removal structures like fences and signs to be constructed at the proper setback from the existing right-of-way line with a Removal Agreement for future right-of-way. So it can be placed in there and there is no, as far as agreement, that says that if and when the County ever acquires that right-of-way, we're not going to pay for the removal of the sign.

CHAIRMAN BLACKMAN: So they have the visibility and the County is protected because no one has agreed for the sign to be removed.

MR. CUFFE: Correct.

MR. JACOBSON: This kind of simplistic statement request. The kind of right-of-way you refer to is strictly roadway. It does not include sidewalks or in certain areas you do have public sidewalks that are put down by.

MR. CUFFE: It's the right-of-way for the street. That includes everything within. So sidewalks are normally, pardon, within the street right-of-way. The back of the sidewalk, in fact, is normally set just about at the right-of-way line.

MR. JACOBSON: I see. Okay. So in other words, if there was a roadway and there was sidewalk, this 40-foot setback would start from the walkway, then 40 feet back? Right-of-way can be so misconstrued. Originally, you would think it was only a roadway.

MR. CUFFE: In some cases it's a legally established strip of land. There might be only 20 feet of pavement in a 60-foot wide right-of-way. It's a legally established strip of land that is to be used for road pedestrian and other functions. Now there's another thing with the Waivers themselves. The waivers can be established as a separate base building line waiver, which a direct application to our office which a lot of people are use to. The other thing that can be done is for the past several years if anything is going to the Development Review Committee for a Site Plan, the base building line can be established at that time and reflected on the Site Plan and then there's not individual waiver required for the construction. So if a site is subject to DRC approval site plan, the base building line itself, the waiver can be accomplished as part of the DRC Review established on the site plan and then there becomes no question of it.

MS. STARACE: There's a lot of flexibility.

CHAIRMAN BLACKMAN: Are there any other questions regarding the base building line? If not we'll go on to Chuck's other concern.

MR. CARPENTER: Would you support changing the wording in the Code related to the signs from "base building line" to "property line" as far as measuring setbacks?

MR. CUFFE: I'm not so sure about that being a change other than. Let's put it this way. I'm not particularly familiar with...with special provision for signs, if somebody wants to...if it's decided that rather than measuring setbacks specifically for signs that it would be preferable just to measure them from the existing right-of-way then there would have to be an exception to the general provision that the base building line is where setbacks are measured. I think part of the problem comes in the Code itself. Like I say, for many many many years, it's in the original Zoning Code, in fact that rule was established under the original Zoning Ordinances in the late 50's or early 60's and its been part of the Zoning Code all the way along. There are inconsistencies within the Code itself regarding setbacks because there are certain supplemental regulations that don't refer to the base building line, they refer to the property line or to the right-of-way line which is inconsistent with the general provision of the Code that says setbacks shall be measured from the base building line for any property line or for any portion of the property that abuts a street.

MR. CARPENTER: Even if we change the Zoning Code that Engineering would sign off on. If you came over and you didn't want to waive the base building line from your established line, the Zoning Code said "property line", would Engineering sign off on it?

MR. CUFFE: I think we would rather have it consistent with the base building line be where setbacks are measured from, but I really can't speak for the public.

MS. STARACE: Is there any circumstance where you have? Can you give me a for instance or an example of where you think it would be negative?

MR. CUFFE: Where we would not waive that 40 feet?

MS. STARACE: Yes.

MR. CUFFE: If there were, say for instance, only 60 feet of total right-of-way, and the ultimate right-of-way requirement was 120 feet.

CHAIRMAN BLACKMAN: But even so, in that case, you could ask for a written signed condition from the property owner saying they are willing to remove the sign if the roadway by the ultimate right-of-way.

MR. CUFFE: Frankly, about the only time that we would do that is if the right-of-way acquisition were imminent. Therefore, we're on the five-year plan for right-of-way acquisition because it would be ridiculous to put something up and have it taken down tomorrow.

MR. LAST: Is there a reason that the base building line is not established as the ultimate right-of-way line?

MR. CUFFE: Actually, the old Code, the previous Code was even more onerous than this because it was a minimum of 40 feet beyond the existing right-of-way or the ultimate right-of-way if greater than 40 feet. We cut it back so it would be very definitive as to where the base building line was. Strictly the 40 feet and also what it did was, for instance, along Southern Blvd. where the ultimate right-of-way was 80 to 100 feet beyond the existing right-of-way. It only gives us authority over the first 40 feet. We

can't just come in say "hey sorry, you can't build anywhere within 80 feet of the right-of-way".

CHAIRMAN BLACKMAN: I think we've thoroughly scrubbed this issue. So Chuck if you want to go on to your other issues. I know you have some other comments and then we can act as a Board as to whether or not we're going to revisit this.

MR. CAPPELLA: Dave made some very excellent points. My only point is that you're looking in signs with the building. A building has its obvious problems. Traditionally, signage has been from the property line with some exceptions. We won't belabor the point. On that same page under "Channel Letters", I suspect this is really a verbiage issue if you will. In the previous meetings we had talked about the amount of square footage on a wall sign, differentiating between a cabinet sign, which has a whole fixed back area and individual letters. Meaning they would be separate letters, channel letters as specified in here. The purpose there is for using a channel letter let's use the example of Lloyd & Taylord. There's a huge "L", but then a very tiny "ord" in the same with "Taylord". The idea to give them a little bit of extra square footage is, number one, you want a little creativity, but in fact there not using the entire background. This is fine the way it is.

My only point is there are still other kinds of individual letters. There are these beautiful cascade letters that are made, some brass letters that are made, a nice form letter, which was also part of that. In only in terms of verbiage to really keep the spirit of that, it should say, all individual letters would be subject to the allowable addition of 20 percent as oppose to if I take this down to a clerk a year from now, I've got these

beautiful brass letters to put on a building, they would look and say, well are they channel letters. Well, technically, in the industry, that's why they're channel letters, but it is an individual letter occupying only the portion of the letter if stood on a wall, should allow that to be also incorporated under that same additional 20 percent allowable. If you'd like, I brought about a dozen copies of various letters, several of which are cast letters, some of which are plexi-glass, but I think you get my point.

CHAIRMAN BLACKMAN: Dave.

MR. CARPENTER: Chuck. The channel letter, is that still the letters that slide in the little slots?

MR. CAPPELLA: No. Channel letters by definition are a metal channel containing aluminum in the channel, complicated rather, neon and a plexi-glass face or in the reverse a reverse channel letter with illumination on the back or the same type of letter not illuminated, but it's a very specific individual letter.

MR. CARPENTER: Well, why do they allow that 20 percent?

MR. CAPPELLA: Well, I brought up the example. Several other codes that we're familiar with adjacent area of West Palm for example. If I put a 5 x 8 sign, I've got 40 square feet of usable signage in a cabinet (?). Now obviously I'm putting this on a wall, I've got 40 square feet, but if I want to use the word, just to be consistent, the name Lloyd & Taylord, I would put up an individual letter, but the big "L", the way you is traditionally measure from the top of the largest letter. Well frankly, I'm not using the wall. The big "L" might be two feet, the little "ord" is eight inches, ten inches alone here incorporated and all the side area when in fact you haven't used that. So in all fairness to somebody, in fact, you are encouraging them to use a more attractive letter than

simply a big cabinet sign on a wall. The additional 20 percent allows for the fact that you're really not using the background area if you will.

CHAIRMAN BLACKMAN: So what is the tidy term that we could term these other letters?

MR. CAPPELLA: Channel letters, neon channel letters, and all individual letters and that automatically exclude a cabinet sign, a large background sign.

MR. WHITEFORD: We don't have a problem with that proposal. Individual letters is something we need to work on. Maybe individual constructive letters, individual...Continue your conversation, let me look at some examples to see if I can pull some terminology off it.

CHAIRMAN BLACKMAN: Then Chuck, do you have anything else?

MR. CAPPELLA: That's probably it.

MR. CARPENTER: Chuck was our industry representative on the subject.

MR. CARPENTER: So right now Chuck trying to look back up to here at this single face signs. For example, technique for measuring it is to measure the outside perimeter. You're suggesting that you use a combination of shapes, if you will, to measure the large and small background.

MR. CAPPELLA: Not quite David. You'd still use the area. Let's say you take the big "L" in Lloyd & Taylord and square it off. What you're allowing them, is since their really not using most of that area, an additional 20 percent will allow them the latitude of putting up the word Lloyd & Taylor without charging them, if you will, or giving them a relief of a little bit in trims of that.

MR. CARPENTER: But what I'm saying is, just going back to the shapes. You're putting the shape around the "L", then the smaller letters you're putting this sort of rectangle around it.

MR. CAPPELLA: We're squaring off the entire area. That's my point. You're squaring off an area in which you're using maybe 50 percent.

MR. CARPENTER: What I'm saying is what you're proposing as your measurement, that's the way you wanted measured.

MR. CAPPELLA: No. You can still square off if you'd like. Let's say they're allowed 20 square feet, you're going to give them 24 square feet because they're really not utilizing that entire back area. In fact the way it's done, you square off the area from the largest letter to the end of the letter.

MR. BRUH: what you've got is "trust" changes "verbiage". It would be the same end effect, just they narrow it down to a different type of letter.

CHAIRMAN BLACKMAN: Okay. Any other questions on this point? Otherwise we'll go on to your next agenda.

MS. STARACE: This kind of like reminds me of the sign on State Road 80 that isn't there anymore. Jess SanRio is big in Royal Palm Beach. He's the one that came in originally and when he put up his monument sign and it was according to, you know, whatever it was and then of course, he put this little royal crown on the top and it was like well is that part of the sign. No it's not. It's a decoration. So it's not part of the part that you would measure.

CHAIRMAN BLACKMAN: Okay Chuck.

MR. CAPPELLA: I'm just saying that 40 percent of the sign would be useful because when you take a sign and let's say, we'll use a 50 square foot sign, you're allowing them ten square feet of that area, if you put a couple of six inch letters in there, you can barely spell "Jones". Now you're allowing your principal to use changeable copy. You're limiting the program and it becomes rather ineffective, I suggested a 30 or 40 percent increase in terms of the use of that. Apparently you could use the whole sign as changeable copy.

CHAIRMAN BLACKMAN: And just let the record show that this subcommittee was pretty firm on this and so was staff, but they thought that 20 was generous. It's ten now and some people thought that even that was too much and that we shouldn't be allowing changeable copy in the County. Anyway, we have given, I think, a great degree of latitude in the 20 percent.

MS. STARACE: Yes, cause some of these exceptions that you put in are the ones that really need it given that they are excluded from the 20. Can I ask you what signs, other than all these exceptions, what other exception would you need more than 20?

MR. CAPPELLA: Well, in affect, to the exception of that statement probably specific uses, indoor theaters and fuel signs. You pass any place, a dry cleaner, a store, an Eckerd's, a restaurant, you want to put today's special featuring Northern Italian Cuisine, you couldn't ever do that in 20 percent in Changeable Copy sign.

MS. STARACE: Eckerd's would never pass the health test on that one.

MR. CAPPELLA: I'm not going to belabor the point since it says on here that the BCC is strict on that, I'm going to belabor that. I don't want to make an issue. It's trying to be practical to even put that on a sign, but if that's the consensus.

CHAIRMAN BLACKMAN: Bill do you want to add anything?

MR. WHITEFORD: My experience has been it's 10 percent currently in Code, we've been good with Eckerd's and Walgreen's and they abide by it. They're not the ones who were actually clamoring for this change. We did get some requests, we thought that 10 percent going out looking at some of them in Appeal wasn't going to be quite enough and 20 percent was in fact too generous.

MS. STARACE: Who was clamoring?

MR. WHITEFORD: I'm not sure if there's anybody clamoring for a major change. It certainly wasn't Eckerd's or Walgreen's.

MR. CARPENTER: That gives Chuck a ten percent increase in his business. He charges by the square foot.

MR. CAPPELLA: No. He's not allowed any more square footage. This is incorporated on the part of the general square footage. It doesn't allow you any additional signage.

MR. WHITEFORD: That's true.

CHAIRMAN BLACKMAN: Anything else.

MR. CAPPELLA: Not on that issue. On page 36, again this was discussed. Traditionally, the allowed square footage was based on one and half square feet per measurement in a building. It's come to the fact that one square foot in general areas and then there's the agriculture whatever area is involved in that. I brought up the point,

in fact, Wendy and I had the conversation yesterday that if you're looking at a 100-foot building, you're saying well gee, that's 100 square feet. I would anticipate 90 percent. I would say that the business I bring in downstairs is a small business who has a 15-foot bay or an 18-foot bay, that's somewhat severely limiting in terms of them. You may want to control a high end, but you're really in proportion punishing the smaller business if you will. We even talked to the point of possibly even establishing a minimum signage. I'd suggest a 30 somebody came back and said there was some sympathetic feeling that maybe 24 square feet would be added. Currently, for example, you had a 15 foot building that he allowed 22 ½ square feet, I guess, off as opposed to 15 under this code. I think that something more equitable in terms of 22 – 24 square feet as a minimum area to be used would be fair to many many of the small businesses. We're talking about huge businesses coming in a lot of square footage to be used.

MR. WHITEFORD: Now we have got internal knowledge of a problem with a minimum that you can be guaranteed that you're going to use 24 square feet.

CHAIRMAN BLACKMAN: But then the linear measurement in that allows it to stay the same.

MR. WHITEFORD: Yes. The one per square foot per linear. One square foot per linear square foot stay the same, but you're guaranteed at least 24 square foot.

MR. CAPPELLA: As you get into a bigger bay of 50, 60, 70, 80, 90 or 100 square feet, it could probably live with the allowable square footage.

CHAIRMAN BLACKMAN: And that doesn't penalize the smaller guy.

MR. CAPPELLA: I'm sorry.

CHAIRMAN BLACKMAN: That does not penalize the smaller guy.

MR. CAPPELLA: Yes, I think that would be fair.

CHAIRMAN BLACKMAN: Anything else?

MR. CAPPELLA: Yes. On page and I apologize that it's blanked out on this copy, back to the area where it shows brown mounted signs.

MR. WHITEFORD: Page 38, page 920.

MR. CARPENTER: Brown mounted. Yeah. Okay.

MR. CAPPELLA: Down below it indicates freestanding signs shall be minimum separation of 100 feet from residential district or freestanding signs on abutting parcels. Now I understand that's really a two-fold issue. I should say three fold. Number one, you probably have hundreds of hundreds of parcels in the County, small businesses, once again, to add to maybe 50, 60, 70, 80. Is the intent to not allow these people to have a free standing sign in front of their business by saying that they have that 100 feet. There's 100 feet minimum for a freestanding sign, which has never been in the Code. It's always been...

CHAIRMAN BLACKMAN: The point is that if you have three narrow lots together and a large lot, could the large lot have one at its edge and preclude the other three smaller lots from having

MR. CAPPELLA: That's one issue. The other issue is if you're saying that you have to have a minimum of 100 feet for a free standing sign, it eliminates these other small lots and there are thousands of them through the County, which is frankly very unfair. The little fellow, once again, opening a business may want to put a little monument sign out there, he may only have a very small 50 square feet, but he certainly should be allowed to have a free standing sign on his property.

MR. CARPENTER: Okay, well this doesn't say monument sign. It says free standing.

MR. CAPPELLA: Okay. That's a generic term.

MR. CARPENTER: Up above that we have two separate drawings, one of a free standing one with a monument. So is there a separation of what is under the monument sign?

CHAIRMAN BLACKMAN: It's under the larger heading of Ground Mounted Signs.

MR. CAPPELLA: That's a generic term, but they're still ground mounted.

MR. CARPENTER: Is there a 100-foot separation between monument sign.

MR. CAPPELLA: No, currently.

MR. CARPENTER: Well, does this imply that is what I'm asking, this in the Code? It is saying that the monument to is included in the...Not just a free standing. Why would you preclude the monument sign? What I'm saying is why don't they allow the monument to break that 100-foot since it's a monument sign? I could see what you're saying about the free standing. Bill do you have any response?

MR. WHITEFORD: Now the...On Page 38, Page 920. What Section 2 is trying to outline is that there are essentially two general types of ground-mounted signs. One is a free standing and one is a monument. But both signs are free standing signs.

MR. CARPENTER: Okay.

MR. WHITEFORD: There are provisions in the Code for what we call Point of Purchase Signs....Point of Purchase Signs, which are all just free standing signs and

then individual out parcel signs, which are required to be monument signs. But they're all ground-mounted signs. They all fall under that small category.

MR. CARPENTER: What I'm saying is. His point is that the smaller lots are the guys who are being bumped off. These smaller lots are only going to be able to have small signs. So you will be talking about a small monument sign and I don't see anything really objectionable about that as oppose to say a free standing sign or a sign on a pole that you've got.

MR. WHITEFORD: There's two ways to handle it. One is just like we handled the last provision where at least you're guaranteed some minimum. The other is and we've talked to Michael about this, is if you did end up in these odd ball situations where you had a bunch of nonconforming lots and due to the limited amount of frontage somebody got excluded from having a free standing sign because his neighbor has had a free standing sign, that one approach is to allow them to apply for a variance and through that procedure we can begin to identify some these areas and some of the commonality between the problem and then at some point in the future address it with an amendment to alleviate this problem. Right now we think we might have this problem and I'm sure we do. We're not aware of any yet, but it's a matter of if you want to address it now as something that guarantees a minimum or handle it through a variance procedure, identify them and then address it at some point in the future with an amendment.

CHAIRMAN BLACKMAN: Is this a brand new standard or is there something existing in the Code right now?

MR. WHITEFORD: There's something similar, but it's not quite...

MR. CAPPELLA: It's 50 square feet now.

MR. WHITEFORD: There is a separation currently in the Code, but weren't for signs.

MS. STARACE: So the question would be. If it's 50 now and you're saying 100, you are changing it? It's not that you're not saying you're not. So why not leave it 50 and then address like you just said, when the time comes? Why are you changing it to address it again?

MR. WHITEFORD: Well, if we didn't change it. I'm going to assume that we're not going to have a problem because we don't have any problems now that we're aware of. By changing it, we may get some problems.

MS. STARACE: That's why I'm saying, why are we changing it if we're causing ourselves a problem when it wasn't a problem before?

MR. WHITEFORD: It wasn't a problem as far as allowing signage, but the whole emphasis in trying to change the Sign Code and raise the bar a little bit gets more separation between signs on the property.

MS. STARACE: And that's fine. You've been doing good for good sake is fine sometimes, but good sake sometimes is no change, just a no change.

MR. WHITEFORD: The other suggestion I was going to make is that if you want to guarantee them some sort of minimal signage and if you wanted to go with the monument style sign, then I would limit the out parcel monument sign provision that we have. Treat the smaller parcels as what they are. There not a whole lot different than an out parcel that you may see somewhere else and give them the same type of sign

allowance, which would be equivalent to an out parcel communication sign, which would, I don't have the page for it, but we made that our minimum.

MR. CARPENTER: How many square feet would that be?

MR. WHITEFORD: It's 20 square feet, six foot high. They would be guaranteed.

Perhaps we could refer to that. They're guaranteed at least...

MR. CARPENTER: That would be a monument sign?

MR. WHITEFORD: A monument sign in the form of an out parcel.

MR. CARPENTER: The other thing I was thinking too related to talking about these two types of signs Free Standing and Monument is that that would be an enticement to getting somebody to go the Monument style, which is better and generally these small types parcels aren't coming through the review process and you don't have sign limitations and so they're going to 25 or 35 feet. So it seems like the Monument style thing may be useful to get them to go to that type of signage.

MR. WHITEFORD: Why don't we do that then, under the A.1 at the bottom of Page 920. For some reason you're excluded because of the separation requirements that you'd be guaranteed at least what is equivalent to an out parcel identification sign and we would refer you to the language at the top of page 923 by reference, which where The Out Parcel I.D. Signs and provisions are.

MS. STARACE: Did that help in any way?

MR. CAPPELLA: I'd like to address two points if I may. Number one, it has. For example let's say you have four lots in a row, each 50 feet and fellow has the other 100-foot lot. Where he chooses to put his sign if he's the first one in there, he puts his sign at the edge of his property. Okay. He permitted to do that. The next two parcels

because you have a separation of 100 feet would not be allowed any signage. I don't understand why that has to be in there. It had been 50 square feet. Pardon. Fifty feet between the two areas and in affect you're kind of making this other fellow comply to a sign that might be a preferable sign, but still he has a right to put in whatever sign. In fact that Dave at this point there will never be a 30, 25 or 20 square foot sign. That's out of the Code now. Be it maximum signage heights for various widths of the road. That's in the new Code now.

We hammered that out and that's fine. The individual though who is next door to this person should have a right to put his sign up whatever type he chooses in terms of Free Standing or Monument on his property in that area given the fact that he has 50 square feet let's say. He should still be allowed to do that. In affect, you're also affecting, frankly, his commercial value of his property, which he purchased by the fact that the fellow next door who has no relationship to him just happens to be continued on his property has put his sign there. You're impacting his business.

CHAIRMAN BLACKMAN: Does that person be given the right to have a monument sign and not the choice between two different signs?

MR. CAPPELLA: If you want to put that in fine. I still think that the 50 square feet separation should do that. If you want to make a smaller lot at a smaller size, that's another discussion. You casually say variance. Let me say what variance is. You don't just come in and say I think I need a variance and you get it. You're talking about sometimes months, very costly to do and again this is the little fellow whose saying look I got a cleaning business. I can't put a couple thousand bucks up and wait two or three or four months. I'm already open without any signs whatsoever. A variance is a very

difficult procedure and then you have show hardship. You can't just say oh the Code doesn't allow that.

CHAIRMAN BLACKMAN: Carmella.

MS. STARACE: His point is very well taken because as you move to the end of your property and then the next fellow if he only has a certain amount. Then who wants to see a monument sign here and then a large pole sign on top of it. You know what I mean. Because he's allowed to do that, but not this and personally for beautification reasons, I don't like pole signs anywhere. I think monument signs are really the way to go, but I definitely... I'm not saying that you're not addressing it, but I think maybe we could address it another way.

MR. WHITEFORD: Just one other observation and again I'd never say that this is never going to happen because you know, it could. We have a lot of nonconforming lots out there, but the minimum lot frontage for commercial parcel is 100 feet. Do we have a lot of 50-foot wide lots out there. Okeechobee, Military, Congress, I mean, I'm sure there are a few out there, but I don't that it's a prevalence issue, but I'm never going to say never.

CHAIRMAN BLACKMAN: Okay.

MS. STARACE: But the point is, it isn't broke. Why are we fixing it, that's my question. We don't have a problem right now so we don't even know what is out there and yet we're making....

MR. WHITEFORD: I don't know that we don't have an issue is. Not based upon the current standard of 50-foot separation, but part of our direction was to raise the bar and one of the ways we raised it was to increase that separation on signs. We're not

trying to penalize people by reducing the number of signs, but if that... and if it did, then hopefully the suggestion I made threw back in, in other words, the minimum sign allowed. That's the compromise I'm trying to strike.

MS. STARACE: And all I'm saying is, they told you to raise the bar. It doesn't mean that you have to go line by line and raise the bar. It just means raise the bar of the concept and the intent of everything, but I mean there is no...I don't see a reason to raise the bar on this one particular issue right now causing us a potential problem when there is no problem that you can pinpoint that you have had with this.

MR. WHITEFORD: Not with that provision, but.

MS. STARACE: Then that's what we're talking about this one provision.

MR. WHITEFORD: But as far as signs being to close together and to many signs you go down the road bop bop bop bop bop, bop. Yeah obviously that's an issue and that's what we are trying to address. This provision addresses that sign that issue of sign separation.

MS. STARACE: I want to ask you something Bill. So when you say 100 feet, so let's say there's four parcels and if I'm coming...I'm not going to as able if I'm the last parcel coming on the block, I have no freedom, I have no right whatsoever as to where my sign will be? It's going to be designated for me where it has to be because everybody's pushed me to this point?

MR. WHITEFORD: If you think upon the block that you have, right now it's every 50 feet.

MS. STARACE: Assume everybody's got a 100-foot. So you're pushing me to the point where the last guy that comes on the block has no rights where he can put his sign? It's written in blood really because it's written in here.

MR. WHITEFORD: Yeah. It is. The flexibility is nothing been reduced in this provision. Right now, it's every 50 feet.

MS. STARACE: Can we compromise? Can we go 75 instead of 100?

MR. WHITEFORD: Sure. I mean I think so.

CHAIRMAN BLACKMAN: If it stays at 100 and we have existing signs that are 75 feet apart, does one become nonconforming.

MR. WHITEFORD: Yeah.

MS. DAVIS: And then which one?

CHAIRMAN BLACKMAN: Whichever one needs to be replaced first.

MR. BRUH: You know I keep reading this in here myself. When I read this, it says what it says. It says Free Standing Signs. As far as I'm concerned I can put a Monument Sign every 25 feet. It doesn't change the Monument Sign. It says Free Standing Signs can't be...

MS. STARACE: That's what I was trying to say. One can stand up here and one can be right underneath it.

CHAIRMAN BLACKMAN: It's not fair that Free Standing and Monument are synonymous or they are both considered Ground Mounted Signs.

MR. CAPPELLA: I believe the intent or as you pointed out Wes, is ground signage as a generic term? They happen to use the verbiage freestanding signs here, but it's still a ground sign the fact that it's mounted in the ground. I submit that there are

still hundreds and hundreds of parcels which are 50 foot blocks which should be permitted a signage and not be excluded because their neighbor already got the sign in and if you take 100 feet you've impacted upon his right to do that. It's been 50 square feet.

CHAIRMAN BLACKMAN: I think may might want to chew on this a while.

Maybe it's beyond this meeting, but....

MR. WHITEFORD: Both then say that the ground mounted sign. It says very clear that the ground mounted signs consist of free standing signs such as a monument sign, out parcel identification sign and entrance signs. Ground mounted signs is a very general term for all signs.

MS. STARACE: Can we change that to read "and bla, bla, bla, bla" or "60 feet instead of 100"?

MR. WHITEFORD: Well, what I was going to suggest was the separation. I was going to jump at the 75 and also go ahead and allow just as we did previously a minimum guarantee that you'll get some type of signage which would be equivalent to the out parcel identification.

MS. STARACE: I'm sorry, I forgot I said 75.

MR. CAPPELLA: You're saying 75, it has a lesser lot Bill? That it would still be permitted that minimal monument signage?

MR. WHITEFORD: Yes. Correct.

MS. STARACE: Is that better?

MR. BRUH: Maybe we could change that word on top of that pole sign. Change that pole sign or something else so it doesn't say freestanding sign.

MR. WHITEFORD: I agree. I agree.

CHAIRMAN BLACKMAN: Any more item or items.

MR. CAPPELLA: One more item and this is on page...

MS. STARACE: You got to get a life.

MR. CAPPELLA: This is my life. I think it is page 43. I just pointed out, for example, there are certain areas where you will allow Electronic Message Center. Right now the set back for an Electronic Message Center is 15 feet. Generally speaking it would be the electronic message center on the free standing, a pile on sign and the pile on sign can be five feet from the road. The electronic message center you're saying what, they have to build a separate structure and put it back 15 feet? It's just a matter of logic. If you're going to permit them to put them, permit them to put them on the freestanding sign prior to the set back.

MR. CARPENTER: No. That means you gotta move your sign back.

MR. CAPPELLA: Well.

CHAIRMAN BLACKMAN: The committee felt very strongly about this too. The electronic message sign is a completely different animal. It's not your standard ground mounted sign or freestanding sign. Its impact is greater, so it should be set back a little.

MR. WHITEFORD: This current code hasn't changed.

CHAIRMAN BLACKMAN: Okay. Anything else?

MR. CARPENTER: No. You did well when you got this message center thing on here to start with. Remember back when you are begging to add on.

MR. CAPPELLA: But still you made it so minimal who can and cannot use it. I'd like everybody to go out...

CHAIRMAN BLACKMAN: Before lunch, we'd been through this so...

MR. WHITEFORD: I want to go back to the channel letter issue. We scrapped some verbiage off of here and its on page 911 also known as page 29. Attention to A.1 Channel Letters. Twenty percent may be added to the calculation of the maximum area of the sign comprised of channel letters, neon channel letters for other individual freestanding letters. We grabbed some of that language off of here. Evidently free standing letters is a common term in the industry and we recognize its meaning.

MS. STARACE: Great. It works.

CHAIRMAN BLACKMAN: We'll see if there's any other public comment now that we're at a new hour here on this item. Seeing none, let's here from Planning on Article 8, Signage.

MR. HOYOS: Article 8 continues to be consistent with the plan.

CHAIRMAN BLACKMAN: A motion to approve as a CTF with the changes that we've discussed and then a motion by allowing the LDRC to find it consistent with the comp., plan.

MS. STARACE: So moved.

MR. BRUH: Second.

CHAIRMAN BLACKMAN: Motion second. Any discussion? Seeing none, those in favor aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against same sign, motion pass. Now on to Article 9.

MR. MACGILLIS: Article 9 is found on page 939 of the Code. Since the preliminary approval, there's been no changes to this Article and prior to the preliminary approval, this Article was reformatted and given its own article. It's the Archaeological and Historical Preservation Standards. There are no errata changes either to this Article.

MR. CARPENTER: Motion for approval.

MR. JACOBSON: So moved.

CHAIRMAN BLACKMAN: Okay is there any public comment on this item? Okay we need to hear from planning.

MR. HOYOS: Mr. Chairman, Article 9 is consistent with the plan.

CHAIRMAN BLACKMAN: Okay. We have a motion, second. Discussion on the motion? Seeing none, those in favor aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. Motion passes. Article 10.

MR. MACGILLIS: Article 10 is found on Page 965 of your Code. There were no changes. There was a preliminary meeting on this Article and there are no errata changes.

MR. CARPENTER: Motion for approval.

MS. STARACE: Second.

CHAIRMAN BLACKMAN: Okay. Any public comments? (None). Let's hear from Planning.

MR. HOYOS: Article 10 is consistent with the plan.

CHAIRMAN BLACKMAN: Okay and there's a motion second. Discussion?

Seeing none, those in favor aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. Motion passes. Article 11.

MR. MACGILLIS: Article 11 is found on page 982 of your Code. At the preliminary meeting, the only question came up was staff was dealing with the legal lot issue and whether or not it was going to remain in Article 1 or be moved to Subdivision Ordinance. That was the only outstanding issue that was established. There is one errata change on Page 40, your errata. David Cuffe had asked us to add to the word "management" in the easement and water management tract. That's the only change.

MR. CARPENTER: Motion for approval.

MR. JACOBSON: Second.

CHAIRMAN BLACKMAN: Okay, any public comments? Planning.

MS. STARACE: When you add just one word like that. What was it, just to feel good?

MR. MACGILLIS: I guess it was differentiated between other tracts like, I don't know whether it...water managements so it differentiates.

MR. CUFFE: I think water management tract is how the tract is defined.

CHAIRMAN BLACKMAN: Okay, the public? Then we want to hear from Planning.

MR. HOYOS: Everything is consistent with the plan.

CHAIRMAN BLACKMAN: Okay. Thank you. We have a motion, then a second to find it consistent and accepted. Those in favor aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those oppose, same sign. Motion passes. Article 12.

MR. MACGILLIS: Article 12 is found on 1053 of the Code. Once again, there were some minor comments from the CTF on how the counts were generated from general discussion that they addressed at the last meeting. The only changes they think, some minor changes to some of the charts that there was some errors between the preliminary meeting and this meeting.

MR. CARPENTER: Motion for approval.

MR. JACOBSON: Second.

MR. MACGILLIS: There is on page 41. I'm sorry. There are no errata changes to this Article.

CHAIRMAN BLACKMAN: Okay, motion for approval and the second. Any public wish to comment on this Article? (None). Planning.

MR. HOYOS: Mr. Chairman, this Article is consistent with the Plan.

CHAIRMAN BLACKMAN: Okay. Thank you. We have a motion to second. Discussion on the motion? Yes, Carmella.

MS. STARACE: Hold on one second.

CHAIRMAN BLACKMAN: That's fine.

MS. STARACE: Very small, just tell me what municipality and department coordination. Explain to me like in two sentences.

MR. CARPENTER: It means Royal Palm has to ask the County for permission to do anything.

MS. STARACE: That's usually the way.

MS. STARACE: Dan, in just like two sentences, just tell me a summary of what Section 5 says on page 1096. Just hand him that.

CHAIRMAN BLACKMAN: What page Carmella?

MS. STARACE: On page 41 or 1096. It's just A,B,C and D. Especially "C", when a special mythology....

MR. WEISBERG: This section has all to do with provisions that allow a level of service, different level of service, for affordable housing projects.

MS. STARACE: So is this like on Okeechobee when the Lenar property came in and they wanted more concurrency than was allowed so they had to say they would do affordable or whatever kind of housing in order to get more trips on the road?

MR. WEISBERG: Lenar never, to my knowledge, came in.

MS. STARACE: No, it didn't happen. It was a discussion we had at one time.

MR. WEISBERG: Any discussion we may have had would have been qualified for any project that is 100 percent affordable or is a percentage of affordable meeting low and very low income based upon an analysis of the amount of affordable housing in the area.

MS. STARACE: So this doesn't increase the level of service because you're presenting affordable housing or anything?

MR. WEISBERG: Oh absolutely.

MS. STARACE: That's what I'm saying.

MR. WEISBERG: On any affordable service, if you have a qualified affordable housing project.

MS. STARACE: Okay. That was the loophole when I first came on. So that's where it is, all right.

MR. WEISBERG: It was about in that area that was, I think, the southeast corner of Okeechobee and State Road 7.

MS. STARACE: That's what I'm talking about.

MR. WEISBERG: I did not realize that it was Lennar.

MS. STARACE: Yes. That's Lennar.

MR. WEISBERG: It didn't come forward originally, but it was originally sold or something, but didn't come forward and it's there based on this current provision.

CHAIRMAN BLACKMAN: Thanks. I'd like to recognize Rosa Durando has arrived and Bob Bentz arrived during the Signage discussion sometime ago. Any more discussion on the motion pertaining to this Article?

MS. STARACE: I just have one other question. So when this affordable project came on board there was not only that they were doing affordable housing, but they got extra concurrency on the road? There was also Roebuck Road project behind them and/or funding for Roebuck Road off the-- Barbara knows them. What I'm worried about is that, you know, you keep giving this and then roads promised after the project is built.

MR. WHITEFORD: Roebuck Road is under construction.

MS. STARACE: No. Roebuck Road, State Road 7 extension, which isn't there behind this little property that we're talking about on State Road 7 & Okeechobee right behind Andros Isles and it goes there. All that funding and all were taken off after this

affordable housing was given extra concurrency because of the affordable housing and I don't know how to stop that from happening.

MR. WEISBERG : My recollection of Roebuck Road is that it was funded quite a number of years ago for design and right-of-way acquisition and then I believe Commissioner Roberts had it removed from the plan. And as part of our settlement agreement with the Village, we put it back in for design. So it presently exists in our five-year road program for design.

MS. STARACE: Right. And right now you have a call situation and then as part of....

CHAIRMAN BLACKMAN: Rosa.

MS. DURANADO: If Roebuck Road is still the issue that I have been informed and it's still not decided about the battle between where the County agreed to put and where the local residents have lost three sections of land are fighting to have it moved up to the catching area and that's what the battle is between the City and the County. Where the location of Roebuck....

MR. WEISBERG: Then you're correct. There is some discussion of alignments.

MS. DURANDO: That's a real true statement when you say some discussion. There are some people...

MS. STARACE: But Rosa, we're not talking about alignment here. I'm talking about taking it off period.

MS. DURANDO: No. It's still there.

CHAIRMAN BLACKMAN: Okay. We're nearing the end of our discussion here. We were 99 percent done here with this article.

MS. STARACE: I was just saying that this is a loophole and is it something everyone wanted to do. Cause it's just not the municipality. It's a loophole that exists in the County.

CHAIRMAN BLACKMAN: Okay. Any further discussion on the Article 12?

MR. CARPENTNER: Motion for approval.

CHAIRMAN BLACKMAN: We've had our motion, now its discussion on the motion? Those in favor aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. Motion passes. Moving on to Article 13, Impact Fees.

MR. MACGILLIS: Found on page 1016 of your Code. The only changes, there were actually no CTF direction on this one since the last preliminary meeting. Willie has worked with Lenny and Building staff to clean up a lot of the chart and fix a lot of the figures, the maps that are in the back. It's a perfect Code now. I'm looking in the errata book page 41. This is an, and I'm going to try to explain this. This is a Willie thing.

MR. SWOOPE: Okay. The question about why we add the language.

CHAIRMAN BLACKMAN: Could you introduce yourself just for the record?

MR. SWOOPE. Okay, I'm sorry. My name is Willie Swope, Palm Beach County Impact Fee Coordinator. Regarding the language.

MR. CARPENTER: What line are we looking at, just tell me where are we looking.

MR. CARPENTER: The first one. Okay.

MR. SWOOPE: The language that we had Ordinance, Article 10, actually related to the goal of trying to prevent builders from not proceeding in good faith once they had pulled a permit. So, for example, if they would go to pull the permit, only to avoid impact fee increases, did no substantial work of any nature, then the part of this language is suppose to prevent those builders from pulling permits and then not proceeding in good faith.

This language has resulted in my getting a significant number of people in my office discussing permitting issues, whether or not their permit is, in fact, done accurate and so forth. What the intent of this language change, this amendment, is simply to recognize that if, in fact, the builders or the builder has proceeded in good faith and has proceeded through the rough inspection, which is an indication of proceeding in good faith, then the builder would not incur additional impact fees. So what we're trying to do is reduce the amount of discussion related to permits that go inactive and accordingly charge additional impact fees when, in fact, when they do become inactive.

CHAIRMAN BLACKMAN: Dave, do you have something?

MR. CARPENTER: Yeah. Is this added to prevent a builder from pulling 200 permits right before an impact fee is initiated and then doesn't proceed on the units?

MR. SWOOPE: Yes. It's not just added to prevent the builder from pulling 200 permits. The builder can in fact pull 200 permits, but if there is no intention to proceed in good faith, then the other language would result in additional impact fees. If, in fact, there is demonstration of proceeding with good faith...

MR. CARPENTER: That's the purpose of the language.

MS. STARACE: Like everybody right now before the impact fees go up.

CHAIRMAN BLACKMAN: Rosa. Do you have

MS. DURANDO: No.

CHAIRMAN BLACKMAN: Maury.

MR. JACOBSON: Please define the time element? You know. Good faith, when they proceed in taking 200 permits out at a time for example. What is the time element you are allowing there for an active or inactive or inaction-taking place?

MR. SWOOPE: Well under Building Code, a permit goes inactive if there is no better inspection within 180 days. So every 180 days, there must be a better inspection in order to keep the permit active.

MR. JACOBSON: And what represents good faith on the part of that builder.

MR. SWOOPE: Well, I think the best way would be for me to give you an example.

MR. JACOBSON: Please.

MR. SWOOPE: I know there was a situation that occurred where a builder, in fact, pulled a great number of permits in order to prevent...I'm sorry, in order to avoid the impact fee increase and then did nothing more than shovel a scoop of dirt on each of the lots that were represented by those various permits. So that would be a very good example of not proceeding in good faith. No building activity on a particular building permit. So that would be my little light example of not proceeding in good faith.

MR. CARPENTER: The other reason somebody would do that would be, if building permit requirements changed, such as the "wind load" requirement for hurricane, for example, when that changed their gang of permits should have been

pulled and then sat around enable to building, but under the proceeding Code. That would be the other instance for that.

MR. SWOOPE: Quite possible.

MR. JACOBSON: It's a date that you submit for your permit is the date...That's the existing Codes prior to that permit is the date that you actually submit your plans for plan review, rather than the date that you get the plans back. Am I making myself clear? I mean this has been my understanding forever in Palm Beach County.

MR. SWOOPE: Yes. The applicable date as far as impact fees are concerned would be the date that you actually applied for the Building Permit.

MR. JACOBSON: Exactly.

MR. SWOOPE: So we access all impact fees based on that particular...

MR. JACOBSON: That date.

MR. SWOOPE: Yeah, right.

MR. CARPENTER: What this says is that if you don't proceed in six months, then you loose the right to proceed under what you submitted the permit.

MR. JACOBSON: Right, I understand that.

MR. CARPENTER: Is that right Willie?

MR. SWOOPE: Yes. What this language does is, it actually simplifies our process and it makes unnecessary those individuals who would pull permits and have actually proceeded with a rough inspection having to come to my office and debate the impact fees because under the old language we have to access additional impact fees, if in fact, the permit has gone inactive. So what this does is, in fact, reduce the amount of discussion. It's actually a benefit for customers, as a matter of fact, because it states

in very clear language that if you've proceeded through the rough inspections or those inspections, then there are no additional impact fees assessed.

MR. CARPENTER: Is that the only change?

CHAIRMAN BLACKMAN: Do you want to go through the other changes if there material or...

MR. BERGER: The only other one is really a clean up change that reconfigures a benefits of us to leave out the Glades.

MR. CARPENTER: Motion for approval.

MR. JACOBSON: So moved.

CHAIRMAN BLACKMAN: Motion for approval. Is there any public wish to address this item, Article 13 in your packages? (None). Seeing none, we need to hear from Planning.

MR. HOYOS: Mr. Chairman, Article 13 is consistent with the plan.

CHAIRMAN BLACKMAN: Okay. We heard the motion and a second. Discussion of the motion? Seeing none, those in favor aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign, motion passes. Moving on to Article 14. Environmental Standards.

MR. MACGILLIS: Found on page 1172. Allen Trefrey gave an overview of this at the preliminary meeting. There were no major issues raised by the committee. The errata, page 43, there was minor changes that reference to the chapter staff had referenced a Section instead of the entire Chapter.

MR. CARPENTER: Motion for approval.

MR. JACOBSON: Second.

CHAIRMAN BLACKMAN: Is there discussion from any public? Seeing none.

Planning.

MR. HOYOS: Article 14 is consistent with the plan.

CHAIRMAN BLACKMAN: There is a motion and second. Discussion? Seeing none, those in favor aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign, Article passes. Article 15.

Health Regulations.

MR. MACGILLIS: Page 1271 of your Code. There were no changes to this Article.

MR. CARPENTER: Motion for approval.

MS. DAVIS: Second.

CHAIRMAN BLACKMAN: Motion second. Anyone from the public wish to address Health Regulations?

MR. MACGILLIS: There are actually, I'm sorry, on page 44, some errata changes to this Article.

CHAIRMAN BLACKMAN: That was left out of my package, I don't know if that's...I have a detachment for Article 15, but no sheet in between.

MR. MACGILLIS: Most of these were errors that the department found. On page 46, there was two graphics that our illustrators had done that they needed changes to them. Page 48, these were Appendix's that are currently in the Code and

on page 49 that were inadvertently left out on the Code that was sent to you. Those are the only changes.

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

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. Moving on to Article 16.

MR. MACGILLIS: Airports Regulations, page 1312 of your Code. This is the Article I indicated earlier that this is different from what you saw during your preliminary approval. What you see before you today is the current Code simply reformatted to the new format of the Code. Both the County Attorney for the Airports and the Airports themselves needed additional time to address their changes and due to the timeline of the Code going forward, they requested us just to format the existing Code. Next year they'll bring back into the Code.

MR. CARPENTER: Motion for approval.

CHAIRMAN BLACKMAN: Motion second.

MR. JACOBSON: Second.

CHAIRMAN BLACKMAN: Anyone from the public? Seeing none. Planning.

MR. HOYOS: This Article is consistent with the Plan Mr. Chairman.

CHAIRMAN BLACKMAN: Okay. This is just so that the Code doesn't go forward with a hole in it without Article 16.

MR. MACGILLIS: It's formatted, consistent with the Code.

CHAIRMAN BLACKMAN: All right. Discussion on the motion? Seeing none, those in favor aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. Article 17.

MR. MACGILLIS: Article 17 found on page 1337.

MR. CARPENTER: This is the Article for the CTF then.

MR. MACGILLIS: Yes. Just note under the "General" that there's that error that Bruce Kaleita wanted on the record that was corrected. In the summary to staff, incorrectly had the CTF as they're here named as the Land Development Review, which should say Advisory Board not Appeals Board. Other than that, we already went over this this morning. The changes mostly to do with the CTF.

MR. WHITEFORD: The State Statute calls you the Land Development Regulations Commission and I don't know why locally you couldn't be known as Land Development Regulations Commission as well. Just one name.

MR. CARPENTER: As Mr. Palen. He's the author of this title.

MR. WHITEFORD: We already have a draft. It's the Development Review Appeals Board. Does anybody have a preference? Calling it the Land Regulation Commission? It's what you are known by statute. "LDRC".

CHAIRMAN BLACKMAN: Can we incorporate that into a motion?

MR. CARPENTER: Sure. Motion for approval.

MR. JACOBSON: Second.

CHAIRMAN BLACKMAN: Motion second.

MS. STARACE: Just for clarification. So the five alternates will be chosen by the County Commissioners?

CHAIRMAN BLACKMAN: That is the recommendation that is going forward from this body. I think staff may have an alternate parallel recommendation. That was our action this morning.

MR. WHITEFORD: And even then that's going to be something for discussion in our talking to Barbara and obviously reaching much, much, much consensus on this whole Code and have one little thing to go to the Board as the 8.0. An agreement to disagree, we're not sure it's enough to fuss about. So again, we will talk about it internal.

MS. STARACE: That's exactly what I was going to say. It's another meeting I'll have to attend. So I was wondering if we could just do it and get done with and this way we could all go into court and be happy.

MR. CARPENTER: Going to court. What you got in mind?

MR. PALEN: I don't believe as CTF we are now subject to the financial disclosure requirements. By making us the LDRC as provided in Chapter 163, do we become subject to that?

MR. BERGER: It was only two years ago that the County said its Boards to have to do that....

MR. CARPENTER: I hadn't been getting one in the mail. Last year I didn't get one.

MR. BERGER: You did not.

MR. CARPENTER: No.

MR. BERGER: Two years ago they narrowed it considerably.

MR. PALEN: I know we use to.

MR. BERGER: I think that a lot of the, in terms of land use, things that you guys do because its not final government action, it takes you out of the box. I mean consistency finding is, but when you say it's not consistent, you got the Board still hears the Ordinance and can decide for themselves.

MS. STARACE: It's a good point only because you volunteering. We have some volunteers on committees that didn't know they have to do disclosures and were fined \$1,500.00 for volunteering.

MR. BERGER: We're very careful about that. I want to go back and read it to make sure because I'm not sure. The other thing I'm just a little concerned about the confusion because LDRC meetings have particular kinds of advertising requirements and then they're finding consistency that this Board will meet for other purposes now as the LDRC just to look at the Code stuff and not necessarily finding consistent on a particular day. I don't think they would set those kinds of hearings.

CHAIRMAN BLACKMAN: Rosa, you had a question.

MS. DURANDO: I think I've answered it. I was just told that Stella had a question, was there still a Reserved Environmental seat on this Board and I see there is.

MS. STARACE: Could that be addressed.

MR. WHITEFORD: Talking to Barbara, 10 organizations, and 7 BCC Commissioner appointments. Typically in a Board appointment situation, the other Advisory Committees we deal with, the Board of Adjustments, the Zoning Commission for example. There are seven Board appointments, but there are two at large and that creates the number to nine. The two at large are voted on by the entire Commission. If

we could settle on two alternates, being the two at large positions. We could end this today. Instead of five, could make it two. So there would be seven Board appointments, plus two at large, which is what their accustomed to. These two would, in affect, be the alternates.

MR. CARPENTER: I could go with that.

MS. STARACE: This way I won't have to go to a meeting.

CHAIRMAN BLACKMAN: You want to incorporate that into the motion.

Joanne.

MS. DAVIS: When you have your seven Board appointments, is there any guideline or criteria suggested types of representatives that the Board should be looking at in appointing to this and it's all these same things?

CHAIRMAN BLACKMAN: That begins on another page.

MS. DAVIS: I'm finding myself being troubled by the way that this is going towards industry and I understand that we have to have industry representation because those are the guys that have the expertise in it. But, it almost looks like industry is regulating itself.

MS. ALTERMAN: Joanne, the purpose of that was. This Board wanted to maintain exactly the same membership that it had. On the other hand, I had Commissioners and Administration saying we need some expertise that's not within those groups or the appointing groups so with that separate column, which is what the Board appointments are, the seven District appointments, it says "can consider these at this expertise when making the appointments", but we did assure the Board that they were bound by only making appointments within those.

They could make citizens appointments, but when they're making their appointments the fact they would consider that kind of expertise. Because of the fact that you're going to be looking at new redevelopment standards, so they wanted someone with some expertise in redevelopment. Financial analysis because some Administration people thought that might be a good addition to this Board just to make it broader. Does that answer your answer questions?

MS. DAVIS: That doesn't give me much reassurance. But if this is what the Board wants, this is what they get.

MR. CARPENTER: It's basically the same almost as you're looking at right now. I don't think anybody is dictating. We come to reasonable decisions, I think, here.

MS. DAVIS: Well I agree. I think that we're doing okay on this particular task force, but I'm looking towards the future and there are a lot of very big things up right now.

MS. ALTERMAN: And the Board will have as much discretion as they want in making their appointments as they've ever had. If they want to consider those areas of expertise, they can. If they choose not to, they can ignore them.

MR. PALEN: We might want to make some of the suggestions for the Board a little more organic.

MS. ALTERMAN: Organic. What do you mean organic?

MR. PALEN: This is just technical, professional. It certainly repeats the list of professionals under the mandatory...

MS. DAVIS: I go down this and it doesn't say anything about public interest, expertise and public interest. You have one planner. You have a citizen's

representative, but that can be anybody. That can be the grocery store clerk, which is fine.

MR. CARPENTER: Well I think the Environmental position overlaps public interest.

MS. DAVIS: There's one Environmental position and there are seven developer positions.

MR. CARPENTER: Well, I don't know if you want to call them that. We need those people that know about stuff that we're changing all this stuff about.

MS. DAVIS: Right, but I would tend to agree with Frank though. That we might need a little more organic since we do with things like landscape and buffers and you know, right-of-way improvements and those kinds of things. Environment Natural Systems. Somebody who has biological background. Not just an environmental background, but actual science.

CHAIRMAN BLACKMAN: It might just be adding two or three more choices to our list.

MS. DAVIS: Yes. And that's not to say that they would be required on this, but that would be just a suggestion for the Commission appointments.

MS. ALTERMAN: If you have certain categories that you think should be added, we can bring that back.

MS. STARACE: What she's looking for is just when they're thinking of the qualifications, these might be some.

MS. DAVIS: I think basically that would not be an automatic "oh I want that kind of person on here" unless it were shown by someone else that that might be a good

type of person to be on there to the Commission. The Commission doesn't automatically think of Biologist.

MS. ALTERMAN: And you're correct. You're absolutely right and that is why we were making some of the suggestions that we were. We ran out of ideas. Your suggestions are well taken.

CHAIRMAN BLACKMAN: And we may be getting a whole bunch of new Biologist.

MR. CARPENTER: As far as Biologist, we've got ERM over there that is looking at everything.

MS. DAVIS: We do, but they're not on this task force.

MR. CARPENTER: No, but they have a great input into the stuff that the language that's in here.

MS. ALTERMAN: All right. So we agree two alternates.

CHAIRMAN BLACKMAN: And expand the list of possible Board appointments in terms of profession and orientation. We have a motion and second. This only discussion on the motion, but I think we haven't heard from planning yet on this Article and Steve.

MR. BRUH: Just a clarification on this. When you say no two members of the Committee shall represent the same occupation or business, represent or be part of it. Are they the same animal?

MS. ALTERMAN: A lot of the Boards have that exact language that no two people can represent. It doesn't mean you can't be two lawyers, but one represent that lawyer industry, whatever it is and the other one is like a citizen.

MR. STARACE: You couldn't have somebody from the Builder's Association as a member and then have their lawyer on also.

MS. ALTERMAN: As a different category for Board appointment perhaps, as long as that person isn't there representing. If the categories of builders association, he can come in as something else.

CHAIRMAN BLACKMAN: I think the intent is not to stack this particular Board or any Board with one point of view or one profession or one business interest.

MS. DURANDO: But if they represent the same interest. That's kind of like loading the deck.

MR. JACOBSON: But do we have that though, Rosa?

MS. DURANDO: One person from an organization regardless of their profession.

CHAIRMAN BLACKMAN: Doesn't the Board usually elaborately look at the distribution in making sure before they appoint that they're not weighting the Board with...

MS. ALTERMAN: That's part. When they get their Board appointment forms they are aware of everyone who is serving and in what capacity and they have the ability to look at that.

CHAIRMAN BLACKMAN: Okay. Let's hear from Planning.

MR. HOYOS: Mr. Chairman, Article 17 has been found consistent with the Plan.

CHAIRMAN BLACKMAN: Okay. We've had our motion and a second. Any further discussion? Seeing none, those in favor aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. Motion passes. Moving on to Article 18. This is another one we just saw today.

MR. MACGILLIS: Starts on Page 1377 of your Code. You gave a preliminary approval on this this morning.

MR. CARPENTER: Motion for approval, we've been over this.

MR. MACGILLIS: There are some errata changes on page 51, 52. Some cleaning up of the definitions of the document we went over.

CHAIRMAN BLACKMAN: Okay we have a motion and a second. Any questions? Seeing none. Any public comment? (None). Let's hear from Planning.

MR. HOYOS: Article 18 is consistent with the Plan Mr. Chair.

CHAIRMAN BLACKMAN: Okay, thank you. Any further discussion on the motion. Seeing none, those in favor aye.'

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. Motion passes. We do have our two items that we're taking in addition, the Communications Towers and the Fireworks. We have to determine consistency on those. Correct.

MR. MACGILLIS: The fireworks?

CHAIRMAN BLACKMAN: Yes. And the towers. I think only as the CTF.

MR. MACGILLIS: No, you didn't.

CHAIRMAN BLACKMAN: All right. Do we have a motion? Does Planning? You're consistent with the fireworks and towers. (Mr. Hoyos nods head for approval.) Okay, Fireworks and Communications Towers, do we have a motion on that plan being

consistent with the present plan? Approved and second. Discussion. Seeing none, those in favor aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. Okay and Item E is going to be....

MR. BERGER: One more thing. We may be yielding the lilly here, but...In the back there is a list and they're all referenced in the individual Articles, but be absolutely certain as the LDRC if you could approve those as well. These, I think in your consistency finding you include the Code with all the Appendix's.

MS. STARACE: So moved.

MR. JACOBSON: Second.

CHAIRMAN BLACKMAN: Okay. There's a motion and a second to that affect. Second. Discussion. Seeing none, those in favor aye.

BOARD MEMBERS: Aye.

CHAIRMAN BLACKMAN: Those against, same sign. It's for the Appendix's.

MS. STARCE: Are we done? We just want you to notice that when you feed us how fast we move.

CHAIRMAN BLACKMAN: And then we have to meet next week. I think that's why we were so motivated.

MR. MACGILLIS: One more thing. I have Caroline Reddy here, she's been our Engineer working on the-- doing a lot of work for our County Code. If you'd like, we can give you a five to ten minute quick review to show you what it'd look like so that we've concluded everything.

MS. STARACE: We wouldn't have to meet next week? Oh yeah.

CHAIRMAN BLACKMAN: Could we adjourn and then those who want to stay can do so? Is there any other staff comments because that's on here to?

MS. STARACE: Do we have to vote on anything so we don't have to meet next week?

MR. WHITEFORD: I believe you have voted on everything that's necessary. This is just and FYI.

MR. JACOBSON: Mr. Chairman, I think we have to recognize what a phenomenal job this guy from planning is doing. I mean, getting up here every time to do it with such charm and warmth and graciousness. I think we ought to recognize that.

CHAIRMAN BLACKMAN: We recognize your dexterity. Barbara.

MS. ALTERMAN: Mr. Chairman. I just want to recognize. Well, not only the dexterity of our Isaac. Mr. Hoyos from Planning, but just to staff that has done a n absolutely phenomenal job with this. I know you recognize that and we all recognize it. Jon and Bill and everyone whose worked with them. They've worked day and night, weekends. Even when there weren't weekends, they were working. I mean they really did a phenomenal job and I also want to thank you all for putting in all of your time and efforts into this. We know its been a long hard pull and we got there. Through it hopefully and we really and truly appreciate all the work that you've put into. On behalf of Administration here anyway, because I think Bill may want to say something to, but I just want to thank you all on my behalf. Thank you.

CHAIRMAN BLACKMAN: Well, thank you.

MR. WHITEFORD: Absolutely, we've been singing your praises all along and it's been a lot of fun. We're not quite done yet. One of things that you're going to see in just a few minutes is actually a big part of what our office has been working on outside of you seeing Jon, myself and Carrie, Lenny, and some of the other folks at our meetings. A multitude of meetings that we've been having. I told Barbara, it's a lot like running Disney World.

There's a lot of machinery going on behind the scenes that you don't see. Makes it look like its really running well on the outside, which it is. It really is. I think that Palm Beach County reflects that, but there's many many things coming together at once. We have this Code, we have our interactive Code. We've got our total redo of our website. We have EPZB coming on line and our GIS letter.

All this is slated to come on line, hopefully the effective date of this Code we're shooting for is January 1st, so in that January time period, you're going to see at least five of these six come together at once. It's been a humongous effort by our office and we've been working on it now for actually a couple of years to pull it all together and hopefully, combination are going to make a dramatic impact. Not just on future development in the County, but the ease of our users. The folks that we see and deal with all the time. Accessibility to our information, the ability to find on on-line. That type of thing. It really has been grand efforts and we couldn't have done it without the help of our Advisory Committees, our Advisory Board, the Subcommittees and all the volunteers that we've had. So really, from the bottom of my heart, and then I hope Jon feels the same way. As to the rest of us thank you and we couldn't have done it without

you and it's really going to be something. I think we're all going to be proud of ourselves.

CHAIRMAN BLACKMAN: Okay, and on that note, we're adjourned.

(Thereupon, at 2:45 CTF Meeting concluded.)

CERTIFICATE

STATE OF FLORIDA)

COUNTY OF PALM BEACH)

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

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

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

Witness my hand and official seal in Palm Beach County, Florida,
This 4th day of December , 2003

Rita Hazel
Court Reporter