

PALM BEACH COUNTY
CITIZENS TASK FORCE

Thursday, March 6, 2003
1:15 p.m. - 3:24 p.m.
100 South Australian Avenue
West Palm Beach, Florida

Reporting:

Shirley King
Notary Public

ATTENDEES

Wesley Blackman, Chair
D.J. Snapp, Vice Chair
Joanne Davis
David Carpenter
Isabella Fink
Stephen Dechert
Bruce Kaleita
Rosa Durando
Barbara Noble
Ron Last
Maury Jacobson
Wayne Larry Fish
Charles O'Meilie

Aimee Carlson, Senior Planner, Zoning Division
Bob Banks Esquire, Assistant County Attorney
Carol Ann Ready, Software Engineer
Amit Sawant, ISS
Mariam Hamad, Planner I
Jon MacGillis, Zoning Administrator
Marcia Smith, Secretary
Genni Messina, Site Plan Technician

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PROCEEDINGS

MS. CARLSON: We're going to start. We're running a little bit behind schedule right now. Actually, it's in the process of being merged into the computer and should be printed shortly and Xeroxed and ushered in here and then we can give you a preview. And we actually expect to have formal action next week.

What I wanted to do, to start off your review of the revised ULDC, is to have you get a demonstration of the Interactive Code. This is part of the rewrite we're very proud of -- although, we've been very proud of everything that we've done so far. But I think you'll find this to be rather exciting and new and innovative, and all sorts of things like that.

In the back of the room is Carol Ann Ready and Amit Sawant. They have really been the brains behind this item that you're about to see. They've been working with us. We would say things like, we want to have hyperlinks, we want to have illustrations, we want to be able to search the Code, we want the Code to give us answers back, and they go back to their offices and find ways to do that. And they've really, really worked hard for us and we're really, really appreciative of the work they've done.

At this point, I'm going to turn it over to Carol Ann and Amit. They're going to give you a short demonstration. We did have some handouts that are screen shots of the new Interactive Code. And we'll get started with Article 1 after they're done.

MR. KALEITA: Did it come with the flat screen TV or do you have to buy that on your own?

MS. CARLSON: No. You have to buy that. You might find, realistically, if you don't mind standing, to kind of gather around here. It's probably going to be rather hard to see the screen.

(Interactive Code Demonstration.)

MS. READY: If you like, you can come on up. And if not, I'm going to go by screen shots as we do the presentation, okay.

This is an introduction to the EPZB System, which addresses all of the divisions for Planning, Zoning and Building. This is Module 7 that we've actually moved up into production. The designer, it's based in Oracle and we've utilized it in Word.

A lot of problems with the ULDC last year was numbering. It was very sporadic, even though it was sometimes imprinted correctly. Microsoft Word has a known bug that it does make -- it goes askew at times. So these are -- all the numbers and all the letters are hardcoded in Oracle. And then what we've done is, basically with the Unified Land Development Code, it brought in a lot of interactivity for you to search functionalities. There's a lot of links so you don't have to go to another document and get the ordinance that you need, or if you want to go to Florida Statutes.

And basically, if you'll start the presentation on page 2, and you click on the ULDC tab, here is the home page. Now we will be doing some flash in here in this area here and a video and just different affects, and also, how to use the application. This page also needs to be developed.

Over here on the left side of the frame are the Articles, and they're listed 1 through 18. And that's how you would access the Articles. Presently this is a test database. Even though Article 1 is in there, we have taken the liberty to put in information, like a table or a graphic that may not be pertinent to this particular document right now, just for testing purposes. And in the left frame is where you would access the sections, over here on the left.

On page 3, we're going to go in to show the functionality of how definitions work. You can click on frame and you'll come across a hyperlink. If you're all familiar with hyperlinks,

there's usually color coding within the Word document on the web page. And basically when you click on it, now you'll have access to what that particular definition means or how it is defined in the Code. Instead of having to go back into, I think it was in Article 3, it will be accessible right at your fingertips. And if we go to -- and that was page 4 in your presentation.

And then if we go to page 5, definitions will also be accessible through the definition tab, which is on the right-hand side. And the definitions -- presently we've got about 10 in there -- they'll be alphabetized so you can go in and do a search for them. Presently we have, A-weighted sound pressure level, and that gives the definition of that as well. We used Code earlier, so Code is defined and easily accessible for you.

Now one of the other functionalities of the website is the access to external hyperlinks and websites, like the Florida Statutes. And presently, let's see -- and please forgive me. This page Jon had gone through and made notations of what he wanted hyperlinked and some of the areas we did. These eventually would be hyperlinked. This shows a hyperlink to the BCC, a hyperlink to the Florida Statute and the Palm Beach County Charter. And we've also initialized, so that when you are hovering over that with your mouse, that it will be noted that you are going to an external website, so we are telling you, you're leaving our site.

VICE CHAIR SNAPP: Wait a minute. You're leaving the website or you're just going there and opening a new window?

MS. READY: You're going outside and opening a new window. We do not want responsibility for an external link and that's how we've decided to notate it.

And then you have access here, you can search without leaving your place within the Code.

MR. CARPENTER: You said, we didn't want responsibility. What kind of responsibility is that?

MS. READY: If the link breaks and it's not connected.
(Group discussion.)

MS. READY: Another feature of the Code is informational hovers. And what that is, you can go into an area and hover over a word and it will give you information regarding that particular word. In this case on page 7 of your presentation, I have used, Rules of Construction, and we have defined the word "definitions." And when you place your mouse over it, a pop-up comes in and however it's defined in the ULDC is how it will appear, so you don't have to keep referring back. And maybe at times the paper version -- I know people like paper. We are all so used to referencing that. But it's kind of nice to have it at your fingertips so you don't have to reference in another document.

Any questions?

CHAIRMAN BLACKMAN: Is this actually on line now? Could we be doing this at home? Or is this just within this building?

MS. READY: Presently we're in acceptance testing. It will go into the Intranet first so that County employees will test it first and then it will be launched as an Internet site. And that will be later on this year.

CHAIRMAN BLACKMAN: And that will be once everything is done.

MS. CARLSON: They'll go on line at the same time the new Code goes into effect.

MR. CARPENTER: 2005?

MS. CARLSON: No. 2003.

MS. READY: Some of the other features that we are bringing in would be images within the Code. And they are going to be represented through hyperlinks. So you'll have a linked image, which will help you, you know, in the download of your pages in some aspect.

If they're embedded, sometimes it takes a little longer for the page to download.

MS. NOBLE: I have what might be a silly question. Some websites, when you do a hyperlink, you close that window to go back to your original site, other sites you back space. What will we do here?

MS. READY: Here you'll click the "X" bar. And in some instances -- and I'm going to show you here -- on the linked images, there's a close button for you to do that.

MR. KALEITA: Are you saying, if you hit one of these, you're out of the Code and you've got to reload?

MS. READY: No.

MR. KALEITA: You can backspace back into it?

MS. NOBLE: You'll just close that little hyperlink window and the Code window will still be there.

MS. READY: And how the graphics work, I've clicked on -- in this particular document, eminent domain action is a linked image. When you hover over it, it says, click to open image. When you click it, you get your image and it gives you the name. You can enlarge it, print it, open the screen up. I mean, it's very detailed.

And then we do have provided a close button for you, but you do stay within the Code.

MS. NOBLE: Thank you.

MS. READY: You're welcome.

Next the function of linked images. We also have embedded images. And that is on page 10 of your presentation. And one of the --

Now one of the options that I forgot to mention, was that, you have a text version of the Code, if you just want the text, or if you want the graphics, you can click on Text and Graphics and you will get the images.

And this is an example of an embedded image within the Code.

CHAIRMAN BLACKMAN: Let me ask a question on that. For people with a slower connection, they would probably just hit text; otherwise, you're loading in all the images in the Article.

MS. READY: That is correct.

We've tried to step back, even though we're trying to be progressive, and also think of users that don't have maybe a faster computer and taking in those instances as well.

Now one of the exciting things that I've found very fun to work on, as well as informative, Jon MacGillis has gone forth and done audios and videos and we are going to be providing that multimedia within the website. I'm going to give you a sample. It's just a rough draft of what we did -- these are not finalized -- just so that you could see how they would be used. We'll have audio and it'll be run by a Real One player. You click on the link. It does indicate it's a video file.

(Thereupon, the video file is played.)

MS. READY: That gives you an example of the possibilities that we have. And as I say, a picture is worth a thousand words. If people have questions and they can click on it and it may be more informative than picking up the phone and trying to reach someone.

CHAIRMAN BLACKMAN: What about a real-time meeting broadcast over the Internet?

MS. CARLSON: The County currently does that. You can see the BCC in action.

CHAIRMAN BLACKMAN: For example, a board like this, a zoning board?

MS. CARLSON: I think that's something that's under consideration.

MS. READY: One of the other features that will be in the Code -- now this ordinance, Ordinance 94-9, does not belong in this spot, but we did have it PDF'd and so I have

indicated this. On page 12 it says, Ordinance 94-9, this is a test and does not belong in this Article. You will be able to click on prior ordinances and be able to view them right within the web page.

MR. CARPENTER: Prior ordinances.

MS. CARLSON: This will allow you, as we move forward and make additional changes to the Code, to track those changes and not have to come in and view our library and see the hard copy. You can see what the change was.

MS. READY: Not only will they be accessible within your text within the ULDC, but we also have provided, if you need to just reference them, to go into tabs and hit "prior ordinances" and they will be listed. And you'll be able to access them in here as well, if that's what you're looking for.

CHAIRMAN BLACKMAN: Will you be able to do a key word search?

MS. READY: Yes. Actually, you can do a key word search. You have the binoculars here. That's a great question, 'cause you can do a search within the PDF, but also there's functionality within the ULDC that I'll get to.

VICE CHAIR SNAPP: On the changes, are we going to footnote them like they do in the Florida Statutes, so that when you go on line and you're looking at it, there will be a footnote at the bottom of that section that says, changed August of 2002 --

MS. CARLSON: Yeah.

VICE CHAIR SNAPP: -- so when you're reading it and you need to know which one is applicable.

MS. CARLSON: We do our own codification.

(Inaudible.)

The document that's actually used for the ordinance has that down at the bottom, yes.

VICE CHAIR SNAPP: So we will be able to see when it was changed?

MS. CARLSON: Every page has that.

MS. READY: As well, we're going to have an area for PPM's, policies and procedures, that you'll be able to access. These are just examples that we put in. They're also in PDF format. Those are on page 15 on your handout.

Then we get into illustrations. Illustrations can be accessed by clicking the "illustrations" tab and then coming in and clicking a particular name that you're looking for. One of the functionalities is, we wanted the graphic to fit in the window. You know, sometimes you have to scroll right; we didn't want that to happen. We made sure it fit in the window so at least you can see if that's what you want.

The other functionality is that there is a plus and minus sign that you can come in and get a bigger view, and then you have the scroll capability so that you can see a little more detail. And then as well, you can either zoom out and then you're back into where you were.

Now, getting back to your search functionality, one of the best features of this is the search functionality, so that you can go in for a particular word within a particular Article within a particular topic and find what you're looking for, which I'm sure everyone has probably been frustrated with the written Code in doing that.

CHAIRMAN BLACKMAN: Could you also do it throughout the Code, every Article, to do a global search of Article 1 through 15?

MS. READY: Yes, that's correct.

If you'll turn to page 17 of the presentation, I'll start off with "topics.?"

Now presently I've listed all topics, but you could also go down and -- to a pull-down and hit the search button and your definitions will come up. Then you can navigate back and forth within that. That's by topic.

Now all of this has to be entered by Zoning personnel. Like we've gone through and

said, what are your subjects, what are your subtopics, and that will be entered. So a lot of this will be managed by Zoning and Staff. And then it will be maintained downtown at ISS.

The other search functionality is the word index. Here you click on "word index" and you type in a key word or key words that you're looking for. We're using, land, comma, use. And then you can go even more detailed. Your next area would be, if you click "For," an exact phrase, all of the words or any of the words, and we're going to go to any of the words. And we'll click "all Articles," because we only have Article 1 in there.

MS. DAVIS: I have a question.

MS. READY: Yes.

MS. DAVIS: Is this also going to link to the Comprehensive Plan on line?

MS. READY: Yes, it is.

MR. CARPENTER: Speaking of the Comprehensive Plan.

MS. CARLSON: We're still waiting.

MS. DAVIS: Remember that?

MS. CARLSON: No, no, we remember. Let's get Carol Ann done.

MS. READY: And one of the functions that Amit just included in this, is that, when you do search, you put in the word "land," it will come up on the web page in red so you know which word you were searching for. And so that's on page 18.

And then also you can go in and search by illustrations. And here we're using the word "nonconforming." Come in, click, you go to relocation, and then we have what we're looking for. So we've given you a lot of options so that it's easy to find.

Okay. And then if this is not -- if you're looking for the entire Article and you want easy access and you want it all at once, we have the PDF version. You click on the PDF button and you go to Article 1 and there it is. And it has a lot of the hyperlinks in it, external sites. And because of the way that we developed the database and how it was entered in Word, the bookmark works for you to go in and to easily navigate within there.

MR. KALEITA: I'm not going to be able to download that onto my new 40-gig hard drive and do a search whenever I want to, am I?

CHAIRMAN BLACKMAN: You really won't need to because it'll be on the web all the time.

MR. KALEITA: Well, I know. But I want to tell you something, last year or the year before, West Law was down for two weeks and all the lawyers in town freaked because nobody could do any research.

MS. READY: Was it run by a portable PDF document, is that what you're saying?

MR. KALEITA: I'm just saying, can you download and save to your disk text that you access there?

MS. READY: Outside of the database he can do it, I believe.

Here it is. Here you can do that and it will save as a PDF.

MR. KALEITA: Which you can't read without a Dolby, right?

MS. READY: A Dolby reader. The other thing is, a lot of people don't --

CHAIRMAN BLACKMAN: You can use Word.

MS. READY: You can also click on the text tool and select anything you want and highlight this information and paste it into Word.

MR. KALEITA: But there's only one download mode and that's PDF?

MS. READY: Presently for these large documents, yes.

And then you can look at the entire Article and print the entire Article.

We're almost done here.

And the last feature is, that if you frequent an area within the ULDC, you will have the capability of creating bookmarks within the Code. So if you like to click on here and you

just want to always go to a particular area, you'll click on, bookmark this page, you add the bookmark, and it'll insert the bookmark. Now, outside of it, it will put it in your favorites automatically for you. So then if those are things you go to frequently, then you don't always have to search.

Basically that's it. Any questions that I can answer? We're also putting the technical manual on line. That will be another area. Anything else you want to add or -- Jon's done the videos, he's doing a great job, and all the graphics.

Any suggestions? We welcome suggestions.

MR. KALEITA: I'm probably the only one who's going to advocate this, but I believe that a lot of people are going to want to be able to keep what they find on there that's relevant to their situation. My suggestion is, there are some readily available text version programs that will actually take PDF and translate it into whatever word processor format you like. And that's a very useful way of quickly assembling the law that applies to your situation and then printing it so that you can take it to meetings and stuff like that. I'd like to suggest that that be considered.

MS. READY: We'll definitely take that into consideration.

VICE CHAIR SNAPP: You convert it on Word.

MR. FISH: Not everybody has Word.

VICE CHAIR SNAPP: You convert it on Word Perfect.

MR. FISH: I'd make a suggestion. Do you have it in Word and Word Perfect format also?

MS. READY: Yes. Actually, how this was developed is, there's a back-end to this, and all of these pages of PDF were all developed in Word into one Article.

MR. FISH: Why don't you just put a download button on here where you'll have them available, then he can do whatever he wants. If you've already got it, why not just do that?

MS. READY: That's a great suggestion.

CHAIRMAN BLACKMAN: Anything else?

We really didn't officially convene because we didn't have a quorum at the time we started.

Aimee, is there a need to convene or we just want to proceed as we are?

MR. KALEITA: You've got to take attendance.

(Call to Order/Convene as the Citizens Task Force.)

CHAIRMAN BLACKMAN: We'll do the roll call, if the secretary would call the roll.

MS. SMITH: If I'm aware that somebody is not going to be here, should I say "excused" or just call?

CHAIRMAN BLACKMAN: That would be a good idea, because there is an item, excused absences, and we'll deal with those at that time.

(Roll Call.)

MS. SMITH: Joanne Davis.

MS. DAVIS: Here.

MS. SMITH: David Carpenter.

MR. CARPENTER: Here.

MS. SMITH: Karl Kahlert.

(No response.)

MS. SMITH: Barbara Noble.

MS. NOBLE: Yes.

MS. SMITH: Isabella Fink.

MS. FINK: Here.

MS. SMITH: Steve Dechert.

MR. DECHERT: Here.

MS. SMITH: Dee Primm.

(No response.)

MS. SMITH: Bruce Kaleita.

MR. KALEITA: Here.

MS. SMITH: Ron Last.

MR. LAST: Here.

MS. SMITH: D.J. Snapp.

VICE CHAIR SNAPP: Here.

MS. SMITH: Wesley Blackman.

CHAIRMAN BLACKMAN: Here.

MS. SMITH: Rosa Durando.

MS. DURANDO: Here.

MS. SMITH: Carmela Starace did excuse herself today.
Maury Jacobson.

(No response.)

MS. SMITH: Wayne Larry Fish.

MR. FISH: Here.

MS. SMITH: Bill Cauble.

(No response.)

MS. SMITH: Has been ill and is not here; excused.
Steve Bruh.

(No response.)

MS. SMITH: He did call and he is excused. He said he would try, but he may not
make it.

Kent Wilmering.

(No response.)

MS. SMITH: Frank Palen.

Again, he called and said he would try to make it, but he may not be able to.
For the people not here, their Alternates.

David Self.

(No response.)

MS. SMITH: Charles O'Meiliea.

MR. O'MEILIA: Here.

MS. SMITH: Barkley Henderson.

(No response.)

MS. SMITH: Barry Haberman.

(No response.)

CHAIRMAN BLACKMAN: Thank you.

(Additions, substitutions and deletions.)

CHAIRMAN BLACKMAN: Any additions, substitutions, deletions?

(Maury Jacobson arrived at 1:43 p.m.)

MS. CARLSON: There are none.

(Motion to adopt agenda.)

CHAIRMAN BLACKMAN: Motion to adopt the agenda.

MR. KALEITA: So moved.

VICE CHAIR SNAPP: Second.

CHAIRMAN BLACKMAN: Motion moved, second.
Discussion?

(No response.)

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

BOARD: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: Motion passes.

(Excused absences.)

CHAIRMAN BLACKMAN: Excused absences.

VICE CHAIR SNAPP: I move that we accept the excused absences for those that submitted one.

MR. KALEITA: Second.

CHAIRMAN BLACKMAN: There's a motion and a second.

Discussion?

MS. CARLSON: That would be for Carmela, Bill Cauble, Steve Bruh and Frank Palen.

CHAIRMAN BLACKMAN: As indicated by the secretary.

And just as a discussion item here, I'd like to encourage everyone to get here as close to one o'clock as possible, if at all possible.

MR. KALEITA: I'd like to go on the record as objecting to the one o'clock. There are times when I am either in court or I have a luncheon meeting with somebody, and to expect us to leave and get here by one every time there's a one o'clock, I just think that's --

CHAIRMAN BLACKMAN: The concern there is, if you move it back a half hour, then people will come at two, and so forth.

MR. KALEITA: I don't think that's any more true any other time. It's just that one does --

CHAIRMAN BLACKMAN: I would just encourage everyone to get here at the time the meeting is supposed to begin.

MR. CARPENTER: I would prefer two, unless we've got to move it back 'cause we've got four solid hours worth of material until five. I mean, if we don't, then I don't see any point in having it earlier.

MS. CARLSON: We could work with that. Like, for example, next week we could probably get away with two o'clock. But the following week Michael will be speaking to us by video conference.

MS. FINK: Did you say week or month?

MS. CARLSON: Next week. We're on a weekly meeting schedule now.

MS. FINK: No way.

CHAIRMAN BLACKMAN: We have a motion and second regarded excused absences. Let's vote on that. Discussion?

MR. JACOBSON: I want to raise a question, because if these meetings are going to be for the next few weeks, I'll be gone in a few days and won't be back until after the 20th of the month. I'd appreciate being excused for the interim periods in which I miss any of those meetings.

CHAIRMAN BLACKMAN: Just indicate that with the secretary before you leave. Motion and a second regarded excused absences. Those in favor, aye.

BOARD: Aye.

CHAIRMAN BLACKMAN: Those against, same sign.

(No response.)

CHAIRMAN BLACKMAN: Motion passes.

And we've had our Interactive Code demonstration. Moving on to the ULDC

Amendments.

(ULDC Amendments.)

CHAIRMAN BLACKMAN: We have Article 1, General Provisions.

MS. CARLSON: And again, as I indicated earlier, you're only getting it today. We're not asking for you to actually take any action on it today. I just wanted to preview the Article for you.

I apologize for the lateness of the Article. We are running behind and we're doing our best to get caught up.

What you got just this afternoon is something that looks like this. This is what we're working off of. You just can ignore the first two pages. It might be best to separate it out and separate where you have the Summary of Revisions and then actually the Article itself, since we'll be referring to both documents.

And just to start off, there are enumerable changes that you're going to be looking at to the Code, so we have elected not to do strike-out and underline versions of the language. We're going to be repealing the entire Code, replacing it with the new Code. Suffice it to say, that if I gave you strike-out and underline language, it would be more confusing than anything you've seen. Even for those of us working on it, strike-out and underline format is very, very confusing. Things are moving all over the place, moving from Article to Article. It's just too confusing. So what we've tried to do, in order to be able to explain the changes to you, is use more of a matrix and a table format, along with the clean language. And what you'll see is something that looks like this. We'll walk through it here.

The first column is the proposed ULDC. So this column matches to this document here. It goes in order section by section.

MR. CARPENTER: What page are you looking on?

MS. CARLSON: I'm looking on page 3 of the document that started as Summary of Revisions to Article 1.

And then the next column is the actual change that took place. And in some instances it's going to say, no change. The purpose -- the reason why we did the change, whether it was planned policy or BCC direction. And this is going to get more important as we move into the other Articles that are directly related to the tier system and there's a lot of Comp. Plan direction, and we're trying to call that out to you. Because in the past, sometimes you've expressed concern, why are we doing this, and it was already done in the Comp. Plan or something. So we're trying to alert you to the fact that this is a Plan driven item or a Board driven item, or it might just be a Staff driven item.

And then lastly, for those of you that may be really familiar with this Article or other Articles, it actually has the existing ULDC section. And a couple of you listened to this already because you're on that subcommittee, and I apologize.

But starting off with Chapter A. That's new; we've inserted chapters. Our current Code goes, Article, section. And in an effort to try to organize things better, we've inserted chapters. And the first chapter is really just the general stuff, the authority. And really what's occurred here is just some clarification of the language. We have not made substantive changes to the Section 1(A), B and C.

Mariam just passed out to you a handout that is the substantive change to this Chapter A. It's the language that exists in the Code. What this does is, in Article 8, the subdivision regs. today, if you did not get your -- if your lot was not created through subdivision or a plat waiver or something else that Land Development has recognized, you don't get a building permit. And that language has been in the Code for years and years and years.

What we've done is, instead of having it buried in the back in Article 8, we've moved

it up to Article 1 so that it's, you know, in the first part of the Code. And, really, the language is intended to say, you're supposed to be consistent with this whole Code in order to get building permits.

MS. DURANDO: Where is that?

MS. CARLSON: That's on here, Building Permits and other approvals, D-1.

There's also an exemption in the current Code for some of the temporary structures that might need to move forward as part of facilitating and development before you get your final plat, you know, like your guardhouse, your gatehouse, a fence, a fountain, that type of thing, that a developer might want to put in first while they're working out the platting process across the way, so we've put that in there, too.

MR. KALEITA: I'd like to go back to something you had said earlier, which appears to be reflected in this document.

I kind of thrive on strike-outs and shaded text that show us what has been taken out and what's been added. Is there a version of the document that has that and you're simply not distributing because it looks confusing, or is it possible to get that? I think the thing that I'm concerned about, I don't think there's a single board member here who wouldn't have to go and pull out the existing Code, compare it page by page and see what's been changed, and I don't think that's a practical thing to do. And no matter what side of the issue you're on, you're going to want to know what the changes were.

MS. CARLSON: In some instances in this Article there is a version that has strike-out/underline, but it's a version that's probably about two months old. I'm going to just have to ask you to just please trust me on this. If I gave you the strike-out and underline, we would spend the next month going through this Article.

MR. KALEITA: Can I get it myself?

MS. CARLSON: Yeah, if we have it available.

I can tell you, some Articles that I'm doing myself I'm not even using that because I got too confused. I was so confused I had to stop. I just deleted the text; it's gone. I couldn't do it anymore.

CHAIRMAN BLACKMAN: Aimee, earlier this year -- or the end of last year, didn't we each get a new -- or the newest version of the ULDC?

MS. CARLSON: Yes.

CHAIRMAN BLACKMAN: So we should have a fresh one. If you don't, see Staff and they can provide it.

MS. CARLSON: I think what Bruce is saying is, in order to actually see -- and that's what we're hoping to do here -- to actually see what word changed and is getting used in the strike-out and underline.

MR. KALEITA: A single word change could be enough to get --

MS. CARLSON: It might be -- in the interest of trying to highlight some of the areas that might prove to have more discussion on them, it might be more -- I don't want to be controversial, but where you're probably going to be more interested in the change, maybe we could try to do something like that. Let me think about that.

But some Articles, like for example TPS, we're not doing anything to TPS. All we did was insert Chapter A so that we could put it into the system that you just saw.

MR. KALEITA: I'm happy to be the only one that asks for that.

MS. CARLSON: I know.

Moving on. Rules of Construction, and that's at the bottom of page 4. And that's language that -- some of it is in the Code today, some of it is new language. And where it is in the Code today, it's actually in Article 3 under definitions in there. We thought it would be best to move it into Article 1, the general provisions, so right away when you open the

Code, you see how the Code works, the Rules of Construction.

There's been some clarification of language and then addition of languages. For example, on the bottom of page 6, those of you who work in our process, going through the development review process, and you come in and Staff says, you need a Type 2 buffer or a Type 3 buffer --

VICE CHAIR SNAPP: Aimee, let me ask a side question. We're going to get this Article by Article, right?

MS. CARLSON: Yes -- well, sometimes section by section, but Article by Article.

VICE CHAIR SNAPP: What is your expectation in terms of asking us to pass on the document? Are you looking for it on a section by section basis or are you looking for it in total?

MS. CARLSON: I'm hoping that you would make recommendations of approval as we present the items, so section by section or Article by Article. And then at the end, once we've gone through the entire Code, I anticipate that we'll spend a meeting highlighting and just showing you your changes that you made as part of your recommendations that were included and then doing the LDRC for the entire Code.

VICE CHAIR SNAPP: When Mr. Kaleita was iterating his concerns and his issues -- and I understand those and how they affect him -- I wasn't as concerned for myself, because I was kind of looking at the fact that we're basically repealing the whole Code. And in doing so, then we're not channeled into the blinders that we typically have and we have this narrow focus. And so now if we're throwing everything out, we got a clean slate, we can come in and say, okay, this makes sense and this is a better way to do it, a better way to say it, so you're not really tied to what used to be.

And then I got to thinking about, since we're going to get it section by section, I don't mind giving preliminary approval, but since we're moving things from one section to another and when we're looking at Section 1, then there are things that came out of 3 or 5, or whatever, or have moved from 1 to 3 or 5, then I'd kind of like to be able to get the whole thing and look at it and read it and see how it makes sense in totality before I pass final judgment on it. Since we are going to be bouncing things around and moving them around, it's going to be kind of hard, until we get to the end, to make that overall comparison. It might sound good here and then we look in another section, it might change your opinion.

MS. CARLSON: If we took that approach, and then as we go through the Articles you give us any comments you might have and changes, then you'd sort of fall back and when you do the final look at the whole thing, it may end up taking more than one meeting.

I just want to assure you that's a concern that Staff has, too. And we're really trying to make sure we have some time, real quality, quiet time, to go through when we have everything all done and just kind of sit in a room and make sure. 'Cause right now it sounds like it makes sense to move it there, but once you've moved it and you see what else happens, then --

CHAIRMAN BLACKMAN: And otherwise, it could really turn into being a never-ending process.

VICE CHAIR SNAPP: And as a follow-up, I think that we want to take the same kind of diligent approach and do a good job as well. And this kind of presentation I like as an overview initially. And then after we get some kind of fine line in terms of verbiage and it gets all put into text, will we have that with some lead time so we can really kind of look at it and read it over and think it through before we come in to vote on it?

MS. CARLSON: Certainly. I'm hoping that today is just an overview of this Article and then next week we'll come back and discuss it and actually take some action on it.

VICE CHAIR SNAPP: That would make me feel a lot more comfortable, because

this way, we don't have to have debates on issues at this level. We can let you know about things we might be concerned about or have questions about, but then we can get into the nitty-gritty when we're looking at the text.

MS. CARLSON: And I also want to assure you that last year you did say that you would hope that we would provide the documents more than a week in advance to try to work towards that two-week in advance mail out. We're trying. It obviously didn't happen with this Article. It's going to be difficult for us, but that's our target for sure. And when we are able to do that, we will do that.

We can make judgment calls and if you don't have enough time, we're not going to come and ask you to take action on something when you got it just four days before. I understand that completely. We'll have to work on that.

MR. KALEITA: Three days is better than the day of.

MS. DAVIS: Aimee, are we going from front to finish on this?

MS. CARLSON: No. We are not going in order. We are going in terms of priority. So for example -- well, somewhat in terms of priority and sometimes in order.

But the rest of this month primarily will be spent on Michael Dyett's work, our consultant's work, which is a priority which we really, really want to get done. And let's say something happens and for any number of reasons we don't get the other part done, we want that done so we don't have to go back and get contract extensions again. His contract expires in August.

MS. DURANDO: In one of these meetings, these weekly Thursday meetings, do you know when they're going to be informational or when they'll actually be voting on it, that we'll vote on something?

MS. CARLSON: Well, I think what you're saying is that -- I mean, we could do -- we would actually discuss the item, but we wouldn't have a formal recommendation coming out of the CTF until you've seen the entire Code. So I would be hoping to get direction each week so that we could fall back and make any modifications to the language, but we wouldn't be writing down, CTF recommended approval of this.

MS. DURANDO: And what do you think we'll be discussing next Thursday?

MS. CARLSON: Next Thursday is going to be giving me direction on this Article and then the Subdivision Code.

MS. DURANDO: 'Cause I know now I won't be able to be here.

MS. FINK: Neither will I.

CHAIRMAN BLACKMAN: Aimee, a question I've had today as I'm thinking about this process. We are all -- most of us are part of the subcommittees that are actually reviewing the individual Articles. What I'm concerned about is, once it comes to the full CTF, after we've spent hours meticulously going through each line looking at this, I would hate to redo that at this level. And I wonder if there's a way to avoid that -- or maybe there isn't a way to avoid that -- but I would like to think that our subcommittee work really helped pave the way for a smoother time here at the CTF.

Does anyone have any ideas about how to achieve that?

MS. DURANDO: Yes. I mean, from attending -- again, not all of them. Because if I attended everything, it would be every single Wednesday, Thursday and Friday. You can't do that. But at the subcommittee levels, it is very seldom a quorum, but that doesn't bother me. In a landscape thing in particular there's been a lot of good discussion. I wouldn't want to go through all that again. We spent three hours every single Friday. I've missed a couple of Fridays. But then again, you can't throw all that out the window. But a lot of those people who are in the subcommittee are not members of the CTF; they're professionals in the field. So if you spend hours and hours in a subcommittee, I personally would feel a little

bit resentful if things got changed, especially if the committee people are not here.

MS. CARLSON: Please recall that subcommittees are nothing new for the CTF. What's new is, I think, a subcommittee each day for the last couple of months. And it is a lot. But it was always our intent and our hope that the subcommittee would be able to work out the details and it would make -- like Wes says, pave the way here and that the CTF would not have to spend as much time going line by line. Now certainly there's going to be some sections of the Code that you're probably going to want to do that, some that are a little bit more important than others.

MS. DURANDO: But what I'm saying is, Mr. Fence (ph) will not be here.

MS. CARLSON: The subcommittee members are and have been informed of when their items would be coming to the CTF. They've been invited to participate, they've been urged to participate, so hopefully they will do that, and I'm confident that they will.

And then the CTF members sitting on the subcommittees, we're hoping that you would take the lead and help guide the discussion and explain what sort of things were discussed at the subcommittee.

CHAIRMAN BLACKMAN: And Staff has also been a constant throughout that process.

Yes, Bruce.

MR. KALEITA: I'd just like to say, I think the system works and I don't think there's anything to worry about. I don't think we're going to have a problem.

MR. JACOBSON: I believe, that in the case of signage, Aimee's been there and has taken tremendous notes. There's been a line-by-line discussion, a very in-depth discussion, on this thing. And what she will do when she presents it, I think, first of all, present what came up. And if there are any specific objections, I think it could be handled with great dispatch on her part and the part of those people who are members of the committee. But I don't think we have to go through line by line in this case. Then there is no reason to have a subcommittee, if that's true.

CHAIRMAN BLACKMAN: And I think if we keep that awareness, that this is really the clearing house for ideas and not maybe the line-by-line approach at this level.

MS. CARLSON: And Mariam just pointed out to me that in the summary, when the subcommittee has made a recommendation, it's reflected in there, or in some instances when the Staff has one recommendation or the consultant has one recommendation and the subcommittee has another, it's reflected as an outstanding issue. And those are the things we're going to point the CTF to and hope for you to make the final decision on that.

VICE CHAIR SNAPP: I think Bruce is right. When we did the really big major one last time around 1992 -- I think it took two years last time -- Maury was here, Bruce was here, Dave was here, I was here, Rosa was here, Larry was here, so there's a lot of us that went through it, and we didn't have those kind of concerns that came up last time, of there being a big difference between the opinion of the CTF and the recommendations of subcommittee. There was some issues, but it wasn't like a major confrontation; we did the work. The only time I've ever seen us really do that is when we had hot button issues that got passed down from the Commission, like Bed and Breakfast, okay. And those were things that were foisted upon us, real estate sales, but we've had those kind of things foisted on us and then there's been a strong representation of industry and sometimes an imbalance, versus the committee, because those people are passionate about the issue. Then that's the times that we end up redoing the committee work, is when we have those hot button issues.

So I really don't think it's going to be a big concern and I don't think we're going to be redoing the work that the subcommittees have done.

CHAIRMAN BLACKMAN: You want to continue?

MS. CARLSON: Yes, please.

So with respect to Rules of Construction, some of them are in the Code today, some of it is new language we have moved to Article 1 and tried to clarify some of the existing language. And I think this will help, really, as we move forward. This is almost going to be a little cheat sheet for you.

The example that I was giving was the buffers. And if you go through the development review process and it tells you, for a Type 3 buffer -- you know, if you have residential next to industrial, you do a Type 3 buffer, people often times say, well, how do I know I'm in industrial? How do I know my use is classified as residential? How is it commercial? I think I'm ag., that type of thing. And what Staff uses is the use matrix at Table 6.4-1, but no where in the Code does it say that, does it say we use the use category. So we've added something like that, for example, to say when we mean uses type and we're comparing uses to provide buffers, it refers to that table. That's one example of an item that we've added. Also clarifying affected area.

Anybody who's been through the development review process, again, you come in for a modification and you're either adding land area or maybe you're just changing that out parcel, and there's always that difference of opinion between where the new Code applies and where the old Code applies and whether you have to redo your approval or not. We're trying to clarify that. Same thing with project. We had probably an e-mail chain that went on forever and ever when Frank Duke (ph) was here with a question about "and/or." And you've seen that before you when you've talked about the accessory uses and the 30 percent issue. Is it and? Is it or? Bob Banks cited some case from the Civil War era about it and apparently it's the defining case still today. So we've tried to identify that "or" does mean that both can apply. That's okay. It doesn't mean that it's just one or the other. And as simple as that may seem, we've had an inordinate amount of discussion about that at various times, so we're trying to clarify things like that.

Or tense gender, the fact that the Zoning, the Planning director can delegate authority and delegate duties to other people, that that's okay.

Also some clarification about terms that are found in the Plan, the Comprehensive Plan, that are not in the Code, that you do go back to the Plan. Just because it's not defined in here doesn't mean that you go to the dictionary, because the Plan might have come up with a very specific definition for it. One that we're working on right now is this whole idea of what is not retail. And there is a lot of debate at the Staff level about it. Is a restaurant retail or is a restaurant not retail? Because I think at the Plan level the retail is equated to commercial. But we have, as you know, as general retail under commercial uses and we have countless other commercial use and we're having some confusion there.

Also, District Boundaries. This is language that is in the Code right now. There was very, very little change. It was really more grammatical changes here. But what happens when you interpret the zoning map? How do you figure out where the district boundaries are? That, again, is something that is elsewhere in the Code; it's being located here.

Some special provisions about what happens when your property is split by a zoning district; you have a commercial on the front and residential on the back. This is something that the subcommittee did talk about and it's not reflected -- no, it did say, not as a result of actions by the property owner. Because the intent of this language really goes back to years and years ago when the County just drew those lines and had the commercial depth on either side of Military Trail, either side of Congress, Okeechobee, that type of thing, and properties were split by zoning. The intent of this language is not that you can piecemeal and come in and get an MUPD approval or a general commercial approval on the front part

of your property and do that on 60 percent of your property and then next year come back and say, oh, by the way, I get to have commercial on the back. That's not the intent. It was more some sort of action by the County, not the property owner. And that was something that the subcommittee felt pretty strong, I think, that needed to be clarified, because the original draft did not show that.

Measurement of Distance. This is a section that we will be providing to you at a later date. Right now -- and this goes back to, remember some discussion we've had with Bob Banks when Bob was our attorney and various use regulations, there's different ways we measure the setback, sometimes it goes to the wall of the building itself -- I think that's the case with adult entertainment -- other times it goes to the property line, other times it goes to the center line. I mean, it's rather confusing and we have all these different ways of measuring things and they're varied throughout the Code. What we want to do is consolidate them all here and maybe kind of condense them, Type 1 goes to the property line, Type 2 goes to the building, and then just say, we've used measurement Type 1, measurement Type 2. Same thing with sign height. We had this discussion this morning, you know, if you have a sign on a wall, does the maximum height refer to the height of the wall or the height of the sign on the wall and where do you measure that. Same thing with the poles, that type of thing.

So what we've been doing here is, as we've been writing the other sections of the Code, we've been making notes of the measurements and then we'll bring them all back to you. It's premature to do it at this point because we haven't gotten through the entire Code.

Chapter C is the implementation. There's a blank there because we don't know when the Code will be effective. But essentially it says that the Code is going to be effective as of this date and if you submit your application after that you follow the new Code. And one of the things that we're going to have to discuss with the Board when we get there is, will the Board do like they did in 1992, where there was somewhat of a delay before the Code went into effect, or will it go into effect immediately. Architectural guidelines had a 60-day time frame to allow people to work their way through the process. Or if they were in the process or getting ready to submit, they didn't get caught. Probably will have something like that, too.

Chapter D is where you begin to see the real changes here. It's the prior approval section of the Code. Right now my personal opinion is it's rather confusing what's in the Code for prior approvals and I think there's a lot of differences of opinion when a section -- when an old approval has to come up and meet Code and when an old approval doesn't have to meet Code. And there's really been an attempt to try to clarify that and make it really, really clear. It says, if you were submitted prior to the effective date of this Code, you get to be reviewed under the rules of the old Code, so the '92 Code. If you submit it the day before this Code goes into effect, you would follow that old Code and you wouldn't have to change midstream. Also talks about previous approvals; you had an approval from before and now you're coming back in to make modifications. This language is in the Code today.

It's just in a different form and not as clear. There's different types of rules for the previous approvals. If you're modifying a previous approval, it depends on whether your site is actually built or it's not built, and then it depends on how much of your site you've built and how much you have not built. Essentially, if it's an unbuilt site and you have not gotten the DRC approval, so maybe you had the BCC approval, but now you need to go to DRC, we're saying you would have to comply with this Code. If you have the DRC approval, but you have not commenced construction, we're asking that you comply with the new Code for certain provisions, the landscaping, the parking and the signage for the affected area, to the greatest extent possible without losing density/intensity. So we don't want to change

the rules midstream and have people be negatively affected. And the reason there, with the landscaping, parking, signage and then later on you'll see a reference to the architectural guidelines, those are the four things, really, that we see as probably having the most change in this rewrite, and that's building on the Board direction to kind of raise the bar for development. So it's a way to come in and get the older approvals to comply with the new rules when appropriate. The 80 percent for built projects; if you're more than 80 percent built out, you're exempt for anything that's clearly shown on your plan. That's existing language. No change there. And if you're less than 80 percent built, you have to comply with those sections without the loss of density/intensity or the required parking. Existing language again.

Structural renovations. If you're going -- renovating more than 35 percent, you pick up the landscaping, the parking and the signage. And with respect to the signage, because you're doing structural renovations, you would only modify your building signs, not your freestanding signs.

MR. JACOBSON: Thirty-five percent of what? The assessed value of the square footage, or what?

MS. CARLSON: Thirty-five percent of the current property appraiser's value for your structure. And the intent is that it would be cumulative.

We have had some concerns where people have come in and maybe done 5 percent this year, 2 percent that year, on down the line, and they've never had to comply or bring the project up to Code. This is intended to catch it, so to speak, over a five-year period, thinking that that's a reasonable period. It's not cumulative over the entire life of the project.

Because obviously at some point we'll see 35 percent. It's just over the most recent five-year period.

MR. O'MEILIA: Did you consider square footage?

MS. CARLSON: Did we consider square footage? This is only just the 35 percent of the value. So it could be your square feet triggered the 35 percent of the value, it could be that you changed the --

MR. CARPENTER: Where is the 35 percent?

MS. CARLSON: It's on page 9. It's actually on line 34.

MR. CARPENTER: That's current language in the Code. The 35 percent is current. I want to ask about the renovations for architectural guidelines.

MS. CARLSON: Again, this is current language. Here, when architectural guidelines were created, the 75 percent threshold was put in there. What we've done is, moved it out of the architectural guidelines language back in Section 6.6(e), or wherever it is, put it in here. The reason is, we did not want to lower that threshold. It was just created a year and a half ago. We didn't want to go there and start tweaking that.

CHAIRMAN BLACKMAN: You had a question.

MR. FISH: The 35 percent figure concerns me, of appraised value, because look at the run-up in the prices of homes and structures and buildings. In two years, it could be 35 percent without making a change. I'm not sure that's fair.

MS. CARLSON: I think what is causing the increase in value, it's not really the structure so much, it's more the land value that's rising.

MR. FISH: It's still part of the appraised value.

MS. CARLSON: But this is of the structure.

MR. FISH: Only the structure.

MS. CARLSON: Of the structure.

VICE CHAIR SNAPP: Just put a note then that it excludes the land.

MS. CARLSON: The value of the structure.

MR. CARPENTER: It's very limited, because the land has all the value and all these old structures that are sitting there are worth nothing.

MR. FISH: That's not true. In the case of a shopping center, for example, that's not really true.

MR. CARPENTER: I'm talking about a lot of these nonconformities that a lot of this stuff applies to.

MR. FISH: I got a problem with that.

MS. CARLSON: Do you think, where it says that on line 34, it's excess of 35 percent of the current property appraiser's value of the structure, do you want to say exclusively or --

VICE CHAIR SNAPP: Just put a parenthetical that says, exclusive of land.

In answer to your question, David, even when you get into an old building, if you build a building today that might cost \$75 a square foot to build a commercial building and maybe 10 years from now it cost \$100 a foot, but it's a dilapidated building and it's only worth \$30 a foot, then they're going to use the thirty-five based on the current appraiser's value of the \$30 a foot, not the cost of the new construction. So it adjusts itself automatically.

MR. KALEITA: I don't think old buildings become worthless and I think it's fair. And if it's what's in the current Code, I think it's fair.

MS. CARLSON: Moving on, parking lot alterations or additions. If you modify your vehicular use area, we're saying comply with the parking, the landscaping and the signage -- this time it would be just the freestanding signs, not the building signs -- and the affected area. It should say -- the "and" is not correct. It should say, within the. On line 42 it shouldn't say "and.?"

MR. CARPENTER: Doesn't the Code previously have drainage included in this, over 35 percent?

MS. CARLSON: I don't think it has drainage in it, no.

VICE CHAIR SNAPP: Question: I've got a sign that was approved when the Code was 25 feet and now the Code is 10 feet. It seems unreasonable to make me lower the sign, which may cost more than the sign cost in the first place. I mean, you know, making sure the faces are up to Code and relocating it if it's not in the proper -- if it's in violation of setbacks or whatever.

MS. CARLSON: We have Board direction, interestingly, on this item.

We went to the Board in February with some questions relative to signs, landscaping and Traditional Development Districts and policy questions and we said, we need your input. What the Board told us with old signs is, they want to amortize them out over some time between seven and 10 years; and when you come in for changes, you comply with the Code at that time or you wait for the 10 years.

MR. JACOBSON: The new Code?

MS. CARLSON: Um-hum. So that's going to be the Staff's recommendation, that's going to be Michael's recommendation on that.

MR. CARPENTER: So when sign permits are given, let's say I'm pulling a sign permit today, it's going to have an amortization of seven to 10 years?

MS. CARLSON: Only nonconforming signs. When this Code goes into effect, we don't know if it's going to be seven or 10, you know, sometime in there. Let's call it 10, just for illustration. Ten years from this year, all nonconforming signs are suppose to come down. We're going to have to go out and inventory the signs. We had some concern, 'cause, I mean, there's a lot of signs out there.

MR. CARPENTER: Nonconformity hits on a lot of issues, setbacks, height, whether it meets the current requirements being found. What's the signs that we require now?

Monument signs, okay. If you put in the Code, monument signs, then all pole signs would be --

MS. CARLSON: Which we're not. We're not doing that. We're doing more of a base to width ratio. So the pole signs are going to look more like a monument sign, but we're not going monument only.

MR. CARPENTER: If a sign is on a nonconforming lot, does that make the sign nonconforming?

MS. CARLSON: I don't believe so.

MR. KALEITA: You better budget a huge amount of money to go out and find all those nonconforming signs, because that amortization stuff is expensive to do.

VICE CHAIR SNAPP: And I'd say you'd better start saving up for your lawyers.

I don't know what this Body is going to recommend, but I can guarantee you the local community is going to come out in opposition of this fierce. The -- what you're basically saying is that, I'm not giving you a sign permit, I'm giving a temporary permit; and that every time the Code changes, you've got to redo your sign. Your signage is a license. It's not a permit anymore. Because you're only allowed to do it as long as the Code stays consistent. And anytime it changes, you're now in violation. And if you're in violation, you've got to change it.

MR. JACOBSON: Makes no sense.

MR. CARPENTER: Let's adopt it.

VICE CHAIR SNAPP: You can let them know that they're probably going to get a lot of heat on this one.

MR. KALEITA: In '92 we actually were forced to watch -- those of us in the sign committee, the sign people came in and showed us a videotape on the Wonders of Modern Signage and we actually had to sit there and watch that. So if you're going to make this change --

MS. CARLSON: Just so you know, we have some concerns. We anticipate that there's going to be public opposition.

The sign community -- the sign people that make the signs, that permit the signs, think that this is fantastic and they are supportive of the idea. And like I said, we've gotten Board direction.

North Palm Beach did this and I think this year their signs start -- yes, this is the year for their signs to start coming down. So it'll be interesting to watch what happens there.

MR. O'MEILIA: We've done it twice. We did it before. We did it in '72 and gave them 10 years, to '82, and we really didn't have a problem.

Now we've got it again, and I think October the 14th is the deadline, and we have 72 illegal pole signs I counted the other day, so it is going to be a problem.

MR. KALEITA: We should have esthetic guidelines for bag signs that get tied over existing signs, 'cause we're going to end up with a boatload of bag signs because nobody's going to want to tear down all these expensive signs. They're just going to tie a canvas bag over it with the name of the new tenant on that.

CHAIRMAN BLACKMAN: We talked about that in this room this morning.

MR. O'MEILIA: Don't you have a provision in there, that when you want a new sign permitted that's 50 percent dilapidated, you've got to conform to the rules?

MS. CARLSON: We have some enforcement rules. And like I said, we'll talk about signs at the end of March. I'm sure you'll have a lot of discussion. Michael will be here. He's actually going to fly in for that meeting. He'll be ready for it.

CHAIRMAN BLACKMAN: Continue.

MS. CARLSON: Continuing along.

Landscaping. What we've said is, if you modify your development order, you have to comply with the sections above, which basically tell you if it's a built project or an unbuilt.

One of the questions that came up at the subcommittee level was, what about people that have an existing landscape plan that's a long time ago approved and it has some species that are now on our hit list of species, an example was schefflera. Some things have been prohibited from the get-go, others have been added to the list. I think that potato vine has now been added, or creeping potato air vine. And you come in and you do a modification and you had a lot of this vegetation, we had previously approved your landscaping with this vegetation.

MR. CARPENTER: And it's planted.

MS. CARLSON: It's planted. It's there. It creates this buffer. You come in for a modification, do you have to remove something that was previously permitted?

MS. DURANDO: After 1986.

MS. CARLSON: After or before. This was before the Board had the workshop.

CHAIRMAN BLACKMAN: It was the day the Board --

MS. CARLSON: It was the day we were anticipating that maybe they would finalize the discussion and that didn't really happen.

What happened? We don't really have recommendation. We would prefer not to address that, honestly, but I'm bringing that to your attention.

MR. KALEITA: It's a nonconforming plant. That's what it is.

MS. CARLSON: Subject to Section 9.5 -- and I think the issue is, I guess, related to cost with some of those plants that might be rather expensive to remove them and then to come in and do the replacement. So think about that over the next week and we can discuss that next week.

MR. CARPENTER: One thing, none of those plants are going to be the real bad plants, like Melaleuca and Australian Pine. I mean, those --

MS. DURANDO: Melaleuca and Brazilian Pepper, according to the brilliance of the County Commissioners, were kicked out having to be -- Melaleuca is the worse --

MR. CARPENTER: I saw that.

MS. DURANDO: I don't understand that. But I also object to the fact -- and I did at the committee meeting, two different meetings. You have to address the fact in the landscape ordinance that none of these plants will be allowed within 500 feet of a publicly owned protected area. And I think that should be referred to in the landscape part here, because they're talking about a 50-foot buffer. Well, yes, but not within 500 feet of a protected area.

MR. CARPENTER: What I'm talking about is, this is generally related to development plans and they never used Melaleuca and Australian Pines anyway.

MS. DURANDO: We have tracts of land all over this County that should be honored now with a reference that no matter what was approved, especially after 1986, you got to get rid of them and come in and get an approval.

MR. CARPENTER: I don't know what year that they started, but on every development order, in the conditions there's a removal of exotic species. They're usually one of the conditions.

MS. DURANDO: But that hasn't been --

MR. O'MEILIA: The new exotic plant ordinance covers that.

MS. DURANDO: But you don't want that sitting out there alone and then something here that seems to contradict it is okay.

MS. CARLSON: That's why you're going to have a lot of cross-references. I mean, I don't think that we want to put it in here. It's just a question -- unless you clearly want to

contradict it. I guess that's the question. If it would comply and have to follow 9.5, then we don't really need to discuss it.

MS. DURANDO: Just as a reference.

CHAIRMAN BLACKMAN: It might be helpful at the next meeting if we find out exactly what the Board of County Commissioners did, because I think they exempted a large part of South County.

MS. CARLSON: I think they -- the pre '86 ones were --

CHAIRMAN BLACKMAN: Be nice to know exactly what they did in writing.

MS. CARLSON: Chapter E is nonconformities. Right now we have a section with nonconforming uses, we have nonconforming structures, nonconforming lots. Nonconforming uses are major. There's some charts. Again, pretty confusing for a lot of us, so we tried to really clarify it and streamline it.

It might be helpful for you, because there's some terms right now that are not defined in the Code. It would not go in this Article. They would be, as like Carol Ann explained, a hyperlink to the definition. At the back of the summary chart, there's a page that says, the following terms are not currently in Article 18, you might want to pull that out. And there's also a chart that goes and shows you the current Code to the new Code with respect to every single thing, nonconforming uses, structures, lots.

We have language for the relocation of nonconforming uses, a change in use, the discontinuation of it, and then the maintenance. Depending on whether you're a major or a minor, there's different maintenance provisions. Essentially 20 percent; you cannot exceed 20 percent for a major nonconforming use or 30 percent for a minor nonconforming use.

Expansion also gives you the breakdown. A major nonconforming use cannot be expanded, unless it basically had an approval that could expand into that area previously. So maybe you had a church or a restaurant or something that had a second phase. It could expand into that second phase. It could not add onto its building. Minor nonconforming use, they get to expand one occasion through the DRC, provided that they meet the new Code and they have to meet the following provisions; they cannot exceed 10 percent of the floor area or 10 percent of the assessed value of the structure. This is something -- an area where the subcommittee had questions, in terms of floor area not being the only measure of intensity, but number of seats, number of children for day care, number of beds for CLF, that type of thing, so we're looking for some feedback there, whether we should add in other measures of intensity here and what would be appropriate.

And then the other provision when you're expanding through the DRC is, it cannot create or expand nonconforming features.

Nonconforming structure. You can continue to exist in accordance with this section. It gives some guidance here for either maintaining or renovating it. Right now what seems to be happening is, there's some language for maintenance and renovation and there's a lot of differing opinions as to whether you are doing maintenance or you're doing renovation. And people come in and they want to pull a permit and we think maybe they're doing renovation so they shouldn't be doing it and the person says, no, I'm really doing maintenance, or it's the other way around, so we've tried to really lay it out and clarify it. And that's part of the reason for the definition, so that it's not "pick a term and tell us what you're doing," it's pretty much "what you're doing."

CHAIRMAN BLACKMAN: Aimee, D.J.

VICE CHAIR SNAPP: You said something, nonconforming structure and nonconforming feature. Do we have a definition of feature?

MS. CARLSON: Probably not.

VICE CHAIR SNAPP: I don't care about the nonconforming part, but "feature." And

if we don't, maybe we should. Whatever we call it, we ought to address it.

When you look at these percentages, if I'm coming in and I'm remodeling my building and I've got a mansard that extends out into a setback because of road widening, which is in violation, I can't make it any worse -- that's basically what the Code says -- and we got our percentages on whether or not I have to bring everything into compliance and we're looking at the values like we just talked about. But if I'm renovating a parking lot, well then your percentages are now out of whack, because you're not touching the building. If I'm changing the parking lot around or moving it around, then that's a feature, that's not a structure. And maybe we do need to find a definition for something like that, which maybe catchalls enough, ?cause everything outside the structure, I don't know.

But my other question just escaped my mind so I'll let you go back.

MR. KALEITA: I have a question. I don't understand, on line 16 -- no, let's see -- in line 19 on page 11, I don't know how you expand a nonconforming use without also intentionally expanding the nonconforming features of it. And I think that that line is -- I don't understand what that line means. And I would suggest that the way it could be made to mean something is if we crossed out, or expansion, because by definition an expansion constitutes an expansion, and therefore, one cannot prohibit what one just allowed.

CHAIRMAN BLACKMAN: D.J. just had a memory flash here.

VICE CHAIR SNAPP: A flashback here.

We need an exception or an exclusion on this, for matters imposed by government. I mean, if there's a right-of-way taking or something happens that's outside your control, then there should be an exemption. If the government comes in and widens the roadway and as a result of that I have to redo my parking lot or my drainage, if there's something imposed upon me, then I shouldn't have to go --

CHAIRMAN BLACKMAN: I think we do that in Chapter F.

VICE CHAIR SNAPP: So we already had some kind of provisions in terms of if you look at the eminent domain section.

But I'm just saying, there ought to be some reference to a general exclusion for matters that are imposed upon you by the government or quasi governmental agencies.

CHAIRMAN BLACKMAN: And that is addressed later on, I think, starting in page 13.

MS. FINK: On that line 19, nonconforming is the key word?

MS. CARLSON: But I think the question, what is the --

MS. FINK: Expansion of nonconforming --

MS. CARLSON: -- of features. But we want to define what makes up the feature.

We'll bring something back for you.

For those of you that don't know Genni, this is Genni Messina. Genni is a site plan technician with the Zoning Division, one of our resident gurus on this Article and also a resident guru on occupational licenses and a variety of tricky subjects. She gets a lot of them. And Genni's put a lot of work into this Article. She was the lady running around this morning doing some final touches to it.

Moving along. Maintenance. So if you do maintenance and you go back and find, are you actually doing maintenance, you get up to 20 percent. You cannot exceed 20 percent of the value for maintenance in any 12 consecutive months. Now you could do renovation just by right of up to 20 percent of the assessed value of the structure, or you can do between 20 and 30 percent of the value by getting Board of Adjustment approval. Or, depending on where you're located, you can do up to -- it's between 30 and 50 percent in the Lake Worth Road Overlay District when you comply with the rules in the Lake Worth Road Overlay District. So this is our first attempt into trying to give a little more flexibility for the in-fill sites.

We have not identified or defined in-fill. The Plan's definition of in-fill is rather large; it's essentially anything inside the urban service area. We don't think that that's appropriate. We're using the Lake Worth Road Corridor as sort of some test provisions to see if that would work.

MR. CARPENTER: Can I ask you, under these two provisions that we just spoke about, can I do 20 percent maintenance on my structure and 20 percent renovation?

MS. CARLSON: Can you repeat that?

MR. CARPENTER: If the Code allows 20 percent maintenance and the Code allows 20 percent renovation, does that allow me to do 20 percent maintenance on a portion of it and 20 percent renovation on a portion?

MS. CARLSON: That is not excluded in this language.

MR. KALEITA: It depends on who your lawyer is.

MS. CARLSON: I don't know that that's the intent, but it's not excluded in this ordinance. We may come back next week and exclude that.

MR. CARPENTER: Let me ask one other thing. What's the difference in the Code between maintenance and renovation?

MS. CARLSON: That goes back to our definition page. Maintenance is, repair or fix existing nonbearing walls, fixtures, wiring and plumbing necessary to permit structures to remain in a good state of repair without creating additional improvements.

Renovation is to modify the interior or exterior physical characteristics of an existing structure, including conversion, rehabilitation, remodeling or modernization of floor area, air conditioning, wiring or plumbing.

MS. DURANDO: Suppose you had a real cheap roof and it was leaking and you really needed a new roof and instead of just repairing it with the same cheap asphalt, shingles, you went to tiles; you're accomplishing a repair, but is that also considered a renovation?

MS. CARLSON: The maintenance is only if it's necessary to correct damage or deterioration.

MS. DURANDO: It's necessary. But can you upgrade the material or style?

MS. CARLSON: Chances are you would exceed that 20 percent of the value, so the answer would be no.

MS. DURANDO: The answer would be no?

MS. CARLSON: If you exceeded the 20 percent of the value. You cannot exceed more than 20 percent of the value.

Let's say your roof was leaking, so that would be your correcting damage, or a tree fell on it or something and now you want to convert to --

MS. DURANDO: Something a little nicer in the neighborhood.

MS. CARLSON: The cost is probably going to catch you.

VICE CHAIR SNAPP: Having lived through this for the last 30 years, here's the way it works in reality, or the way it always has worked. If I come in and I hire a roofer because I need a new roof and I apply for a roof permit and that's the only thing I apply for, nobody ever looks at this. The permit's issued. Doesn't make any difference if the cost of the roof is 50 or 60 percent of the value of my building, it's a new roof. However, if I am pulling a permit to do renovations to the building, whether it's putting in interior improvements for a new tenant or a new storefront on or redoing part of the parking lot or landscaping it, there's a package of events that goes, and the roof is part of it, and it gets calculated in and it will trigger it.

But if you just come in for a roof permit, I've never seen anybody look at what's the value of the roof, because it's a maintenance item. And I think that fits with the intent, that

interpretation does. Because the intent is not to have you put a cheap roof on a building because it would throw you over the threshold. It's, are you really changing the building? Just putting a new roof on doesn't change the building. But if you're putting new stucco and you're putting pavers in and your interior walls, or changing the electric because you got a new tenant moving in or you're fixing up an old building, that's a renovation and that's a little different. And that's the way it's always worked.

CHAIRMAN BLACKMAN: Maury.

MR. JACOBSON: I'd like to suggest that in maintenance they certainly add a section there for air conditioning, because not only the air conditioning, because the renovation, by any stretch of the imagination, can be a maintenance factor.

MS. CARLSON: I just want to correct something that I stated earlier. With respect to the Lake Worth Road Corridor, it's actually up to 50 percent in compliance with the regs. in the Lake Worth Road Corridor, if you're in the Lake Worth Road Corridor. So in our one and only in-fill area, you can go up to 50 percent, provided you meet the rules in that corridor. Outside of that corridor, it's just not permitted above 30 percent.

MR. CARPENTER: Except in overlay districts, right?

MS. CARLSON: Outside of the Lake Worth, no. Only the Lake Worth Road Corridor gets this exemption. Outside of the Lake Worth Road Corridor, no renovation more than 30 percent, not even in the Westgate. That might be something to consider, that the Westgate is also in-fill -- I mean, it's a redevelopment area.

MR. O'MELIA: Why so much difficulty to overlays --

MS. CARLSON: This is designed to give some flexibility for in-fill areas. Most of our other overlays are probably not what we would consider in-fill.

VICE CHAIR SNAPP: I've written this note earlier and now we're tying back into it.

I've long been an advocate that we ought to promote in-fill development as opposed to spreading. And also, I think the ideal place to start is all the overlay districts, whether it's Belvedere, Westgate or Lake Worth Road or wherever it might be, the airport overlay. And I think it would be prudent to, when -- like you brought up MUPD's before. Right now you've got size restrictions on using that type of an instrument to develop a parcel. It has to be a certain size. In most of those in-fill areas, you can't meet those size requirements. And what better place to put a mixed-use development than on a small in-fill tract, where you can get maybe some housing and some retail or some office and some other use that you can mix together; maybe you've got storage buildings or warehouse space in the back and an office or retail in the front, which generally wouldn't be together, but it's a perfect kind of fit there. So I would like to see us tie in -- and maybe the target place to start is any in-fill area, if you're in an overlay. If you're in an overlay district, that we would waive those size requirements and -- you know, to be able to allow to have that occur. 'Cause right now you can't do it under our Plan.

MS. CARLSON: There's actually some existing language in the Lake Worth Road Corridor that does allow for lower minimum lot sizes for certain zoning districts. When we get to the overlay provisions, the PBIA overlay is being modified to reflect that, too. That came out of the Plan and gives some more flexibility there. When we get to the Traditional Development Districts, there's some flexibility there for in-fill provisions.

Essentially where we could do it, we are doing it. We started down the path of trying to identify in-fill areas and doing that as part of this -- and we basically realized that that would probably take a whole year by itself. There's a lot of issues there. So we were working with Planning and we've kind of put it on hold. Planning is doing some sort of an in-fill study right now to identify the areas that they think would be in-fill areas and then we'll pick up and do the Code work. They've had staffing issues, probably worse than we've had

in the last six months or so, and now they have this new Chief Planner who's going to be Lorenzo's right-hand man. And the Chief Planner is going to take the lead on the in-fill studies. I think in the next couple of months we'll see it be completed and then we can start our work. So it's definitely on our minds. It's something that we want to do. We just didn't think we could do it at this time as part of this rewrite.

MR. O'MEILIA: I don't understand why you're putting into any of the overlay districts in there. Don't they have their own rules built into them? I know our North Lake Boulevard -- the County just adopted it -- have them, but they're different than these.

MS. CARLSON: They have their own rules, but they don't have things like what we're suggesting in here, so it doesn't give you any exception to expand or renovate enough for a structure beyond the current regulations in the Code. So what we're trying to do is allow a little bit more flexibility and a little bit more renovation.

MR. O'MEILIA: Well, what happens like if -- or the North Lake Boulevard overlay, what governs them on the County property?

MS. CARLSON: They would be governed by the existing rules. So essentially what this means is --

MR. O'MEILIA: Excuse me. But built into those are rules and regulations governing this.

MS. CARLSON: Well, if they have their own rules, then they follow their own rules.

The way the overlay districts work is, it says you follow the Code, unless the overlay -- unless there's a conflict. In case of the conflict, the overlay district rules apply.

MR. O'MEILIA: Then the overlay district rules are an exception.

MS. CARLSON: Yeah.

VICE CHAIR SNAPP: My point was to try to expand that and pass on some further authority to those overlay districts so that you can do things.

As an example, in the airport overlay you've got property that's zoned residential high. And the Land Use Plan says, we don't want any residential period, much less high density, in the airport overlay, or in the flight path; we don't want schools, we don't want hospitals, we don't want nursing homes, we don't want housing, we don't want people there. So you can have property that's zoned that way in the Land Use Plan, but it's too small to do anything else with under the current Code. And if you had some flexibility like that, you could put some mixed use in or do some other things with it, as opposed to right now you might be forced to go build a bunch of duplexes in an area that the Code and everybody says, it's not smart to do that here.

MR. CARPENTER: I've got one thing. I wanted to pick up on what Charlie was talking about related to nonconformity.

We passed that new North Lake overlay that Charlie's talking about that requires modifications to structures there, and probably every structure on that street is nonconforming in one way or the other due to setback issues of expanding roadways, lot sizes, minimum lot sizes going up, other setback issues. And the improvements we're requiring in that district may put them pass -- what they're required to do may put them over the 20 or 30 percent. I mean, I'm just saying that we have a requirement for things to be performed in the Code under the district and at the same time, we may not be allowing those things to be done under the nonconforming section.

MS. CARLSON: I can't really speak to the specifics of that. I was not involved in that overlay.

MR. CARPENTER: Well, it came through here.

MS. CARLSON: Yeah, I know, but I was not the person working on it. I'm sure there's probably some sort of provision addressing that.

MR. CARPENTER: There's not in there, is there, Charlie?

MR. O'MELIA: No.

MS. CARLSON: I know that there were many people that raised that issue. In fact, one woman that used to be on the overlay, her husband owns property there, and she came in and raised it, not that it -- obviously there's a lot of property in that overlay. The County's property in that overlay I think consist of three parcels, so it really does not affect Palm Beach County. I mean, we're party to that, but -- and I believe that they're working -- this Phase 2 is on a joint planning agreement, or interlocal, that essentially we're going to say, North Palm or Palm Beach County Gardens, whoever's in the annexation area that this property lies in, you handle the permits, just go directly there, like we did with Indiantown, you know, we just turned it over to Jupiter. There's another North Lake, the Western North Lake that this Board has never seen, but that went through the LUAB and has a similar procedure, not as far, we didn't go as far there.

CHAIRMAN BLACKMAN: Rosa, do you have something? Go ahead.

MS. DURANDO: You just caused a question to raise in my mind. You say the County would defer to a municipality, but the County -- plus I've objected for several years now -- the County can arbitrarily put through these overlays, whether the municipality wants it or not, a cralls on a County road. And I know that's been very unpopular sometimes with particular municipalities that are involved. Is that referred to at all? And will a County road still be able to be governed by the County or you just meet that problem with getting together and wheeling and dealing with the municipality?

MS. CARLSON: With respect to the North Lake Boulevard overlay, I doubt that cralls is even addressed there.

CHAIRMAN BLACKMAN: And we're getting a little bit away from our topic here.

MS. DURANDO: How about old overlays, like the Turnpike overlay; do you make sure that any new situations comply with that?

MS. CARLSON: New development. It's required to.

MS. DURANDO: And isn't there still in existence the Seminole Pratt overlay. Any intention to be revisited and changed?

MS. CARLSON: I think there was some minor tweaking in the Plan, I mean, minor, minor, minor tweaking that we'll have to convey into the Code.

CHAIRMAN BLACKMAN: The discussion of overlays here relates to nonconforming structures.

MS. DURANDO: I know, but from time to time there's applications to go into Seminole Pratt overlay.

CHAIRMAN BLACKMAN: And it's good to refresh our memories about these things, but we're --

MS. CARLSON: The entire Code is up for debate at this point. When we get to that, to the overlay, we can talk about it there.

MS. DURANDO: Okay.

MS. CARLSON: Okay, damage. I'm moving on to page 12, the top of page 12. You get to repair up to 30 percent of the value of your structure if it's damaged by right and then you cannot go beyond the 30 percent, unless you're reconstructing in conformance with this Code.

And then as far as expansion, you can expand in compliance with this Code. And here's the feature again, you shall not change or increase the nonconforming feature, so I'll circle that. And it does not permit or allow the expansion of the nonconforming use itself. This structure is not supposed to be moved in whole or in part or off the parcel, unless it conforms with the new Code. And then lastly, we refer you to the Airport Zoning regulations

for nonconforming structures that are in the airport overlay.

MS. DAVIS: Aimee, I have a question regarding nonconforming type structures. And what came to mind, you know the Minto project that's out there off Forest Hill, now is that annexed into Wellington?

MS. CARLSON: Yes.

MS. DAVIS: Okay. If there were a similar situation, but it was in the County jurisdiction, for example, the Kobosko's produce stand there, I would hate to see those kind of uses disappear just because of a nonconforming -- you know, if there was damage during a hurricane or something and then they couldn't replace their structure. You know, I think personally, that the folks who are going to live in that area are going to like having a produce stand there. So are there areas in the County where that might happen, where we might lose some very important nonconforming uses?

MS. CARLSON: I mean, I think that's the whole idea, it speaks to the whole idea of nonconforming, is that, you allow them to continue, but they're essentially supposed to go away by attrition; you don't make it so that they continue in perpetuity. You allow them some leeway, but at some point you go away and you comply with the new Code. And that's the whole basis behind it. So, yes, it could happen and that is the intent, that it would happen.

MS. DAVIS: That it would disappear, because a produce --

MS. CARLSON: Or it's moved back. Let's say it was a setback issue. You know, it's moved back and it complies with the new setbacks and then it can continue.

MS. DAVIS: But what if it was a zoning issue, a nonconforming zoning?

MS. CARLSON: Then you might try to rezone or get the approval. And it's not to say that it would be impossible for the use to remain there. It's just that at some point you follow the new Code.

MR. KALEITA: Unless you're using the maintenance and renovation provision intelligently.

MR. CARPENTER: I don't think, if that was the story, I'm just wondering how long is it going to be before those people out there want that thing to look like -- want it to be pink and have arches and stuff like that.

MS. DAVIS: And columns and statues. I just think -- I don't know. I'm not real happy with that.

VICE CHAIR SNAPP: Well, five or six years ago we had the same issue with the produce stand at Military just north of Lantana Road on the west side. We had lots of angry people in here because of the signage and they had no permanent structure, and they were in violation of getting cited by the Health Department, Technical Compliance, everybody was -- Code Enforcement was in there almost every day. And they finally ended up, I guess, rezoning the property.

MS. CARLSON: I wonder what happened with that one. I know that the TPS passed language and then some people then became -- even though the Code now allowed them, they became nonconforming 'cause they were too close, they didn't meet the setback requirements and people went to the Board of Adjustment for variances and stuff.

MS. DAVIS: I know that there are both sides to that. But I also see that there are some -- and I use that particular scenario because everybody's probably familiar with that one. But there are others that help our region have a sense of place and what it used to be and I hate to see those disappear, not necessarily the Kobosko's market, but other nonconforming uses that --

CHAIRMAN BLACKMAN: Well, with that nonconforming use, we're not talking about an amortization period of any kind, so they could be a going concern. And as long as they

are a going concern and keep renewing their occupational license and --

MS. DAVIS: In some areas there might be a little nursery, a little plant nursery, that is a nonconforming use now. Well, let's use Hagen Ranch Road as an example. That all used to be agriculture. Now it's all a bunch of houses. And what if there was a nursery owner that wanted to stay there, but the big hurricane came and blew down their shade houses and damaged their building?

MS. DURANDO: Agriculture is different. Agriculture has no constraints --

MS. DAVIS: It does. It's a nonconforming use.

MS. DURANDO: No, not agriculture.

MR. CARPENTER: What about the structure for that building --

MS. CARLSON: They have an exemption for permits only. They have to meet all Land Development regulations, so it would apply. But modified ag. is a permitted use.

VICE CHAIR SNAPP: But if you don't have to have the permit, how are you going to know that they did it?

MS. CARLSON: Well, we have these funky permits that you get.

MS. DURANDO: You don't need a permit for agriculture when --

MS. CARLSON: But you have to meet the rules.

MS. DURANDO: This is my fight with the landscape people. They were going to -- bonafide agriculture from requirement of a buffer.

MS. DAVIS: So that's a nonconforming use.

MS. DURANDO: No, no. They were just going to excuse them from any responsibility to adjacent property, which I think is very, very wrong.

CHAIRMAN BLACKMAN: You want to go on to nonconforming lot?

MS. CARLSON: We're in the middle of page 12. It's really more just relocating language here. These are existing rules for nonconforming lots, you know, your subdivided prior to our Code or you were conveyed in some form or fashion with a deed or something like that prior to the Subdivision Code or you're in an antiquated subdivision and you're not subject to the lot recombination requirements of our Subdivision Code and the Plan. And the fact right now --

MS. DURANDO: What is the difference between an antiquated subdivision and an unrecorded subdivision?

MS. CARLSON: Antiquated subdivisions are actually called out in the Plan. They're specific subdivisions that the Plan recognized in 1989, like 10 of them or so.

MS. DURANDO: Well, when an area is designated, like Heritage Farms, as an unrecorded subdivision, what does that mean?

MS. CARLSON: It means it's an unrecorded subdivision.

MS. HAMAD: It's pre 1973.

MR. KALEITA: It came into existence at a time prior to the County's commencement of regulation of subdivision, and therefore, it was subdivided in accordance with then existing State law, which was so simple that it literally brought into existence the problems that we now know as unrecorded subdivisions.

MS. DURANDO: So this is hanging out there as a legal entity, a defensible legal entity, or what?

MR. KALEITA: It is, in that, the interests were created prior to the point at which we would have banned them from being created in that fashion, yes.

MR. JACOBSON: So it's defensible?

MR. KALEITA: Yes. It's just a nightmare that's all. Why is it a nightmare? Because there's no real provision for drainage, there's no set aside of public streets. That's why it's a nightmare.

MR. FISH: There's no dedications.

MS. DURANDO: I mean, Frank Duke left, but I'm convinced if he hadn't, we would have come to blows. And I would certainly hire you, Mr. Kaleita.

MR. KALEITA: I'm not looking for the extra work.

MR. CARPENTER: Aimee, on our subdivision plat ordinance that we're working on in subcommittee, these dates I don't think are the same ones that we used in the subdivision ordinance related to legal lots of record.

MS. CARLSON: The February 20th date is the date for the ULDC. It's February 5th for the subdivision.

MR. CARPENTER: I was under the impression that they said something about January 1st or 3rd at the meeting, Dave Cuffe.

MS. CARLSON: We were saying that the Code today said February 3rd for some reason, but it really should be February 5th. So this January 23rd should be February 5th. That's when the Subdivision Code became effective.

We have on "B," these rules are in the Code today, but there's some confusion about whether you get to apply them for all types of development or only for single family. The intent is, that a nonconforming residential lot can build a single family dwelling using these rules, under certain circumstances. That should be "single," not "ingle." And essentially, when you can't meet those setback requirements, we give you a break. And that's what "A" and "B" does, and then also "C," and there's the maximum lot coverage.

There's a lot of confusion down on the first floor about this, whether the accessory structures get to meet these rules or not. And the intent is that they don't. You get to build a house, but you don't get to build all these other things. That's the idea. So they have to meet the applicable Code requirements. But remember that the accessory structures have much smaller setbacks, so it shouldn't be a problem.

MS. DURANDO: Now if the accessory structures are to keep agriculture, whether it's a barn or a shade house, is there any ruling Code that they have to comply with?

MS. CARLSON: Again, with respect to agricultural-- I should have said this earlier -- a nonresidential structure for ag. on a farm does not have to get a building permit, but it must meet all Land Development regulations. So they don't have to get a permit, Palm Beach County doesn't issue them a permit, but you have to meet our Land Development rules; you have to meet our zoning, you have to meet our drainage, everything else. It's rather confusing.

MS. DURANDO: The septic tank situation.

MS. CARLSON: Yeah. Any Land Development regulation you have to meet for a nonresidential structure for ag. on a farm. You have to go to the State to find out what ag. is and what a farm is.

And then we've got some language for nonresidential development and nonsingle family development. And basically they follow these rules or they get a variance. And it's pretty much what it is right now. I'm on page 13, number C, lines 13 through 22.

And now we're going to move on to Eminent Domain, Chapter F. I don't like this section. This language is in the Code today. There's been some tweaking of the language. I find it very confusing even after it's been tweaked. I think it's just kind of complicated. Bottom line is we're trying to give you some flexibility if you're affected by eminent domain. If you have to come in and redesign your site, the fact that you were affected by eminent domain, you can go and apply for a variance and just because we did something to you, we being government, Palm Beach County FDOT, whatever, that justifies your variance; you don't have to go through and do all the seven criteria, just eminent domain action is your justification for getting a variance. There's also some flexibility for

enlarging and expanding your site, and you have to meet some requirements. But it's really designed to be as flexible as we can, in recognition of the fact that there might have been some government action.

CHAIRMAN BLACKMAN: We have some questions. Bruce first.

MR. KALEITA: I just have a comment. This originated back, I think, in 1991, when it was brought to our attention that the County was having elements of damages awarded in eminent domain actions for the rendition of the property into a nonconforming use over and above the value of what was taken. And this was nothing more than an attempt to avoid paying those damages. Whether it's been successful or not, I don't know.

CHAIRMAN BLACKMAN: David.

MR. CARPENTER: On page 14, line 48, access, the length of the access way shall not be less than 10 feet measured from the right-of-way.

The only thing I can figure out that means is that the landscape buffer would have to be 10 feet minimum. I can't figure out this length.

MS. CARLSON: Oh, you're at 13.

MR. CARPENTER: If they're talking about measuring it from the right-of-way, then you're talking about -- my interpretation would be, the minimum landscape buffer remaining would have to be 10 feet; is that correct?

VICE CHAIR SNAPP: No. What that was, was the distance from when you turn into the parking lot from the edge of the right-of-way, which is normally, what, 25 feet we try to have before you start turning into a parking lot once you leave the right-of-way. And since we were --

MR. CARPENTER: You talking about the throat (ph)?

VICE CHAIR SNAPP: I'm talking about where the apron opens out and you have the opening onto the road. Due to the fact that you're compressing the road into the old site plan with the extra right-of-way taking, there's provision where you're taking out the tree lawn and you're taking out the sidewalk and you're taking out the landscape area. And when we passed this, we said, okay, you won't have to put it back in, which would stop you from having your sidewalk up against the front of your building, and you'd still have access. And there was provisions to link properties together to have cross parking and so forth. So what this dimension is, that 10 feet starts at the edge of the right-of-way and goes to the parking lot. So when you pull into the parking lot, you only have to have a minimum of 10 feet to turn in, as opposed to having the 25.

CHAIRMAN BLACKMAN: So you're now pulling in directly to a --

VICE CHAIR SNAPP: The length of the apron is what it is, the length of the opening is what it is.

CHAIRMAN BLACKMAN: And then it also gives an out, saying that another method can be approved by the County Engineer.

MR. CARPENTER: On the other side of it, say you have the parking on this side that you're turning in, you don't have to have the 10 feet.

VICE CHAIR SNAPP: That's correct.

MR. CARPENTER: If I'm making a right-hand turn.

On the left-hand side that's abutting there, then that would mean there would have to be still left the minimum 10 foot landscape buffer?

VICE CHAIR SNAPP: No, there's no landscape buffer requirement, so -- this is just in the eminent domain section.

MR. CARPENTER: Do you see what I'm saying?

MS. CARLSON: Actually, if you go to the back, look for something that's like this, these are the actual illustrations for this Article. It's behind the Article itself. And then if you

pull that out, look on the last page of that -- it's all stabled together -- what we're talking about is that this distance here -- this distance here needs to be 10 feet. That's what it is, okay.

MR. CARPENTER: What I'm talking about is -- let's make something up here -- where they're taking 15 feet of right-of-way, which would be the whole landscape area, then when you came off the road, that would require you to create an additional 10 feet -- or it would require you to create 10 feet on your property.

MS. CARLSON: It would not require you necessarily. I mean, there's other provisions for the landscape buffer. But it would require you to pull that parking lot back 10 feet, unless the County Engineer approved it. They want to have space you can turn in and you're not like spewing back into the main road.

VICE CHAIR SNAPP: You don't even have to have 10 feet. The parking can actually be two feet off the road, but you have to have a landscape isle there at the end --

MS. CARLSON: To give you the 10 feet there.

VICE CHAIR SNAPP: It's a minimum of 10 foot in depth.

MR. FISH: Where's the two feet come from?

VICE CHAIR SNAPP: I just made that number up.

MR. CARPENTER: What this is conflicting a little bit with is a Section -- it's in Section 1.3, I think, in the current Code related to eminent domain, where it says that if right-of-way is taken -- I mean, if your property is taken through eminent domain, you don't have to recreate additional landscape areas onto your property.

MS. CARLSON: This is not requiring you to recreate additional landscape area. It's just requiring you to have that 10 feet area as you come into your site before you can make a left or a right-hand turn. It could be whatever; it could be a parking space on either side of this and coming back like this, you know, parking spaces all like this, and then you're just coming in. If I could draw, I would draw, but I can't draw. Maybe D.J. could draw it. It's not going to require you, necessarily, to do a landscape buffer.

(VICE CHAIR SNAPP at DRY ERASE BOARD.)

VICE CHAIR SNAPP: This is the road. This is your access. You can do several things. You can have a turn that's 10 foot minimum. Now you could have parking that pulls in like so, but you've got to be 10 foot off. But you also have a minimum recovery of two feet in the Code, you could actually have -- now you can have parking that goes like this, but you still have to have a minimum of 10 foot there -- that's what that says -- that when you turn in. Because when the County and the State were in and we were talking about waiving the landscape requirements, there's provisions you don't even have to replace the front landscaping, there's provisions where you don't have to relocate your sign; that you can maintain your sign as long as it's not hanging into the right-of-way. But this was lowered to 10 foot because the County Engineer said you got to have at least that 10 feet because you're going to be half into the road when you're turning in. But in terms of pulling up, you can have your parking basically two feet to the curb. It's not a landscaping issue. It's this distance here to the right-of-way has to be a minimum of 10 feet.

MR. CARPENTER: I know, but I mean I thought that issue -- the 10 foot creates the 10 foot issue along the front of the property related to that parking lot.

CHAIRMAN BLACKMAN: Not necessarily.

VICE CHAIR SNAPP: You don't have to have 10 foot of landscaping or anything. It can be like this and it can go all the way down to two feet and that can be solid concrete. In fact, there's places like that on Okeechobee Road that do that. And Bruce is right, the motivation was, so we don't have a total taking; so we don't have to buy your whole property.

CHAIRMAN BLACKMAN: And if you have less than 10 feet, you're going to see the County Engineer to try to get more leniency.

MS. CARLSON: Moving on. One item that's actually been added to this section is on page 15, number 8, lines 48 through 50. The County will allow someone to count land area that was voluntarily conveyed -- was conveyed without compensation for calculating density or intensity. It's no where in the Code right now. We're putting it in the Code so that it's really clear.

MR. KALEITA: Can I make a proposed revision to that?

MS. CARLSON: Well, I can tell you that the "of" needs to be an "or," if that's what it is.

MR. KALEITA: No. And let me be very brief.

Years ago I represented Pier One. Pier One acquired a site on Okeechobee Boulevard. When it went in for its building permit, the County then had a 40-foot of future mapped thoroughfare plan right-of-way acquisition program in effect. It took the front 40 feet of the Pier One lot as a condition of issuance of the building permit and then turned around and denied the building permit on the grounds that the lot did not meet the minimum lot size.

May I suggest, therefore, that we might want to add minimum lot size as one of the things that you are entitled to count that land toward in order not to repeat that injustice.

MS. CARLSON: We can check with the attorneys. I mean, what's been allowed so far is just calculating density and intensity.

MR. KALEITA: Well, I went to the Board of Adjustment and said, you can't tell us to give it to you and then hold it against us that we did, so -- and they said, you're right.

MR. CARPENTER: Just as a side note, currently in the Code, under roads like Military Trail, for example, the Code calls for 40 feet outside of the right-of-way to be measured off of Military Trail. And then from that 40-foot line, that's where you have to measure your setback. It's currently in the Code. And to change that, you have to go to base building line waiver.

MS. CARLSON: There was discussion this morning, as we've had every Thursday morning, on this topic relative to signs, sign industry feeling that using the base building line for measuring the setback for signs is inappropriate, 'cause you end up pulling the sign back 50 or 60 feet. They're also feeling, that since you go across the way and get a base building line waiver and that Engineering is always going to grant, what's the use of the regulation. I don't know that Engineering just rubber-stamps the waivers, I really don't know. That's something we're going to look at.

MR. CARPENTER: What's the purpose of that anyway?

MS. CARLSON: It's tied into limiting our exposure for future right-of-way, essentially, because you don't put the building in there. When we come in and we have to condemn something --

VICE CHAIR SNAPP: There's an easy solution. There's a simple solution. Put in the Code that you do your setback based off of the property line as opposed to the base building line. And they agree, that if they're going to do that and they're inside the ultimate right-of-way, they sign a relocation agreement. As a result, the waiver is, the quid pro quo, is that, if I use the property line instead of the base building line and you widen the road, then I have to relocate the sign at my expense, which is something we've negotiated for years. Why not put it in the Code and make it happen.

MS. CARLSON: We have talked about that. There is concern that people signing pieces of paper and then when it comes time to exercise that removal agreement, all of a sudden their memory --

VICE CHAIR SNAPP: But now it's different. Now it's a Code issue. Now it says, you have the option. As the owner of the sign I have the option; I can use the base building line and it's mine and it never gets moved, or, I can use the right-of-way line, with the understanding that, you know, I have to pay the relocation in the event that you go into the ultimate right-of-way and it has to be relocated. I mean, that's even beyond contractual. That's codified now. You don't even have to sign a document. Isn't that correct, Mr. Attorney?

MR. KALEITA: Actually, it would probably make it easier for me to prove that the County had accomplished a taking by forcing you to do that to begin with.

VICE CHAIR SNAPP: It's not forcing. I gave you an option. It's your choice; you can choose Column A or Column B.

MS. CARLSON: We'll talk about signs on March 27th and maybe we'll continue this discussion next Thursday. It's been rather lively.

CHAIRMAN BLACKMAN: Staff has very strong feelings about the building line, the base building line.

MS. CARLSON: And lastly, page 16 is Lot of Record Review. I'm not even going to go into this language. Suffice it to say that we're working on some way to recognize lots that maybe were created -- two instances lots that were created prior to '73, prior to the Subdivision Code. And then also these other lots that were created between '73 and '92, when we allowed the one time split and then the Plan provisions went into effect and they didn't meet the minimum lot size there. Can you get a building permit? Can you not? Right now we have this potential -- we have this legal lot process you go through and then we say, you're not a legal lot. But then we send you for buildable lot review and then we tell you, you can pull the building permit. And why do we go through all that? We're just trying to codify it to make it rather simple, because most of these lots end up getting -- are determined to be buildable. We've been going around and around and around with this language between Zoning, Planning, Engineering and the County Attorney's office. This is the current draft of the language. This will change between now and Thursday, so I would say don't even read it. I will be giving you another version at some point. Sorry. I wish I had that final version now, but we don't.

CHAIRMAN BLACKMAN: So our assignment over this next week is to what?

MS. CARLSON: What we'd like you to do is to take -- now that you've had a little bit of an overview for Article 1, read through it, and then next week come back with some specific recommendations for changes. And we'll probably be doing some modifying as well over the next week.

And just real briefly, we kind of skipped right into this, but these are the graphics that will be part of Article 1. I believe that they're all actually linked illustrations; either hyperlinks or they come up in that other window. So you're not going to recommend -- it's not adopted as part of the ordinance. Certainly we'd like your comments and feedback, but they're not adopted so they don't become part of the Code. And the chart here just shows you all the hyperlinks in this Article, which corresponds to all of the gray highlighting in the Article. Every time you see gray, it's hyperlinked, something happens there special.

CHAIRMAN BLACKMAN: And it will only be Article 1 for next week?

MS. CARLSON: We will ask for action on Article 1. We'll be previewing Article -- what is currently Article 8, now to become Article 11. We will be mailing that out to you tomorrow.

MR. CARPENTER: Can we have the next meeting next week at two o'clock? We're finished this week at three-thirty.

MS. CARLSON: Two o'clock would probably work for next week.

CHAIRMAN BLACKMAN: Anything else from Staff? Any questions?

MR. O'MEILIA: Is all this information going to go to the people who are not here, the regular people?

MS. CARLSON: Yes. We will be mailing out to everyone who did not come today. One last thing, on your chairs you had the little flyer for the public meetings that are coming up. Feel free to join us for that. This is Michael's previews.

CHAIRMAN BLACKMAN: Anything else?

(No response.)

CHAIRMAN BLACKMAN: Motion to adjourn.

MR. JACOBSON: So moved.

CHAIRMAN BLACKMAN: We're adjourned.

(At 3:24 p.m., the meeting was adjourned.)

CERTIFICATE

STATE OF FLORIDA)

COUNTY OF PALM BEACH)

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

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

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

Witness my hand and official seal in Palm Beach County, Florida, this _____ day of March, 2003.

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