



PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

JANUARY 26, 2022

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)
Dr. Lori Vinikoor, Vice-Chair (District 5)

Charles Millar (District 1)

Ned Kerr (District 2)

Vacant (District 3)

Jim Knight (District 4)

Vacant (District 6)

Robert J. Harvey (District 7)

Donald R. Barnes (Gold Coast Builders Association)

Anna Yeskey (League of Cities)

Terrence Bailey (Florida Engineering Society)

Lucille Hinnens (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)

Frank Gulisano (Realtors Association of the Palm Beaches)

Jim Sullivan (Florida Surveying and Mapping Society)

Charles D. Drawdy (Assoc. General Contractors of America)

Vacant (Alternate At-Large #1)

Abraham Wien (Alternate At-Large #2)

Board of County Commissioners

Robert S. Weinroth
Mayor, District 4

Gregg K. Weiss
Vice Mayor, District 2

Maria G. Marino
Commissioner, District 1

Dave Kerner
Commissioner, District 3

Maria Sachs
Commissioner, District 5

Melissa McKinlay
Commissioner, District 6

Mack Bernard
Commissioner, District 7

County Administrator

Verdenia C. Baker



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LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

WEDNESDAY, JANUARY 26, 2022 AGENDA
KENNETH S. ROGERS HEARING ROOM (VC-1W-47)
2:00 P.M.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions, and Deletions
 - a. Staff
 - b. Board Member
3. Motion to Adopt Agenda
4. Adoption of Minutes – September 22, 2021 (Exhibit A) and October 27, 2021 (Exhibit B)
5. Public Comments – Any persons wanting to speak on an item shall complete and submit a comment card to the Secretary prior to the item being discussed.

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

PAGES

- | | |
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| 1. Exhibit C Art. 2 and 4, Dog Friendly Dining Special Permits | 1 – 5 |
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C. CONVENE AS LDRC

- | | |
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| 1. Proof of Publication | |
| 2. Consistency Determination for Exhibit C | 6 – 6 |

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. ANNUAL ORGANIZATION DISCUSSION

- | | |
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| 1. Election of Chair and Vice-Chair | |
| 2. Attachment 1 – Useful Internet Links for LDRAB/LDRC Members | 7 – 7 |
| 3. Attachment 2 – 2021 LDRAB Attendance | 8 – 9 |
| 4. Attachment 3 – Anticipated 2022 ULDC Amendments | 10 – 11 |
| 5. Attachment 4 – 2022 LDRAB Members | 12 – 12 |
| 6. Attachment 5 – 2022 Meeting Schedule | 13 – 13 |
| 7. Attachment 6 – Sunshine Law Primer | 14 – 15 |

F. STAFF COMMENTS

G. BOARD MEMBER COMMENTS

H. ADJOURNMENT

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 01/12/22)

Minutes of September 22, 2021 LDRAB/LDRC Meeting

On Wednesday, September 22, 2021, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:02 p.m. Mr. Phil Myers, Code Revision Zoning Technician, called the roll.

Members Present: 10

Charles Millar (District 1, Commissioner Marino)
Ari Tokar (District 3, Commissioner Kerner)*
Dr. Lori Vinikoor (District 5, Commissioner Sachs)
Robert J. Harvey (District 7, Commissioner Bernard)
Donald R. Barnes (Gold Coast Builders Association)
Lucille Hinners (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)
Frank Gulisano (Realtors Association of the Palm Beaches)
Jim Sullivan, Florida Surveying and Mapping Society
Wesley Blackman (PBC Planning Congress)

Vacancies: 0

Members Absent: 8

Ned Kerr (District 2, Commissioner Weiss)
Jim Knight (District 4, Commissioner Weinroth)
Ben Morris (District 6, Commissioner McKinlay)
Anna Yeskey (League of Cities)
Terrence Bailey (Florida Engineering Society)
Charles D. Drawdy (Assoc. General Contractors of America)
Tommy B. Strowd (Alternate At-Large #1)
Abraham Wien (Alternate At-Large #2)

County Staff Present: 19

Lisa Amara, Zoning Director**
Wendy N. Hernández, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner, Zoning
Barbara Pinkston, Principal Site Planner, Zoning*
Ryan Vandenburg, Principal Site Planner, Zoning*
Imene Haddad, Senior Site Planner, Zoning*
Timothy Haynes, Senior Site Planner, Zoning*
Rafik Ibrahim, Senior Site Planner, Zoning/Building*
Ed Tombari, Senior Site Planner, Zoning*
Jerome Ottey, Site Planner II, Zoning
Alexander Biray, Site Planner I, Zoning
Phil Myers, Zoning Technician, Zoning
Shivanni Singh, Zoning Technician, Zoning**
Vanessa Porras, Administrative Assistant II, Zoning*
Scott A. Stone, Assistant County Attorney I
Patricia Behn, Planning Director*
Bryan Davis, Principal Planner, Planning
Michael Howe, Senior Planner, Planning*
Bill Cross, Principal Planner, Housing and Economic Development*

* Present via Webex Events.

** County Staff in audience.

*** Mr. Tokar arrived at 2:01 pm.

2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances

Motion to approve remote attendance by CMT based on extraordinary circumstances of the coronavirus pandemic for Mr. Tokar, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (9-0).

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 01/12/22)

Minutes of September 22, 2021 LDRAB/LDRC Meeting

3. Additions, Substitutions, and Deletions

Mr. Gagnon noted a correction on page 6 within the reasons for amendment for Exhibit C, removing the last sentence in reason for amendment 1, and the entire reason for amendment 2. The reasons for amendment do not impact any of the Code language proposed.

4. Motion to Adopt Agenda

Motion to adopt the Agenda, by Dr. Vinikoor, seconded by Mr. Sullivan. The Motion passed unanimously (9-0).

5. Adoption of Minutes – August 25, 2021 (Exhibit A)

Motion to adopt the Minutes, by Dr. Vinikoor, seconded by Mr. Harvey. The Motion passed unanimously (9-0).

6. Public Comments

None.

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

1. Exhibit B – Art. 3, Airport Zoning Overlay Use Regulations Update

Mr. Gagnon introduced Ms. Collene Walter of Urban Design Studio, Agent for the Department of Airports, who explained the Amendment will recognize Outdoor Entertainment as a non-airport related use, revise use names and types to ensure consistency with Code definitions, and add Machine and Welding Shop to the Airport Zoning Overlay (AZO) Use Matrix.

a. Discussion

Mr. Blackman asked for clarification on the Table Notes for new members. Ms. Walter answered questions from Dr. Vinikoor and Mr. Millar pertaining to Vertiport pads, property uses, and Minor versus Major Utility definitions.

Motion to approve Exhibit B by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (10-0).

2. Exhibit C – Art. 3 and 4, Residential Future Land Use Designations

Mr. Ottey explained the amendment ensures consistency between the Code and changes made to the Comprehensive Plan (the “Plan”) by Planning Ordinance No. 2018-031, Residential Future Land Uses. The amendment allows agricultural uses in the Urban/Suburban (U/S) Tier as with the Rural Tier, recognizes the Agricultural Residential (AR) Zoning District as consistent with urban residential Future Land Use (FLU) designations, excludes Legal Lots of Record in the AR Zoning District with a residential FLU designation in the U/S Tier from being required to rezone when subdivisions are to accommodate residential uses with a one unit per acre density or non-residential use, and clarifies that only certain properties zoned Residential Estate prior to the Plan’s August 31, 1989 adoption are consistent with Rural Residential FLU designations.

a. Discussion

Ms. Amara, Ms. Hernández, Mr. Gagnon, and Mr. Ottey answered questions from Board members pertaining to the addition of FLU designations, livestock raising requirements, non-conforming setbacks, abbreviations and acronyms, enforcement of Hobby Breeders, and Legal Lot of Record determination by date.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 01/12/22)

Minutes of September 22, 2021 LDRAB/LDRC Meeting

Motion to approve Exhibit C by Dr. Lori Vinikoor, seconded by Ms. Kennedy. The Motion passed unanimously (10-0).

C. PRIVATELY INITIATED AMENDMENTS – FINAL RECOMMENDATION (PHASE 2)

1. Exhibit D – Art. 3 and 4, Boca Lago PUD Clubhouse

Mr. Gagnon explained the request as Phase 2 of an amendment to the Code proposing the framework for a future Zoning application. Mr. Jeff Brophy of WGI, Agent for the Applicant, gave a presentation explaining that the amendment will allow a Hotel or Motel Use to be collocated with a Golf Course clubhouse, subject to a Class A Conditional Use by the Board of County Commissioners.

a. Discussion

None.

Motion to approve, by Dr. Vinikoor, seconded by Mr. Barnes. The motion passed (9-0-1). Mr. Sullivan recused himself as an employee of the Agent.

2. Exhibit E – Art. 4, Dog Friendly Dining

Mr. Gagnon explained the request as Phase 2 of an amendment to the Code. Mr. Jared Taylor, Agent for the Applicant Lazy Dog Restaurants, LLC, gave a presentation explaining the amendment would create an official process to allow any Restaurant to apply for a permit to allow Dog Friendly Dining pursuant to Florida Statutes (F.S.) Section 509.233.

a. Discussion

Ms. Kennedy and Dr. Vinikoor expressed support for the proposed amendment and noted that it will succeed based on the guidance provided within the F.S.

Motion to approve, by Mr. Gulisano, seconded by Ms. Kennedy. The motion passed unanimously (10-0).

D. CONVENE AS LDRC

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 2:55 p.m.

1. Proof of Publication

Motion to accept Proof of Publication, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (10-0).

2. Consistency Determination for Exhibits D and E

Mr. Davis stated the proposed Exhibits D and E are consistent with the Comprehensive Plan.

Motion to accept Planning Staff's recommendation, by Dr. Vinikoor, seconded by Ms. Kennedy. The Motion passed unanimously (10-0).

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 2:57 p.m.

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

(Updated 01/12/22)

Minutes of September 22, 2021 LDRAB/LDRC Meeting

F. STAFF COMMENTS

1. Update on Landscape Code Subcommittee

Mr. Gagnon updated the Board that Staff has been meeting on the topics previously discussed before the Board, and will plan to have a kick-off meeting in early November.

F. BOARD MEMBER COMMENTS

None.

G. ADJOURNMENT

The Land Development Regulation Advisory Board meeting adjourned at 2:59 p.m.

Recordings of all LDRAB meetings are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5302.

EXHIBIT B

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

(Updated 01/12/22)

Minutes of October 27, 2021 LDRAB/LDRC Meeting

On Wednesday, October 27, 2021, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:00 p.m. Mr. Phil Myers, Code Revision Zoning Technician, called the roll.

Members Present: 14

Ned Kerr (District 2, Commissioner Weiss)
Ari Tokar (District 3, Commissioner Kerner)
Jim Knight (District 4, Commissioner Weinroth)
Dr. Lori Vinikoor (District 5, Commissioner Sachs)
Robert J. Harvey (District 7, Commissioner Bernard)
Donald R. Barnes (Gold Coast Builders Association)
Anna Yeskey (League of Cities)

Terrence Bailey (Florida Engineering Society)
Susan A. Kennedy (Environmental Organization)**
Frank Gulisano (Realtors Association of the Palm Beaches)
Charles D. Drawdy (Assoc. General Contractors of America)
Wesley Blackman (PBC Planning Congress)
Tommy B. Strowd (Alternate At-Large #1)
Abraham Wien (Alternate At-Large #2)*

Vacancies: 0

Members Absent: 4

Charles Millar (District 1, Commissioner Marino)
Ben Morris (District 6, Commissioner McKinlay)
Lucille Hinners (American Institute of Architects)
Jim Sullivan, Florida Surveying and Mapping Society

County Staff Present: 14

Whitney Carroll, Deputy Planning, Zoning and Building Executive Director*
Lisa Amara, Zoning Director*
Wendy N. Hernández, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner, Zoning
Monica Cantor, Principal Site Planner, Zoning*
Carlos Torres, Senior Site Planner, Zoning*
Jerome Ottey, Site Planner II, Zoning
Alexander Biray, Site Planner I, Zoning
Phil Myers, Zoning Technician, Zoning
Carolina Valera, Senior Planner, Planning
Nora G. Acord, Planning Technician, Planning*
Tia Johns, Professional Engineer, LDD*
Scott A. Stone, Assistant County Attorney I
Robert Kraus, Senior Site Planner, ERM*

* Present via Webex Events.

** Ms. Kennedy arrived at 2:03 pm.

2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances

Motion to approve remote attendance by CMT based on extraordinary circumstances of the coronavirus pandemic for Mr. Wien, by Mr. Gulisano, seconded by Dr. Vinikoor. The Motion passed unanimously (12-0). Mr. Wien could not be heard through the entire meeting due to technical difficulties.

3. Additions, Substitutions, and Deletions

None. Mr. Gagnon noted two minor corrections within Exhibit B – Art. 3, Airport Zoning Overlay Use Regulations Update for LDRC’s attention.

** Ms. Kennedy arrived at 2:03 p.m.

EXHIBIT B

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 01/12/22)

Minutes of October 27, 2021 LDRAB/LDRC Meeting

4. Motion to Adopt Agenda

Motion to adopt the Agenda, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (13-0).

5. Adoption of Minutes – September 22, 2021 (Exhibit A)

A vote to approve Minutes was made, and passed unanimously (13-0), however there was no Motion.

6. Public Comments

None.

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

None.

C. CONVENE AS LDRC

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 2:09 p.m.

1. Proof of Publication

Motion to accept Proof of Publication, by Mr. Drawdy, seconded by Dr. Vinikoor. The Motion passed unanimously (13-0).

2. Consistency Determination for Exhibits B-D

Ms. Valera stated the proposed Exhibits B, C, and D are consistent with the Comprehensive Plan.

Motion to accept Planning Staff's recommendation, by Mr. Gulisano, seconded by Mr. Drawdy. The Motion passed unanimously (13-0).

3. Exhibit B Art. 3, Airport Zoning Overlay Use Regulations Update

Mr. Gagnon explained two minor changes to Table 3.B.2.B., Airport Use Regulations. Mr. Stone informed that the Motion to approve the Consistency Determination encompasses the changes in the Agenda packet. Mr. Blackman used the consensus of the Board to approve the changes in Exhibit B.

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 2:13 p.m.

E. STAFF COMMENTS

1. Attachment 1, 2022 LDRAB Meeting Dates

Mr. Gagnon noted this will be the last meeting of the year and thanked the Board for their time contributed the past year.

He further noted that reconvening the Art. 7, Landscaping Subcommittee will be delayed, and that there will be a presentation at tomorrow's BCC Zoning Hearing from Professor Mark Hostetler, PhD of the University of Florida on the topic of trees in the urban environment. The anticipated timeline for 2022 will be the fourth Wednesday of every month with exceptions for holidays.

F. BOARD MEMBER COMMENTS

Mr. Blackman thanked all Board members for their attendance, volunteerism, and spirit. Ms. Hernández informed the Board of outgoing Zoning Director Mr. MacGillis' retirement.

EXHIBIT B

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**
(Updated 01/12/22)

Minutes of October 27, 2021 LDRAB/LDRC Meeting

G. ADJOURNMENT

The Land Development Regulation Advisory Board meeting adjourned at 2:18 p.m.

Recordings of all LDRAB meetings are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5302.



**TITLE: LDRAB/LDRC Meeting
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENT FOR DOG FRIENDLY
DINING SPECIAL PERMITS**

SUMMARY: Following the adoption of the Dog Friendly Dining Ordinance on October 28, 2021, by Ordinance No. 2021-027, the Zoning Division, the County Attorney's Office, and the Florida Department of Health in Palm Beach County continued to discuss the implementation of the Ordinance. These discussions concluded that the Zoning Division would be the most appropriate permitting authority for Dog Friendly Dining. The amendment will modify the Unified Land Development Code (ULDC) to establish the Zoning Division as the permitting authority for Dog Friendly Dining Special Permits. Applicants will continue to adhere to the specific Dog Friendly Dining requirements provided within F.S. § 509.233 as adopted by reference.

The proposed Ordinance will account for consistency with the Comprehensive Plan, and specific amendments, as follows:

- Exhibit A – Art. 2 and 4, Dog Friendly Dining Special Permits

Staff Recommendation:

Staff recommends that the LDRAB recommend approval of this amendment to the BCC.

Staff recommends that the LDRC find this amendment consistent with the Comprehensive Plan.

EXHIBIT C

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 4 – USE REGULATIONS DOG FRIENDLY DINING SPECIAL PERMITS

CR-2021-0001
(Updated 01/12/22)

Part 1. ULDC Art. 2.C.3, Application Processes and Procedures, Administrative Processes, General (page 46.2 and 51, Supplement 30), is hereby amended as follows:

CHAPTER C ADMINISTRATIVE PROCESSES

....

Section 3 General

The DRO shall coordinate the review of applications with all the applicable Agencies based on the request(s), and in accordance with Table 2.C.3, DRO – Administrative Processes. The application(s) shall be assigned by the DRO to be reviewed either through the Full DRO, which consists of all applicable County Agencies, or the Zoning Agency Review (ZAR), which consists of one to a maximum of five Agencies pursuant to Art. 2.C.4.A.3, Zoning Agency Review (ZAR). An Applicant may also request Concurrent Review by the DRO. **[Ord. 2018-002] [Ord. 2020-020]**

Table 2.C.3 – DRO, Administrative Processes

| Requests | Processes | |
|--|---|-----|
| | Full DRO | ZAR |
| | | |
| Administrative Approval | | |
| | | |
| Special Permits pursuant to <u>Art. 4.B.2.C.33.h.1) or Art. 4.B.2.C.34.f.1), Dog Friendly Dining, or Art. 8.H.2, Billboards</u> | | (6) |
| | | |
| [Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-020] [Ord. 2021-022] | | |
| Notes: | | |
| | | |
| 6. | Shall be processed as a Special Permit. | |
| | | |

....

Section 5 Types of Applications

....

D. Temporary Use

1. Purpose

To create standards and an approval process for certain uses, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. A Temporary Use may be accommodated in a temporary structure or a permanent structure that is legally approved. A Temporary Use shall include, but not limited to those items listed in Art. 4.B.11, Temporary Uses. **[Ord. 2007-013] [Ord. 2015-006] [Ord. 2018-002]**

U:\Zoning\CODEREV\Code Amendments\2022\02- LDRAB\01-Jan 26 2022\5- LDRAB-LDRC Packet\Exh. C - CR-2021-0001 Art. 2 and 4, Dog Friendly Dining Special Permits.docx

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT C

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 4 – USE REGULATIONS DOG FRIENDLY DINING SPECIAL PERMITS

CR-2021-0001
(Updated 01/12/22)

2. Prior Approved and Authorized Special Permits

Any prior approved Special Permits that have expired shall be considered invalid, and the Applicant shall be required to submit a new application for a Temporary Use. Special Permits shall be issued only for Type 1 or 2 Restaurants with Dog Friendly Dining or bArt. 8.H.2, Billboards, subject to the applicable standards and Code requirements. [Ord. 2018-002]

E. Special Permit

1. Authorized Special Permits

Special Permits shall be issued only for Dog Friendly Dining pursuant to Art. 4.B.2.C.33.h.1) or Art. 4.B.2.C.34.f.1), Dog Friendly Dining, or billboards pursuant to Art. 8.H.2, Billboards, subject to the applicable standards and Code requirements.

2. Sufficiency Determination

Special Permits are subject to the requirements of Art. 2.C.2, Sufficiency Review, with exception that the Sufficiency review shall be completed within five days of submittal.

3. Review Process

The application shall be submitted in a form established by the Zoning Director and shall be consistent with this Code, in accordance with the ZAR review process of Art. 2.C.4, Review, Resubmittal, and Final Decision. If the request complies with the Code requirements and the standards of Art. 2.C.5.D.6, Standards, a Special Permit may be approved.

4. Conditions

The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval.

....[Re-letter accordingly]

Part 2. ULDC Art. 4.B.2.C.33.h.1), Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses, Restaurant, Type 1, Outdoor Dining, Dog Friendly Dining; and
ULDC Art. 4.B.2.C.34.f.1), Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses, Restaurant, Type 2, Outdoor Dining, Dog Friendly Dining (page 51, Supplement 30), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

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Section 2 Commercial Uses

....

C. Definitions and Supplementary Use Standards for Specific Uses

....

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EXHIBIT C

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 4 – USE REGULATIONS DOG FRIENDLY DINING SPECIAL PERMITS

CR-2021-0001
(Updated 01/12/22)

33. Restaurant, Type 1

a. Definition

An establishment equipped to sell food and beverages in one of the following methods: drive-through sales to patrons in automobiles for take-out who place orders through a window or remote transmission device; or sales to patrons for take-out or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and, self-service or prepackaged condiments.

....

h. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 1 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Special Permit from the ~~Florida Department of Health in Palm Beach County~~Zoning Division in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233. **[Ord. 2021-027]**

- a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area. **[Ord. 2021-027]**
- b) A participating restaurant shall ensure that the Dog Friendly Dining Special Permit is available for inspection during hours of operation. **[Ord. 2021-027]**
- c) A Dog Friendly Dining Special Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale. **[Ord. 2021-027]**

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EXHIBIT C

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES ARTICLE 4 – USE REGULATIONS DOG FRIENDLY DINING SPECIAL PERMITS

CR-2021-0001
(Updated 01/12/22)

34. Restaurant, Type 2

a. Definition

An establishment with no drive-through, equipped to sell food and beverages, served and consumed primarily on the premises, that includes three or more of the following: host or hostess assists patrons upon entry; food and beverage choices are offered from a printed menu provided by wait staff at a table; orders are taken at the table; food is served on dishes and metal utensils are provided; and, payment is made after meal consumption.

....

f. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 2 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Special Permit from the ~~Florida Department of Health in Palm Beach County~~Zoning Division in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233. **[Ord. 2021-027]**

- a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area. **[Ord. 2021-027]**
- b) A participating restaurant shall ensure that the Dog Friendly Dining Special Permit is available for inspection during hours of operation. **[Ord. 2021-027]**
- c) A Dog Friendly Dining Special Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale. **[Ord. 2021-027]**

....

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Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

.... A series of four bolded ellipses indicates language omitted to save space.



**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
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**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

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**INTER-OFFICE COMMUNICATION
DEPARTMENT OF PLANNING, ZONING AND BUILDING
PLANNING DIVISION**

TO: Wesley Blackman, AICP, Chairman, and Members of the
Land Development Regulation Advisory Board (LDRAB)
wesblackman@gmail.com

FROM:  Bryan Davis, Principal Planner
Planning Division

DATE: January 18, 2022

RE: Comprehensive Plan Consistency Determination for proposed
Unified Land Development Code (ULDC) amendments

The Planning Division has determined that the proposed ULDC amendment, Exhibit C of the packet provided by the Zoning Division, and scheduled for the January 26, 2022 LDRAB/LDRC meeting, is generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

cc: Patricia Behn, Planning Director
Lisa Amara, Zoning Director
Kevin Fischer, Deputy Planning Director
Wendy Hernandez, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner
Carolina Valera, Senior Planner

ATTACHMENT 1

USEFUL INTERNET LINKS FOR LDRAB/LDRC MEMBERS

The following provides a few helpful links to web pages containing information applicable to Land Development Regulation Advisory Board (LDRAB) and Land Development Regulation Commission (LDRC) members:

Palm Beach County (PBC) Unified Land Development Code (ULDC) Article 2.G.2, General Provisions: <http://www.pbcgov.com/uldc/pdf/Article2.pdf>

PBC ULDC Article 2.G.3.A, Land Development Regulation Advisory Board (LDRAB): <http://www.pbcgov.com/uldc/pdf/Article2.pdf>

Palm Beach County Commission on Ethics: <http://www.palmbeachcountyethics.com/>

- Palm Beach County Code of Ethics (Effective July 1, 2021): http://www.palmbeachcountyethics.com/pdf/Ordinances/Code_of_Ethics_Ordinance-2021.pdf
- A Practical Guide to the Code of Ethics – For Employees and Public Officials: http://www.palmbeachcountyethics.com/pdf/A-Practical-Guide-Code-Ethics-2016-Final_with_Covers-20161101.pdf
- Quick Reference to Advisory Board Conflicts, Disclosures and Waivers: http://www.palmbeachcountyethics.com/pdf/Advisory_Boards_Reference_Guide.pdf

LDRAB Rules of Procedure: <https://discover.pbcgov.org/pzb/zoning/ULDCPDF/LDRAB-LDRC-rulesofprocedure.pdf>

Palm Beach County Charter: <https://discover.pbcgov.org/PDF/Publications/Charter.pdf>

Voting Conflict Form: https://discover.pbcgov.org/pzb/zoning/ULDCPDF/Voting_%20Conflict_Form_8b.pdf

ATTACHMENT 2 – 2021 LDRAB ATTENDANCE

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC) 2021 ATTENDANCE MATRIX (Updated October 27, 2021)

| Seat | Member | District or Organization | Term Expires | 2021 Meeting Dates | | | | | | | | | | | | |
|------|-------------------|--|-------------------|--------------------|---|------|------|---|---|---|------|------|-------|--|--|----------|
| | | | | 1/27 | 2/24 Canceled | 3/24 | 4/28 | 5/26 Canceled | 6/23 Canceled | 7/28 Canceled | 8/25 | 9/22 | 10/27 | 11/18 Canceled | 12/15 Canceled | Reserved |
| 1 | Charles Millar | District 1, Commissioner Marino | February 08, 2022 | A** | - | P** | P** | P | - | - | - | P | P | A | - | - |
| 2 | Ned Kerr | District 2, Commissioner Weiss | February 06, 2024 | P** | - | P | P | P | - | - | - | P | A | P | - | - |
| 3 | Ari Tokar | District 3, Commissioner Kerner | February 08, 2022 | P* | - | P* | P* | P | - | - | - | P* | P* | P | - | - |
| 4 | Jim Knight | District 4, Commissioner Weinroth | February 06, 2024 | P | - | P | P | P | - | - | - | P | A | P | - | - |
| 5 | Lori Vinikoor | District 5, Commissioner Sachs | February 08, 2022 | P | - | P | P | P | - | - | - | P | P | P | - | - |
| 6 | Ben Morris | District 6, Commissioner MckInlay | February 06, 2024 | P** | - | P* | P* | P | - | - | - | A | A | A | - | - |
| 7 | Robert J. Harvey | District 7, Commissioner Bernard | February 08, 2022 | P | - | P* | A | P* | - | - | - | P* | P | P | - | - |
| 8 | Donald R. Barnes | Gold Coast Builders Association | February 06, 2024 | P** | - | P | P | P | - | - | - | P | P | P | - | - |
| 9 | Anna Yeskey | League of Cities | February 06, 2024 | P | - | P | P | P | - | - | - | P | A | P | - | - |
| 10 | Terrence Bailey | Florida Engineering Society | February 08, 2022 | P | - | A | P | A | - | - | - | P | A | P | - | - |
| 11 | Lucille Hinnars | American Institute of Architects | February 06, 2024 | P** | - | P | P | P | - | - | - | P | P | A | - | - |
| 12 | Susan A Kennedy | Environmental Organization | February 08, 2022 | P | - | P | P | P | - | - | - | P | P | P | - | - |
| 13 | Frank Gulisano | Realtors Association of the Palm Beaches | February 06, 2024 | P | - | P* | P | P | - | - | - | A | P | P | - | - |
| 14 | Jim Sullivan | Florida Surveying and Mapping Society | February 08, 2022 | P | - | P | P | P | - | - | - | A | P | A | - | - |
| 15 | Charles D. Drawdy | Assoc. General Contractors of America | February 08, 2022 | P | - | P | A | P | - | - | - | P | A | P | - | - |
| 16 | Wesley Blackman | PBC Planning Congress | February 06, 2024 | P | - | P | P | A | - | - | - | P | P | P | - | - |
| 17 | Tommy B. Strowd | Alternate At-Large #1 | February 08, 2022 | P* | - | P | P | A | - | - | - | A | A | P | - | - |
| 18 | Abraham Wien | Alternate At-Large #2 | February 06, 2024 | P* | - | P* | A | P* | - | - | - | A | A | P* | - | - |

Legend/Notes:

- P** Present | **P*** Present (Participated via teleconference with quorum physically present and Board approval)
- A** Absent | **A*** Absent (Attended less than ¾ of meeting)
- 1 Chuck Millar replaced Joanne Davis on May 4, 2021. Eligible for first meeting on May 26, 2021. First term February 6, 2019 to February 8, 2022.
- 2 Ned Kerr replaced Drew Martin on January 12, 2021. Eligible for first meeting on February 24, 2021. First term February 2, 2021 to February 6, 2024.
- 3 Ari Tokar replaced Philip L. Barlage on September 10, 2019. Eligible for first meeting on September 25, 2019. First term February 6, 2019 to February 8, 2022.
- 4 Jim Knight reappointed on January 12, 2021. First term February 2, 2021 to February 6, 2024.
- 5 Lori Vinikoor reappointed on December 18, 2018. Second term February 6, 2019 to February 8, 2022.
- 6 Ben Morris replaced Myles Basore on January 12, 2021. Eligible for first meeting on February 24, 2021. First term February 2, 2021 to February 6, 2024.
- 7 Robert J. Harvey reappointed on March 12, 2019. Second term February 6, 2019 to February 8, 2022.
- 8 Donald R. Barnes replaced Daniel J. Walesky on January 12, 2021. Eligible for first meeting on February 24, 2021. First term February 2, 2021 to February 6, 2024.
- 9 Anna Yeskey reappointed on January 12, 2021. Third term February 2, 2021 to February 6, 2024.
- 10 Terrence Bailey reappointed on January 15, 2019. Second term February 6, 2019 to February 8, 2022.
- 11 Lucille Hinnars replaced Jaime M. Plana on January 12, 2021. Eligible for first meeting on February 24, 2021. First term February 2, 2021 to February 6, 2024.
- 12 Susan A. Kennedy replaced Tommy B. Strowd on May 7, 2019. Eligible for first meeting on May 22, 2019. First term February 6, 2019 to February 8, 2022.
- 13 Frank Gulisano reappointed on January 12, 2021. Third term February 2, 2021 to February 6, 2024.

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
 LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
 2021 ATTENDANCE MATRIX

(Updated October 27, 2021)

| | |
|----|---|
| 14 | Jim Sullivan replaced Derek G. Zeman on October 8, 2019. Eligible for first meeting on October 23, 2019 (canceled). First term February 6, 2019 to February 8, 2022. |
| 15 | Charles D. Drawdy reappointed on January 15, 2019. Second term February 6, 2019 to February 8, 2022. |
| 16 | Wesley Blackman reappointed on January 12, 2021. Third term February 2, 2021 to February 6, 2024. |
| 17 | Tommy B. Strowd replaced Winifred P. Said on June 4, 2019. Eligible for first meeting on June 26, 2019 (canceled). First term February 6, 2019 to February 8, 2022. |
| 18 | Abraham Wien reappointed on January 12, 2021. Third term February 2, 2021 to February 6, 2024. |
| * | Special meetings will not be a factor in calculating total attendance. |
| ** | Attendance reflects previous LDRAB member. |
| | ULDC Art. 2.G.2.B.1.c, Attendance: Members of boards shall be automatically removed for lack of attendance. Lack of attendance is defined as a failure to attend three consecutive meetings or a failure to attend at least two-thirds of the meetings scheduled during a calendar year. Participation for less than three-fourths of a meeting shall be the same as a failure to attend a meeting. Only regular meetings shall be counted towards the attendance requirements. Special meeting shall not be counted towards the attendance requirements. |

**ATTACHMENT 3
ANTICIPATED 2022 ULDC AMENDMENTS**



**INTER-OFFICE COMMUNICATION
DEPARTMENT OF PLANNING, ZONING AND BUILDING
ZONING DIVISION**

TO: County Agencies
FROM: Lisa Amara, Zoning Director
DATE: October 29, 2021
RE: **Unified Land Development Code Amendments for 2022**

Department of Planning,
Zoning & Building
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
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**Palm Beach County
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Robert S. Weinroth, Vice Mayor

Maria G. Marino
Gregg K. Weiss
Maria Sachs
Melissa McKinlay
Mack Bernard

The Zoning Division is currently accepting Unified Land Development Code (ULDC) amendment requests from County Agencies for calendar year 2022. Please submit any amendment request for items proposed to be adopted by the end of 2022 to Jeff Gagnon, Principal Site Planner, at jgagnon@pbcgov.org, on or before December 3, 2021. Zoning staff will subsequently request additional information as required, and establish individual meetings to discuss the proposed amendments.

In general, the ULDC amendment process requires coordinated discussion, staff review, and analysis of proposed amendments as they are contemplated, drafted, and finalized. This is followed by review of proposed amendments by the Land Development Regulation Advisory Board (LDRAB) for recommendation to the Board of County Commissioners (BCC). The LDRAB also serves as the Land Development Regulation Commission (LDRC) to confirm that the proposed amendments are consistent with the Comprehensive Plan. The BCC is the final decision making authority on all ULDC amendments.

If you have any questions or require additional information contact Jeff Gagnon, Principal Site Planner, at 561-233-5036.

LA/jg/pm

County Administrator
Verdenia C. Baker

C: Patrick W. Rutter, Assistant County Administrator
Ramsay Bulkeley, Executive Director, PZB
Whitney Carol, Deputy Executive Director, PZB

Electronic Copy: See Attached Distribution List

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Affirmative Action Employer"*

Official Electronic Letterhead

ATTACHMENT 3 ANTICIPATED 2022 ULDC AMENDMENTS



DISTRIBUTION LIST

Honorable Mayor Dave Kerner and Members of the Board of County Commissioners
Verdenia C. Baker, County Administrator
Todd J. Bonlarron, Assistant County Administrator
Laura Beebe, Director, Department of Airports
Houston L. Tate, Director, Office of Community Revitalization
James E. Green, Director, Community Services
Ronald W. Rice, Director, Cooperative Extension Service
Robert P. Banks, Chief Land Use County Attorney
Shannon Fox, Assistant County Attorney
Scott Stone, Assistant County Attorney
David L. Ricks, P.E., County Engineer
Joanne Keller, P.E., Deputy County Engineer
Steve Carrier, P.E. Assistant County Engineer
Scott B. Cantor, Division Director, Land Development
Motasem Al-Turk, PhD, P.E Division Director, Land Development
Deborah Drum, Director, Environmental Resources Management
Bonnie Finneran, Division Director, Environmental Resources Management
Robert Kraus, Senior Site Planner, Environmental Resources Management
Isami Ayala-Collazo, Director, Facilities Development and Operations
Eric McClellan, Division Director, Facilities Dev. & Operations Strategic Planning
Derrek Moore, Impact Fee Manager, PZB
Jonathan B. Brown, Director, Housing and Economic Development
Sherry Howard, Deputy Director, Housing and Economic Development
Ed Chase, Director, Legislative Affairs Department
Clinton B. Forbes, Executive Director Palm Tran
Eric Call, Director, Parks and Recreation
Bob A. Hamilton, Division Director, Parks and Recreation
Jean Matthews, Senior Planner, Parks and Recreation
Doug B. Wise, Director, Building Division
Patricia Behn, Director, Planning Division
Kevin Fischer, Deputy Director, Planning Zoning and Building
Bryan Davis, Principal Planner, Planning Division
Richard Torrance, Code Enforcement
Wendy Hernandez, Deputy Director, Zoning Division
Lisa De La Rionda, Director, Public Affairs
John Jamason, Deputy Director, Public Affairs
Dr. Alina Alonso, M.D., Director, FL Dept. of Health in PBC
Stephanie Sejnoha, Director, Public Safety
Janet Steele, Director Animal Care and Control, Public Safety
Megan S. Houston, Director, Office of Resilience
Ali Bayat, Director, Water Utilities
Richard C. Radcliffe, Executive Director, League of Cities
Kristin Garrison, Director, Planning and Real Estate, School District of PBC
Elizée Michel, Executive Director, Westgate Community Redevelopment Area
Denise Pennel, Senior Planner, Westgate Community Redevelopment Area

**ATTACHMENT 4
2022 LDRAB MEMBERS**

**2022
PALM BEACH COUNTY ZONING DIVISION
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
CURRENT MEMBER LIST**

(Updated January 4, 2022)

| SEAT | MEMBER (OCCUPATION) | DISTRICT OR ORGANIZATION |
|-------------|---|--|
| 1 | Charles Millar (Senior Project Manager) | District 1, Commissioner Marino |
| 2 | Ned Kerr (State Certified General Real Estate Appraiser) | District 2, Commissioner Weiss |
| 3 | Pending | District 3, Commissioner Kerner |
| 4 | Jim Knight (Business Owner of "The Knight Group"/Licensed Broker) | District 4, Commissioner Weinroth |
| 5 | Lori Vinikoor (Community Activist) | District 5, Commissioner Sachs |
| 6 | Pending | District 6, Commissioner McKinlay |
| 7 | Robert J. Harvey (Attorney) | District 7, Commissioner Bernard |
| 8 | Donald R. Barnes (Residential Builder) | Gold Coast Builders Association |
| 9 | Anna Yeskey (PBC Intergovernmental Coordination Program Director) | League of Cities |
| 10 | Terrence Bailey (Engineer) | Florida Engineering Society |
| 11 | Lucille Hanners (Registered Architect/Project Designer) | American Institute of Architects |
| 12 | Susan A. Kennedy (Community Activist) | Environmental Organization |
| 13 | Frank Gulsano (Realtor) | Realtors Association of the Palm Beaches |
| 14 | Jim Sullivan (Surveyor) | Florida Surveying and Mapping Society |
| 15 | Charles D. Drawdy (Commercial Builder) | Assoc. General Contractors of America |
| 16 | Wesley Blackman (AICP Planner) | PBC Planning Congress |
| 17 | Pending | Alternate At-Large #1 |
| 18 | Abraham Wien (Environmental Architect) | Alternate At-Large #2 |

ATTACHMENT 5
2022 MEETING SCHEDULE

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

2022 MEETING DATES
(Updated 01/12/2022)

| DATE | DAY |
|---|------------------------------|
| January 26, 2022 | Wednesday (4 th) |
| February 23, 2022 | Wednesday (4 th) |
| March 23, 2022 | Wednesday (4 th) |
| April 27, 2022 | Wednesday (4 th) |
| May 25, 2022 | Wednesday (4 th) |
| June 22, 2022* | Wednesday (4 th) |
| July 27, 2022 | Wednesday (4 th) |
| August 24, 2022 | Wednesday (4 th) |
| September 28, 2022 | Wednesday (4 th) |
| October 26, 2022 | Wednesday (4 th) |
| November 17, 2022* | Thursday (3 rd) |
| December 15, 2022* | Thursday (3 rd) |
| January 25, 2023 | Wednesday (4 th) |
| Notes: | |
| <i>* Back-up dates to be used if necessary.</i> | |

Meeting location and start times are typically as follows:

Planning, Zoning and Building Department
Vista Center
2300 North Jog Road
West Palm Beach, Florida 33411
Kenneth S. Rogers Hearing Room (VC-1W-47)
Meetings typically commence at 2:00 p.m.

(1) DISCLAIMER: Meetings are subject to change, cancellation, or may be continued, rescheduled, relocated, or commenced at a different time as necessary. (Reasons for the change include but not limited to length of agenda, as needed to respond to Hurricanes or other similar natural disasters, etc.).

ATTACHMENT 6

SUNSHINE LAW PRIMER

Florida's Government in the Sunshine Law

The Sunshine Law applies to all meetings of any governmental board at which official acts are to be taken. It also applies to discussions and gatherings of two or more members of the same board regarding issues or matters that may foreseeably come before the board for action in the future.

- The Sunshine Law requires all meetings to be held in the public.
- Advisory boards that recommend action to the ultimate decision-making body as well as final decision-making bodies must meet in public or the sunshine.
- All meetings must be reasonably noticed prior to the meeting. Notice may be made by posting on a website, publicizing the meeting in a newspaper and posting the notice at the place where the meeting will be held.
- All meetings must be held in a facility that does not discriminate on the basis of sex, age, race, creed, color, origin or economic status.
- All meetings must be conducted in a facility that is open to the public and does not unreasonably restrict public access.
- Written minutes must be taken at every meeting, prepared promptly, and be accessible upon request.
- Members of the public must be given a reasonable opportunity to be heard on a proposition before the board.

Improper Communications

- The Sunshine Law prohibits two or more members of the same board from privately discussing any matter that might come before the board in the future.
- Secret ballots or voting is not allowed. Staff may not poll the board in advance of a meeting.
- Board members may not have private discussions during a meeting. All discussions must be heard by everyone. Board members should avoid the appearance of impropriety.
- Staff members (and others) are prohibited from serving as a go-between for board members or passing messages from one board member to another. Members should not text or pass messages to each other during a meeting about a matter that is being or will be discussed. (Board members may not attempt to circumvent the Sunshine Law.)

ATTACHMENT 6

SUNSHINE LAW PRIMER

Quorum for Meetings & Voting

- A quorum of the board must be physically present at the meeting for official action to take place.
- If a quorum of the board is physically present, the participation of an absent member by telephone conference or other interactive electronic technology is permissible when such absence is due to extraordinary circumstances such as illness. A scheduling conflict generally does not constitute extraordinary circumstances.
- A member who is present at a meeting must cast a vote. Members may not abstain unless there is or appears to be an impermissible conflict of interest. In such case, a member must state the conflict on the record and file a memorandum of voting conflict.

Penalties for violating the Sunshine Law

- Any communication that occurred outside of the public meeting regarding a matter that may come before the board (*i.e.*, foreseeable action by a board), will void the action taken by the board regarding the matter.
- A member who is found guilty of a non-criminal violation of the Sunshine Law may be punished by a fine not to exceed \$500. A member who knowingly violates the Sunshine Law is guilty of a second degree misdemeanor, punishable by a term of up to 60 days in jail, a fine of up to \$500 or both. A board member may also be removed from office.