

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of June 13, 2012 Special Meeting

On Wednesday, June 13, 2012 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), also sitting as the Land Development Regulation Commission (LDRC), met in the Kenneth S. Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 15

Wesley Blackman (PBC Planning Congress)
Joanne Davis (District 1)
David Carpenter (District 2)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Martin Klein (District 7)**
Joni Brinkman (League of Cities)
Gary Rayman (Fl. Surveying & Mapping Society)
Raymond Puzzitiello (Gold Coast Builders Assoc.)*
Terrence Bailey (Florida Engineering Society)
Rosa Durando (Environmental Organization)
Jerome Baumoehl (AIA)
Leo Plevy (Member at Large, Alternate)

Members Absent: 2

Frank Gulisano (PBC Board of Realtors)
Maurice Jacobson (Condominium Association)

Vacancies: 2

Vacant (Assoc. General Contractors of America)
Vacant (Member At Large, Alternate)

County Staff Present:

Rebecca Caldwell, Executive Director, PZ&B
Leonard Berger, Assistant County Attorney
John MacGillis, Director, Zoning
Barbara Pinkston-Nau, Principal Planner, Zoning
William Cross, Principal Site Planner, Zoning
John Rupertus, Senior Planner, Planning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted that staff had distributed an add/delete item.

3. Motion to Adopt Agenda

Motion to adopt agenda and add/delete by Mr. Klein, seconded by Ms. Vinikoor. The motion passed (14 – 0*).

4. Adoption of May 23, 2012 Minutes (Exhibit A)

Motion to adopt by Mr. Klein, seconded by Ms. Vinikoor. The motion passed (14 - 0*).

* Raymond Puzzitiello arrives at 2:09 p.m.

B. ULDC Amendments

1. Exhibit B – Livestock Keeping

Mr. Blackman noted that some members of the public had made written requests to speak and they would be allowed to do so after discussion on the Exhibit.

Ms. Barbara Pinkston-Nau, Principal Planner made a presentation on the proposed amendments, which included an overview of the location of the Rural and Exurban Tiers, and a fact sheet regarding Livestock Keeping as accessory to a single family residence, which was also circulated among attendees.

The Fact Sheet contained information on the following:

- Clarification on properties affected and those unaffected by the proposed amendments;
- Definition of livestock;
- Permanent and temporary/portable accessory structures location and setbacks;
- Temporary and accessory structures maximum square footage;
- Animal Care and Control requirements;
- Six-month timeline for compliance with Code enforcement;
- Maximum number of six animal sales allowed per year; and,
- Clarification that retail sales has always been prohibited from residential uses.

Ms. Caldwell, introduced herself as the Executive Director of the Planning, Zoning & Building Department. She stated that the current ULDC addresses livestock issues under two headings, Bona Fide Agriculture and Hobby Breeder. Neither of the two is fully

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appropriate for livestock keeping as an accessory use to a single family dwelling. She explained the proposed amendments could be deemed as less stringent than current regulations, and will in most cases give greater freedom to residents.

Ms. Davis posed hypothetical farm scenarios which raised questions about permanent versus temporary/portable structures. She further went on to explain situations with setbacks of 25 feet and recommended setback changes to 15 feet and reminded some keeping in mind that agricultural activities and uses are to be expected in the Agricultural Residential Zoning District.

** Mr. Klein left at 2:30 p.m.

A discussion followed in which questions were raised by the Board and addressed by staff, regarding the following:

- Keep setbacks at a certain level to protect adjacent properties as many lots are around 1.25 acres or less. Animals penned next to a neighbor's property all day create greater impact, therefore pens have to be subject to setback; and,
- Noise and odor are characteristic of life in the Rural and Exurban Tiers and the Department of Health or Animal Care and Control have regulations that address these issues.

Ms. Pinkston-Nau confirmed to Mr. Bailey that the proposed amendments do not apply to Bona Fide Agriculture parcels.

Mr. Carpenter stressed the importance of setting a minimum lot size so that residents can also enjoy residential life. It is impossible for Code Enforcement staff to cope with controlling noise, odor, and waste, and these issues have to be addressed.

Mr. Blackman asked the public to limit presentations to three minutes. Summarized comments from residents of the Rural and Exurban Tiers, more particularly from the Acreage and Jupiter Farms communities include:

- Residents enjoy the rural lifestyle and should expect to have animals around;
- Animal Care and Control already has regulations in place for livestock;
- Apply Best Management Practices (BMP) for the livestock;
- The size of temporary structures and the regulation of six sales per year should be re-considered; and,
- Property located on a corner is rendered useless as in most cases it will not meet setback requirements for accessory use.

Mr. Blackman also read a letter from a resident who stated that one acre is too small to keep chickens and roosters and that the roosters near their home in the Acreage crow continually, day and night.

Ms. Brinkman questioned the urgency to pass the amendments and recommended they be postponed until Round 2012-02 to allow more time for discussion. Ms. Caldwell explained that Zoning is complying with the BCC's request to address the issue in Round 2012-01. The language for Hobby Breeder will not change but the new language for Livestock Keeping will pull in domestic fowl and birds.

Ms. Davis stressed the importance of agriculture to Palm Beach County and said she supports staff's efforts to protect hobby and low acreage agriculture. She said that some areas of the amendment should be re-examined, such as cross fencing and permanent versus temporary accessory structures. The residents are already there, and their animals are allowed to roam over their property as it is an agricultural area.

Mr. Bailey stated that it appeared to him that the new language provides more flexibility but that does not seem to be the general perspective of the public. He requested further clarification. Ms. Davis added that perhaps the public has not had a chance to study the latest changes to the original exhibit. In her opinion the new language is doable with the exception of the 25 feet setback.

Ms. Caldwell explained:

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- The new language proposes 25 feet side and rear setbacks for permanent structures and chickens can roam the entire yard.
- The setback requirement is to prevent animals being penned against the property line causing nuisances to the adjacent neighbor.
- It is possible that a change can be made to cross fencing to allow more flexibility if there is enough room within to allow the birds or animals to roam and avoid crowding adjacent to the property line.

Motion by Mr. Bailey, to approve with amendments to allow 15 foot setbacks from the property line to be consistent provisions for accessory structures on non-conforming lots. Motion seconded by Ms. Davis. Mr. Bailey, Ms. Davis, Ms. Vinikoor and Mr. Puzzitiello voted in favor of the motion. The motion failed (4 – 10^{**}).

Alternative motion by Ms. Brinkman, to recommend to the BCC postponement until Round 2012-02 and create a subcommittee, seconded by Mr. Puzzitiello. The motion passed (11 – 3^{**}). Mr. Bailey, Ms. Davis and Ms. Vinikoor voted in opposition.

Mr. MacGillis advised that although there was no motion to adopt, the proposed amendments will go to the BCC for Request for Permission to advertise on June 28, 2012 and the exhibit is likely to be changed prior to or during 1st Reading or Adoption hearings. The BCC can pull it and not send it for First Reading on July 26, or they can pull it at any time.

C. Convene as LDRC

1. Proof of Publication

Motion to approve, by Ms. Vinikoor, seconded by Ms. Davis. The motion passed (14 – 0^{**}).

2. Consistency Determination

Mr. Rupertus stated that the proposed amendments in Exhibit B were consistent with the Comprehensive Plan.

Motion to approve consistency determination by Mr. Puzzitiello, seconded by Ms. Vinikoor. The motion passed (14- 0^{**}).

Adjourned as LDRC.

D. Reconvene as LDRAB

E. Public Comments

An attending resident advised that a Jupiter Farm community meeting is being held to discuss the issue further. It was also requested by another participant to have a meeting with the Acreage residents to present the amendments.

F. Staff Comments

There were no staff comments.

G. Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 3:47 p.m.

Recorded tapes of all LDRAB meeting 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) 233-5213.

Minutes drafted by:

Zona Case
Name


Signature

8/22/12
Date