

Land Development Regulation Advisory Board (LDRAB)
Amendments to the Agenda
(Updated 6/12/12)

1

Table with 2 columns: Item ID (#1) and Description (Page 1 (lines 26 - 28), Exhibit B – Livestock Keeping (as an accessory to a single family residence in the Exurban and Rural Tiers), Part 2). Reason for Amendments: [Zoning] 1) To differentiate between the setback requirements for permanent structures and temporary / portable structures; 2) To provide square footage and height limitations for temporary / portable structures; 3) To vest properly permitted permanent structures.

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2) Accessory Structures

- a) Permanent structures shall not be located in the required front or side street yards, and shall be setback a minimum of 25 feet from the side interior and rear property lines. Troughs, pens, coops, cages and other structures shall be setback a minimum of 25 feet from the side and rear property lines; and.
b) Temporary/Portable structures 400 square feet or less in size and 12 feet or less in height may be located in the front or side street yards. Shall not be located in the required front or side street yard.
c) Existing permanent structures that were properly permitted prior to being constructed or installed, that do not comply with the setback requirements in this section shall not have to be relocated.

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Table with 2 columns: Item ID (#2) and Description (Page 1 (line 35), Exhibit B – Livestock Keeping (as an accessory to a single family residence in the Exurban and Rural Tiers), Part 2). Reason for Amendments: [Zoning] To provide guidelines related to the number of livestock sales that may be permitted in a 12 month period.

5) Limitations of Use

The sale and breeding for sale of the animals shall be prohibited. A maximum of 6 separate on site sales of livestock shall be permitted during a 12 month period.

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Notes from Original Exhibit:

- Underlined indicates new text.
Stricken indicates text to be deleted. 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.

Notes for Amendments to the Agenda:

- Underlined indicates new text.
Double-stricken indicates existing ULDC text to be deleted and underlined double-stricken indicates newly proposed text to be deleted.
Double underlined italicized indicates text to be relocated.



June 6, 2012

**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

Executive Office 233-5228

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**Palm Beach County
Board of County
Commissioners**

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Steven L. Abrams, Vice Chairman

Karen T. Marcus

Paulette Burdick

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Jess R. Santamaria

Priscilla A. Taylor

County Administrator

Robert Weisman

Mr. Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board (LDRAB) and
Land Development Regulation Commission (LDRC)
241 Columbia Drive
Lake Worth, FL 33460

RE: June 13, 2012 LDRAB/LDRC Special Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in
preparing for the LDRAB/LDRC special meeting on Wednesday, June 13, 2012.

The meeting will commence at **2:00 p.m.** in the Vista Center 1st Floor Kenneth S.
Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm
Beach, Florida.

If you should have any questions or require additional information, please contact
me at (561) 233-5206 or via email at WCross@pbcgov.org, or Monica Cantor,
Senior Site Planner at (561) 233-5205, or via email at MCantor@pbcgov.org.

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: June 13, 2012 LDRAB/LDRC Agenda and Attachments

- c: Verdenia C. Baker, Deputy County Administrator
- Rebecca Caldwell., Executive Director, PZB
- Leonard W. Berger, Assistant County Attorney
- Robert P. Banks, Assistant County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Chief Planner, Zoning
- Monica Cantor, Senior Site Planner, Zoning
- Bryan Davis, Principal Planner, Planning
- John Rupertus, Senior Planner, Planning

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PALM BEACH COUNTY

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

JUNE 13, 2012

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Gold Coast Builders Assoc.)

Joanne Davis (District 1)

Joni Brinkman (League of Cities)

Barbara Katz (District 3)

Terrence N. Bailey (Florida Engineering Society)

Jim Knight (District 4)

Jerome Baumoehl (American Institute of Architects)

Lori Vinikoor (District 5)

Rosa Durando (Environmental Organization)

Mike Zimmerman (District 6)

Frank Gulisano (PBC Board of Realtors)

Martin Klein, Esq. (District 7)

Gary Rayman (Fl. Surveying and Mapping Society)

Leo Plevy (Member at Large/Alternate)

Maurice Jacobson (Condominium Association)

Vacant (Member at Large/Alternate)

Vacant (Association General Contractors of America)

Board of County Commissioners

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Chair, District 3

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Vice Chair, District 4

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Commissioner, District 6

Priscilla A. Taylor
Commissioner, District 7

Robert Weisman
County Administrator



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2300 North Jog Road, West Palm Beach, Florida 33411 (561) 233-5200



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

**WEDNESDAY, JUNE 13, 2012 AGENDA
2300 NORTH JOG ROAD
KENNETH S. ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M. – 4:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of May 23, 2012 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B – Livestock Keeping

C. CONVENE AS LDRC

1. Proof of Publication
2. Consistency Determinations Exhibit B – Livestock Keeping

D. RECONVENE AS LDRAB

E. PUBLIC COMMENTS

F. STAFF COMMENTS

G. ADJOURN

EXHIBIT A

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

Minutes of May 23, 2012 Meeting

On Wednesday, May 23, 2012 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.

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: 12

Wesley Blackman (PBC Planning Congress)
Joanne Davis (District 1) *
David Carpenter (District 2)
Barbara Katz (District 3) **
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Martin Klein (District 7)
Raymond Puzzitiello (Gold Coast Builders Assoc.)
Joni Brinkman (League of Cities)
Rosa Durando (Environmental Organization)
Terrence Bailey (Florida Eng. Society)
Jerome Baumoehl (AIA)

Members Absent: 5

Jim Knight (District 4)
Gary Rayman (Fl. Surveying & Mapping Society)
Frank Gulisano (PBC Board of Realtors)
Maurice Jacobson (Condominium Association)
Leo Plevy (Member at Large, Alt.)

Vacancies: 2

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

County Staff Present:

Rebecca Caldwell, Executive Director, Planning, Zoning & Building
John MacGillis, Director, Zoning
Maryann Kwok, Chief Planner, Zoning
Leonard Berger, Assistant County Attorney
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
Scott Rodriguez, Site Planner I, Zoning
Zona Case, Zoning Technician, Zoning
Bryan Davis, Principal Planner, Planning
Robert Kraus, Site Planner, Environmental Resources Management (ERM)

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the circulation of a add/delete item. He also suggested that the request from staff for a special meeting on June 13, 2012, be added as item A5.

Motion by Mr. Klein, seconded by Mr. Puzzitiello. The motion passed (11 - 0).

3. Motion to Adopt Agenda

Motion to adopt agenda and add delete by Mr. Klein, seconded by Ms. Vinikoor. The motion passed (11 – 0).

4. Adoption of April 25, 2012 Minutes (Exhibit A)

Motion to adopt by Mr. Klein, seconded by Ms. Vinikoor. The motion passed (11 – 0).

5. Request for a Special Meeting

Mr. Cross elaborated on the request for a special LDRAB meeting on June 13, 2012 at 2:00 p.m. The BCC requested staff to process an amendment to Agricultural Residential (AR) zoned properties within the Exurban and Rural Tiers to accommodate the raising of chickens. The intent of the amendment is to address setbacks and other similar standards. The direction is to process the amendment in the current 2012-01 Amendment Round.

Motion by Mr. Klein, seconded by Ms. Vinikoor. The motion passed (11 - 0).

- * Joanne Davis arrives at 2:10 p.m.

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EXHIBIT A

PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of May 23, 2012 Meeting

B. ULDC Amendments

1. **Exhibit B – AGR Tier - Packing Plant in AGR-PUD Preserve Area**

The amendment is being processed concurrently with Plan text amendments transmitted by the BCC on March 28, 2012, to allow packing plants within the Preserve Areas of AGR-PUD's.

Motion to adopt by Mr. Klein, seconded by Ms. Vinikoor. The motion passed (11 – 1*). Ms. Davis voted in opposition.

2. **Exhibit C – AGR Tier - Institutional Medical Office**

The amendment is being processed concurrently with Plan text amendments transmitted by the BCC on March 28, 2012, to allow additional Medical or Dental Office uses on two parcels in the AGR-PUD, bordered by the Bethesda Hospital. Ms. Davis questioned the categorization of "Institutional." Mr. Klein noted that the decision is not discretionary as it must comply with the Plan.

Motion by Mr. Klein, seconded by Mr. Puzzitiello. The Motion passed (9 – 3*). Ms. Davis, Mr. Bailey and Mr. Baumoehl voted in opposition.

3. **Exhibit D – Planned Industrial Park Development (PIPD) [BCC Direction/Industry Request]**

This amendment was initiated by industry and responds to BCC direction. Mr. Andrew Jacobson, representing McCraney Properties, indicated that the text (editor: Supplemental Standards) added for the Fitness Center was too restrictive by limiting the use to serve only residents and workers of the PIPD and the Vocational School is limited to teaching only certain subjects.

Staff noted that the limitations were required for consistency with the Plan, and Mr. MacGillis noted that the amendments were consistent with BCC direction.

Mr. Carpenter made a motion to deny Vocational School and Fitness Center and allow Catering Service in PIPD Industrial Use zone, seconded by Mr. Baumoehl.

The Motion passed (9 – 3*). Ms. Durando, Ms. Vinikoor and Mr. Bailey voted in opposition.

4. **Exhibit E – Mobile Home Parks**

The amendments respond to requests from Habitat for Humanity and related F.S. requirements for residential manufactured structures (aka modular homes) in mobile home parks. The amendments clarify definition for "mobile home"; establish alternative development standards for fee simple mobile home lots; and, outline property development regulations to allow for modular homes in existing mobile home parks and single-family dwelling units in fee simple mobile home parks.

Motion to adopt by Mr. Carpenter, seconded by Mr. Klein. The motion passed (12 – 0*).

5. **Exhibit F – Location Criteria - Convenience Store with Gas Sales and Retail Gas and Fuel [BCC Direction/Industry Request]**

This amendment was initiated by industry and responds to BCC direction. The amendment will exempt additional Convenience Store with Retail Gas Sales uses from certain location criteria where located within half-mile of an Interstate I-95 intersection.

Motion to adopt by Mr. Bailey, seconded by Mr. Klein. Motion passed (9 – 2*). Ms. Brinkman recused herself. Ms. Durando and Mr. Baumoehl voted in opposition.

6. **Exhibit G – Location Criteria - Type 1 Restaurant**

This amendment is intended to provide exemptions for the location criteria of Type 1 Restaurants with drive through lanes when the site addresses additional trips by mitigating negative impacts caused by the drive through.

Motion to adopt by Mr. Bailey, seconded by Mr. Klein. Motion passed (12 – 0*).

EXHIBIT A

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

Minutes of May 23, 2012 Meeting

7. Exhibit H – Elementary or Secondary Schools

At the request of the PBC School Board, existing language was reviewed and is being amended to clarify standards that apply to private, charter and public schools, and avoid conflicts between the ULDC and the Florida Building Code applicable to public schools.

Motion to adopt by Mr. Klein, seconded by Ms. Vinikoor. Motion passed (12 – 0*).

8. Exhibit I – Article 2.C, FLU Plan Amendments

The FLU amendments are primarily housekeeping in nature, to reflect current practices, recent changes to F.S. and update notification standards for consistency with 2011 BCC direction to make improvements to public notification for certain Planning and Zoning Public Hearings.

Motion to adopt by Mr. Carpenter, seconded by Ms. Klein. Motion passed (12 – 0*).

9. Exhibit J – Wall Signage

The amendments provide greater flexibility for industry and improved clarity on the designation of the building side the largest wall sign may be placed. Includes clarification of wall signs next to residential.

Motion to adopt by Mr. Carpenter, seconded by Mr. Klein. Motion passed (11 – 1*). Mr. Baumoehl voted in opposition.

10. Exhibit K – Urban Redevelopment Area Overlay (URAO)

The exhibit corrects scrivener's errors by deleting Specialized Development District and clarifies prior efforts to exempt permitted single family units from certain setbacks.

Motion to adopt by Mr. Carpenter, seconded by Mr. Klein. Motion passed (12 – 0*).

11. Exhibit L – Agriculture Marketplace

Mr. Cross gave a brief outline of the process that started with Board direction, continued through several subcommittee meetings and was brought to consensus as presented in the Exhibit including the amendments to the agenda. He thanked all participants - subcommittee members, Planning and Zoning staff and interested parties.

Ms. Vinikoor expressed pleasure in participating and admiration for the tremendous amount of work done. Mr. Blackman added that the amendments read very elegantly, concerns were addressed and he was very impressed with the product.

Motion to adopt by Mr. Carpenter, seconded by Mr. Klein. Motion passed (12 – 0*).

** Barbara Katz leaves at 3:30 p.m.

C. Convene as LDRC

1. Proof of Publication

Motion to approve, by Mr. Klein, seconded by Ms. Davis. The motion passed (11 – 0**).

2. Consistency Determination

Mr. Davis stated that the proposed amendments B.1 through B.11 and the previously presented amendments Exhibit M through Exhibit T were consistent with the Comprehensive Plan.

Motion to approve consistency determination by Mr. Klein, seconded by Mr. Bailey. The motion passed (11- 0**).

Adjourned as LDRC.

D. Reconvene as LDRAB

E. Public Comments

There were no public comments.

F. LDRAB Subcommittee Updates

Ms. Cantor said review of Use Regulations is now underway. She requested input from members and interested parties for the Zoning Division online Survey of Industrial Uses.

EXHIBIT A

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

Minutes of May 23, 2012 Meeting

G. Staff Comments

Mr. Cross updated the Board by stating that June 5, 2012 BCC workshop is scheduled to discuss Recycling Drop-Off Bins; June 13, 2012 is the tentative date for the special LDRAB Meeting to address livestock; and, August 21, 2012 will be a formal BCC Workshop to discuss Pot-Bellied Pigs.

H. Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 3:35 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 5/28/2012

EXHIBIT B

LIVESTOCK KEEPING
SUMMARY OF AMENDMENTS
(Updated 06/01/12)

1 Part 1. ULDC Art. 1.I.2. Definitions (page 69 of 115), is hereby amended as follows:
2

Reason for amendments: [BCC / Zoning]. This definition is proposed to specify the types of animals that are considered livestock as it relates to proposed amendments to Article 5.B.1.A allowing livestock to be kept as an accessory to a single family residence in the Exurban and Rural Tiers. This definition is consistent with Animal Care and Control definition of Livestock contained in Ordinance 1998-22.

3 CHAPTER I DEFINITIONS & ACRONYMS

4 Section 2 Definitions

5 L. Terms defined herein or referenced in this Article shall have the following meanings:

6 47. Livestock – for the purposes of Article 5.B.1.A.20, shall include all animals of the equine
7 (horses, mules), bovine (cattle), porcine (swine), caprine (goats), ovine (sheeps), and
8 domesticated poultry.

9 [Renumber accordingly.]
10

11
12 Part 2. ULDC Art. 5.B.1.A, Accessory Uses and Structures (page 27 of 91), is hereby amended
13 as follows:
14

Reason for amendments: [BCC/Zoning] This new language is proposed to allow the keeping of livestock as an accessory to a single family residential use subject to the following: 1) location in the Rural or Exurban Tier other than Planned Unit Developments (PUDs); 2) minimum 25 foot setback for accessory structures; 3) provision of required vaccinations, licensing, appropriate care and maintenance; 4) prohibition of sales and breeding of animal; and 5) creates timeline of six months for residents with livestock as accessory use to comply with the Code regulations as contained in this amendment once the ordinance gets effective. Additional language is also included advising that horses are addressed pursuant to Article 4.B.1.A.126 – Stables, Private.

15 CHAPTER B ACCESSORY AND TEMPORARY USES

16 Section 1 Supplementary Regulations

17 A. Accessory Uses and Structures

18 20. Livestock

19 a. Standards of Approval

20 Horses are permitted pursuant to the supplementary use standards indicated in Article
21 4.B.1.A.126 - Stable, Private. All other livestock, not including horses, may be permitted
22 accessory to a single family residential use subject to the following standards:

23 1) Tier

24 Shall only be located in the Rural and Exurban Tiers and when not within a PUD.

25 2) Accessory Structures

26 a) Troughs, pens, coops, cages and other structures shall be setback a minimum of
27 25 feet from the side and rear property lines; and,

28 b) Shall not be located in the required front or side street yard.

29 3) Vaccinations and Licensing

30 All animals shall be vaccinated and licensed pursuant to the requirements of
31 PBCACC.

32 4) Animal Care

33 Animals shall be maintained and cared for pursuant to the requirements of PBCACC.

34 5) Limitations of Use

35 The sale and breeding for sale of the animals shall be prohibited.

36 6) Existing Uses

37 Property owners that currently keep livestock as an accessory use shall be required
38 to comply with the standards above within six (6) months of the effective date of this
39 ordinance. Those found in non-compliance by Code Enforcement shall be given sixty
40 (60) days to comply with the provisions of this section of the ULDC.
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Notes:

Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [**Relocated to:**].

~~Stricken~~ indicates text to be **deleted**.

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.

Livestock Keeping Accessory to a Single Family Residence

New language is being proposed to clarify standards related to the keeping of livestock on properties in the Rural and Exurban Tiers with a principal single family dwelling / residential use. Although these areas have traditionally supported livestock keeping these standards will help to protect and address concerns of residents that keep livestock and those that do not.

The language does not apply to the following:

- Properties with bona fide agricultural uses / exemptions
 - Primarily used for crop growing, animal raising, or production of animal products (eggs, honey, dairy products etc.)
- Properties with a non-residential principal / primary use
- Properties in a Planned Unit Development (PUDs)
- Horses
 - Specifically addressed in the ULDC in Article 4.B.1.A. 125 – Stables, Commercial and 4.B.1.A. 126 – Stables, Private.

The language does apply to the following:

- Properties without a bona fide agricultural use / exemption.
- Properties with a residential principal / primary use.
- Properties in the Rural and Exurban Tiers (Agricultural Residential AR Zoning District).
- Residents that have or would like to keep cows, pigs, goats, sheep, and domesticated poultry.
 - **Requirements / Standards:**
 - Livestock means cattle, swine, goats, sheep, and domesticated poultry.
 - Permanent accessory structures cannot be located in the front or side corner (street) yards.
 - Permanent accessory structures must meet a 25 foot side and rear setback when constructed in the rear and side interior yard. (same as the requirements for stables)
 - Permanent accessory structures that obtained the appropriate building permits shall not be required to comply with the new setback requirements.
 - Temporary / portable structures may be located in the required front and side street yard. These structures cannot exceed 400 square feet in size and 12 feet in height.
 - Animals must be vaccinated and cared for based upon applicable Palm Beach County Animal Care and Control requirements.
 - Property owners with livestock will be given 6 months from the adoption date of this ordinance to comply with the requirements/ standards.
 - Property owners cited by Code Enforcement after the 6 month period will be given 60 days to comply with the requirements / standards.
 - A maximum of 6 on-site sales of animals per year may be permitted.
 - Retail sales of milk, eggs, or other animal products may not be conducted on-site.