



AGRICULTURAL USES
A SPECIAL MEETING OF THE AG LDRAB SUBCOMMITTEE

MINUTES OF THE NOVEMBER 16, 2009 SUBCOMMITTEE MEETING
(REVISED)

PREPARED BY BARBARA PINKSTON-NAU, PRINCIPAL SITE PLANNER

On Monday November 16, 2009, the Agricultural Uses Subcommittee was reconvened at the direction of the Board of County Commissioner (BCC) at their October 22, 2009 BCC Zoning hearing. The proposed UDLC 2009-01 Round of Amendments related to AG provisions were only partially adopted. The BCC directed staff to convene the subcommittee again to address any of the concerns that were raised during the 1st and 2nd (Adoption) Public Hearings before the BCC.

Staff met at the Vista Center, Room VC-1E-60 Hearing Room, at 2300 North Jog Road, West Palm Beach, Florida.

Attendance

LDRAB Members: Rosa Durando, Frank Palen

Interested Parties: Howard Voren, Connie Gray, Todd McLendon, Maureen Lefkowitz, Larry Lefkowitz

County Staff: Barbara P. Nau, Principal Site Planner; Robert Banks, Assistant County Attorney; Arthur Kirstein, Cooperative Extension Service

Barbara P. Nau began the meeting at 1:30 p.m. and referred to the prepared agenda for topics of discussion at this meeting.

Barbara explained that the item was pulled prior to BCC adoption because of concerns expressed from citizens residing or operating businesses in the Agricultural Residential (AR) Zoning District.

Bob Banks discussed the existing ULDC language related to ULDC agricultural determination criteria and productivity standards and explained that the ULDC may contain language to further define state statute requirements. Discussion ensued concerning the ability to enforce the existing ULDC standards and criteria. Bob went on to explain that the language was added to discourage the clearing of properties under the guise of being used for bonafide agricultural.

The discussion turned to bird breeding and aviaries / aviculture. There was a disagreement between some of the participants regarding noise and the inappropriateness of these uses when adjacent to residential uses. Maureen Lefkowitz went on to describe how life had been negatively affected by her neighbor's birds and that they were unable to sell their home. Barbara explained that pursuant to

State Statute 823.14, Florida Right to Farm Act these uses are classified under bonafide agriculture. Larry Lefkowitz indicated that pens and cages for bird breeders should be subject to greater setback requirements because of the noise generated and the impact on adjacent parcels and that properties located Loxahatchee Groves are not subject to ULDC amendments. Barbara advised that bonafide agricultural uses are exempt from noise regulations. Staff explained that to remedy this type of issue the proper channel would be via the legal system. An additional option would be to address these concerns with the appropriate state legislators and representatives to seek support to amend the applicable state statutes.

Connie Gray indicated that she felt the setback requirements were excessive for pens and cages. Staff asked if her property was considered bonafide agricultural. When she advised that the principal use is for residential purposes staff explained that she would be subject to less stringent setback requirements.

Staff concluded by advising that changes would not be recommended at this time and that if directed by the BCC the County Attorney would examine the applicable state statutes to ensure the ULDC is consistent.

Meeting adjourned at 3:45 p.m.

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