

**PALM BEACH COUNTY**

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

**Minutes of July 22, 2009 Meeting**

On Wednesday, July 22, 2009 at 1:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the First Floor Conference 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 1:10 p.m. Ann DeVeaux, Code Revision Site Planner I, called the roll.

**Members Present:**

Wesley Blackman (PBC Planning Congress)  
David Carpenter (District 2)  
Raymond Puzzitiello (Gold Coast Build. Assoc.)  
Joni Brinkman (League of Cities)  
Ron Last (FL Eng. Society)  
Jose Jaramillo (A.I.A.)  
Rosa Durando (Environmental Org.)  
Michael Cantwell (PBC Board of Realtors)  
Maurice Jacobson (Condominium Assoc.)  
Steven Dewhurst (Assoc. Gen. Cont. of Amer.)  
Joanne Davis (District 1)  
Barbara Katz (District 3)  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Mike Zimmerman (District 6)  
Martin Klein (District 7)

Members Present – 16

**Members Absent:**

Larry Fish (FL Soc. of Pro. Land Surveyors)  
Brian Waxman (Mem. At Large, Alternate)  
Frank Palen (Mem. At Large, Alternate)

Members Absent – 1

**County Staff Present:**

Jon MacGillis, ALSA, Director, Zoning  
Barbara Pinkston-Nau, Principal Site Planner, Zoning  
William Cross, Principal Site Planner, Zoning  
Lenny Berger, Asst. County Attorney  
Jan Wiegand, Senior Site Planner, Zoning  
John Rupertus, Senior Planner, Planning  
Robert Kraus, Senior Site Planner, ERM  
Eric McClellan, Senior Site Planner, FD&O  
Ann DeVeaux, Site Planner I, Zoning

**2. Additions, Substitutions, and Deletions**

Staff presented an add/delete sheet with changes to Exhibit B, Article 1, General Provisions; Exhibit E, Article 4, Use Regulations; Exhibit I, Manatee Protection Plan, Exhibit M, Affordable Housing Program; and, Exhibit N, Workforce Housing Program which was deleted. The add/delete sheet also included additional amendments to previously heard items with changes to Exhibit S, Article 5, Supplementary Standards and Exhibit V, Article 14, Environmental Standards.

**3. Motion to Adopt Agenda**

Motion to adopt agenda, by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (16 – 0).

**4. Adoption of May 27, 2009 Minutes (Exhibit A)**

Motion to adopt minutes, by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (16 – 0).

**B. ULDC Amendments**

**1. Exhibit B: Article 1 – General Provisions**

Barbara Pinkston-Nau stated that the amendment related to density, intensity, and building coverage codifies a PPM that was developed by a previous zoning director. The language initially located under eminent domain, clarifies the method of calculating density, intensity, and building coverage. The language is being relocated to Rules of Construction as the intent is to address a broader area, not just eminent domain.

Martin Klein made the motion to approve Exhibit B, seconded by Raymond Puzzitiello. The motion passed unanimously (16 - 0).

**2. Exhibit C: Article 2 –Development Review Process**

Barbara Pinkston-Nau stated that the amendment reflects the addition of phasing to the AGR-TMD language that the BCC requested allowing the issuance of Certificates of Occupancy (COs) for the second phase to five years from the issuance of COs for the first phase. Rosa Durando questioned whether DRI review would continue. Jon MacGillis explained that she was referring to the TDD section and that there is no proposed amendment to TDD. Lori Vinikoor asked a question regarding the maximum time to receive a development permit. Jon MacGillis explained that originally there was only one phase allowed in the AGR TMD but, now there are two phases allowed. The new note in the chart specifies when the second phase has to be built out. He further stated that in the first phase, the applicant has up to three years to start commencement before monitoring will start which is in another section of the Code.

Joni Brinkman recused herself from Part 1, Article 2.

Martin Klein made the motion to approve Exhibit C, seconded by David Carpenter. The motion passed unanimously (16 - 0).

**3. Exhibit D: Article 3 – Overlays & Zoning Districts**

Barbara Pinkston-Nau stated that staff was directed to make amendments to allow Places of Worship as permitted uses and that there are specific criteria, such as buffering and parking that must be met. The tables reflect the proposed change to “permitted”. There are a few options for having a place of worship: 1) an occupied single family home used for worship service; 2) conversion of a single family home requiring compliance with building and fire code regulations, and applicable ULDC requirements; and 3) a stand alone typical place of worship.

Rosa Durando stated that the most common complaint is that places of worship in residential areas have become a more intensive use during various nights of the week. This includes games and athletic contests which disturb the neighbors. She asked if these factors were considered besides parking. Jon MacGillis stated that this provision affects the church itself (the use) and that they are subject to the approved site plan or reviewed through the building permit review process. If an applicant request uses that are not permitted by right, they would be subject to the approval process indicated in the applicable use matrix. The purpose of this amendment pursuant to federal laws regulating places of worship is to have standards in the Code that are not subjective or arbitrary.

Joni Brinkman was concerned that a place of worship can be located next door to a neighbor with no public input. Previously, places of worship subject to conditional or requested uses approval went before the BCC and public input could be made.

Rosa Durando questioned why a place of worship is a permitted use in neighborhood centers. Jon MacGillis explained that neighborhood centers are only found in a TTD and there are no TTDs approved in the County. Small churches can set up a beginner church in one of the small bays in neighborhood centers.

Martin Klein made the motion to approve Exhibit D, seconded by David Carpenter. The motion passed unanimously (16 - 0).

**4. Exhibit E: Article 4 – Use Regulations**

Barbara Pinkston-Nau explained that on page 9, the standard use matrix for place of worship was being amended to change the approval process from a Class A to a permitted use.

The amendment involving Aviculture is the result of an error codifying a PPM that was made in 2000 regarding hobby breeder regulations. This amendment allows Hobby Breeder as a permitted use in the AR Urban Suburban Tier. She stated that items numbered 1,2,3 on the add/delete sheet relate to the changes to Bona Fide Ag beginning on page 10. She advised that there are supplementary regulations specifically for wholesale and retail nurseries and that the portion of the nursery that is considered bona fide ag is the growing part. With retail or wholesale nurseries, plants can be brought onto the site to sell. If growing plants on site, there is language that will allow you to have an accessory use such as an ag stand or U Pick-em on site. The language stricken on page 10 will remain in the Code as a result of concerns the Zoning Director and the County Attorney had and it will prevent staff from having to repeatedly refer to the Florida Statutes. On page 2 of the add/delete sheet, item #3, page 11, lines 26 and 29, the word “suburban” was left out and is being read into the record. Barbara Pinkston-Nau stated that aviculture amendment clarifies what was already in the PPM and codifies what is already policy and AR/USA is added which was the intent of the PPM. She stated that there are some people that have concerns relating to noise under the aviculture regulations, however, through research, aviculture is considered bona fide ag and as such, is granted exemptions that any farming activity would have in accordance with State Statutes. They are also exempt from noise regulations.

Rosa Durando asked if part of the responsibility of zoning is to recognize best practice standards since hobby breeders are in the Water Preserve Basin Area. Lenny Berger explained that the Right to Farm Act, that was recently interpreted based on a court case in Leon County, prohibits zoning from adopting any new regulations that reference best management practices for farm operations.

Joanne Davis requested clarification of the term "continued use" for agriculture in the urban suburban tier and if the Code allows the startup of a business involving agriculture. Jon MacGillis explained that Code permits the use and references new, existing and expanded uses in the urban suburban tier. Barbara Pinkston-Nau stated that bona fide ag is a permitted use in AGR, AP AR/RSA and in the U/S Tier, and is subject to a Class A Conditional Use in all other standard zoning districts.

Barbara Pinkston-Nau stated that the standards and requirements for places of worship are located on page 12. She further explained that although the approval process for a place of worship is through building permit review, it would still have to comply with all of the listed requirements. Religious services may be conducted as an accessory use to an existing single-family dwelling. The standards that previously included retreat, convent, seminary or similar uses have been stricken as these uses were typically considered accessory uses. If collocated uses such as a daycare facility previously required Class A Conditional Use approval, it would still be subject to the same approval process. She further stated that language has been added to allow for abandonment for places of worship to be done administratively or legislatively.

Joni Brinkman asked if a church that came through previously and had conditions of approval could get rid of all of their conditions administratively through the abandonment process.

Rosa Durando questioned the exclusion of certain uses located west of SR 7 in the AGR District on page 12, lines 46 and 47 relating to places of worship. She requested a more definitive boundary to include the north and south of SR 7 in addition to the west. Jon MacGillis stated that the language is existing and consistent with the Comp Plan and Board direction and any changes to the boundaries would require Comp Plan amendments. Martin Klein stated that the boundary concerns should be addressed through a request for Comp Plan amendment to the Planning Division.

John Rupertus explained that the language is clear and refers to the ag reserve tier in its entirety, except for the west side of SR 7.

Barbara Katz requested clarification on whether a house purchased in a residential community could be converted into a place of worship. Jon MacGillis reiterated the three options for a place of worship and if someone is residing in the house and having prayer service, it is not subject to zoning regulations. She stated many communities are upset that a home could be bought for residential purposes and hold church services. Lenny Berger responded to her concerns and stated the first amendment allows religious services to be held in a house and allows a church to be located in a residential district. He further stated that collocated uses would still be subject to the applicable review process. He stated that the amendments represent changes that are required by law. Barbara Katz stated that she could not support the amendment.

Barbara Pinkston-Nau stated that item #4 on the add/delete sheet under wholesale and retail nurseries on page 13, parts 6 and 7 depicts relocation of the word "mulch" which was listed as accessory hardscape.

Mike Zimmerman expressed concerns with the partial listing of hardscape materials and stated that there are other materials that are not accessory hardscape that could be used as plant material in both retail and wholesale nurseries. Barbara Pinkston-Nau stated that a partial listing, such as decorative stones, was given because of the difficulty in listing all possible materials that could be used. Jon MacGillis stated retail is allowed under both retail and wholesale nurseries. The sale of accessory items, such as pumps and fertilizer sold in a wholesale business is allowed as long as the sales are less than 30 percent of the business.

Barbara Pinkston-Nau stated that the amendment for Neighborhood Vehicle Rental Facility is based on direction from the Board to clarify the types of vehicles that would be allowed in the facility. The amendment limits the vehicles to cars, SUV's, standard pickup trucks and minivans.

**Public Comments** - Chair Wes Blackman opened the floor for comments from the public. Larry Lefkowitz stated that he moved into his home nine years ago and a neighbor moved in next to his property line with 400 exotic birds. The invasive noise from the birds several hours a day all year is a nuisance by any noise ordinance of Palm Beach County. He expressed that the noise from birds is a violation of the right to quiet enjoyment on his property and is requesting relief from PBC because his neighbor is not cooperating with his request to quiet the birds. He requested assistance from Zoning in regulating the noise. In summary, staff's response was that aviculture is considered bonafide ag and that issues with his neighbor would have to be handled as a civil matter.

Joanne Davis asked if he had ideas for remedy. Mr. Lefkowitz stated his neighbor would not cooperate with his request to move the birds to another location on his five-acre property. Chair Wes Blackman asked Staff if anything could be done today retroactively in the Code to address the issue. Barbara Pinkston-Nau stated that nothing could be done since he does not reside in Unincorporated Palm Beach County and aviculture is exempt under the noise ordinance as part of bonafide ag. Jon MacGillis stated that his residence is in the Town of Loxahatchee and after meeting with Mr. Lefkowitz, a subcommittee was established to determine a remedy. The Town of Loxahatchee indicated that it would not be open to any new noise regulations. After reviewing

the agriculture use in the Code and research of state statutes, it was determined that the use is clearly classified as a bona fide agriculture use.

**Public Comments** - Maureen Lefkowitz asked why other counties do not allow aviculture under agriculture uses and Palm Beach County does. Jon MacGillis stated that some of the municipalities may not have updated their Codes, and when it was placed in PBC Code, it may not have been addressed in the state statutes at that time, however, it is clear that aviculture is one of the bona fide agriculture uses.

**Discussion on Exhibit E** - David Carpenter stated that it is misleading to show places of worship in the use matrix in the agriculture, residential conservation district as permitted by right without stating the site requirements to be met. Jon MacGillis pointed out that the requirements are listed in Supplementary Use Standards in Note 29. Additionally, David Carpenter does not support religious services being conducted as an accessory use to an existing single-family dwelling that is utilized for residential purposes.

Martin Klein made the motion to approve Exhibit E as amended including the changes on the add/delete sheet, seconded by Jose Jaramillo. The motion passed (11 - 5).

#### **5. Exhibit F: Article 7– Landscaping**

Bill Cross stated that the amendment is a minor change to Landscaping as it pertains to pervious area and when the Code was rewritten in 2003, with the adoption of the Managed Growth Tier System (MGTS), pervious requirements that were in the Plan were added to Article 7. A subcommittee met in 2008 to discuss pervious requirements and open space, and it was determined that there were very few policies in the Plan that required Zoning to codify pervious requirements due to the fact that they are predominately involves land development or other drainage related issues. The definition was rewritten for the MGTS for the Exurban and Rural Tier to clarify that pervious requirements in the Plan should be referenced and that pervious requirements of the Plan are to be met primarily through Article 7 increased standards pertaining to perimeter buffers, parking, and foundation planting. The amendment also deletes redundant pervious requirements in the U/S Tier, AGR and Glades Tiers and Exurban and Rural Tiers, commercial greenhouses and shade houses that are no longer applicable.

David Carpenter made the motion to approve Exhibit F, seconded by Martin Klein. The motion passed unanimously (16 - 0).

#### **6. Exhibit G: Article 12 – Traffic Performance Standards**

Barbara Pinkston-Nau stated that based on BCC direction, the amendment eliminates the requirement for submittal of annual reports to the BCC.

David Carpenter made the motion to approve Exhibit G, seconded by Martin Klein. The motion passed (16 - 0).

#### **7. Exhibit H: Decision Making Bodies**

Barbara Pinkston-Nau stated that several changes to the language in Article 17 have been made to be consistent with the requirements in Article 2 and the actual processes that zoning uses. The amendment adds authority for BCC to review deviations and separation requirements for Homeless Resource Centers (Exhibit K), in the PO district and applications for Unique Structures. This amendment also clarifies the term of office for LDRAB members. Barbara Pinkston-Nau explained that language was added to allow the LDRAB to consider recommendations from the Zoning Director pertaining to subcommittees. She further stated that language was added to allow the Impact Fee Review Committee to maintain their requirement for annual reports. The amendment also adds authority for the Zoning Commission to consider and render a final decision on appeals of denials for green architecture application and provides that two State of Florida registered architects are to be appointed to the Zoning Commission.

Rosa Durando questioned whether the various advisory boards were subject to the Sunshine Law and stated that it should be public information. Lenny Berger stated that the BCC and the advisory boards meetings are advertised recorded and minutes taken and the Sunshine Law is reviewed and is public record.

Joni Brinkman questioned whether the Zoning Commission's ability to review Article 5 was being deleted. Jon MacGillis explained that there was a conflict in Article 17 and that appeals of the Zoning Director's decisions should be heard directly through the Hearing Officer and not the Zoning Commission and the provisions are clearly stated in Article 2. Barbara Pinkston-Nau stated that the composition of the Zoning Commission is being changed from seven to nine members and a requirement added that the two at large members be registered architects.

David Carpenter asked if both architects had to be present at a meeting for a vote to be taken. Jon MacGillis explained that he would prefer all members be present at meetings to review Type II variances, and appeals for green architecture and unique structures, a lack of attendance would not prohibit a vote on a project from being taken.

Barbara Katz stated that only one of the at large members should be a registered architect on the Zoning Commission. Jon MacGillis explained that the two at large members who are registered architects would become voting members based on the subcommittee's recommendation. He further stated that the architects' projects generally require hearing before the Zoning commission, and that the seven other members could be from any profession.

Joni Brinkman questioned how the new membership be phased in. Jon MacGillis stated that terms of the two at large members would expire in January and the local chapter would be sending nominations for replacements in February 2010. Barbara Pinkston-Nau stated that the amendment for Jurisdiction, Authority and Duties gives authority to the Zoning Director consider requests for administrative waivers to the ULDC related to green architecture and lifestyle centers.

Martin Klein made the motion to approve Exhibit H, seconded by Ray Puzzitiello. The motion passed (16 - 0).

#### **8. Exhibit I: Manatee Protection Plan**

Barbara Pinkston-Nau stated that #5 on the add/delete sheet amends the definition for Marine Facility to be consistent with supplementary standards. Bob Kraus explained that new and expanded mariners with five or more slips had to comply with the Manatee Protection Plan that was approved by the BCC on August 21, 2007.

Martin Klein made the motion to approve Exhibit I including the changes on the add/delete sheet, seconded by Ray Puzzitiello. The motion passed (16 - 0).

#### **9. Exhibit J: Renewable Energy**

Barbara Pinkston-Nau stated that the BCC directed zoning and planning staff to develop language to amend the ULDC to give incentives and add provisions that would allow solar and wind renewable energy. A subcommittee was established and representatives from FP&L and other industry assisted in developing the language. The amendment expands the definition for Electric Power Facility to ensure consistency with the Comp Plan and adds definitions for solar and wind renewable energy. The use matrix details the review process for each use.

David Carpenter expressed concerns with the PDD Use Matrix and a DRO ("D") approval process for renewable energy (wind). He stated that windmills are inappropriate in residential districts and if allowed should require public involvement and more than a DRO approval process. Barbara Pinkston-Nau explained that standards were written that require additional setbacks of 110% from ground to height of the turbine of the actual windmill if adjacent to existing residential uses. There are also additional setbacks for windmills of 35 feet from the affected property line, if adjacent to existing residential uses.

Rosa Durando expressed concern that if the site is adjacent to a known fly way or a wetland that it would attract large birds. She further stated that certain limitations should developed to prohibit windmills within a half mile of the wetlands where woodstock and ibis are being documented and the National Wildlife Refuge that is established for migratory birds. She stated that consideration should be given to birds getting trapped in guide wires.

Joanne Davis asked if there were different windmill designs that would reduce the impact on bird population. Cindy Tindell, Sr. Director of Project Development FP&L, stated that the purpose of the exercise was to plan for the future and there is nothing in place right now to address wind and solar energy. She stated that there are other permitting and siting requirements that would be considered in addition to land use and zoning. Wes Blackman suggested that staff work on additional language for the wind provisions. David Carpenter stated that he is concerned with the placement and commercialization of windmills.

In response to Jon MacGillis request for the name of an organization or map for location criteria, Joanne Davis stated that she would locate related links for further research on windmills and provide it to staff to use as a reference point in the Code to address impact on wildlife. Chuck Millar suggested moving forward with the solar amendment and have the subcommittee revisit the wind amendment for further review and revision. Barbara Katz had concerns with the DRO approval process. She stated that the human element was not considered in the placement of windmill and solar energy because there would be no public involvement in the DRO approval process. David Carpenter expressed his concern with with blanket approval for windmills with no public notification. Cindy Tindall stated that FP&L is the only organization that would be able to execute renewable energy resources such as solar and wind and because it is cost prohibitive, is the reason why it is not in Florida presently. Jim Knight questioned whether FP&L has analyzed locations for placement of the resources. Cindy Tindall stated the Public Service Commission did an extensive study of renewable resources in the State of Florida and the wind resources would be along the coastline and in the ocean.

Martin Klein made the motion to incorporate the suggestion made by FP&L for the subcommittee to revisit the issues of wind, siting, tree requirements and the DRO approval process of Exhibit J, seconded by David Carpenter. The motion passed (16 - 0).

Discussion ensued regarding the approval process for solar. Jon MacGillis suggested changing the language to read: "if solar is adjacent to properties with a residential land use or zoning designation, the approval process shall be a Conditional Use "B".

Martin Klein made the motion to adopt the solar power aspects of Exhibit J, with the modification of the use matrix table and the references to "D" be changed to "B" for residential districts if adjacent to properties with an existing residential use, seconded by Barbara Katz.

Discussion: Joni Brinkman, David Carpenter, Joanne Davis and voted no because they would like promote solar as an expedited process and remain "D", DRO approval, to take advantage of the economic and job creation opportunities when the State of Florida directs. The motion failed 13-3.

A substitute motion was made by Raymond Puzzitiello to approve the solar version as presented as "D" of Exhibit J, seconded by David Carpenter.

#### **10. Exhibit K: Homeless Resource Center**

Barbara Pinkston-Nau stated the amendment adds provisions to address the needs of the homeless population in providing emergency shelter and services in strategic locations in unincorporated Palm Beach County until permanent placement in a permanent home could be accomplished. She stated it would be a requested use that would require a public hearing process in PDDs. She further stated that after speaking with Steve Delai of Fire Rescue, a verbal modification is being made on page 30, line 20, to delete the words "full service".

Martin Klein made the motion to approve Exhibit K with the verbal modification on line 20, seconded by Ray Puzzitiello.

Discussion: David Carpenter stated his concerns with HRC being permitted in the IL district without any review as it impacts abutting residential and businesses. Jon MacGillis stated for consistency, the approval process could be changed from a "D" to "B" under IL in the Use Matrix on page 29.

The motion passed with an additional verbal modification of the approval process "D" to "B" for IL district in the use matrix (16-0).

Adjourned as LDRAB.

#### **C-1. Convene as the Land Development Regulation Commission (LDRC)**

##### **1. Proof of Publication**

Motion to approve, by Martin Klein, seconded by Joanne Davis. The motion passed unanimously (16 - 0).

##### **2. Consistency Determination**

Jon MacGillis noted the Green Sheet that detailed the verbal changes made from the various LDRAB meetings for **Exhibits O-X**. Barbara Pinkston-Nau pointed out the additional items on the add/delete sheet, on page 3 and 4, items #12, 13 and 14 represent amendments made to previously heard items. John Rupertus, Senior Planner stated that the proposed amendments were consistent with the Comprehensive Plan.

Martin Klein made the motion to approve consistency determination for Exhibits B – K, and O - X, including the add/delete sheet and green sheet summary.

Joni Brinkman recused herself from voting on consistency determination for Exhibit D, Part 1 due to client representation in Delray Town Center TMD. The motion was modified to exclude Exhibit D, Part 1, and Exhibit E for consistency, seconded by David Carpenter.

Martin Klein made the motion to approve consistency determination including the add/delete sheet and green sheet summary, with the exception of Exhibit D, Part 1, seconded by David Carpenter. The motion passed (16-0).

Martin Klein made the motion to approve consistency determination with the exception of Exhibit E, seconded by David Carpenter. The motion passed (16-0).

Adjourned as LDRC.

#### **D-1. Reconvene as the Land Development Regulation Advisory Board (LDRAB)**

##### **11. Exhibit L: Architectural Guidelines**

John MacGillis stated that architectural guidelines were established as a result of direction from the BCC to work with architects from industry to establish clear guidelines. Architectural definitions in ULDC were consolidated under Architectural Terms to include green architecture. He stated that various types of architectural styles were identified and listed. Standards were created to determine if a project is a unique structure. The Zoning Commission was given authority to grant allowances for minor deviations. He further stated that the amendment would

delete the Peer Review process that is not being utilized by the architectural community. He reiterated that architects were being added to the Zoning Commission to help review and make final determinations on unique structures and architectural variances. A Green Architecture Rating Table was also created to outline a point system that clearly defines the type of structure that would qualify as green architecture.

Mark Beatty commented that there were five registered architects who worked on the amendment and there was concern that creativity was lost in Palm Beach County because structures look alike. He stated that as a result of budget issues, staff was not equipped with registered architects and therefore, should not regulate architectural compatibility. He further stated that the rating system that was developed is a LEED certified system and is a holistic approach. Jose Jaramillo had concerns with the difficulty getting the points required to qualify for an exemption as a green building.

Martin Klein made the motion to approve Exhibit L, seconded by Barbara Katz. The motion passed (16 - 0).

Adjourned as LDRAB.

## **C-2. Convene as the Land Development Regulation Commission (LDRC)**

### **1. Proof of Publication**

Motion still stands to approve, by Martin Klein, seconded by Joanne Davis. The motion passed unanimously (16 - 0).

### **2. Consistency Determination**

John Rupertus, Senior Planner stated that the proposed amendments were consistent with the Comprehensive Plan.

Joni Brinkman made the motion to approve consistency determination of Exhibit L, seconded by Martin Klein. The motion passed (16-0).

## **D-2. Reconvene as the Land Development Regulation Advisory Board (LDRAB)**

### **12. Exhibit M: Affordable Housing Program**

Michael Howe stated the proposed amendment was the result of BCC direction to develop an Affordable Housing Program with incentives similar to the existing Workforce Housing Program. A subcommittee was established to develop standards. He stated that the major change involved how a density bonus is determined. The Tables on page 44 and 45 limit undue concentrations of low and very low income housing. The biggest difference is making sure that there is not too much low income housing in one location. He stated that if the concentration is greater than 40 percent, less density is provided at that point.

Ray Puzzitiello stated that the amendment references housing below 60 percent of Area Median Income. And that it would be a difficult area for builders since they would need government assistance to get 100 percent of the bonus. He stated that he served on the subcommittee and supports the amendment.

Ray Puzzitiello made the motion to approve Exhibit M including the changes on the add/delete sheet (items #6,7,8, 9 and 10), seconded by Martin Klein. The motion passed (16 - 0).

Adjourned as LDRAB.

## **C-3. Convene as the Land Development Regulation Commission (LDRC)**

### **1. Proof of Publication**

Motion still stands to approve, by Martin Klein, seconded by Joanne Davis. The motion passed unanimously (16 - 0).

### **2. Consistency Determination**

John Rupertus, Senior Planner stated that the proposed amendments were consistent with the Comprehensive Plan.

Martin Klein made the motion to approve consistency determination of Exhibit M, seconded by Ray Puzzitiello. The motion passed (16-0).

## **D-3. Reconvene as the Land Development Regulation Advisory Board (LDRAB)**

## **E. Public Comments**

N/A

## **F. Staff Comments**

Jon MacGillis stated that a subcommittee was established to examine the DRO, building, drainage and platting review processes. It was determined that it was not necessary to amend the ULDC to

accommodate the new simultaneous processes. He further stated that the 2009-02 Round would include the URA, Infill Redevelopment Overlay, Lifestyle Commercial Center and Flex Space.

**G. Adjourn**

The Land Development Regulation Advisory Board meeting adjourned at 4:50 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 Secretary at (561) 233-5088.