



INTER-OFFICE COMMUNICATION  
PALM BEACH COUNTY  
PLANNING, ZONING & BUILDING

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**TO:** The Honorable Burt Aaronson, Chair  
and Members of the Board of County Commissioners

**FROM:** Jon MacGillis, ASLA  
Zoning Director

**DATE:** November 23, 2009

**RE:** **Bonafide Agriculture - Unified Land Development Code (ULDC)  
Proposed Code Amendments**

At the Zoning BCC Hearing on October 22, 2009, portions of the proposed code amendments related to Bonafide Agriculture provisions were pulled from the 2009-01 Round of Amendments (Attachment). The Board directed staff to reconvene the Bonafide Agriculture Subcommittee to respond to questions and listen to concerns related to setbacks for pens and cages and other issues. Staff conducted the public meeting on November 16, 2009 and the results are summarized below.

**Staff Recommendation to Board**

Staff recommends the ULDC provisions that were not adopted at the October 22, 2009 Zoning BCC Hearing not be pursued. These amendments were not substantive code changes required for consistency with the Comp Plan or requested by the BCC. Zoning staff's intent in proposing these amendments was to simply clarify the existing provisions. The County Attorney's office will address the interested parties issue related to possible inconsistencies between the State Statutes and the ULDC. Zoning Staff did review these amendments prior to the October 22, 2009 BCC Hearing with the County Attorney's office and it is our position there are no inconsistencies. If the County Attorney recommends amendments, staff will inform the Board and they can be considered in the ULDC 2010-01 Round.

**Summary of Subcommittee Meeting on November 16, 2009**

The Subcommittee meeting was held at Vista Center from 1:30 p.m. to 3:00 p.m. The items discussed included the following:

- **Setbacks for pens and cages for bonafide agricultural uses**  
Staff explained that the setbacks for accessory structures differ based upon the primary use of the property. Accessory use on properties used principally for residential purposes typically have less stringent setback



requirements than those used primarily for non-residential purposes. The Zoning Director will issue a Policy Memo on how to apply the provisions.

- **ULDC agricultural determination criteria and productivity standards**  
Staff explained that the ULDC may contain language to further define state statute requirements.
- **Aviaries and bird breeding**  
Staff reaffirmed that these uses are classified under bonafide agriculture pursuant to State Statute 823.14, Florida Right to Farm Act.
- **Remedies for residents adjacent to "noisy" bonafide agricultural uses**  
Staff explained that bonafide agricultural uses are exempt from noise regulations and, 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.

If you have any questions, please contact me at 561-233-5223.

Attachment: Agriculture related 2009-01 Amendments pulled at the October 22, 2009 Zoning BCC Hearing

JPM/BPN/bpn

c: Verdenia Baker, Deputy County Administrator  
Barbara Alterman, Executive Director, PZ&B  
Leonard Berger, Assistant County Attorney  
Bob Banks, Assistant County Attorney  
Maryann Kwok, Chief Planner, Zoning Division  
Barbara P. Nau, Principal Site Planner  
Wes Blackman, LDRAB Chair  
Wendy Hernandez, Zoning Manager, Zoning CDR Section  
Rosa Durando, Chair of AG LDRAB Subcommittee

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Subcommittee

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**ATTACHMENT**

Part 3. ULDC, Table 4.B.1.A.3, Agriculture, Bona Fide (pages 25–28 of 155), is hereby amended as follows:

**CHAPTER B SUPPLEMENTARY USE STANDARDS**

**Section 1 Uses**

**A. Definitions and Supplementary Standards for Specific Uses**

**3. Agriculture, Bona Fide**

**c. Groves and Row Crop**

The cultivation of fruits and vegetables as groves and row crops shall be subject to the following additional standards in all districts:

**1) Lot Size**

A minimum of five acres.

**2) Setback**

Structures and accessory activities shall be setback a minimum of 50 feet.

**1)3) Hours of Operation**

Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.

**2)4) Loading**

All loading and unloading of trucks shall be restricted to the site and shall not be permitted in any setbacks.

**3)5) Spraying**

NoThe aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be prohibited allowed.

....

**e. Pens and Cages**

In the AR and AGR districts, pens, cages or structures shall meet the district setbacks for minimum required front yard and side corner setback for the applicable zoning district pursuant to Table 3.D.1.A. They shall be exempt from the minimum rear and side setback requirements indicated in the Table principal use, or and shall be setback a minimum of 50 feet from any the rear or side interior property lines, whichever is greater.

....

**g. Livestock Raising in the Urban/Suburban Tier Service Area (USA)**

~~The breeding, raising and caring for domestic animals including horses.~~

**1) Urban Service Area (USA)**

In the Urban/Suburban Tier Service Area, livestock raising shall comply with the following standards:

**1)a) Lot Size**

A minimum of five acres.

**9)i) Compatibility**

The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving Class A conditional use or DRQ approval.