



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**  
**PRODUCE STAND AND RELATED USES SUB-COMMITTEE**

**3RD MEETING**

**MONDAY, OCTOBER 17, 2011 AGENDA**

**2300 NORTH JOG ROAD**

**CONFERENCE ROOM VC-1E-58 – 1ST FLOOR 3:00 P.M. – 4:30 P.M.**

**A. CALL TO ORDER**

1. Introduction
2. Additions, Substitutions and Deletions to Agenda
3. Motion to Adopt Agenda
4. Adoption of August 30, 2011 Minutes (**Exhibit A**)

**B. REVIEW OF RESEARCH CONCLUSIONS**

1. Consistency with the Plan
2. Existing Use Status
3. Input from Subcommittee versus Plan Policies

**C. PUBLIC COMMENT**

**D. ADJOURN**

# EXHIBIT A

## PRODUCE STAND SUBCOMMITTEE A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

### MINUTES OF THE AUGUST 30, 2011 SUBCOMMITTEE MEETING

Prepared by Zona Case, Zoning Technician

On Tuesday August 30, 2011, the Produce Stand Subcommittee met at the Vista Center, Room VC-1E-58, at 2300 North Jog Road, West Palm Beach, Florida.

Second meeting of the Produce Stand and Related Uses Subcommittee.

#### A. CALL TO ORDER

Ms. Monica Cantor called the meeting to order at 2:10 p.m.

##### 1. Roll Call/Introductions

Those in attendance were asked to introduce themselves.

**Subcommittee Members:** Lori Vinikoor and Jim Knight.

**Interested Parties:** Steve Bedner, Joni Brinkman, Robert Brockway, Jeff Brophy, David Grix, Mark Perry, Shawn Rowan, Thuy Shutt, David Sui, Rodney Banks, Geoffrey Sagrans, and Dustin Whitley.

**County Staff:** Danna Ackerman-White, Monica Cantor, Zona Case, William Cross, Arthur Kirstein, Amy Petrick, Timothy Sanford, and Alan Seaman.

##### 2. Additions, Substitutions and Deletions to Agenda

No changes were made to the agenda.

##### 3. Motion to adopt Agenda

Motion by Lori Vinikoor, seconded by Jim Knight.

##### 4. Adoption of August 8, 2011 Minutes (Exhibit A)

Motion to Adopt by Lori Vinikoor, seconded by Jim Knight.

#### B. GOALS AND TIMELINE

Ms. Cantor reminded those attending that this was the second of three meetings and said she hoped the group would take advantage of this meeting to provide input to address any Code issues regarding this topic. She referred to the planned timeline for drafting language for possible presentation to the LDRAB on October 26, 2011.

#### C. GROUP ACTIVITY AND DISCUSSION

Attendees introduced themselves and Ms. Cantor referred to tables and definitions that were sent to subcommittee members and interested parties requesting their input. She said that the meeting would brainstorm on the topic to further develop the task.

##### 1. Use Definitions/Classifications

Ms. Cantor suggested that the first focus be on Use Definitions. Mr. Perry read and distributed copies of his definition of "Grocery Market" and referred to Ms. Petrick's concept stated at the last meeting that the definition should be true to the nature of the business. This, he said, guided him in framing a definition for Grocery Market. Ms. Cantor said that definitions and standards have to tie in with the Comprehensive Plan and she gave an on-screen presentation of the current definitions for Produce Stands and Related Uses. A discussion ensued with the following highlights:

- Mr. Banks said that the Florida Department of Agriculture has no regulations that prohibit Produce Stands from selling whole raw fruits and vegetables. A permit is required once the fruits and vegetables are cut. Jellies and jams are considered

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processed food and food safety laws apply. If orange juice is sold the use becomes a Convenience Store.

- Ms. Petrick said there are two tasks before the sub-committee, one to define and the other to incentivize and she suggested that regardless of the amount of definitions, each category should have a separate policy that relates to that which is being encouraged.
- Mr. Perry's view was that the use should be broadened to include processed fruits and vegetables. He is going to provide a revised definition to zoning staff soon. Also, he agreed to provide examples of ordinances from other jurisdictions that allow this type of use in agricultural areas to substantiate his version of the use definition.
- Mr. Brophy mentioned that the current definition for Produce Stands applies to both permanent and temporary uses, so there has to be specificity. Temporary or Roadside stands sales are limited as to what they can sell. Permanent stands cover a broader field. He held the view that Mr. Perry's definition of "Grocery Market" encompasses all the products. He stated that the use standards and criteria for permanent Produce Stand and the type of sales are not consistent. Ms. Cantor clarified that Produce Stand Temporary definition and standards would be better as the sole one under Produce Stand and then relocate Permanent Produce Stand provisions to the more appropriate title Farmers Market use classification. Mr. Kirstein concurred that limiting the size disallows the sale of certain products and is unprofitable. He added that we need to review the Agricultural Reserve areas as many other uses have been introduced such as large number of houses and hospitals.
- Ms. Petrick stated the need to understand what is the purpose in incentivizing this in an area that is not commercial and if the purpose is to support the agricultural industry, it needs a connection between what is sold and that industry and the definition does not include connection with the local growers. She further said that traffic patterns, compatibility and intensity are components that help break the use in wholesale, permanent or temporary needed to keep in mind when rethinking the use definition.
- Ms. Vinikoor said the intent should be to preserve agriculture and consider both farmer and consumer. Produce Stands should extend the definition to allow the sale of cottage industry products and all produce sold in Green Markets. Ms. Vinikoor displayed a 40lb Jackfruit to make the point that such fruits are available at Farmers Markets and could be cut in small portions and sold by the pound thus enabling lower income families to afford them. She further said that she envisions farms with a minimum of 20 acres offering wholesale, a produce stand, and agro-tours, a marriage between the farmer and the public. The code could be revised accordingly to include agritourism with entertainment farming and a little café or similar to help maintain agriculture in her opinion.
- Ms. Cantor said that would be semi-commercial or semi-agricultural use and questioned how to address agricultural uses in commercial areas as opposed to those uses that are clearly commercial. She voiced the need to review both to see how they work with the surroundings uses and how they are consistent with the policies of the Plan.
- Ms. Petrick suggested that thinking about expanding in a way that combines commercial and agricultural would be a good brainstorming activity. She went on to say that where it is district specific then specific limitations in that area can be addressed, for example Agricultural Reserve needs to be treated differently. She also questioned if it would be possible to codify commercial agriculture as a category that marries the two.

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- Mr. Sui outlined the differences between Farmers Stand, Produce Stand and Green Market and said they need to be categorized.
  - Ms. Shutt suggested and all agreed that the definition for Community Garden was appropriate.
  - Mr. Seaman questioned how to differentiate between wholesale and retail selling in the Agricultural Reserve district other than volume of sales and Mr. Perry replied by saying that a Farmers Market sells in volume on a wholesale basis, mostly shipping from their site.
  - Ms. Petrick said the original idea of a Produce Stand is not workable from a market perspective. A big farmer usually invests in a permanent structure and yet is limited in what he can sell. She thought Produce Stand should be temporary as the name connotes and have a new definition for the other. Begin with defining and then base standards on the definitions, she advised.
  - Ms. Cantor clarified the definitions so far and said she would coordinate with Planning for consistency with the Comprehensive Plan:
    - Farmers Market – to be retail and wholesale. Wholesale to keep its current code definition. Retail to use existing definition of permanent produce stand;
    - Produce Stand – definitions and standards currently applicable to temporary Produce Stand;
    - Green Market and Community Vegetable Garden to keep the use definition in the Code; and,
    - Entertainment, education, restaurant and retail uses can be added as accessory or collocated uses where the zoning district allows it.
2. FLU Designation and Zoning Districts
- Ms. Cantor provided a summary of the Zoning districts where Permanent Produce Stands are permitted, including the following key points:
- Agricultural Reserve (AGR) and Agricultural Residential (AR) the use is Permitted by Right up to a 3,000 square feet, with anything larger requiring BCC approval as a Class A Conditional Use.
  - Allowed in most commercial districts by Special Permit.
- She stated that commercial zoning districts need to be consistent with the Commercial Future Land Use designations in such case the site may apply to general retail sale use which does not have limitations to sale of additional retail products on the site.
- Mr. Kirstein said that there should be regulations that separate commercial from agriculture to give the opportunity to do more in the Agricultural Reserve.
  - Mr. Bedner held the view that it was time for changes to be made in the Agricultural Reserve.
  - Ms. Petrick inquired whether interested parties thought the real concerns such as traffic and noise could be addressed through acreage by restricting size, by buffering or other types of operational limitations.
  - Ms. Vinikoor thought the Ag Reserve offers good commercial agri-business opportunities and referred to wineries as an example of what is possible.
  - Ms. Brinkman said that the code had been changed to allow Green Market in LCC and they are permitted in CN, CC and CG with special permits but commercial had been omitted in MUPD. Mr. Cross suggested that the use be permitted in all commercial districts.
  - Mr. Cross advised caution in using Commercial Low as it is required to be neighborhood serving and when in the Agricultural Reserve (AGR) Tier, it requires to serve the residents of the Tier. He identified as an issue properties that have a commercial future

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land use in the US tier but have AR zoning. The problem lies in the sale of processed food and not in the sale of produce.

- Ms. Petrick posed the question that if this type of sale is called agriculture would it make a difference in the Plan. Ms. Petrick also expressed concern about agricultural products also meaning processed packaged food and felt there should be some clarification. She proposed for consideration that the code say “for the purpose of this definition the term agricultural products includes prepared products and packaged products that derive from agriculture”, but it would be limited to this definition.
  - Ms. Shutt recommended that attendees take a look at her definition using a percentage rule and see what is workable. Ms Petrick responded that the intent is to incentivize so it should not be limited in scope.
  - Mr. Perry suggested a grocery store that sells food products and questioned why restrict use since everything is imported nothing is being grown locally especially in July and August. Why restrict use when it can be connected to acreage and lot size and percentage requirement. Currently, he said, they cannot sell a party plate of fruits because of the County regulations.
  - Ms. Petrick said that being a local farmer does not mean you can sell everything as a full grocery does. Mr. Perry responded that a full grocery is defined as selling anything that is food.
3. Approval Processes  
Ms. Cantor provided an overview of the uses Approval Process as currently contained in the Code.
- Mr. Brophy mentioned that industry is looking to have some level of predictability in the development of the uses.
4. Additional Considerations  
No additional considerations were heard

### D. RECOMMENDATIONS

No additional recommendations were presented.

### E. TOPICS FOR NEXT MEETING

Ms. Cantor told attendees that she would provide a draft of possible amendments to address Urban/Suburban Tier location of Produce Stands; review any issues with the Comprehensive Plan, and consider subcommittee recommendations to have new definition of Produce Stand and Farmers Market. The Green Markets for MUPD would be looked at and revision of Temporary Produce standards.

### F. ADJOURN

Meeting adjourned at 4:00 p.m.