

# 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

<b>Round</b>	24-A	<b>Intake Date</b>	Text Submittal – December 30, 2022
<b>Application Name</b>	Bedner Farms	<b>Control No.</b>	1979-00106
<b>Acres</b>	±14.01	<b>Concurrent Zoning application?</b>	Yes
		<b>Text Amend?</b>	Yes
<b>PCNs</b>	00-41-46-01-02-001-0000		
<b>Location</b>	West side of State Road 7, south of Lee Road, and approximately 2 miles south of Boynton Beach Boulevard.		
	<b>Current</b>	<b>Proposed</b>	
<b>Tier</b>	Agricultural Reserve	Agricultural Reserve	
<b>Use</b>	Agriculture, nursery wholesale and warehouse.	Agriculture, warehouse, Agricultural Market Place and Light Industrial.	
<b>Zoning</b>	AGR	AGR-Preserve (5.01 acres) and MUPD (9 acres)	
<b>Future Land Use Designation</b>	AGR	AGR (5.01 acres) and CMR (9 acres)	
<b>Underlying Future Land Use Designation</b>	None	AGR	
<b>Conditions</b>	None	To be determined subject to submittal of Map Amendment application.	
<b>Density Bonus</b>	None	Not Applicable	
<b>Total Number of Units</b>	None	Not Applicable	

### B. Development Potential

	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>Density/Intensity:</b>	1 unit per 5 acres for residential use or 0.15 FAR of agricultural uses.	0.15 FAR (AGR) for 5.01 acres; 0.45 FAR (CMR) for 9 acres.
<b>Maximum Dwelling Units<sup>1</sup></b> (residential designations)	1 du / 5acre x 14.01 ac. = 3 units	Single Family, 1 units 0.2 du/acre x 14.01 ac = 3 units (per underlying AGR)

<b>Maximum Beds (for CLF proposals)</b>	Not Applicable	Not Applicable
<b>Population Estimate</b>	3 max du x 2.39 = 7 people	3 max du x 2.39 = 7 people (per underlying AGR)
<b>Maximum Square Feet</b> <sup>2, 4</sup> (non-residential designations)	0.15 FAR x 14.01 ac. = 91,541 SF of agricultural uses	0.15 FAR x 5.01 ac. = 32,735 SF of agricultural uses/Farmer's Market; and 0.45 FAR x 9 ac. = 176,418 SF of industrial uses.
<b>Proposed or Conditioned Potential</b> <sup>3, 4</sup>	----	None
<b>Max Trip Generator</b>	<i>Nursery (Garden Center) – ITE 817; T = 108.10x; Nursery (Wholesale) – ITE 818; T = 19.5x</i>	<i>Light Industrial – ITE 110; T = 4.87x</i>
<b>Maximum Trip Generation</b>	<i>717 daily trips</i>	<i>1203 daily trips</i>
<b>Net Daily Trips:</b>	486 daily trips (maximum minus current)	
<b>Net PH Trips:</b>	183 AM, 161 PM (maximum)	

1. Maximum units per acre see Future Land Use Element;
2. Maximum FAR see FLUE. If the site's acreage is large enough to be a planned development, utilize the PDD maximum whether or not a PDD is proposed. If the site's acreage does not meet the minimum PDD thresholds, the non-PDD maximum may be utilized.
3. For applications with a voluntary condition for a maximum development potential and use which will become binding in the adopting ordinance;
4. FLUA Amendments with a concurrent zoning application must calculate maximum development potential at the typical use & trip generation (eg. General Retail for Commercial future land uses) and in addition, calculate the trip generation for the actual proposed zoning application.

# 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 2. Applicant Data

### A. Agent Information

<b>Name</b>	Lauren McClellan / Jennifer Morton
<b>Company Name</b>	JMorton Planning & Landscape Architecture
<b>Address</b>	3910 RCA Boulevard, Suite 1015
<b>City, State, Zip</b>	Palm Beach Gardens, FL 33410
<b>Phone / Fax Number</b>	(561) 721-4463
<b>Email Address</b>	lmcclellan@jmortonla.com

### B. Applicant Information

<b>Name</b>	Stephen Bedner
<b>Company Name</b>	Bedner Farm Inc
<b>Address</b>	10066 Lee Road
<b>City, State, Zip</b>	Boynton Beach, FL 33473
<b>Phone / Fax Number</b>	(561) 733-5490
<b>Email Address</b>	steve@bedners.com
<b>Interest</b>	Property Owner

# **2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION**

## **Part 6. Attachments**

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- A. PCN's, Legal Description and Warranty Deed** (include Legal in PDF & Word)
- B. Agent Consent Form**
- C. Applicant's Ownership Affidavit**
- E. Disclosure of Ownership Interests**
- G. Consistency with the Comprehensive Plan and Florida Statutes** (include in PDF & Word)
- Q. Text Amendment Application** (Part 7, if applicable, in PDF & Word)

## **Attachment G**

### **Consistency with the Comprehensive Plan**

#### **Introduction**

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Text amendment to the Comprehensive Plan to define Agricultural Marketplace.

The justification and proposed text language are included as Attachment Q to this application package.

#### **Comprehensive Plan**

The proposed Text Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below.

**County Directions** – The proposed text amendment furthers the following County Directions, as described below:

1. **Land Use Compatibility** - Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.

***Response:** The proposed amendment will further the above County Directions by providing high value-added agricultural use, and support to the agriculture industry. The proposed text amendment is consistent with the Florida State Statutes, Palm Beach County Comprehensive Plan and the Palm Beach County Code regarding bona fide agriculture and the accessory activities that support that use. The Subject Property is bona fide agricultural and is currently improved with a permitted Agricultural Marketplace. The existing Agricultural Marketplace would support a bona fide agricultural production by providing a stream of revenue and by educating the general public about the agricultural industry. As such the Text Amendment will allow for the existing use within a Preserve area.*

2. **Neighborhood Integrity** – Respect the integrity of neighborhoods, including their geographic boundaries and social fabric.

***Response:** The Subject Property is located within the AGR Future Land Use designation. Further, it is surrounded on the north, south, east and west by AGR designated properties. As such, the proposed text amendment to define Agricultural Marketplace and the intent to maintain that existing use within a future Preserve respects the integrity of the existing neighborhood.*

3. **Agricultural and Equestrian Industries** – Support and enhance agriculture and equestrian-based industries.

***Response:** The proposed text amendment to define Agricultural Marketplace within the Comprehensive Plan, consistent with the Florida State Statutes, as a way to support bona fide agricultural production by providing a stream of revenue and by educating the general public about the agricultural industry.*

**Goals** – The proposed text amendment furthers the County’s goals as described below.

- **Strategic Planning** – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

**Response:** Approval of this proposed text amendment will continue to implement recent strategies to provide for a more diverse community and variety of land uses to meet the needs of residents in the Agricultural Reserve Tier. It will ensure opportunity is provided to meet the need for supporting the agriculture industry, local farmers and providing an option for residents and the workforce within the Agricultural Reserve to purchase farm fresh foods from a local farmer. This proposed text amendment will ensure that the Agricultural Reserve Tier remains a diverse community that can meet the needs of existing the existing and future residents within the Tier.

- **Land Planning** – “...to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, and environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities.”

**Response:** The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The existing Agricultural Marketplace along State Road 7, a major transportation route, with proximity to the Florida Turnpike interchange via Boynton Beach Boulevard and Atlantic Avenue, contributes to timely, cost-effective service provision. The proposed text amendment will define Agricultural Marketplace consistent with the Florida State Statutes to support bona fide agriculture, thereby allowing the existing use to be located within a Preserve area and conservation easement, if so desired.

**Objectives** – The proposed text amendment furthers the County’s objectives as further described below.

- **FLUE Objective 1.5 The Agricultural Reserve Tier** – “Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.”

**Response:** The proposed text amendment enhances agricultural activity by continuing the permitted Agricultural Marketplace, a supportive use to the agricultural industry, within a possible future Preserve area and conservation easement pursuant to the Florida State Statute 570.85. The property is located along State Road 7 and currently operates as a farm, nursery and Agricultural Marketplace.

- **FLUE Objective 2.2 Future Land Use Provisions** – “Palm Beach County shall ensure development is consistent with the County’s diverse character and future land use designations. All public and private activities concerning the use, development and redevelopment of a property, and the provision of facilities and services shall be consistent with the property’s future land use designation, and the applicable Goals, Objectives and Policies of this Element.”

**Response:** The proposed text amendment seeks to define Agricultural Marketplace within the Comprehensive Plan.. The Subject Property is bona fide agriculture and was approved in 2008 for use of the property as an Agricultural Marketplace. By defining Agricultural Marketplace in the Comprehensive Plan and allowing it as an accessory use to bone fide agriculture activities, the existing use of the Subject Property may remain in place when and if a Preserve area is placed on the Subject Property.

**Policies** – The proposed text amendment furthers the County’s policies as further described below.

- **FLUE Policy 2.2.5-a:** “The County shall designate properties with one of the four agricultural categories to ensure compatibility with surrounding future land uses, and to prevent encroachment of incompatible uses into agricultural areas.”

**Response:** *The proposed text amendment is consistent with this policy as it will ensure compatibility with surrounding future land uses and prevent encroachment of incompatible uses into agricultural areas. The Subject Property which has a Future Land Use of AGR is surrounded on the north, south, east and west with FLU of AGR. The intent of the proposed text amendment is to incorporate the definition of Agricultural Marketplace into the Comprehensive Plan and allow for the existing use to remain on the Property, with a Preserve designation and conservation easement. The Subject Property is bona fide agricultural, was approved with an Agricultural Marketplace, and with the addition of a conservation easement will be consistent with the State Statutes which encourage and support agricultural activities.*

- **FLUE Policy 2.2.7-c:** Conservation uses shall be permitted and encouraged in all future land use designations.

**Response:** *The Subject Property has a Future Land Use designation of Agricultural Reserve. The Property is a bona fide agricultural use and in 2013 was approved for use of the property as an Agricultural Marketplace, a use permitted in the Agricultural Reserve. The proposed text amendment seeks to define the Agricultural Marketplace within the Comprehensive Plan. Allowing this use to continue is a way to support bona fide agricultural production by providing a stream of revenue and by educating the general public about the agricultural industry. The proposed text amendment will allow a bona fide agricultural property within a Preserve area or with a conservation easement to enjoy a stream of revenue and potentially maintain the bona fide agricultural use.*

## **Conclusion**

As described above, the proposed text amendment to define Agricultural Marketplace in the Comprehensive Plan is consistent with the Goals, Objectives, and Policies of Palm Beach County’s Comprehensive Plan. The proposed amendment will facilitate the existing Agricultural Marketplace use within a Preserve area or conservation easement, thereby serving the needs of the existing and future residents, is compatible with the surrounding area, and will not negatively impact service provision.

# 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 7. Text Amendment Application

### A. Proposed Text Amendment Summary

<b>Elements &amp; Policies to be revised</b>	<ul style="list-style-type: none"> <li>• Introduction &amp; Administration Element, Add definition for Agricultural Marketplace</li> <li>• Future Land Use Element, Revise Policy 1.5.1-q</li> </ul>
<b>Purpose</b>	The purpose of the proposed Text Amendment is to define Agricultural Marketplace within the Palm Beach County Comprehensive Plan and to allow the use within the preserve areas of AgR-MUPDs.
<b>Justification</b>	The 14- acre Subject Property is a bona fide agricultural use and is currently improved, on a 7-acre portion, with an Agricultural Marketplace, approved under a Class A Conditional Use issued in May 2008. The proposed Text Amendment will allow an agriculture marketplace within a preserve area. Agriculture marketplaces support bona fide agricultural production, provide a stream of revenue, and educate the general public about the agricultural industry.
<b>Consistency</b>	<p>The proposed amendment is consistent with and will further the Goals, Objectives, and Policies of the County by providing high value-added agricultural use, and support to the agriculture industry. The proposed text amendment is consistent with the Florida State Statutes, Palm Beach County Comprehensive Plan and the Palm Beach County Code regarding bona fide agriculture and the accessory activities that support that use. The Subject Property is bona fide agricultural and is currently improved with a permitted Agricultural Marketplace. The existing Agricultural Marketplace would support a bona fide agricultural production by providing a stream of revenue and by educating the general public about the agricultural industry. As such the Text Amendment will allow for the existing use within a Preserve area.</p> <p>The proposed Text Amendment is consistent with Goal 1 of the Future Land Use Element “to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choice for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.” The proposed Text Amendment defines Agritourism within the Comprehensive Plan and allows support of bona fide agricultural production, while providing a stream of revenue and educating the general public about the agricultural industry.</p> <p>In support of this Goal, is Objective 1.5 The Agricultural Reserve Tier, which states “Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space with the Agricultural Reserve Tier.” The proposed Text Amendment is seeking to Preserve Agricultural farmland in an effort to enhance agricultural activity by allowing for Agricultural Marketplace within the Preserve Area.</p>
<b>Text Changes</b>	<p><b>Introduction &amp; Administration Element</b></p> <p><u>AGRICULTURE MARKETPLACE - A use that is accessory, incidental and subordinate, to a Bona Fide Agriculture use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the Bona Fide Agriculture use, adding economic viability to</u></p>



	<p><u>farming operations. An Agricultural Marketplace shall be consistent with the supplementary use standards outlined Article 4 of the Unified Land Development Code.</u></p> <p><b>Future Land Use Element</b>  <b>REVISED Policy 1.5.1-q: AGR-Multiple Use Planned Development.</b> New Agricultural Reserve Multiple Use Planned Developments (AgR-MUPD) in the Ag Reserve Tier shall meet the following requirements:</p> <ol style="list-style-type: none"> <li>1. Preserve Areas shall not be required for a property that is 16 acres or less in size as of January 1, 2016. For purposes of this policy, the term 'property' is defined as a property control number as configured on January 1, 2016. The acreage shall be exclusive of right-of-way as shown on the Thoroughfare Right of Way Identification Map;</li> <li>2. Preserve Areas shall be required for a property that is greater than 16 acres in size as of January 1, 2016. For purposes of this policy, the term 'property' is defined as a property control number as configured on January 1, 2016. For such properties, the Development Area shall not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map;</li> <li>3. The Development Area for commercial and mixed use projects shall meet the Ag Reserve Design Elements; and</li> <li>4. Required Preserve Areas shall be subject to the standards and requirements of an AgR-TMD preserves. <u>An Agriculture Marketplace, as defined in the Introduction and Administration Element, is allowed within the required preserve area of an AGR-MUPD.</u></li> </ol>
<b>ULDC Changes</b>	<p>Concurrently with the proposed Text Amendment will be a Privately Initiated Amendment to the Unified Land Development Code to further define and allow Agriculture Marketplaces in a Preserve Area.</p> <p>Art. 4.B.6.C.1.j. is proposed to be modified as follows:</p> <p><b>j. Agriculture Marketplace</b>  A use that is accessory, incidental and subordinate, to a Bona Fide Agriculture use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the Bona Fide Agriculture use, adding economic viability to farming operations.</p> <p><b>1) Approval Process</b>  Class A Conditional Use.</p> <p><b>2) Location Criteria</b></p> <ol style="list-style-type: none"> <li><b>a) Tier and Zoning District</b>  <del>AGR Tier and Zoning District only.</del> <u>An Agricultural Marketplace is limited to sites within the AGR Tier with an AGR or AGR-MUPD Zoning District.</u></li> <li><b>b) Location</b>  The Agriculture Marketplace shall be located adjacent to an Arterial Road designated on the PBC Functional Classification of Roads Map.</li> <li><b>c) Proximity to Residential Uses</b>  The parcel or area designated on the Final Site Plan for an Agriculture Marketplace shall be located at least 500 feet measured from the property line, if adjacent to existing residential uses, or approvals for PUD or TMD Development Areas with residential uses.</li> </ol> <p><b>3) Minimum Acreage and Production</b>  May be allowed if the land area has a minimum of <del>75</del> <u>70</u> contiguous acres. A Unity of Control shall be required at the time for the approval of the Class A Conditional Use.</p> <ol style="list-style-type: none"> <li><b>a) Agriculture Preserve Parcels</b>  The minimum acreage requirements <del>may</del> <u>shall</u> include parcels under an agricultural conservation easement, identified as an AGR-PUD Preserve or AGR-TMD Preserve, or other similar protections, <del>provided that the Agriculture Marketplace is not located on those parcels.</del></li> </ol>

**b) Agriculture Production**

A minimum of 70 percent of the overall land area must meet the requirements for Bona Fide Agriculture.

**4) Use Limitations and Sale of Products**

The area designated as an Agriculture Marketplace shall be limited to the retail sales of agricultural products such as fruits, vegetables, flowers, containerized house plants and other agricultural food products such as jelly, jam, honey and juice. This shall not preclude any structures from being used for the coordination of activities for permitted collocated uses, or other accessory, educational or recreational uses permitted on the Bona Fide Agriculture operation. The sale of grocery or convenience-type foods or products shall not be permitted nor shall vending machines or other similar equipment be permitted, unless stated otherwise herein.

**a) Floor Area**

A maximum of 24,000 square feet of GFA, including outdoor display areas. The floor area shall not include any FAR transferred from the portions of the site that is dedicated to Bona Fide Agriculture production or otherwise encumbered with a conservation easement, Preserve Area or other similar protection.

**b) Outdoor Open Space Area**

Areas set aside as outdoor open space for collocated uses and outdoor permanent activities shall be limited to a maximum of 12,000 square feet. Permanent shelters, such as Seminole chickee huts shall be limited to a maximum of 2,000 square feet.

**c) Collocated Uses**

Additional uses may be permitted subject to compliance with the Supplemental Use Standards for each use and the following:

**(1) General Retail Sales**

Ten percent or 2,000 square feet, whichever is less, of the GFA of the Agriculture Marketplace may be devoted to General Retail Sales. There shall be no exterior signage advertising to the public of the sale of grocery or other retail products. Approval shall be part of the Class A Conditional Use.

**(2) Permanent Green Market**

Subject to DRO approval. An Open Flea Market may be permitted in conjunction with a Green Market. The Open Flea Market shall be limited to ten percent of the total square footage of the Permanent Green Market.

**(3) Retail Sales, Mobile or Temporary and Special Event**

Mobile sales shall be permitted subject to approval of a Temporary Use through the ZAR process. [Ord. 2018-002]

**d) Outdoor Permanent Activities**

Activities shall be clearly shown and labeled on the Site Plan and shall function with other uses on the site. Impacts from these uses, including but not limited to, traffic, parking, rest rooms, or nuisances, shall be addressed as part of the Class A Conditional Use approval. The BCC may impose conditions of approval to address these activities. Additional activities, such as: cooking classes and charity events, shall be Permitted by Right, subject to the following:

- (1) Shall be located within the GFA of the Agriculture Marketplace or permitted Outdoor Open Space areas;
- (2) The maximum number of participants, including a combination of special activities, shall not exceed 50 attendees; and,
- (3) Overflow parking is provided. A minimum of one parking space shall be provided for each three attendees. This shall require the posting of adequate on-site directional signage to preclude any inappropriate parking activity, such as parking in rights of way or on adjacent properties.

**e) Outdoor Display**

Shall be limited to agricultural products only, located along the property's frontage or other area, except within required setbacks.

**f) Storage**

	<p>Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.</p> <p><b>g) Parking</b> Off-site parking within a public or private R-O-W, or to areas accessed by other than an approved access way, shall be prohibited.</p> <p><b>h) Hours of Operation</b> (1) 8:00 a.m. to 6:00 p.m. Monday through Saturday; and (2) 10:00 a.m. to 6:00 p.m. Sunday.</p>
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