



## PRIVATELY INITIATED TEXT AMENDMENT AMENDMENT ROUND 24-A

BOARD OF COUNTY COMMISSIONERS MEETING, MAY 3, 2023

### I. General Data

<b>Project Name:</b>	<b>Bedner Farms Agriculture Marketplace Text Initiation</b>
<b>Proposed Text Amendment:</b>	<p>This privately proposed text amendment request is to revise the Introduction and Administration (I&amp;A) Element and the Future Land Use Element (FLUE) policies regarding the Agricultural Reserve Tier, specifically to:</p> <ul style="list-style-type: none"> <li>• Define Agriculture Marketplace in the Introduction and Administration Element; and</li> <li>• Revise Policy 1.5.1-q to allow the agriculture marketplace use within the preserve area of an AGR-MUPD.</li> </ul>
<b>Proposed FLUA Amendment:</b>	If the Board of County Commissioners initiates this text amendment, the applicant will seek a land use amendment from Agricultural Reserve (AGR) to Commerce (CMR) on a 5-acre site to the north and 9-acre site to the south of the Bedner Farm Market.
<b>Applicant/Owner:</b>	Stephen Bedner, Bedner Farm Inc.
<b>Agent:</b>	Jennifer Morton, JMorton Planning & Landscape Architecture
<b>Project Manager:</b>	Bryan Davis, CNU-A, Principal Planner
<b>Staff Recommendation:</b>	Staff recommends <b>to initiate</b> the proposed text amendment.

### II. Item Summary

**Initiation Phase I:** The item before the Board is to consider the initiation of a privately proposed text amendment to the Comprehensive Plan, considered “Phase I”. If the amendment is initiated, staff will accept the associated future land use amendment, and return to the Board with the text and future land use amendments through the public hearing process as part of “Phase II”.

**Staff Assessment:** The text amendment proposes to revise existing policy to allow the established Bedner’s Market to remain but allow for the Agriculture Marketplace use in an Agricultural Reserve-Multiple Use Planned Development (AGR-MUPD) Preserve area. Current policy language does not allow for such a use in any AGR preserve area. In fact, the 2012 code amendments were created solely for parcels zoned AGR only, and not for any planned development preserves. This represents a fundamental policy change from what the Board adopted in 2012. In proposing this policy change, it could allow for another existing, approved preserve within the Agricultural Reserve to be replaced with the Bedner’s Market Agriculture Marketplace, which is an established use. There would be no increase in the amount of land with a use that is agricultural, that is environmentally sensitive, or furthers other open space purposes. As a result, the proposed change results in no-net-gain of preserve land (it only protects an exception that was previously accommodated and would allow the owner to receive

an additional benefit), nor does the proposed amendment further the existing policies in the Agricultural Reserve Tier. The ULDC amendments are limited to implementing the proposed text amendment.

Staff supports the initiation of the proposed text amendment to provide the opportunity for the Board to consider and direct policy. Initiation of this amendment does not indicate staff support for the final developed policy language or the associated future land use amendment. If the Board initiates the text amendment, staff will prepare data and analysis, and present the final recommendation on the text and future land use amendment at subsequent public hearings.

### **III. Meeting History**

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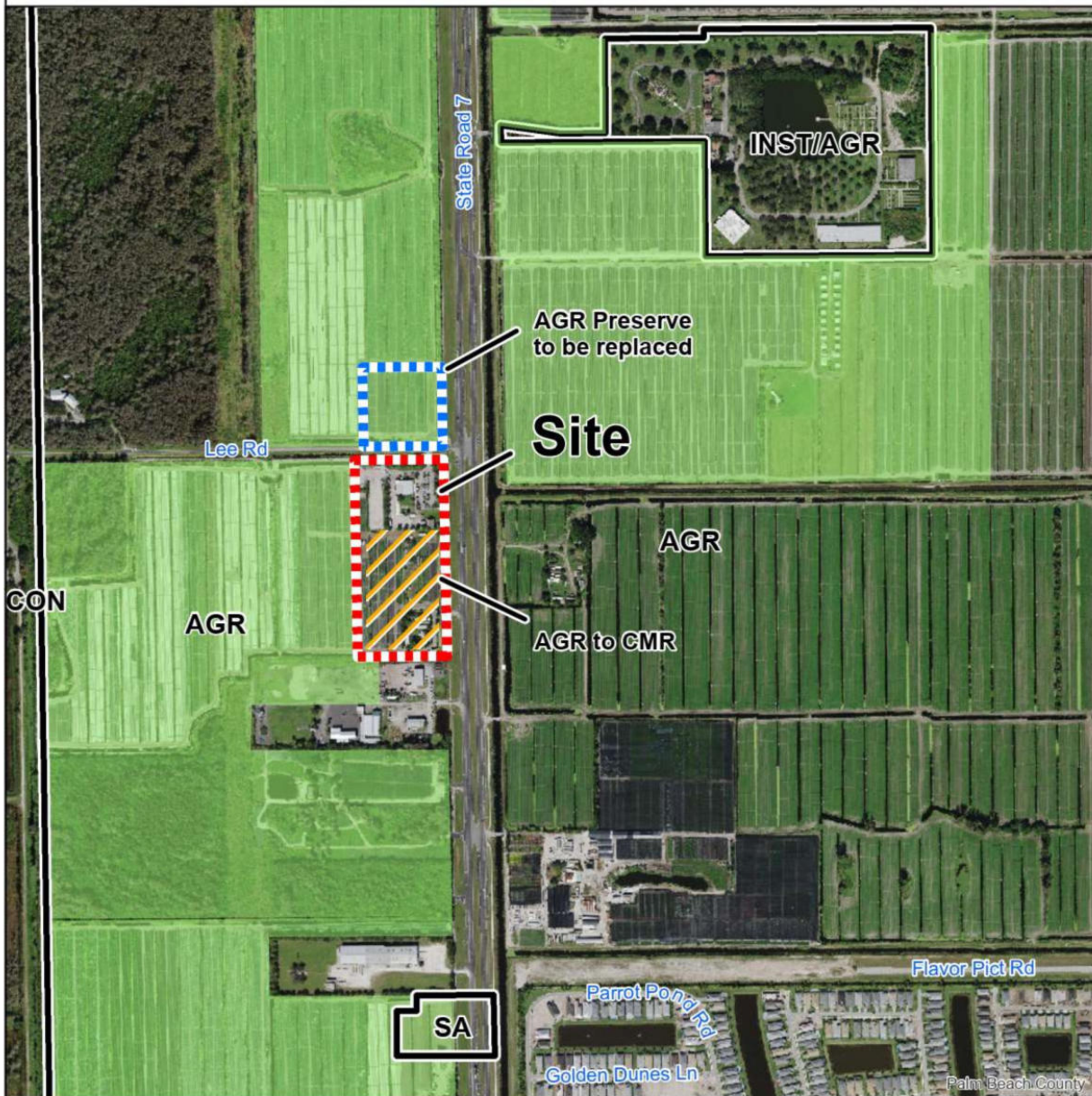
**Local Planning Agency/Planning Commission (LPA/PLC):** *To be provided in agenda*

**Board of County Commissioners (BCC):**

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# Future Land Use Text Amendment

## Bedner Farms Private Text Amendment



### Site Data

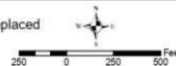
Size: 14.01 acres  
 Existing Use: Agriculture, Commercial  
 Proposed Use: Agricultural Marketplace  
 Current FLU: AGR  
 Proposed FLU: AGR on 5.01 acres  
 and CMR on 9 acres

### Future Land Use Designations

SA Special Agriculture  
 AGR Agricultural Reserve  
 CON Conservation  
 INST/AGR Institutional, underlying AGR

Date: 2/10/23  
 Contact: PBC Planning  
 Filename: T:\Planning\AMEND\24-A\Text-Private\BFTText  
 Note: Map is not official, for presentation purposes only.

Site  
 AGR Preserves  
 AGR Preserve to be replaced  
 AGR to CMR



Planning, Zoning & Building  
 2300 N. Jog Rd. WPB, FL 33411  
 Phone (561) 233-5300



## IV. Private Text Amendment Request

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The intent of the privately proposed text amendment to the Comprehensive Plan and subsequent future land use amendment and rezonings are described below.

**Proposed Text Amendment.** The privately proposed text amendment request is to revise Comprehensive Plan policies regarding the Agricultural Reserve Tier specifically to:

- Establish a new definition for Agriculture Marketplaces in the Introduction & Administration Element of the Comprehensive Plan; and
- Revise Future Land Use Element Policy 1.5.1-q to allow an Agriculture Marketplace in an AGR-MUPD Preserve Area.

**Associated Future Land Use Amendment.** If the Board initiates the text amendment, the applicant will submit a future land use amendment in May 2023 for the balance of the parcel not encumbered by the Agriculture Marketplace use as well as the 5-acre parcel immediately north of the site (across Lee Road) to amend the future land use designation from AGR to CMR/AGR. The future land use change would allow the site to develop with light industrial uses.

**Associated Zoning Applications.** The companion zoning application will request a rezoning from Agricultural Residential (AGR) to Multiple Use Planned Development (MUPD) for the Commerce FLU sites.

## V. Policy Background

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### A. Agricultural Reserve Tier Background

In 1999, the County adopted the Managed Growth Tier system to recognize the County's diverse geographic regions and lifestyles by establishing tiers that have common densities/intensities and public service availability. The subject site is located within the Agricultural Reserve Tier, an area established to support very low density residential, as well as agricultural operations and equestrian uses. The Agricultural Reserve Tier consists of approximately 22,000 acres. The Agricultural Reserve Tier is located in the southern portions of the County between Florida's Turnpike and the Arthur R. Marshall National Wildlife Refuge.

The purpose of the Agricultural Reserve Tier is described in the Comprehensive Plan as Objective 1.5 below:

- ***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.*

The Tier was formally designated as the Agricultural Reserve in the 1980 Comprehensive Plan with an emphasis on the preservation of agriculture. In 1998, the BCC directed development of a Master Plan for the Agricultural Tier which established a goal to *preserve and enhance agricultural activity and environmental and water resources in the Agricultural Reserve, and*

*produce a master development plan compatible with this goal.* The BCC did not adopt the Master Plan, but adopted amendments to the Comprehensive Plan in Round 01-1 incorporating the majority of the recommendations of the final Master Plan. The surrounding area has therefore stayed primarily in agricultural uses and low density single-family residential with limited commercial uses serving the Tier.

## **B. Agriculture Marketplace Background**

The Board of County Commissioners (BCC) held a workshop on January 17, 2012 concerning the Agricultural Reserve Tier, and staff provided a general background and assessment of the area to date. At the workshop, the BCC considered potential changes to policies and regulations that would allow expansion of uses in AGR-PUD Preserves (schools and packing plants), for additional retail and medical office uses in the Agricultural Reserve, and consideration of produce stands/farmers/green markets as well as expansion and modernization of existing packing facilities. However, at the workshop's conclusion, the BCC only authorized the allowance of green markets and expansion of existing packing facilities within the Tier. Specifically the "green market" use was deemed to support existing agriculture within the Tier and provided for additional economic viability of farming operations while ensuring that such uses would not establish commercial operations, or otherwise infringe upon bona-fide agricultural endeavors. No amendments were necessary to existing Comprehensive Plan policies, and the Zoning Division worked with the agricultural industry and members of the public through the first half of 2012 to draft the code amendments for what became known as an agriculture marketplace.

The BCC adopted specific use regulations (Zoning) allowing for an "Agriculture Marketplace" as "a use that is accessory, incidental and subordinate to a bona-fide agricultural use in the Agricultural Reserve Tier" on August 23, 2012, via Ordinance 2012-027 (see Exhibit 4). The use is further described as follows: "...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." The use is further restricted in size to a maximum floor area of 24,000 square feet, as well as up to 10% or 2,000 square feet of that area, whichever is less, may consist of "general retail sales," and any such Agriculture Marketplace is subject to a Class A Conditional Use Approval by the BCC. The regulations are codified in Article 4.B.6.C.1.j Agriculture Marketplace as a subset of the Bona-Fide Agriculture use in the Unified Land Development Code (ULDC). As adopted in the ULDC, the Agriculture Marketplace is only allowed within the Agricultural Reserve Tier, within the Agricultural Reserve (AGR) zoning district as an accessory use to a bona-fide agriculture principal use. It is important to note that the Agriculture Marketplace use is not allowed within any of the Agricultural Reserve Planned Development District preserve areas.

In May 2013, the BCC approved the Bedner Oaks petition (Control Number 2007-357) as a Class A Conditional Use for an Agriculture Marketplace Use on the subject site, as well as the abandonment of a prior Produce Stand approval. The Agriculture Marketplace consists of approximately 8,600 square feet, with various outbuildings, on a 7-acre portion of a larger 81-acre parcel. Fourteen acres of the 81-acre parcel, which front State Road 7, for a depth of approximately 525 feet, are zoned Agricultural Reserve (AGR) with an AGR future land use designation. Tract B, which is approximately 67.8 acres in size, is subject of an Agricultural Conservation Easement (ORB 16390/PG 1447, and as amended in ORB 17980/PG 0653), as a Preserve of The Oaks (Control 1997-104). To date, the Bedner Oaks petition is the only approved Agriculture Marketplace in Palm Beach County.



### **C. Commerce Future Land Use Designation Background**

Upon the conclusion of the Agricultural Reserve Master Planning effort, the BCC did not concur with the consultant's recommendations on industrial land use, and directed that no new industrial future land use designations be permitted in the Agricultural Reserve. Consequently, the 2001 Comprehensive Plan amendment to adopt policies implementing the Master Plan did not establish any policies for new industrial lands. The only provision was related to the 0.45 floor area ratio for the 64 acres of land with industrial future land use that predated the Master Plan, located along the north and south sides of Atlantic Avenue, east of State Road 7.

Since 2016, there have been several requests for future land use amendments seeking an industrial future land use designation in the Agricultural Reserve Tier. Staff consistently recommended denial of new Industrial FLU requests as there were no policies in the Comprehensive Plan directing the appropriate uses, locations, and intensity for industrial in the AGR Tier. On May 5, 2021, the BCC directed staff to explore the concept of a new light industrial future land use designation and to return for a workshop to discuss additional industrial future land uses in the Tier.

Following the Board's direction on May 5, 2021 for staff to explore a new light industrial future land use designation, staff returned to the Board on October 26, 2021 and continued on November 3, 2021 for a workshop regarding the Agricultural Reserve Tier. The discussion of a new industrial future land use was one of many topics discussed that day. At the workshop, the Board expressed support for the Commerce (CMR) future land use designation within the Tier that would be limited to "light industrial" uses. On February 2, 2022, the Board initiated text amendments to the Comprehensive Plan for staff to proceed with the review and analysis of the new Commerce (CMR) future land use designation. Subsequently, staff returned on May 4, 2022 with proposed text amendments that included policy guidance for future industrial requests to define the appropriate site attributes for requests to CMR FLU and to add a preserve requirement. The text amendment was transmitted by the Board and subsequently adopted on August 25, 2022.

The new Commerce FLU and implementing policies provide a framework for the location and extent of future light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. The CMR FLU designation affords opportunities for low-trip generating light industrial and/or employment uses, balancing the overarching objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services.

### **D. Proposed Text Amendment**

The amendment language provided in Exhibit 1, proposes to create a definition of the Agriculture Marketplace within the Plan's Introduction and Administration Element, and to modify the Policy in the Agricultural Reserve Tier to allow for the existing Agriculture Marketplace to be an allowable use within an AGR-MUPD Preserve Area, which is not currently permitted. If the Board initiates the text amendment, the applicant will submit a future land use amendment in May 2023 for the balance of the parcel not encumbered by the Agriculture Marketplace use as well as the 5-acre parcel immediately north of the site (across Lee Road) to amend the future land use designation from AGR to CMR/AGR. The future land use change would allow the site to develop with light industrial uses.

The applicant has submitted justification for the amendment (See Exhibit 2) which is largely based upon the site's existing approval of the Agriculture Marketplace. The applicant states that the proposed future land use is appropriate and will "allow an agriculture marketplace within a preserve area." Further, the applicant indicates "agriculture marketplaces support bona fide agriculture production, provide a stream of revenue, and educate the general public about the agricultural industry."

## **E. Unified Land Development Code (ULDC) Implications**

A ULDC amendment is necessary to implement the proposed text amendment to the Plan as well as the subsequent future land use amendment. The ULDC revisions to Art. 4, Use Regulations would consist of the following:

- Add Agricultural Marketplace as an allowable use in AGR-MUPD;
- Reduce the minimum contiguous acres from 75 acres to 70 acres;
- To change minimum acreage requirements from 'may' to 'shall' under a conservation easement, and allow the Agricultural Marketplace in a preserve area.

## **VI. Issues and Implications**

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The purpose of this Phase I report is to identify potential issues and implications of the concept proposed by the text amendment, for the Board to consider when making the policy decision on whether to initiate the privately proposed text amendment. The policy considerations of the applicant's text changes are described below:

- **Preserve Area Use Changes.** Over the past 20 years, the Preserve Areas for Agricultural Reserve Planned Development Districts have increased the allowable uses from the original concepts enshrined in the Tier in 2001. Traditional Marketplace Developments (TMDs) and Multiple Use Planned Developments (MUPDs) within the Tier are allowed to have civic uses within them in certain cases. More recently, agricultural support uses have been expanded within preserves, as have farm residence allowances, and the removal of the contiguity requirement for preserves. In 2021, the BCC established a policy for specific Lake Worth Drainage District canals to serve as preserves for a single AGR-PUD. These policy changes have altered the extent of the development potential in the Agricultural Reserve, and this proposed text amendment is similar to these prior changes.
- **Further Expansion of Commerce Future Land Use Designation.** Although the Commerce future land use designation was adopted into the Plan in August 2022, multiple applications have been submitted to the BCC for future land use atlas amendments, or existing applications to Industrial were modified to take advantage of the new Commerce provisions. Additional applications are pending, including the site specific amendment accompanying this text amendment, which require additional changes to newly adopted and established policies.

## **VII. Staff Recommendation**

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The text amendment proposes to revise existing policy to allow the existing Bedner's Market to remain but allow for the Agriculture Marketplace use in an Agricultural Reserve-Multiple Use Planned Development (AGR-MUPD) Preserve area. Current policy language does not allow for such a use in any AGR preserve area. In fact, the 2012 code amendments were created solely

for parcels zoned AGR only, and not for any planned development preserves. This represents a fundamental policy change from what the Board adopted in 2012. In proposing this policy change, it could allow for another existing, approved preserve within the Agricultural Reserve to be replaced with the Bedner's Market Agriculture Marketplace, which is an established use. There would be no increase in the amount of land with a use that is agricultural, that is environmentally sensitive, or furthers other open space purposes. As a result, the proposed change results in no net-gain of preserve land (it only protects an exception that was previously accommodated and would allow the owner to receive an additional benefit), nor does the proposed amendment further the existing policies in the Agricultural Reserve Tier. The ULDC amendments are limited to implementing the proposed text amendment.

Staff supports the initiation of the proposed text amendment to provide the opportunity for the Board to consider and direct policy. Initiation of this amendment does not indicate staff support for the final developed policy language or the associated future land use amendment. If the Board initiates the text amendment, staff will prepare data and analysis, and present the final recommendation on the text and future land use amendment at subsequent public hearings.

<b>Exhibits</b>	<b>Page</b>
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## Exhibit 1

### Applicant's Proposed Text Amendment

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#### A. Introduction and Administration Element, Definition

**NEW:** To establish a new definition for the Agricultural Marketplace. The revisions are shown below with added text underlined and deleted text shown in ~~striketrough~~.

##### 1. NEW DEFINITION

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 farming operations.

#### B. Future Land Use Element, Agricultural Reserve Tier

**REVISIONS:** To revise policy relating to the Agricultural Marketplace and allow it within the preserve area of an AGR-MUPD. The revisions are shown below with added text underlined.

##### 1. **REVISED Policy 1.5.1-q: AGR-Multiple Use Planned Development.** New Agricultural Reserve Multiple Use Planned Developments (AgR-MUPD) in the Ag Reserve Tier shall meet the following requirements:

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;
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;
3. The Development Area for commercial and mixed use projects shall meet the Ag Reserve Design Elements; and
4. Required Preserve Areas shall be subject to the standards and requirements of an AgR-TMD preserves. An Agriculture Marketplace, as defined in the Introduction and Administration Element, is allowed within the required preserve area of an AGR-MUPD subject to the requirements of the ULDC.

## Exhibit 2

### Applicant's Justification for Text Amendment

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#### 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.

## Exhibit 3

## Applicant's Disclosure of Ownership Interests

FORM # 9

#### DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

**[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]**

**TO:** PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE  
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared  
Stephen Bedner, hereinafter referred to as "Affiant," who  
being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [x] Secretary/Treasurer/Director [position - e.g., president, partner, trustee] of Bedner Farm Inc [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 10066 Lee Road  
Boynton Beach, FL 33473
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYS: NAUGHT.

  
 \_\_\_\_\_  
 Stephen Bedner, Affiant  
 (Print Affiant Name)

## NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
 COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or [ ] online notarization, this 16<sup>th</sup> day of December, 2022 by Stephen Bedner (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).

Lauren McClellan  
 (Name - type, stamp or print clearly)

Lauren L. McClellan  
 (Signature)

My Commission Expires on: 2/28/25

## NOTARY'S SEAL OR STAMP



LAUREN L. MCCLELLAN  
 Commission # MH 057806  
 Expires February 28, 2025  
 Bonded Thru Budget Notary Services



**EXHIBIT "A"****PROPERTY****DESCRIPTION:**

BEING A PORTION OF TRACT A, BEDNER/OAKS, AS RECORDED IN PLAT BOOK 103, PAGES 91 AND 92 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID TRACT A, THENCE NORTH 89°26'45" EAST, ALONG THE EAST LINE OF SAID TRACT A, A DISTANCE OF 414.47 FEET; THENCE SOUTH 89°26'45" WEST, A DISTANCE OF 525.74 FEET; THENCE NORTH 00°54'39" WEST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 414.47 FEET TO THE POINT OF BEGINNING. CONTAINING 5.000 ACRES MORE OR LESS.

NOTE: SUBJECT PARCEL LIES WITHIN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST. BEING A PORTION OF TRACT A, BEDNER/OAKS, AS RECORDED IN PLAT BOOK 103, PAGES 91 AND 92 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT A, THENCE SOUTH 00°54'39" EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 414.47 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°26'45" EAST, A DISTANCE OF 525.74 FEET; THENCE SOUTH 00°58'36" EAST, ALONG THE EAST LINE OF SAID TRACT A, A DISTANCE OF 367.22 FEET; THENCE, CONTINUE ALONG SAID EAST LINE, SOUTH 01°10'24" EAST, A DISTANCE OF 378.05 FEET; THENCE SOUTH 89°34'42" WEST, ALONG THE SOUTH LINE OF SAID TRACT A, A DISTANCE OF 527.90 FEET; THENCE NORTH 00°54'39" WEST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 744.03 FEET TO THE POINT OF BEGINNING. CONTAINING 9.000 ACRES, MORE OR LESS.

NOTE: THE SUBJECT PARCEL LIES WITHIN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST.

## EXHIBIT "B"

## DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Charles Bedner	10066 Lee Road, Boynton Beach, FL 33473
Bruce Bedner	10066 Lee Road, Boynton Beach, FL 33473
Stephen Bedner	10066 Lee Road, Boynton Beach, FL 33473
Marie Bedner	10066 Lee Road, Boynton Beach, FL 33473

## Exhibit 4

### Applicant's Proposed ULDC Amendments

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**j. 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 farming operations.

**1) Approval Process**

Class A Conditional Use.

**2) Location Criteria**

**a) Tier and Zoning District**

~~AGR Tier and Zoning District only. An Agriculture Marketplace is limited to sites within the AGR Tier with an AGR or AGR-MUPD Zoning District.~~

**b) Location**

The Agriculture Marketplace shall be located adjacent to an Arterial Road designated on the PBC Functional Classification of Roads Map.

**c) Proximity to Residential Uses**

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.

**3) Minimum Acreage and Production**

May be allowed if the land area has a minimum of ~~75~~ 70 contiguous acres. A Unity of Control shall be required at the time for the approval of the Class A Conditional Use.

**a) Agriculture Preserve Parcels**

The minimum acreage requirements ~~may~~ shall include parcels under an agricultural conservation easement, identified as an AGR-PUD Preserve or AGR-TMD Preserve, or other similar protections, ~~provided that the Agriculture Marketplace is not located on those parcels.~~

**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**

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.

**g) Parking**

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.

**h) Hours of Operation**

- (1) 8:00 a.m. to 6:00 p.m. Monday through Saturday; and 10:00 a.m. to 6:00 p.m. Sunday.

## **Exhibit 5**

### **Correspondence**

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