



PALM BEACH COUNTY COMMUNITY MEETING

LIVESTOCK IN URBAN/RURAL TIERS

AUGUST 15, 2012 @ 7:00 – 9:00 PM

VISTA CENTER VC-1W-47-HEARING-CHM

“BACKUP MATERIAL FOR COMMUNITY MEETING”

CODE REVISION SECTION

BILL CROSS, PRINCIPAL SITE PLANNER WCROSS@PBCGOV.ORG



**PALM BEACH COUNTY
 PLANNING, ZONING AND BUILDING DEPARTMENT
 ZONING DIVISION
 POLICY AND PROCEDURE**

JON P. MACGILLIS, ASLA, ZONING DIRECTOR

**PPM #: ZO-O-051
 Issued: 06/21/11
 Effective: 06/21/11**

SUBJECT: Livestock and Birds in Residential Districts

PURPOSE: To clarify where the ownership of livestock and birds is permitted as an accessory use on properties with a residential zoning designation.

BACKGROUND: In 1997 a Memorandum was drafted by Mr. Marty Hodgkins, Zoning Director, to address the keeping and raising of livestock, pot bellied pigs in particular, as household pets. A determination was made by the Zoning Director that the keeping and raising of livestock in residential districts in the Urban Service Area (USA) is not a permitted use. For the purposes of this PPM livestock includes but is not limited to cattle, mules, goats, sheep, swine, fowl, and poultry.

PROCEDURES: The keeping or raising of livestock as an accessory use shall be permitted in the AR/RSA Zoning District. These properties shall be subject to Article 4.B.1.A.3.g. – Livestock Raising, standards 1) a) – f). These standards include: minimum lot size; setbacks for accessory uses and structures; and the number of animals permitted based upon the size of the lot.

The keeping of birds as an accessory use shall be permitted in the AR/RSA, AR/USA, and the RE Zoning Districts. This shall apply to all birds since the ULDC does not make distinctions between the various types. These properties shall be subject to Article 4.B.1.A.19.b.1) – Hobby Breeder, AR/USA standards a) – g). These standards include: minimum lot size; setbacks for shelters, cages and other accessory structures; screening; and location of noisy birds.

ZONING DISTRICT	LIVESTOCK AS AN ACCESSORY USE
AR/RSA	<i>Permitted</i>

ZONING DISTRICT	BIRDS AS AN ACCESSORY USE
AR/RSA	<i>Permitted</i>
AR/USA	<i>Permitted</i>
RE	<i>Permitted</i>

Zoning Director

Parking for an accessory automatic car wash may be exempt from the parking requirements of Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements, subject to DRO approval. [Ord. 2006-004]

e. Additional Accessory or Collocated Use Standards

1) Enclosed Repair

All repair activities shall be conducted within an enclosed structure. No outdoor storage of disassembled vehicles, or parts thereof, shall be permitted on site. [Ord. 2011-016]

2) Delivery Vehicles

Parking of delivery vehicles shall be permitted only within a designated loading space. Overnight parking of delivery vehicles on-site shall be prohibited.

3) Vehicle Testing

Vehicles shall not be tested off-site on residential streets.

4) Loudspeakers

No outdoor speaker or public address systems audible off-site shall be permitted.

f. TMD and LCC Districts

Retail Gas and Fuel shall only be permitted on sites that are within 500 feet of the perimeter of the development. Gasoline pumps shall be located in the rear or side of a building with access from an alley, interior parking area, or a street not designated as a main street. [Ord. 2010-005] [Ord. 2011-016]

g. Priority Redevelopment Areas (PRAs)

Shall only be permitted in the SD district. [Ord. 2010-022]

h. Infill Redevelopment Overlay (IRO) Approval Process Exceptions

Retail Gas and Fuel located on a parcel with a CH FLU designation within the Core Transect Zone may be approved by the DRO. [Ord. 2010-005] [Ord. 2011-016]

i. Previously Approved Auto Service Stations

A prior approval for an Automotive Service Station shall correspond to Retail Gas and Fuel. An Auto Service Station that complies with the requirements for Retail Gas and Fuel shall not be considered a Non-conforming Use. Any other approved uses shall be subject to the Additional Accessory or Collocated Use standards above. [Ord. 2011-016]

j. Nonconformities

For Retail Gas and Fuel or a Automotive Service Station, the applicant may be allowed to either increase the floor area of the store or increase the number of pumps subject to the percentage limitation of Art. 1.F, Nonconformities, and approval of a Traffic Study by the Engineering Department. [Ord. 2010-005] [Ord. 2011-016]

→ **19. Aviculture, Hobby Breeder**

The raising and care of birds in captivity.

a. Minimum Lot Size

- 1) Two acres: 40-200 birds.
- 2) Five acres: 201 or more birds.

b. Hobby Breeder

1) AR/USA

The raising of birds as a hobby in the AR/USA shall be permitted subject to the following: [Ord. 2009-040]

- a) The hobby breeder shall not engage in the sale of more than 24 birds to the public during any consecutive 12 month period;
- b) The hobby breeder shall not provide care for more than 40 birds on a parcel of land at any time;
- c) The minimum lot size of two acres;
- d) Shelters, cages, and accessory structure shall be setback a minimum of 50 feet from all property lines;
- e) Outdoor shelters and cages shall be contained to specific areas on the site and screened from view on all sides by a minimum six foot high opaque fence or wall. The fence or wall shall be located within 20 feet of the containment area;
- f) The hobby breeder shall locate birds which excessively screech, chirp, crow, or make loud noises away from residential properties to the maximum extent possible. Birds considered a nuisance by the Sheriff's Office shall be removed from the site; and
- g) Care, licensing, registration, and inspections shall be as required by the Animal Care and Control Ordinance and other applicable statutes.

20. Bed and Breakfast

Table 4.A.3.A - Use Matrix Continued

Use Type	Zoning District/Overlay																	N O T E	
	Agriculture/ Conservation			Residential					Commercial					Industry/Public					
	P C	A G R	A P	AR		R E	R T	R S	R M	C N	C L O	C C	C H O	C G R E	I L	I G	P O		I P F
				R S A	U S A														
Agricultural Uses																			
Agriculture, Bona Fide		P	P	P	A	A	A	A	A	A	A	A	A	A	A	A	P	A	3
Agriculture, Light Manufacturing		D	D	A												P	P		4
Agriculture, Packing Plant		D	D	A									A		D	D			5
Agriculture, Research/ Development		D	D												P	P	P	B	3.1
Agriculture, Renewable Fuels Production			P																3.2
Agriculture, Sales and Service		B									A		P						6
Agriculture, Storage		P	P	P	P	D	D	D	D	P		P		P		P	P	P	7
Agriculture, Transshipment		D	D												D	P			8
Aviculture, Hobby Breeder		P	P	P	P														19
Community Vegetable Garden		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	32
Equestrian Arena, Commercial		D		B	B	B				A	A	B	B	B	P	B	B	D	47
Farmers Market		D		D						P		P		P		P	P	P	52
Farrier		P	P	P	P					P		P		P					53
Groom's Quarters		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	65
Nursery, Retail		P		B	A	A	A	A	A	P		P		P		B	B		88
Nursery, Wholesale		P	P	D	B	B	B	B	B	B		P		P	P	P	P	P	89
Potting Soil Manufacturing		D	D													B	D	P	99
Produce Stand		S	S	S	S	A	A	A	A	S	S	S	S	S	S	S	S	S	101
Shadehouse		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	121
Stable, Commercial		D	D	D	D	A	A	A	A	B	B	D	D	D	P	D	D	D	125
Stable, Private		P	P	P	P	P	B	B	B										126
Sugar Mill Or Refinery			P													A			127
[Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040]																			
Key:																			
P Permitted by right																			
D Permitted subject to approval by the DRO																			
S Permitted in the district only if approved by Special Permit																			
B Permitted in the district only if approved by the Zoning Commission (ZC)																			
A Permitted in the district only if approved by the Board of County Commissioners (BCC)																			

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- 4) Major Intersection or Link improvement which will be constructed pursuant to an Agreement; and which, by its terms, requires that construction be completed within six years;
 - 5) Major Intersection or Link improvements which is required to be constructed pursuant to a condition of a Development Order which by its terms requires that it be completed within six years and which has been secured by Performance Security;
 - 6) Specific inclusion in the capital improvements element of a municipal comprehensive plan for commencement of construction within five years provided:
 - a) The improvements are financially feasible, based on currently available public revenue sources adequate to complete the improvement; and
 - b) A comprehensive plan amendment would be required to eliminate, defer, or delay construction; or
 - b. For purposes of a Concurrency Certificate for a Site Specific Development Order only, a Major Intersection or Link that the Applicant agrees to construct and guarantee through a condition of approval, or Agreement, said construction to be completed prior to issuance of the certificate(s) of occupancy which are phased to the improvement(s) and to be secured by Performance Security within six months of issuance of the Site Specific Development Order. No further Development Order's for the Project shall be issued if Performance Security is not timely posted.
101. **Attic** - the non-habitable storage area immediately beneath the pitch of a roof.
102. **Auction** - for the purposes of Art. 4, an establishment engaged in the sale of merchandise to the highest bidder in an enclosed building or outdoor **[Ord. 2009-040]**
- a. **Auction, Enclosed** – an auction with all of the activity, display and sale of merchandise occurring within an enclosed building. **[Ord. 2009-040]**
 - b. **Auction, Outdoor** – an auction with all or a portion of the activity, display and sale of merchandise occurring outdoors. **[Ord. 2009-040]**
103. **Auto Paint and Body Shop** - an establishment engaged in the painting of motor vehicles or performance of major external repairs of a non-mechanical nature.
104. **Auto Service Station** - an establishment primarily engaged in the retail sale of gasoline or motor fuels, including accessory activities such as the sale of vehicle accessories or supplies, the lubrication of motor vehicles, the minor adjustment or minor repair of motor vehicles, the sale of convenience food items, or an accessory restaurant. **[Ord. 2011-016]**
105. **Average Daily Traffic** - for the purposes of Art. 12, the average of two 24-hour weekday traffic counts taken at one location, with one count being taken in the Peak Season and the other in the Off-Peak Season. The Traffic Volume Map of the MPO shall normally be used to determine existing ADT for the West Palm Beach Urban Study Area. However, in all cases, where newer data are available from the FDOT or PBC, such newer data shall be used. Any person may provide a traffic count or counts which may be used, subject to the prior approval of the County Engineer for count location and adjustment factors based upon accepted traffic engineering principles, instead of the counts used in creating the Traffic Volume Map(s) where such counts are not available. The Average Daily Traffic established by the counts of PBC shall not include Friday counts after eight o'clock AM.
- 106. **Aviculture** - the raising and care of birds in captivity.
107. **Avigation Easement** - for the purposes of Art. 16, the assignment of a right to an airport proprietor to a portion of the total benefits of the ownership of real property. The selected rights may be granted or may be purchased.
108. **Awning** - a temporary hood or cover that projects from the wall of a building and that may include a type, which can be retracted, folded, or collapsed against the face of a supporting building.

B. Terms defined herein or referenced Article shall have the following meanings:

1. **Background Traffic** - for the purposes of Art. 12, the projected traffic generation from Previously Approved but incomplete Projects, and other sources of traffic growth, as described in Art. 12.C.1.C.2.e, Pass by Trips and Art. 12.C.1.C.4, Background Traffic. **[Ord. 2005-002]**
2. **Balloon** - an airtight bag that rises above the earth when force filled with hot air.
3. **Banner** - see Flag.
4. **Banquet/Reception Hall Facility** - a facility rented or used for temporary gathering of people for food, entertainment, and celebration of an event.
5. **Base Building Line** - a line horizontally offset from and running parallel to the centerline of a street from which property development regulations, including landscaping, parking and setbacks for front yard, corner side yard, are measured as set forth in this Code.
6. **Base Flood** -
 - a. the flood having a one percent chance of being equaled or exceeded in any given year.

Beach Blvd; Soup Kitchen, 9850 Boynton Beach Blvd; 4 Points Market; 3 Amigos Convenience Store; Fina Gas Station-Hey 4 U trucking; and Sunshine Meadows. [Ord. 2006-004]

2) Existing Nonconforming Uses

Replacement, relocation or expansion of nonconforming uses shall be subject to Class A conditional use approval and the following:

- a) Existing uses eliminated due to R-O-W acquisition by eminent domain, and relocation of the use on site is not feasible, may be relocated to an adjacent site.
- b) Existing Nonconforming uses may expand up to 50 percent of the building square footage. If a use is on less than one acre of property, the land area is permitted to be expanded up to a total of one acre.
- c) PDRs:
 - (1) Maximum FAR: .35
 - (2) Maximum Building Coverage: 25 percent
 - (3) Minimum Building setbacks: 30 feet on all sides

3) Right to Farm

All land in the AGR and AP districts are located in areas where land is used for commercial agricultural production. Owners, residents, and other users of this property or neighboring property may be subjected to inconvenience and discomfort arising from generally accepted agricultural management practices, including but not limited to noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of properties in these areas are hereby put on official notice that: (1) the state Right-to-Farm Act, F.S. § 823.14, may bar them from obtaining a legal judgment against such as a public or private nuisance; and (2) farm operations that conform to generally accepted agricultural and management practices in the AGR and AP districts are exempt from the following miscellaneous standards contained in Article 5.E, PERFORMANCE STANDARDS of this Code for noise, vibration, smoke, and emissions and particulate matters. [Ord. 2005-041]

B. Conservation District

1. PC, Preservation/Conservation District

The PC district is to protect lands that provide habitats for endangered species of wildlife, fish, or flora, that are important habitats for the production of fish and wildlife, or that are sites of historical or archaeological significance.

→ **C. Residential Districts**

1. AR, Agriculture Residential District

The AR district is to protect and enhance the rural lifestyle and quality of life of residents in areas designated rural residential, to protect watersheds and water supplies, wilderness and scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-urban locations but do not operate to the detriment of adjoining lands devoted to rural and residential purposes.

a. Previously Approved RSER and Non-residential Uses

The previously approved site in the RSER zoning district (Petition 1999-011 Everglades Farm Equipment Co.) requested before the effective date of this ordinance, may be developed as a conforming use. [Ord. 2005 - 002] [Ord. 2011-016]

b. Special Agriculture Uses

Additional non-residential uses may be allowed in the AR/Rural/Exurban district with a SA FLU.

c. Agricultural Uses in the U/S Tier

1) Existing Agricultural Uses

Agricultural uses in the U/S Tier existing at the time of adoption of this Code permitting agricultural uses shall be considered conforming. Any expansion of existing agricultural uses shall be subject to all applicable requirements. [Ord. 2011-016]

2) New Agricultural Uses

Agricultural uses not listed as permitted in the U/S Tier shall only be permitted as an interim use subject to Class A conditional use approval. [Ord. 2011-016]

d. Agricultural Enclave (AGE)

The AR district shall be consistent with the AGE FLU designation for purposes of allowing existing bona-fide agricultural uses to continue or expand, or for new bona-fide agricultural uses. [Ord. 2010-022]

2. RE, Residential Estate District

Possessed a valid and current business tax receipt authorizing the general type of use, which would correspond to the adult entertainment use being claimed as nonconforming on November 28, 1988; and [Ord. 2004-051] [Ord. 2007-013] [Ord. 2009-040]

c) **Adult Entertainment License**

Applied for an adult entertainment use under the terms of this Code, shall submit an application for an adult entertainment license pursuant to the PBC Adult Entertainment Code, Chapter 17, Article V of the PBC Code, as may be amended, with appropriate filing fees by August 15, 1992. [Ord. 2004-051] [Ord. 2009-040]

2) **Standards for Nonconformance**

A nonconforming adult entertainment use as determined in Article 4.B.1.A.2.k, Nonconformity, above shall be subject to the following supplementary standards, in addition to Article 1.F, NONCONFORMITIES. [Ord. 2004-051] [Ord. 2009-040]

a) **Location**

Was in operation as an adult entertainment use, was generally known and held out in the neighborhood and community as an adult entertainment establishment, and was open to the public as an adult entertainment establishment use; [Ord. 2004-051] [Ord. 2009-040]

b) **Landscape Buffer**

The adult entertainment use shall construct and install a Type 2 incompatibility buffer, as defined in Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, with canopy trees spaced a maximum of 20 feet on center along any property line that abuts a residential district, within 90 days of the date of issuance of the adult entertainment license by the occupational licensing department. [Ord. 2004-051] [Ord. 2009-040]

c) **Building Permit**

If a building permit for exterior structural renovation or remodeling or a paving or parking permit is issued for the adult entertainment use, the requirements of Article 7, LANDSCAPING, shall apply to the entire site of the adult entertainment use. [Ord. 2004-051] [Ord. 2009-040]

→ 3. **Agriculture, Bona Fide**

Any plot of land where the principal use consists of the growing, cultivating and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses and livestock; the production of animal products such as eggs, honey or dairy products; or the raising of plant material. The determination as to whether or not the use of land is considered bona fide agriculture shall be made pursuant to FS 823.14, Florida Right to Farm Act. [Ord. 2009-040]

a. **Determination**

A determination as to whether the use of the land for agriculture is bona fide shall only be made where both Article 4.B.1.A.3.a.1, Designation Criteria, and Article 4.B.1.A.3.a.2, Productivity Standards, below are met. Criteria listed in item Article 4.B.1.A.3, Agriculture, Bona Fide, Additional Guidelines, below shall be used as guidelines in the determination.

1) **Designation Criteria**

The property complies with the following standards:

a) **Continuous Use**

The use has been continuous; and

b) **Farming Procedures**

Farming procedures have been demonstrated by past action or documented plans to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, but not limited to, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices; and

c) **Agricultural Classification**

The property has received a qualified agricultural classification pursuant to F.S. §193.461.

2) **Productivity Standards**

The productivity or proposed net return or production of the farm operation based on net or yield for the type of agricultural production on the site is comparable to the average net or yield for the type of agriculture in the State of Florida. In making this determination at least four of the following standards shall be met:

a) **Amount of Land**

The amount of land under cultivation or in agricultural use (including canal or drainage features) is greater than 60 percent of the total parcel;

- b) **Investment**
Demonstration is made that there has been on-going investment in and maintenance of the agricultural land use or documented plans for investment in agricultural use of the land;
 - c) **Employees**
There are typical seasonal or full-time employees for the agricultural operation;
 - d) **No Nonagricultural Development**
There is no nonagricultural development (except accessory agricultural uses as defined in this Article, or farm residences or farm workers quarters) on site; and
 - e) **Demonstration**
Demonstration is made that the land will be used for agricultural production for more than five years.
- 3) **Additional Guidelines**
- a) **Lot Size**
Whether the size of the land area as it relates to a specific agricultural use, is appropriate.
 - b) **Lease**
Whether such land is under lease, and, if so, the effective length, terms and conditions of the lease.
 - c) **Intent**
The intent of the landowner to sell or convert the land for nonagricultural purposes.
 - d) **Proximity**
The proximity of the property to existing urban metropolitan development.
 - e) **Productivity**
The productivity of land in its present use.
 - f) **Plan Designation**
Must be consistent with Plan designation.
- b. **Agricultural Uses in the U/S Tier**
- 1) **Applicability**
Uses legally established prior to the effective date of this code in the U/S Tier shall be considered conforming. Any expansion of existing agricultural uses shall be consistent with all applicable requirements and subject to the review procedure identified in this Code.
 - 2) **Uses Not Listed**
Agricultural uses not listed in Table 4.A.3.A, Use Matrix, as permitted in the U/S Tier shall only be permitted as an interim use, subject to Class A conditional use approval.
 - 3) **AR District**
The AR district shall be considered consistent with all FLU designations in the U/S Tier for the purposes of permitting interim agricultural uses only.
 - 4) **Temporary Agricultural Uses**
Property which has an existing development order may also receive an additional development order for a temporary agricultural use in the U/S Tier in accordance with the standards for the specific agricultural use, however, the agricultural use shall not be eligible for an agricultural tax exemption.
- 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.
 - 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.
 - 4) **Loading**
All loading and unloading of trucks shall be restricted to the site and shall not be permitted in any setbacks.
 - 5) **Spraying**
No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.

d. Dipping Vats

Dipping vats shall not be allowed in the AR district, unless approved as a Class B conditional use.

e. Pens and Cages

In the AR and AGR districts, pens, cages or structures shall meet the district setbacks for a principal use, or be setback a minimum of 50 feet from any property line, whichever is greater.

f. Game and Exotic Animals

The Florida Fish and Wildlife Conservation Commission (FWC) regulates game farms or game animal care for private or commercial purposes. [Ord. 2012-003]

1) Exotic Animals

Care for exotic animals (imported or non-native animal species) for private or commercial breeding purposes shall have a minimum lot size of five acres.

2) Dangerous or Class I and II Animals

Ownership, care, or keeping of dangerous or Class I and II animals, as defined by the FG&FWFC, shall require Class A conditional use approval and shall have a minimum lot size of five acres.

→ **g. Livestock Raising**

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

1) Urban Service Area (USA)

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

a) Lot Size

A minimum of five acres.

b) Setback

All accessory uses and structure, such as troughs, feed mechanisms and storage, shall be setback a minimum of 100 feet.

c) Large Animals

The maximum number of large animals permitted for each acre shall not exceed five. Large animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure with one stall for each large animal is required when the total number of large animals exceeds three per acre. In addition, the following limitation on the number of specific large animals per acre shall apply: horses: five; swine: one; cattle: two; goats: two; sheep: two.

d) Small Animals

The maximum number of small animals permitted for each acre shall not exceed 100. Small animals shall include rabbits and fowl, excluding peafowl. Small animals shall be permitted in addition to large animals.

e) Palm Beach County Animal Control Department (PBCACD)

The property owner shall notify PBCACD as to the type of livestock and details of animal care to be provided.

f) Processing and Slaughtering

Processing and slaughtering shall be prohibited.

g) Loading

All loading and unloading of trucks shall be restricted to the site and shall not encroach any setback.

h) Waste

A plan outlining a method of waste removal shall be submitted to and approved by PBC Health Department.

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 conditional or DRO approval.

h. Accessory Agricultural Uses

These uses include "U-Pick-Em" operations; sale of on-site produced products; corrals; pens; training facilities; dipping vats; processing of raw material; storage sheds; repair, fabrication, body work and welding of agricultural equipment; freestanding coolers; bulk storage of petroleum products; shipping containers used for temporary storage; washing, cutting, and packing of farm products, and canning, dehydration, and basic preparation of raw food products prior to shipment, and outdoor storage of equipment. [Ord. 2005 – 002]

i. Landscape Curbing

ARTICLE 5

SUPPLEMENTARY STANDARDS

CHAPTER A GENERAL

Section 1 Purpose and Intent

The purpose and intent of this Article is to establish minimum standards for accessory and temporary uses, design standards, parks and recreation, performance standards, legal documents, and density bonus programs.

Section 2 Definitions

See Art. 1.I, DEFINITIONS & ACRONYMS

Section 3 Deviations

Deviation(s) from the provisions of this Article may be permitted for the following: [Ord. 2007-013] [Ord. 2010-022]

A. PO Zoning District

Development supporting government facilities within the PO Zoning District, subject to an application established by the Executive Director of PZB and approval by the BCC utilizing the following standards: [Ord. 2007-013] [Ord. 2010-022]

B. Agricultural Enclave (AGE)

Development within an AGE village center, civic sites, or Suburban Transect neighborhood center, general or edge may apply the requirements of the U/S Tier, where applicable. [Ord. 2010-022]

C. the proposed deviation(s) maintains compatibility with the uses and character of land surrounding and in the vicinity of the land proposed for development; [Ord. 2007-013]

D. adverse effects on adjacent uses and lands, including but not limited to visual impact, are determined to be minimal or otherwise negligible upon review and consideration of surrounding lands, uses, zoning, Future Land Use (FLU), character, or other preexisting conditions; [Ord. 2007-013]

E. special or unique circumstances or factors exist that are applicable to the proposed use, structure, feature, or land proposed for development; [Ord. 2007-013]

F. the proposed deviation(s) allows for reasonable or practical use of the land proposed for development; [Ord. 2007-013]

G. approval of the deviation(s) is consistent with the purpose, goals, policies, and objectives of the Plan and this Code; and, [Ord.2007-013]

H. approval of the deviation(s) is not injurious to the surrounding area or otherwise detrimental to public health, safety, and general welfare. [Ord. 2007-013]

CHAPTER B ACCESSORY AND TEMPORARY USES

→ Section 1 Supplementary Regulations

A. Accessory Uses and Structures

1. General

The following standards in this Section shall apply to all development in standard, PDD or TDD zoning districts, unless otherwise stated: [2007-001]

a. Standards

An accessory use or structure shall be subject to the same regulations that apply to the principal use or structure, except as otherwise stated.

b. Location

All accessory uses, buildings and structures except for approved off-site parking, shall be located on the same lot as the principal use. No accessory structure shall be located in the front or side street yard.

c. Floor Area

1) **Nonresidential Districts**

Accessory uses and structures shall not exceed 30 percent of the GFA and or business receipts of the principal use or uses, whichever is more restrictive.

2) **Residential Districts**

Accessory uses and structures in the U/S Tier shall not exceed the square footage of the principal use.

d. **Setbacks, Accessory Structure**

1) **Residential Districts, Except AR**

Accessory structures may be setback a distance of five feet from the side and rear property lines provided it is not located in an established easement or required landscape buffer.

a) **Townhouse**

Accessory structures shall meet the setback and separation requirements in Table 3.D.2.A, Townhouse Regulations. No detached accessory building or structure other than permitted fences or walls shall be permitted on any lot less than 30 feet in width.

b) **ZLL**

Accessory structures shall meet the setback requirements of Table 3.D.2.B – ZLL Property Development Regulations. [Ord. 2008-037]

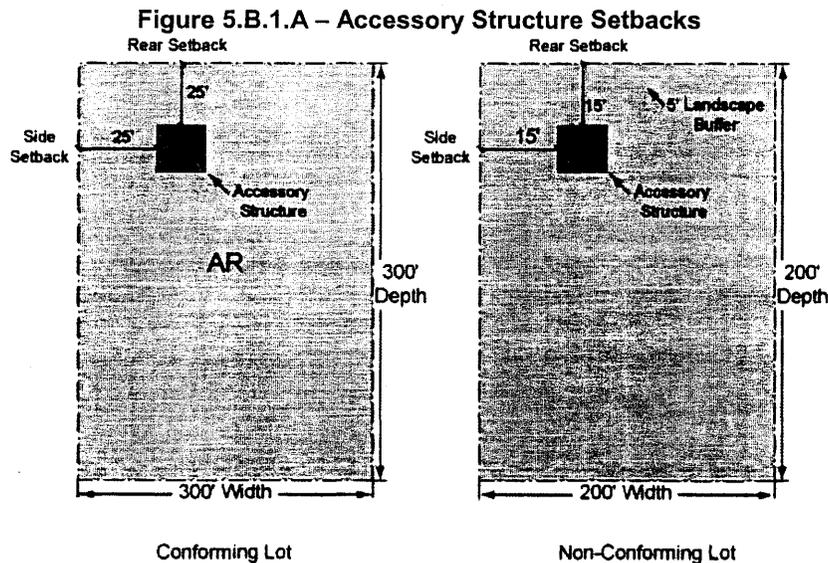
c) **Exceptions**

- (1) All structures used as dwellings, such as guest cottages, grooms quarters, and accessory dwellings, shall meet the minimum setback in Table 3.D.1.A, Property Development Regulations.
- (2) All structures over ten feet in height shall meet the minimum setbacks in Table 3.D.1.A, Property Development Regulations.
- (3) Encroachment into easements shall be in accordance with Article 5.F.2.A, Easement Encroachment.

→ 2) **AR District and AGE Rural Transect**

a) **Conforming Lot Dimensions**

Accessory structures may be setback a distance of 25 feet from the side and rear property lines on lots with conforming width and depth lot dimensions.



AR District

b) **Nonconforming Lot Dimensions**

Accessory structures on lots with nonconforming width and depth may be setback a distance of 15 feet from the side and rear property lines.

c) **Accessory Structure**

Must be five feet from all established easements and may not be located within the required landscape buffer or within the required front or side street setback.

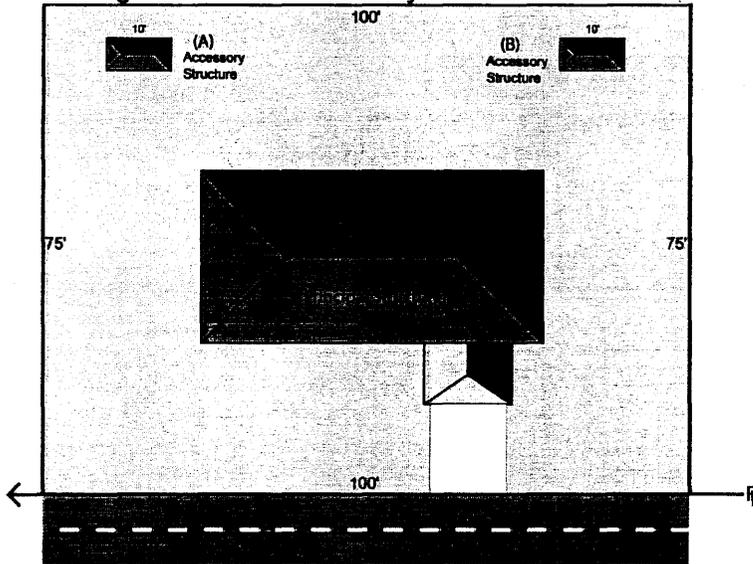
3) **Nonresidential Districts**

Accessory structures shall meet the setback requirements in Table 3.D.1.A, Property Development Regulations.

4) **Dimensions**

In the U/S Tier, all accessory structures located on a parcel in a residential district shall not occupy more than 25 percent of the distance between property lines. [Ord. 2008-037]

Figure 5.B.1.A – Accessory Structure Dimensions



In the U/S Tier, all accessory structures located on a parcel in a residential district shall not occupy more than 25 percent of the distance between property lines.

This Example:

Distance between property lines 100'
Total of A+B accessory structures 10'+10'=20'
100' X 25% = 25' maximum allowed by Code

2. **Fences, Walls and Hedges**

a. **Height**

The height of a fence or wall shall be measured in accordance with Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS. Hedges may be planted and maintained along or adjacent to a lot line to a height not exceeding eight feet in the required side (to the required front setback) and rear yards and not exceeding a height of four feet in the required front yards. The height shall be measured adjacent to the hedge from the lowest grade on either side of the hedge.

b. **Appearance**

The exterior surface of a wall shall be finished with paint, stucco, or other commonly accepted material, and continuously maintained in its original appearance.

c. **Dangerous Materials**

1) Fences or walls in any zoning district, shall not be electrified or contain any substance such as broken glass, spikes, nails, barbed wire, razors, or any other dangerous material designed to inflict discomfort, pain or injury to a person or animal, except as allowed below. [Ord. 2010-005] [Ord. 2011-001]

2) **Barbed Wire Exceptions**

The use of barbed wire is prohibited. However, the County recognizes that barbed wire may be necessary to secure certain uses such as public utilities, prisons, bona-fide agriculture, public-owned natural areas, commercial or industrial uses that have outdoor storage areas. Therefore, the County allows the installation of barbed wire as part of the top of the fence or wall for specific uses pursuant to Art. 4.B, SUPPLEMENTARY USE STANDARDS or for situations stated below. The barbed wire shall not exceed 20 percent of the overall permitted

height of the fence or wall. Bonafide agricultural uses, prisons, and other uses as authorized by the Zoning Director pursuant to provisions, Art. 5.B.1.A.2.c.2).c) below, shall be permitted to exceed the 20 percent provision. The calculation of the overall height of a fence or wall is inclusive of any barbed wire: **[Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]**

- a) Properties with a Conservation FLU designation, for the purposes of protecting publicly owned natural areas; **[Ord. 2005-002] [Ord. 2010-005] [Ord. 2011-001]**
- b) Properties where the owner can document a valid Development Permit; and **[Ord. 2010-005] [Ord. 2011-001]**
- c) The Zoning Director shall have the authority to allow the installation of barbed wire for any uses pursuant to Art. 4.B, SUPPLEMENTARY USE STANDARDS, when the applicant demonstrates a need to comply with Federal, State or Local Government regulations. In support of the barbed wire installation, the Zoning Director may require the applicant to perform mitigation in order to address compatibility with adjacent properties or visibility from adjacent street right-of-way. **[Ord. 2010-005] [Ord. 2011-001]**

d. Sight Distance

Walls and fences shall comply with Article 11.E.9.E, Minimum Safe Sight Distance and Corner Clips at Intersection.

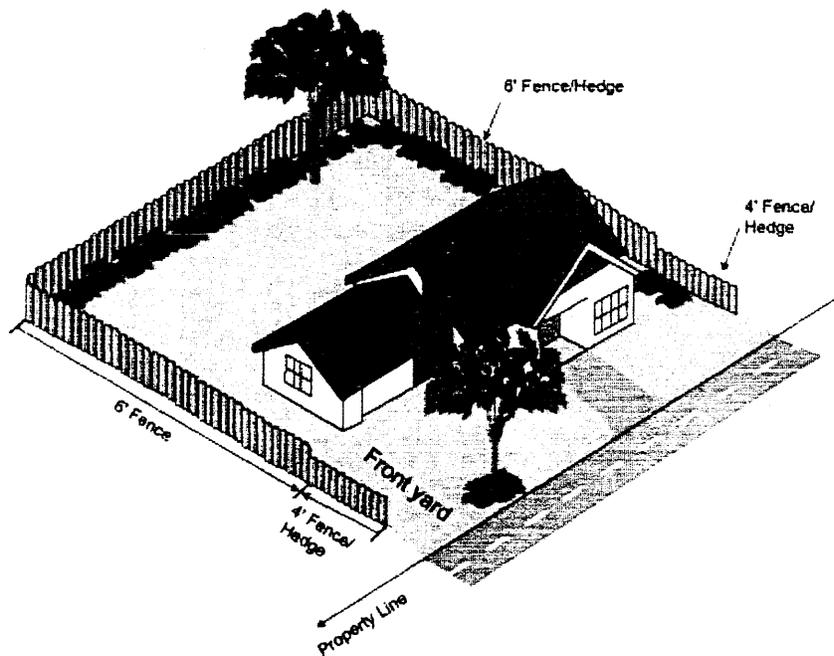
e. Residential Districts

The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:

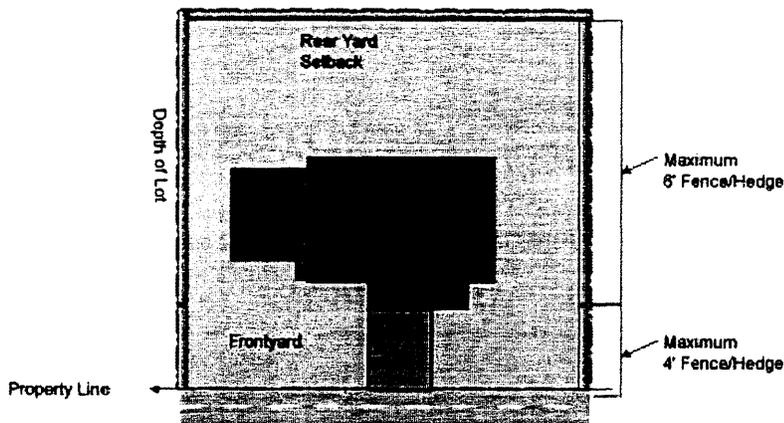
- 1) Within required front setback:
 - a) four feet, or **[Ord. 2005-041]**
 - b) six feet for property owned by PBC for preservation or conservation purposes. **[Ord. 2005-041]**
- 2) Within required side, side street, and rear setback: six feet.

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Figure 5.B.1.A – Fence & Wall Height
RESIDENTIAL DISTRICT



PLAN VIEW



[Ord. 2005-041]

f. Nonresidential Districts

The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows:

- 1) Within the required front setback: six feet.
- 2) Within the required side, side street, and rear setback: eight feet.

g. Attachments

Gates, gateposts, decorative features, and lights attached to a fence or wall in the front setback shall not exceed three feet in any horizontal distance or two feet in height above the fence or wall. Decorative features and lights shall be spaced a minimum of eight feet apart.

Palm Beach County Comprehensive Plan & Livestock

The following items provide details of 'livestock' and related provisions within the Rural Residential future land use designations and the Exurban & Rural Tiers. Verbatim policy and report wording is provided in Times New Roman font.

1989 Plan

Original Comprehensive Plan, Land Use Element Language

OBJECTIVE 6 Protection of Rural Residential Areas

Within the time frame set forth in 163.3202(1), F.S., Palm Beach County shall adopt amendments to its land development regulations for the purpose of protecting and enhancing the rural lifestyle and quality of life of residents in the areas designated Rural Residential. However, it is not the intent of the County to violate the Florida Right-to-Farm Act. Palm Beach County shall identify appropriate locations for applying these regulations within the Rural Residential designated areas and shall determine other locations to apply these regulations, including but not limited to, low density areas in the Urban Residential categories and parcels presently used for agricultural purposes or designated in an Agricultural land use category. Palm Beach County shall regulate clear-cutting for agricultural purposes in areas designated for residential use.

- **"Policy 6-a:** The County shall adopt residential zoning regulations for application to areas designated Rural Residential for the specific purpose of protecting and maintaining the rural lifestyle of present and future residents of the rural area. The regulations shall:
 - Provide assurances that agricultural uses shall be permitted that are compatible with a rural residential neighborhood;
 - The keeping of livestock shall be guaranteed provided the activity does not result in a nuisance. Livestock shall be permitted based on intensity provisions, allowing more livestock as parcel acreage increases;
 - Only agricultural uses determined to be compatible with the Rural Residential area shall be specified and allowed. Agricultural uses determined to be compatible with Rural Residential areas may differ by area and may result in zoning provisions that reflect these differences;
 - Provide limitations on the types and number of non-residential and non-agricultural uses allowed;
 - Include specific regulations to restrict the types of limited commercial activities allowed, and provide for locational criteria which will prohibit the scattering of such uses throughout the rural area;
 - Provide limitations on the types and number of uses permitted by the special exception process;
 - Allow home occupation uses subject to the zoning provisions established pursuant to this Policy that reflect the character of the area;
 - Include provisions for non-conforming agricultural uses consistent with the non-conforming regulations established pursuant to this Plan while not violating the Right-to-Farm Act; and
 - Include provisions that restrict clear-cutting."

- Land Use Element Implementation Section Permitted uses include:
 - "10. Agricultural uses compatible with the residential area, consistent with the land development regulations developed and adopted under the Land Use Objective entitled, "Protection of Rural Residential Areas".
 - "In the Rural sub-categories, limited agricultural uses are expected to co-exist with residential uses throughout the implementation period of the Plan, while in the urban sub-categories, agricultural uses are expected to convert to other uses consistent with the Plan. Agricultural uses permitted by the Residential category must be compatible with the protection of the lifestyle and quality of life of the residents."
 - "This Element requires the County to develop and adopt amendments to its land development regulations to protect the rural lifestyles of residents within existing rural developments. The policy requires the County to develop or amend the zoning district(s) to be applied to Rural Residential areas so that they will limit or restrict the agricultural and other non-residential activities that will be permitted in those zoning districts. The County will also develop zoning regulations to include the more intensive agricultural uses that will be permitted in the Special Agricultural future land use category and will have limited applications in residentially designated areas."

- No definition provided for 'livestock'.

Original Adopted Comprehensive Plan Land Use Element Support Documents

- Rural Residential Areas
 - "Most of the County's Rural Residential areas, characterized by large lots, septic tanks and wells, are currently in the County's Agricultural Residential (AR) Zoning District. Agricultural uses are permitted by right and many intensive non-agricultural and non-residential uses are allowed through the County's Special Exception Process. This zoning district allows all levels of intensity of agricultural uses. Examples include:
 - Agriculture
 - Dairying
 - Forestry
 - Greenhouses
 - Groves
 - Horticulture
 - Livestock raising
 - Nurseries
 - Pisciculture
 - Poultry and egg production
 - Mushroom raising
 - Crop raising
 - Agriculture Accessory uses (some of these uses include such activities as citrus packing and grading plants, corrals, stands for the sale of agricultural products)"

- Recommendations include
 - "Instead of prohibiting the sale of agricultural products and livestock, the zoning regulations should address the intensity of the use, allowing more livestock as parcel acreage increases, with occupation uses permitted subject to zoning provisions."
 - "Citizen meetings have been very important in forming recommendations on the land use provisions. The County should hold citizen meetings within or near the affected rural neighborhoods before final adoption of the Land Development Regulations".

1992

The County adopts the ULDC to implement the Plan.

1994 - 1998

The County formally accepts 3 Neighborhood Plans for the Exurban & Rural Areas (The Acreage, Jupiter Farms, and Loxahatchee Groves, all posted online) which:

- were accepted by the BCC by resolution
- were prepared with County staff assistance & supervision
- identify that these areas & AR zoning allow the keeping and raising of farm animals and horses
- include discussions of both the CRS and AR zoning districts (Acreage & Jupiter Farms Plans)
- recommend that the AR zoning regulations be maintained (all plans)
- recommend aviculture regulations (Loxahatchee Groves Plan)

1998

The Land Use Element still contains language adopted in 1989, now Objective 1.5, Protection of Rural Residential Areas:

- **Policy 1.5-a:** The County shall adopt, and revise as necessary, the residential zoning regulations for areas designated Rural Residential in order to protect and maintain the rural lifestyle of present and future residents of these areas. The regulations shall, at a minimum:
 - Provide for zoning districts which appropriately accommodate residential and/or agricultural uses which are consistent with the Rural Residential future land use category;
 - Provide assurances that agricultural uses shall be permitted that are compatible with a rural residential neighborhood;
 - Guarantee the keeping of livestock provided the activity does not result in a nuisance. Livestock shall be permitted based on intensity provisions, allowing more livestock as parcel acreage increases;
 - Specify and allow only agricultural uses determined to be compatible with the Rural Residential area. Agricultural uses determined to be compatible with Rural

- Residential areas may differ by area and may result in zoning provisions that reflect these differences;
- Provide limitations on the type and number of non-residential and non-agricultural uses allowed;
- Include specific regulations to restrict the types of limited commercial activities allowed, and provide for locational criteria which will prohibit the scattering of such uses throughout the rural area.
- Provide limitations on the types and number of uses permitted by the special exception process;
- Allow home occupation uses subject to the zoning provisions established pursuant to this Policy that reflect the character of the area;
- Include provisions for non-conforming agricultural uses consistent with the nonconforming regulations established pursuant to this Plan while not violating the Right-to-Farm Act;
- Include provisions that restrict clear-cutting for residential or agricultural purposes; and
- Provide protection for rural residential areas from the impacts associated with commercial mining operations, such as, but not limited to hauling activity, blasting, vibration, noise, dust, and glare.

1999

County adopted Managed Growth Tier System which takes the Objective Protection of Rural Residential Areas and converts into policy language for the Exurban & Rural Tiers. Adopted changes are shown in strike out and underline below.

- **Exurban Tier Policy 1.3-j (now i):** The County shall ~~adopt, and revise as necessary,~~ continue to maintain the rural residential zoning regulations for areas designated Rural Residential in order to protect and preserve ~~maintain~~ the rural lifestyle communities of present and future residents of these areas. The regulations shall, at a minimum:
 1. Retain the Agricultural Residential zoning category and the agricultural uses permitted by the Unified Land Development Code.
 2. Provide for zoning districts which appropriately accommodate residential and/or agricultural uses which are consistent with the Rural Residential future land use category designation;
 3. Provide assurances that allowed agricultural uses shall be compatible with permitted that are compatible with a rural residential neighborhood;
 4. Guarantee the keeping of livestock provided the activity does not result in a nuisance. Livestock shall be permitted based on intensity provisions, allowing more livestock as parcel acreage increases;
 5. ~~Specify and allow only agricultural uses determined to be compatible with the Rural Residential area. Agricultural uses determined to be compatible with Rural Residential areas may differ by area and may result in zoning provisions that reflect these differences;~~
 6. ~~Provide limitations on the type and number of non residential and non-agricultural uses allowed;~~
 5. Include Maintain specific regulations to restrict the types of non-residential and non-agricultural uses allowed and promote the rural character through design

- ~~limited commercial activities allowed~~, and provide for locational criteria which will prohibit the scattering of such uses throughout the ~~rural Exurban Tier area~~.
- ~~6.~~ Provide limitations on the types and number of uses permitted by the ~~special exception conditional use process~~;
 - ~~7.~~ Allow home occupation uses ~~subject to the zoning provisions established pursuant to this Policy that reflect the character of the area that will not degrade the rural character of the area~~;
 - ~~8.~~ Include provisions for non-conforming agricultural uses consistent with ~~the nonconforming regulations established pursuant to this Plan while not violating the Right-to-Farm Act~~;
 - ~~9.~~ Include provisions that: ~~restrict clear cutting for residential or agricultural purposes~~ encourage maximizing the preservation of open space and protection of native vegetation and tree canopy in front, rear and side yards; preserve environmental systems; protect wildlife; and, retain the rural character of the Exurban Tier;
 - ~~10.~~ Provide protection for rural residential areas in the Rural Tier from the impacts associated with commercial mining operations and excavation, such as, but not limited to hauling activity, blasting, vibration, noise, dust, and glare.
- **Rural Tier Policy 1.4-m:** The County shall ~~adopt, and revise as necessary,~~ continue to provide the rural residential zoning regulations for areas designated Rural Residential in order to protect and maintain the rural lifestyle communities of present and future residents of these areas. The regulations shall, at a minimum:
 - ~~1.~~ Retain the Agricultural Residential zoning designation and the agricultural uses permitted by the Unified Land Development Code.
 - ~~2.~~ Provide for zoning districts which appropriately accommodate residential and/or agricultural uses which are consistent with the Rural Residential future land use category;
 - ~~3.~~ Provide assurances that agricultural uses shall be allowed in ~~permitted that are compatible with a rural residential neighborhoods~~;
 - ~~4.~~ Guarantee the keeping of livestock ~~provided the activity does not result in a nuisance. Livestock shall be permitted based on intensity provisions, allowing more livestock as parcel acreage increases~~;
 - ~~5.~~ ~~Specify and allow only agricultural uses determined to be compatible with the Rural Residential area. Agricultural uses determined to be compatible with Rural Residential areas may differ by area and may result in zoning provisions that reflect these differences~~;
 - ~~6.~~ Provide limitations on the type and number of non-residential and non-agricultural uses allowed;
 - ~~5.~~ Include Maintain specific regulations to restrict the types of non-residential and non-agricultural uses allowed and promote the rural character through design ~~limited commercial activities allowed~~, and provide for locational criteria which will prohibit the scattering of such uses throughout the ~~rural Exurban Tier area~~.
 - ~~6.~~ Provide limitations on the types and number of uses permitted by the ~~special exception conditional use process~~;
 - ~~7.~~ Allow home occupation uses ~~subject to the zoning provisions established pursuant to this Policy that reflect the character of the area that will not degrade the rural character of the area~~;

8. Include provisions for non-conforming agricultural uses consistent with the ~~nonconforming regulations established pursuant to~~ this Plan while not violating the Right-to-Farm Act;
9. Include provisions that restrict clear-cutting for residential ~~or agricultural~~ purposes to encourage: preservation of open space and protection of native vegetation and tree canopy in front, rear and side yards: preservation of environmental systems, protection of wildlife and retention of the rural character of the Rural Tier;
10. Provide protection for rural residential areas in the Rural Tier from the impacts associated with commercial mining operations and excavation, such as, but not limited to hauling activity, blasting, vibration, noise, dust, and glare;
11. Provide for the enhancement and continuation of equestrian uses and facilities to support equestrian operations and events.

- Staff report states
 - Exurban Tier "The predominant use of land is single family homes. Historically, the area attract those looking for a quiet rural lifestyle where they could build a modest home with accessory facilities to keep horses or other livestock."

2012

- The current wording of the two rural residential policies above remains as adopted in 1999.

Comprehensive Plan, Future Land Use Element Current Effective Language

OBJECTIVE 1.3 Exurban Tier

General: The Exurban Tier supports residential subdivisions, created prior to 1970 before the adoption of the Comprehensive Plan and its regulations. Historically, these areas have been considered rural due to a sparse development pattern, large heavily treed lots, presence of small agricultural operations including equestrian uses, and a desire for minimal services and regulation. However, growth has marked a change in the character from rural to more suburban and semi-rural, or exurban, as the existing and vested 1.25 acre lots develop with single family homes. The corresponding increase in population, which is anticipated in the Plan has caused an escalating increase in the demand for services. A recognition of the existing development pattern, demand for services and desire to maintain the rural character, warrants a specific set of strategies.

Objective: Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area in antiquated subdivisions created prior to the adoption of the 1989 Comprehensive Plan with platted densities greater than 1 dwelling unit per 5 acres while protecting the exurban lifestyle. The Exurban Tier shall include The Acreage and Palm Beach Country Estates Subdivisions and shall be provided with a mix of urban and rural services.

Policy 1.3-i: The County shall continue to maintain the rural zoning regulations for areas designated Rural Residential in order to protect and preserve the rural communities of present and future residents of these areas. The regulations shall, at a minimum:

1. Retain the Agricultural Residential zoning category and the agricultural uses permitted by the Unified Land Development Code;
2. Provide for zoning districts which appropriately accommodate residential and/or agricultural uses consistent with the applicable Rural Residential Future Land Use designation;
3. Provide assurances that allowed agricultural uses shall be compatible with a rural residential neighborhood;
4. Guarantee the keeping of livestock;
5. Maintain specific regulations to restrict the types of non-residential and non-agricultural uses allowed and promote the rural character through design, and provide for locational criteria, which will prohibit the scattering of such uses throughout the Exurban Tier;
6. Provide limitations on the types and number of uses permitted by the conditional use process;
7. Allow home occupation uses that will not degrade the rural character of the area;
8. Include provisions for non-conforming agricultural uses consistent with this Plan, while not violating the Right-to-Farm Act;
9. Include provisions that: encourage maximizing the preservation of open space and protection of native vegetation and tree canopy in front, rear, and side yards; preserve environmental systems; protect wildlife; and, retain the rural character of the Exurban Tier; and,
10. Provide protection for Rural Residential areas in the Exurban Tier from the impacts associated with commercial mining operations and excavation, such as, but not limited to, hauling activity, blasting, vibration, noise, dust, and glare.

Comprehensive Plan, Future Land Use Element Current Effective Language continued...

OBJECTIVE 1.4 Rural Tier

General: The Rural Tier includes agricultural land and rural settlements that range in density from primarily 1 dwelling unit per 5 acres to 1 dwelling unit per 20 acres. These areas support large agricultural operations as well as single-family homes with small family -owned agricultural businesses, including equestrian related uses. Due to the declining availability of land and the increase in population in the Urban and Exurban Tiers, the Rural Tier is beginning to experience pressure for urban densities and nonresidential intensities normally associated with a more urban area. The strategies in the Rural Tier are established to protect and enhance rural settlements that support agricultural uses and equestrian uses.

Objective: Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large undeveloped tracts as well as areas containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service.

Policy 1.4-1: The County shall continue to provide the rural zoning regulations for areas designated Rural Residential in order to protect and maintain the rural communities of present and future residents of these areas. The regulations shall, at a minimum:

1. Retain the Agricultural Residential zoning designation and the agricultural uses permitted by the Unified Land Development Code.
2. Provide for zoning districts, which appropriately accommodate residential and/or agricultural uses consistent with the applicable Rural Residential future land use category;
3. Provide assurances that agricultural uses shall be allowed in rural residential neighborhoods;
4. Guarantee the keeping of livestock;
5. Maintain specific regulations to restrict the types of non-residential and non-agricultural uses allowed and promote the rural character through design, and provide for locational criteria, which will prohibit the scattering of such uses throughout the Rural Tier;
6. Provide limitations on the types and number of uses permitted by the conditional use process;
7. Allow home occupation uses that will not degrade the rural character of the area;
8. Include provisions for non-conforming agricultural uses consistent with this Plan, while not violating the Right-to-Farm Act;
9. Include provisions that restrict clear-cutting for residential purposes to encourage: preservation of open space and protection of native vegetation and tree canopy in front, rear and side yards: preservation of environmental systems, protection of wildlife and retention of the rural character of the Rural Tier.
10. Provide protection for Rural Residential areas in the Rural Tier from the impacts associated with commercial mining operations and excavation, such as, but not limited to, hauling activity, blasting, vibration, noise, dust, and glare.
11. Provide for the enhancement and continuation of equestrian uses and facilities to support equestrian operations and events.