



LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
AGRICULTURE MARKETPLACE SUB-COMMITTEE
(FKA: Produce Stand and Related Uses Subcommittee)

MONDAY, APRIL 16, 2012 AGENDA
2300 NORTH JOG ROAD
KENNETH S. ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M. – 4:00 P.M.

A. CALL TO ORDER

1. Roll Call
2. Introduction
3. Additions, Substitutions and Deletions to Agenda
4. Motion to Adopt Agenda
5. Adoption of March 12, 2012 Minutes (**Exhibit A**)

B. DIRECTORS COMMENTS

C. CONTINUATION OF 4-2-12 DRAFT AMENDMENT DISCUSSION (EXHIBIT B)

1. Collocated Uses
2. Special Events
 - Calibrate number and length to accommodate agricultural events
 - Clarify difference between events and activities
 - Method of approval
 - Review of activities submitted by Mr. Perry (**EXHIBIT C**)
3. Maximum Overall Square Footage
4. Maximum Percentage/Square Footage Permitted for Grocery Sales
5. Definitions

D. NEXT MEETING AGENDA

E. ADJOURN

EXHIBIT A

**AGRICULTURE MARKETPLACE SUBCOMMITTEE
(FKA: PRODUCE STAND AND RELATED USES SUBCOMMITTEE)
A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

MINUTES OF THE APRIL 2, 2012 MEETING

Prepared by Zona Case

On Monday, April 2, 2012, the Produce Stand and Related Uses Subcommittee met at the Vista Center, Room VC-1W-47, at 2300 North Jog Road, West Palm Beach, Florida.

A. CALL TO ORDER

1. Roll Call

Ms. Lori Vinikoor, Chair, called the meeting to order at 2:00 p.m.

2. Introductions

Those in attendance* were asked to introduce themselves.

Subcommittee Members: Lori Vinikoor, Jim Knight, Terrence Bailey, Barbara Katz.

Interested Parties: Steve Bedner, Jeff Brophy, Mark Perry, Ken Lassiter, Richard Machek, Gerry Morrison, Robert Pawa, Mitchell Marden, Rick Roth, Harvey Berger, and Lyn Cacella.

County Staff: Barbara Alterman, Audrey Norman, Arthur Kirstein, Danna Ackerman-White, Monica Cantor, William Cross, Bryan Davis, Kurt Eisman, Cynthia McDougal and Zona Case.

3. Additions, Substitutions and Deletions to Agenda

There were no additions, substitutions or deletions to the agenda. Mr. Knight apologized for his absence from the meeting on 3/12/12. He asked to place on record that this was because he did not receive the invitation due to an error in his changed e-mail address.

Motion to adopt Agenda

Motion to adopt by Terrence Bailey seconded by Jim Knight. Motion passed (4-0).

4. Adoption of March 12, 2012 Minutes (Exhibit A)

Motion to Adopt by Terrence Bailey, seconded by Barbara Katz. Motion passed (4-0).

B. TENTATIVE SCHEDULING FOR SUBCOMMITTEE AND AMENDMENTS

Ms. Vinikoor provided a handout listing the dates of the four 2011 meetings, the 2012 dates scheduled specifically for the AGR Tier, and requested that such be "...indicated in the minutes of the April 2, 2012 meeting..." Staff noted the request.

Mr. Cross noted that the seventh and last meeting is tentatively set for Monday, April 16, with presentation to the LDRAB on May 23, 2012. BCC dates were also included in the handout.

Mr. Knight expressed disappointment that he was not invited to participate in the BCC tour of the AGR despite the fact that at the LDRAB Meeting he had indicated an interest in doing so. He asked to be apprised of future events. Mr. Cross indicated that as Zoning staff did not coordinate the tour and due to limited Zoning staff it is difficult to keep abreast and inform LDRAB members of upcoming events. When possible, it will be done.

* Bryan Davis, Audrey Norman, Kurt Eisman, Sandy McDougal, Rick Roth arrives at 2:10.

C. BRIEF OVERVIEW OF MARCH 21, 2012 AGRICULTURE ENHANCEMENT COUNCIL MEETING

At the request of Ms. Vinikoor, Mr. Cross provided a brief perspective of the Agricultural Enhancement Council (AEC) Meeting held on March 21, 2012. Mr. Roth noted this had been his first AEC meeting and he highlighted a few points he took away from the meeting.

D. CONTINUATION OF DRAFT AMENDMENT DISCUSSION

Ms. Katz commented that at the last meeting Mr. Bedner was asked to state what he wants, and that approaching it in this way will produce good results.

1. Definitions

In response to Ms. Vinikoor's question, Mr. Cross clarified that the correct definition is Agriculture Marketplace but that the term Agricultural Marketplace had also been mistakenly used at the AEC meeting.

* Mr. Cross noted that Barbara Alterman joined the meeting (time 2:20 p.m.).

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Mr. Cross opened the discussion with a summary of the staff recommendation to allow for five percent or 1,000 square feet, whichever was less, to be allowed for the sale or groceries. He noted that while there were suggested terms that may need to be defined, staff had a preference to move forward with a discussion on the other critical elements of the proposed amendments, and that if necessary – definitions could be completed to reflect the final product.

At this time, an extensive discussion ensued regarding the definitions and what types of products might be permitted to be sold. Mr. Cross clarified that the definition for groceries in Websters was *“the sale of foodstuff and household supplies”* and that foodstuff was *“a substance that could be used or prepared for use as food.”* He stressed the need to tie the proposed use to agriculture while also keeping things as simple as possible, as the County does not want a complex definition that would be excessively difficult for Code Enforcement or others to follow.

Significant discussion ensued. The following highlights the key points of discussion:

- Ms. Katz' inquired as to whether industry was consulted, to which Mr. Cross said that there are differing opinions from industry but staff is of the opinion that there is a significant difference between agricultural products and groceries. He further noted the definition of Agriculture Products under F.S. 604.315.
- Mr. Perry commented that on recommendations to broaden the use "agricultural products" and restricting if it becomes necessary, citing the definition under the Right to Farm act. Staff requested that said definition be submitted for further discussion.
- Ms. Alterman said Zoning has to ensure that the use does not become commercial which would trigger a Comprehensive Plan text amendment. The Board has not authorized that direction and staff is trying to balance commercial versus enhancing and helping agriculture.
- Mr. Perry responded that the sale of grocery items makes the use commercial and he agreed there might have to be a Comprehensive Plan amendment but suggested the process be continued to see whether it can have an end result without that restriction.
- Mr. Knight's view was they should have permission to sell anything that is edible. The only way to help is to keep the farmers there and if a text amendment is necessary then, do it.
- Mr. Bailey questioned where the line is that separates agriculture from commercial. Ms. Cantor replied that the constraints are a consequence of the Comprehensive Plan and Planning may be asked to explain the difference. Ms. Alterman further elaborated that new commercial uses in the AGR Tier were permitted to two locations, the intersections of Boynton Beach and Atlantic Boulevard at Lyons Road, with development required in the form of Traditional Marketplace Developments.
- Ms. Norman expressed the view is that food, fiber, forestry and animal products are all agricultural products which raises questions of whether bees wax, beeswax candle, firewood, and furniture are also agricultural products.
- Mr. Maycheck commented that limiting farmers to the sale of agriculture products only was prohibitive, and that the County's decision to allocate only two locations for commercial in the AGR is very restrictive.
- Mr. Cross reiterated that at each of the six prior meetings he had requested that industry and interested persons provide examples of other jurisdictions that allowed for additional retail sales on agricultural properties. Mr. Maycheck gave examples of jurisdictions in Florida where farm stores are allowed to sell products from all over the world, as one-stop shops. He confirmed that the examples cited were commercial properties.
- Mr. Bailey read the definition of commercial use in the Comprehensive Plan: "activities within land areas which are predominantly connected with the sale, retail and distribution of products or performance of services" and questioned whether the criteria of five percent or 1,000 sq. ft. would be commercial. Ms. Alterman explained that generally the Code and the Comprehensive Plan allow a small percentage for accessory uses and other things can be done as accessory to a farm. Determining what is accessory and what is primary is a delicate balance.

Mr. Roth recommended that from all that was said, someone should move a motion, have it seconded and if not passed, then another motion be moved.

Mr. Pawa acknowledged the lack of existing models to follow but that it was time to lead - not follow, citing the uniqueness of the AGR. He gave examples of various states where a wide variety of business activities are carried out in similar areas. The Bedner's

EXHIBIT A

experience is unique and the public would strongly support a one stop shop, making it both economically and ecologically beneficial. He summarized three tiers of food: raw, processed and prepared, citing as an example that wheat is raw, milled flour or spaghetti is processed, and that a pasta dish would be prepared. Mr. Cross noted that a review of many of the agritourism ordinances from the areas cited expressly prohibited the types of retail sales being proposed. He cited Napa Valley as an example, where the local code allows for a fee to be charged to cover the consumption of food customarily associated with wine tasting activities, but that retail sale was expressly limited to the wine produced on site.

Mr. Bailey said that farming 70% of the land leaves 30% for consideration. He noted that the maximum FAR (editors note: floor area ratio) is 0.15 and that there is no need for further definition or restriction on what is put there. Because of the other elements being put in place, everything under a roof will be considered ancillary in the bigger picture. He recommended that the definition for "foodstuff" be stricken while keeping the "grocery or grocery sales" definition.

Motion by Ms. Vinikoor to vote on Mr. Bailey's recommendation, seconded by Mr. Knight. Motion passed 4 - 0. Mr. Cross noted that staff would take the recommendation into consideration.

2. Maximum Overall Square Footage

Mr. Cross reiterated the need to clarify what types of uses were being considered or proposed so as to help frame the discussion on potential square footage. He noted that staff had identified potential collocated uses, and that a museum had been briefly mentioned in another meeting, to include antique tractors, farming exhibits and other similar educational elements. There is room for discussion on square footage, keeping in mind that uses would need to be related to agricultural operations.

Mr. Brophy noted that the Bedner approval was in excess of 12,000 sq. ft. and that with an FAR of 0.15 that approximately 91,000 sq. ft. would be permitted. He stated that Bedner's has been consistently saying what they would like to do there in terms of other collocated uses, such as the agri-tourism, and these are going to take up more than the actual marketplace. The restrictions are already contained in the 30 percent, 0.15 FAR, that the market is going to dictate the size of the building, and that it will not be a 65,000 sq. ft. stand. With all these factors there is no need for the added restriction. In addition this will be a Class A Conditional Use which will have to go to the BCC for approval.

Mr. Cross noted that typically accessory uses are not just straight percentage of an area (acreage, square footage, etc.) but that other guidelines are sometimes required to ensure that the use is truly accessory, or in this case incidental and subordinate to the farming operations. In response to Ms. Vinikoor's question as to why square footage was suggested, it was noted that staff were seeking to establish a balance between farming operations and more intense ancillary uses that might be adverse to those farming activities.

Mr. Lassiter said that while a 90,000 sq. ft. stand is not likely, a farmer could decide to have a packing or a processing plant particularly if they are not only selling at their location but are packing and shipping all over. Mr. Kirsten noted that many local farmers have been wholesalers for years and that some farmers cannot compete on a wholesale basis so we have to provide flexibility to help small farmers like Bedner's to continue farming.

Mr. Bailey said good governance demands that we restrict by square footage or a 90,000 sq ft. building becomes a possibility. He recommended leaving it to staff to set up a definition grouping with allowable square footages as follows: 20,000 sq. ft. publix-style building, 30,000 to 40,000 open air market, and the balance of the 0.15 FAR would be for collocated museum. Or split it in thirds and those would be the maximum.

Mr. Cross said this was fine and staff would come back with a decision on April 16, and we will discuss and see what we have to present to the LDRAB and on to the BCC.

Mr. Bailey's recommendation was seconded by Mr. Knight. Motion passed 4 – 0.

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3. Maximum Square Footage Permitted for Grocery Sales

Mr. Cross noted change to 5 percent or 1,000 sq. ft. He asked for suggestions to for staff to consider for discussion at the April 16 meeting.

Mr. Kirsten opined that agriculture is not just the product and has nothing to do with the product but with growing the product.

Mr. Perry expressed the view that the first motion made was approving grocery sales for the entire building site and it seemed to him that the restrictions are being discussed after grocery sales for the entire site was approved. He wished to have this clarified.

A discussion ensued in which the following points were clarified:

- Staff's position is that agricultural products, fruits, vegetables, hay, etc. can be sold, pending new information that may say otherwise. It is the processed and prepared food (e.g. pasta), fiber, that would be in that 5 percent or 1,000 sq.ft.
- Mr. Roth expressed the desire to see the written record as to what was recommended and passed. Mr. Cross noted that historically staff has tended to agree with LDRAB subcommittee 99 percent of the time but in situations such as these where there are constraints with the Plan or other factors that may preclude certain recommendations.
- Mr. Bailey clarified: - the original recommendation is that they have to farm 70 percent. They have the entire square footage of the 0.15 FAR which he considered to be ancillary and non- commercial, and therefore do not need the restriction on the groceries. Anything in the building can be grocery stuff. This can be taken up again if there is a more appropriate restriction.

4. Collocated Uses

Mr. Cross summarized the permanent greenmarket amendments, noting the scope of products permitted to be sold and noted that there were no significant issues with this use.

It was noted that there were other discussions underway related to recycling bins and that the Bedners had indicated that this could be removed at this time. Mr. Cross noted there would be additional options for reconsideration of this use during any related amendments or during the forthcoming Use Regulations Project.

In reference to Page 10, Line 3, Ms. Katz expressed concern about restaurant or food sales in the AGR as a collocated use and said there is no way to get a restaurant into any place other than the two commercial spots on Lyons Road and Atlantic/Boynton Beach. The Ag Reserve cannot be violated unless the Plan is changed.

Mr. Cross said that staff is looking for input with regard to both items 3 and 4 on page 10 as to what kind of food sales are going to be out there for people who are going to be visiting for u-pick activities and become hungry or thirsty. Staff does not have a position on this yet as they are not comfortable with it. Ms. Katz opined that if it is temporary when there is a fair or at a special event.

Mr. Perry expressed the desire to have weekend events like barbeque cook off, corn eating contest or other activities in the tiki hut. Barbeques can be done all week if there is a demand for it and you are making money. That is farming based and can be considered agriculture. Mr. Perry noted that there is a 20 ft. trailer there all the time and there were suggestions from members to have certain time limits like closing when stores close.

Mr. Bailey would like to hear from staff which type they would prefer, those left on site and closed down, or those that come in and out daily. Staff noted objections to fixed restaurants and that the conflict with the bbq trailer, which while mobile, was not being removed on a daily basis. It was noted that the accessory grocery sales could include food and beverages.

In response to Mr. Harvey Berger's question on a permit for mobile sales, Mr. Cross clarified that there are two different types of mobile permits one regulated by County Engineering that park within a right of way, and others permitted by Zoning that require consent from a property owner, and limitations to ensure that require blocking, access ways and other similar elements are not blocked. He noted that those that typically

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service constructions sites might be classified otherwise, and that other entities such as the Health Department regulated food safety.

5. Special Events

Mr. Cross noted that special events were not currently permitted in the AGR district. Rather than simply permit this as a collocated use under current standards of a maximum of three per year up to 14 days each, staff had researched other ordinances and suggested that that when collocated with an agriculture marketplace, 12 events be permitted, with a duration of weekends or County recognized holidays, with some connection to agriculture related tourism, education or other similar. It might also be possible to consider developing guidelines to allow for a one time DRO approval rather than the current requirement to obtain a special permit for each event. Additional input and discussion would be required to ascertain the feasibility – with an emphasis on ensuring that appropriate parking, crowd control and restroom facilities are adequately addressed. This would clearly be simpler for the applicant, as well as PZ&B staffing, including Code Enforcement.

At this time, staff referred to the List of Uses submitted by Mr. Perry - pgs 13 - 14 and questioned how the uses tie to agriculture. Discussion ensued on the types of events proposed and how to separate "events" from "activities?" Mr. Cross noted that additional information from industry would be needed to fill in the table so there is no misinterpretation and a column has been added to differentiate event from activity.

Ms. Cantor expressed that the site has too many activities that trigger parking demands and consideration should be given to the type of activities to be allowed in this development. Regulations have to be put in place to avoid any current parking issues and to ensure the issues do not trigger parking on SR-7.

Mr. Cross repeated his request for anyone who can to provide a code - a plan or set of regulations from anywhere in nationally nation that allows agricultural property to have restaurants and unlimited product sales. He has looked very hard but has not found one.

Staff thanked everyone for their participation and input.

E. NEXT MEETING AGENDA

F. ADJOURN

Mr. Knight motioned for adjournment and Mr. Bailey seconded the motion. The meeting adjourned at 4:10 p.m.

EXHIBIT B

AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
DRAFT – SUMMARY OF AMENDMENTS
(Updated 04/10/12)

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Part 1. ULDC Art. 1.I.2, Definitions (pages 34 of 115), is hereby amended as follows:

Reason for amendments: [BCC] Per discussion at the January 17, 2012 BCC Workshop to discuss the AGR Tier, the BCC directed PZ&B to reconvene the Produce Stand Subcommittee for the purposes of coordinating with Agricultural industry in the AGR Tier to explore issues to support agriculture in PBC. The following definition for an Agriculture Marketplace would accommodate a comprehensive approach to managing multiple agricultural related uses that provides for additional economic viability for farming operations while ensuring that such uses do not result in the establishment of commercial operations or otherwise infringe upon the viability of bona-fide agricultural operations.

CHAPTER I DEFINITIONS & ACRONYMS

Section 2 Definitions

A. Terms defined herein or referenced in this Article shall have the following meanings:

....

41. Agriculture Products – means the natural products of the farm, nursery, grove, orchard, vineyard, garden or apiary..... See F.S. 604.15(1) definition for Agricultural Products. **PENDING** – ongoing discussion between recommendations and Policies of the Plan for the AGR Tier and commercial uses.

[Renumber accordingly.]

48. Agriculture Marketplace – A use that is accessory, incidental and subordinate, to a bona-fide agricultural use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunity for education of visitors, which generates income for the owner or operator of the bona-fide agricultural use, adding economic viability to farming operations.

[Renumber accordingly.]

....

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

....

56. Foodstuff – A substance that can be used or prepared for use as food.

[Renumber accordingly.]

....

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

....

22. Grocery Sales or Groceries – The sale of foodstuff and household supplies. **PENDING** – ongoing discussion related to five percent provision, sale of other products and Policies of the Plan for the AGR Tier and commercial uses.

[Renumber accordingly.]

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Notes:

Underlined indicates **new** text. If being relocated destination is noted in bolded brackets [**Relocated to:**].

~~Stricken~~ indicates text to be **deleted**.

Italicized indicates text to be relocated. Source is noted in bolded brackets [**Relocated from:**].

.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B

AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
DRAFT – SUMMARY OF AMENDMENTS
(Updated 04/10/12)

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Part 2. ULDC Table 4.A.3.A – Use Matrix Continued, Definitions (page 13 of 170), is hereby amended as follows:

Reason for amendments: [Zoning] 1) Correct scrivener's error for Green Market in AGR Zoning district as current Art. 4.B.1.A.64.b, Duration and Approval, requires that a Green Market be subject to Special Permit approval; 2) Establish Conditional Use approval process to ensure that site development on AGR parcels allows for public input; 3) See Agriculture Marketplace amendments under Bona-fide Agriculture for proposed administrative approval of Green Markets collocated with an Agricultural Marketplace; and, 4) Revisions for PDD's and TDD's will be provided as a separate Exhibit.

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 S A	R U A	R E T	R S M	R S M	C N	C L O	C C O	C H O	C G R	C E	I L	I G		P O
Commercial Use																		
....																		
Temporary Green Market		P	S							S		S		S				
Permanent Green Market										B		B		D				
....																		
Agricultural Uses																		
Agriculture, Bona Fide		P	P	P	A	A	A	A	A	A	A	A	A	A	A	A	P	A
[Ord. 2005-002] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2011-016]																		
Key:																		
P Permitted by right																		
D Permitted subject to DRO approval																		
S Permitted subject to Special Permit approval																		
B Permitted subject to Zoning Commission approval																		
A Permitted subject to Board of County Commission approval																		

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Part 3. ULDC Art. 4.B.1.A3, Bona Fide Agriculture, Supplemental Use Standards (page 29 of 170), is hereby amended as follows:

Reason for amendments: [BCC] Per discussion at the January 17, 2012 BCC Workshop to discuss the AGR Tier, the BCC directed PZ&B to reconvene the Produce Stand Subcommittee for the purposes of coordinating with Agricultural industry in the AGR Tier to explore issues to support agriculture in PBC. The following supplemental standards for an Agriculture Marketplace would accommodate a comprehensive approach to managing multiple agricultural related uses that provides for additional economic viability for farming operations while ensuring that such uses do not result in the establishment of commercial operations or otherwise infringe upon the viability of bona-fide agricultural operations.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

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]

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

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EXHIBIT B

AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
DRAFT – SUMMARY OF AMENDMENTS
(Updated 04/10/12)

1 storage of petroleum products; shipping containers used for temporary storage; washing,
2 cutting, and packing of farm products, and canning, dehydration, and basic preparation of
3 raw food products prior to shipment, and outdoor storage of equipment. [Ord. 2005 –
4 002]

5 **i. Agriculture Marketplace**

6 A use that is accessory, incidental and subordinate, to a Bona-fide Agricultural use in the
7 AGR Tier, conducted to allow for the sale of agricultural products or enhanced
8 opportunity for education of visitors, which generates income for the owner or operator of
9 the bona-fide agricultural use, adding economic viability to farming operations.

10 **1) Approval Process**

11 Class A Conditional Use.

12 **2) Location**

13 **a) Tier and District**

14 AGR Tier and Zoning district only.

15 **b) Frontage**

16 An agricultural marketplace shall have frontage on an arterial street designated
17 on the PBC Functional Classification Map.

18 **c) Proximity to Residential Uses**

19 The parcel or area designated on the Final Site Plan for an Agricultural
20 Marketplace shall be located at least 500 feet from adjacent existing residential
21 uses, or approvals for PUD or TMD development areas with residential uses.

22 **3) Minimum Acreage and Production**

23 A minimum of 75 contiguous acres of maintained and operated as a Bona-fide
24 Agricultural use shall be required for an Agriculture Marketplace.

25 **a) Agricultural Preserve Parcels**

26 The minimum acreage requirements may include parcels under an agricultural
27 conservation easement, identified as an AGR PUD or AGR TMD Preserve, or
28 other similar protections, subject to the following:

29 **[Editor's note: Pending further input from Agriculture Marketplace**
30 **Subcommittee]**

31 **b) Agriculture Production**

32 Not less than 70 percent of the overall land area must be continuously
33 maintained as row crops or for the production of other similar agricultural
34 products that produces agricultural goods that can be harvested for direct sales
35 to the public. An Agricultural Marketplace shall cease operations in the event
36 that the minimum agricultural production is not maintained.

37 **[Editor's note: seasonal (winter vegetables) and other related production**
38 **issues to be discussed with the Agriculture Marketplace Subcommittee]**

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

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

49 **a) Floor Area**

50 Maximum of 15,000 square feet, including any collocated uses.

51 **b) Grocery Sales**

52 Five percent or 1,000 square feet, whichever is less, of the agricultural products
53 sales area of an Agricultural Marketplace may be devoted to retail grocery sales.
54 There shall be no exterior signage and no external evidence of the availability of
55 grocery products for sale.

56 **c) Collocated Uses**

57 The following additional uses that would not normally be permitted in the AGR
58 district may be permitted to be collocated with an agricultural marketplace subject
59 to the following:

60 **(1) Permanent Green Market**

61 A permanent Green Market may be permitted to be collocated with an
62 Agricultural Marketplace.

63 **(2) Retail Sales, Mobile or Temporary**

64 **[Editor's note: Pending further input from industry or Agriculture**
65 **Marketplace Subcommittee, currently limited to Temporary and for**
66 **specific agricultural goods]**

Notes:

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EXHIBIT B

AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
DRAFT – SUMMARY OF AMENDMENTS
(Updated 04/10/12)

(3) Special Events

For the purposes of an Agriculture Marketplace, Special Events shall be permitted as a collocated use subject to the following:

- (a) Related to agriculture tourism, education or other similar agricultural activity;
- (b) Maximum of twelve events per year;
- (b) Events shall be limited to weekends, including any County recognized holidays;
- (c) Events shall be approved by (Special Permit, DRO, BCC???) The following factors should be considered: Method should minimize need for multiple applications; and,
- (d) Parking
- (e) Other considerations?

[Editor’s note: Pending further input from industry or Agriculture Marketplace Subcommittee]

d) Other Accessory Activities

[Editor’s note: Pending further input from industry or Agriculture Marketplace Subcommittee]

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) Eight a.m. to six p.m. Monday through Saturday; and,
- 2) Ten a.m. to six p.m. Sunday.

Part 4. ULDC Art. 4.B.1.A.64, Green Market (page 55 of 170), is hereby amended as follows:

Reason for amendments: [Zoning] 1) Correct scrivener’s error for redundant reference to Special Permit requirements, as corrected in Table 4.B.1.A, Use Matrix; and, 2) to Clarify that a permanent Green Market is subject to DRO or other approval, parking standards, among other typical site design requirements.

CHAPTER B SUPPLEMENTARY USE STANDARDS

Section 1 Uses

A. Definitions and Supplementary Standards for Specific Uses

64-1. Green Market, Temporary

A temporary gathering of vendors for the purpose of selling fresh unprocessed fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food including cottage foods, on a retail basis.

a. Lot Size

A minimum of one acre.

b. ~~Duration and Approval~~

Weekends and PBC recognized holidays only, ~~subject to approval of a Special Permit.~~

c. Site Operation

The market stall shall be located on the site as not to utilize required parking spaces or obstruct any access or parking lot aisles. [Ord. 2007-001]

d. Temporary Electric Service

The applicant shall obtain an electrical permit for temporary power, if applicable. [Ord. 2007-001] [Relocated to new f. below]

e. Stands

Each vendor stand shall not exceed 150 square feet. The stand shall remain transportable. Motor vehicles such as vans or small trucks may be permitted provided the vehicle is removed from the site at the close of the market each weekend.

f. Signage

A maximum of two signs with a maximum sign face area of 32 square feet per side. Signs shall be setback a minimum of five feet from the base building line and have a

Notes:

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.... A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT B

AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
DRAFT – SUMMARY OF AMENDMENTS
(Updated 04/10/12)

1 minimum separation of 100 feet. Banners, pennants, balloons and flags shall be
2 prohibited.

3 **g. Permanent Green Market Additional Special Permit Requirements**

4 ~~A permanent Green Market shall be allowed to operate each weekend provided the area~~
5 ~~designated for the Green Market is not located in required parking and indicated on the~~
6 ~~final DRO site plan.~~ A Temporary Green Market that is located within required parking
7 spaces or access aisles for a temporary period of time, which shall be defined by
8 anything exceeding one hour or several days, shall comply with the Special Permit
9 requirements in Article 2.D.2. [Ord. 2010-005] [Ord. 2010-022] [Portions relocated to
10 **new f. Permanent Green Market below**]

11 **64-2. Permanent Green Market**

12 An area permanently designated on a Preliminary or Final Site Plan providing for the
13 gathering of vendors on weekends and holidays, for the purpose of selling fresh unprocessed
14 fruit, vegetables, flowers, and consumable items such as coffee, bread and prepared food
15 including cottage foods, on a retail basis.

16 **a. Lot Size**

17 A minimum of one acre.

18 **b. Duration**

19 Weekends and PBC recognized holidays only.

20 **c. Stands**

21 Each vendor stand shall not exceed 150 square feet. The stand shall remain
22 transportable and shall be removed from the site at the close of the market each
23 weekend, or holiday where applicable. Motor vehicles such as vans or small trucks may
24 be permitted subject to the preceding removal requirements.

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EXHIBIT B

AGRICULTURE MARKETPLACE
(AGRICULTURAL RESERVE [AGR] TIER)
DRAFT – SUMMARY OF AMENDMENTS
(Updated 04/10/12)

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Part 5. ULDC Art. 6, Parking (page 5 of 39), is hereby amended as follows:

Reason for amendments: [Zoning] 1) Establish minimum parking and loading standards for permanent Green Market, currently permitted in the LCC, IRO and URAO districts, and proposed to be accommodated in the AGR district when co-located with an Agriculture Marketplace. Parking ratio's are similar to but slightly less than that required for General Retail Sales, as the use is not permanent, thus not allowing for the same volume of inventory (less shelving or other display area) and does not include square footage of walkways or other similar; and, 2) Establish minimum parking and loading standards for proposed Agriculture Marketplace use. Parking ratio is the same as similar uses such as General Retail Sales and Permanent Produce Stand; and, 3) Clarify parking requirements for some uses that are accessory to Bona-fide Agriculture in accordance with Art. 4.B.1.A.h, Accessory Agricultural Uses.

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd

Use Type: Commercial	Parking (1)	Loading (2)
....		
Green market		
<u>Temporary</u>	N/A	N/A
<u>Permanent</u>	<u>1 space per 250 sq. ft. If 25 percent or more of commercial or non-residential square footage of the overall site shall provide 1 space per 100 sq. ft.</u>	<u>A</u>
....		
[Ord. 2005-002] [Ord. 2009-040] [Ord. 2011-016]		
Loading Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

Table 6.A.1.B - Minimum Off-Street Parking and Loading Requirements – Cont'd

Use Type: Agriculture	Parking (1)	Loading (2)
Agriculture, bona fide	1 space per 1,000 sq. ft.	B
<u>Accessory Agricultural Uses (U-Pick Em Operations)</u>	[Editors note: Pending input from Agricultural Marketplace Subcommittee]	
<u>Agriculture Marketplace</u>	<u>1 space per 200 sq. ft. including outdoor sales display area</u>	<u>A</u>
....		
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2006-036]		
Loading Key:		
Standard "A" One space for the first 5,000 square feet of GFA, plus one for each additional 30,000 square feet of GFA.		
Standard "B" One space for the first 10,000 square feet of GFA, plus one for each additional 15,000 square feet of GFA.		
Standard "C" One space for the first 10,000 square feet of GFA, plus one for each additional 100,000 square feet of GFA.		
Standard "D" One space for each 50 beds for all facilities containing 20 or more beds.		
Standard "E" One space for the first 10,000 square feet of GFA, plus one for each additional 20,000 square feet of GFA. The space shall be a minimum of 12 feet in width and 18.5 feet in length for uses that require limited loading.		

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Exhibit C

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
 AGRICULTURE MARKETPLACE SUBCOMMITTEE *
 REVIEW OF LIST OF USES SUBMITTED BY INDUSTRY
 (Updated March 26, 2012)**

#	Title	Event or Activity?	Relationship to Agriculture	Attendance	Parking	Comments
1.	Birthday parties					
2.	Christmas parties					
3.	Easter egg hunts					
4.	Easter pictures					
5.	Earth Day events					
6.	Halloween costume contest/ haunted house					
7.	Pictures with Santa					
8.	Petting zoo					
9.	Three dog rescue organizations					
10.	Entertainment - music					

* EARLY 2012 SUBCOMMITTEE LIMITED TO AGR TIER.

Exhibit C

#	Title	Event or Activity?	Relationship to Agriculture	Attendance	Parking	Comments
11.	Field trips in conjunction with Loxahatchee WMA					
12.	Summer camps					
13.	Food trucks (1)					
14.	Political fund raisers					
15.	BBQ cook off					
16.	Charity fund raisers					
17.	Cooking demonstrations/ cooking classes					
18.	Watermelon eating contest					
19.	Car shows					
Notes:						
1. As relates to Bedners, ½ at Bedners ½ at Loxahatchee WMA.						