

EXHIBIT B

BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE
SUMMARY OF AMENDMENTS
AMENDMENTS TO THE AGENDA
(Updated 6-18-13)

1
2 Part 1. ULDC Art. 1.I, Definitions and Acronyms (pages 40, 48, 53 71 and 100 of 119), is hereby
3 amended as follows:
4

Reason for amendments: [PZ&B and Cooperative Extension Service, with support of ERM, the PBC Health Department, SWA and the County Water Resources Manager] See Part 2 for clarification of overall goals and objectives for the development of best management practices for properties that receive offsite livestock waste.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7
8 B. Terms defined herein or referenced in this Article shall have the following meanings:

9
10 17. **Best Management Practices (BMPs)** – technologically and economically feasible means of
11 preventing or reducing amounts of pollution generated by point and non-point sources to a
12 level compatible with the water quality and quantity objectives of ~~the~~ PBC. BMPs include
13 schedules of activities, prohibitions of practices, maintenance procedures, and other
14 management practices to prevent or reduce the pollution of waters. [Ord. 2013-...]

15
16 C. Terms defined herein or referenced in this Article shall have the following meanings:

17
18 62. **Composting Facility** - a facility designed and used for transforming food, yard waste and
19 other organic material into soil or fertilizer through biological decomposition. This use does
20 not include backyard-composting serving individual families.

21 63. **Composting** – the process by which biological decomposition of organic solid waste is
22 carried out under controlled aerobic conditions, and which stabilizes the organic fraction into
23 a material which can easily and safely be stored, handled, and used in an environmentally
24 acceptable manner. [Ord. 2013-...]

25 [Renumber accordingly.]

26
27 D. Terms defined herein or referenced in this Article shall have the following meanings:

28 21. **Designated Disposal Facility** – for the purposes of Art. 5.J, Best Management Practices for
29 Livestock Waste, a solid waste management facility operated, permitted or designated by the
30 Solid Waste Authority to receive solid waste generated within Palm Beach County, or such
31 alternate facility as may be designated by the Solid Waste Authority in writing. [Ord. 2013-
32 ...]

33 [Renumber accordingly.]

34 52. **Domesticated Livestock** - for the purposes of Article 5, shall include, but not be limited to,
35 all animals of the equine (excluding horses), bovine (cattle), porcine (swine), caprine (goats),
36 ovine (sheep), and camelid (llamas, alpacas) families as well as poultry (chickens and
37 ducks). For the purposes of Art. 5.J, Best Management Practices for Livestock Waste,
38 livestock shall include all domesticated livestock and horses. [Ord. 2012-027] [Ord. 2013-...]

39
40 L. Terms defined herein or referenced in this Article shall have the following meanings:

41
42 48. **Livestock Waste** – for the purposes of Art. 5.J, Best Management Practices for Livestock
43 Waste, waste composed of excreta of animals and residual materials that have been used for
44 bedding, sanitary, or feeding purposes for such animals. [Ord. 2013-...]

45 [Renumber accordingly.]

46 Section 3 Abbreviations and Acronyms

47
48 CES Cooperative Extension Service

49
50 This space intentionally left blank.

Notes:
Double Underlined indicates new text added since Agenda/Original Exhibit was distributed.
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EXHIBIT B

BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE
SUMMARY OF AMENDMENTS
AMENDMENTS TO THE AGENDA
(Updated 6-18-13)

1
2 Part 2. ULDC Art. 5, Supplementary Standards (page 92 of 92), is hereby amended to create
3 new Chapter J, Best Management Practices for Livestock Waste, as follows:
4

Reason for amendments: [PZ&B and Cooperative Extension Service, with support of ERM, the PBC Health Department, SWA and the County Water Resources Manager] The proposed amendment is specifically for those properties that receive off-site livestock waste. The amendment serves to address the inappropriate dumping or storage of livestock waste that far exceeds the maximum nutrient values necessary for fertilizer or soil amendment. These Code amendments will not adversely impact legitimate farming operations.

The use of animal waste for fertilizer or soil amendment is a commonly recognized farming practice; however, when applied haphazardly without an appropriate management plan or use of State approved Best Management Plans (BMPs), there is a strong potential for adverse impacts to the environment, especially water bodies and drinking water supplies. In most instances, legitimate farmers recognize that the overuse or improper spreading of livestock waste doesn't make economic sense, and elect to follow State BMPs. Implementation of these BMPs on bona fide agricultural properties would be pre-empted from the requirements of this code, and are encouraged.

5 **CHAPTER J BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE**

6 **Section 1 Purpose and Intent**

7 The purpose and intent of these regulations is to mitigate potential adverse environmental impacts,
8 pathogens and other nuisances associated with the inappropriate use or disposal of livestock waste
9 received from off-site sources. Adverse impacts include but are not limited to: ground and surface water
10 pollution due to excessive nutrient discharge, specifically nitrogen or phosphorus; odors or other nuisance
11 from improperly stored, composted or spread livestock waste.

12 **Section 2 Applicability**

13 The standards shall apply to the storage or receiving of livestock waste that is received from offsite
14 sources, with exception to the following:

15 **A. Exemptions**

- 16 1A. Where pre-empted by State law, including but not limited to, the Right to Farm Act. Where
17 applicable, documentation of implemented Best Management Practices or other method of
18 pre-emption shall be required;
- 19 2B. A SWA Designated Disposal Facility;
- 20 ~~C. Livestock waste generated by livestock on open pasture lands where the waste is not~~
21 ~~stockpiled;~~
- 22 3D. The commercial application of fertilizer on non-agricultural property when in compliance with
23 the Palm Beach County Fertilizer Ordinance (Ord. 2012-);
- 24 4E. Composted manure applied by a homeowner or tenant to residential lawns or gardens; and,
- 25 5F. Ten cubic yards in any 12 month period ~~per year~~, with all requirements being met, as listed
26 under ~~Section 3 Separation~~, below.

27 **Section 3 Storage or Spreading of Livestock Waste**

28 The storage or spreading of livestock waste that is received from off-site sources is prohibited, unless in
29 compliance with the following:

30 **A. Storage**

31 Storage areas shall be covered or contained to prevent run-off or seepage of liquids or / materials
32 from the storage area. Storage of livestock waste shall comply with the following:

- 33 1. Shall not be located within five feet of any ~~adjacent~~ structure, ~~or unless~~ placed within a
34 structure intended for the storage or composting of such waste;
- 35 2. Shall not be located within 25 ~~50~~ feet of any property line, with exception to internal lot lines
36 of parcels owned by the same entity; and,
- 37 3. Shall not be within 100 feet of a potable water supply well, a storm drainage system, wetland,
38 pond, canal or other water body.

39 **B. Spreading**

40 Livestock waste received from off-site sources shall be spread within 72 hours of delivery unless
41 otherwise approved in a Nutrient Management Plan. ~~In either event, storage~~ Storage shall
42 comply with any applicable livestock waste Storage and Separation requirements. Spreading of
43 livestock waste shall comply with the following:

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1. Nutrient Management Plan

Prior to receiving ~~of~~ livestock waste, an application shall be submitted to the Cooperative Extension Service (CES) for review. Upon completion of the review, the CES shall develop a Nutrient Management Plan which indicates whether application of any livestock waste is appropriate for the soil condition, and if so, in what amount.

a. Application Form and Requirements

The application form and requirements shall be in a manner established by the CES.

b. Validity of Nutrient Management Plan

The Nutrient Management Plan shall remain current for three years after its issuance by the CES. A current Nutrient Management Plan must be in place prior to receiving of livestock waste at any time. It shall be a violation of the ULDC, Code if livestock waste is ~~being~~ stored or spread in a manner inconsistent with the current Nutrient Management Plan.

2. Separation

The spreading of livestock waste shall not occur:

a. Within ~~25 50~~ feet of any property line, with exception to internal lot lines of parcels owned by the same entity; and,

b. Within 100 feet of a potable water supply well, a **storm** drainage system, wetland, pond, canal or other water body. **[Ord. 2013-...]**

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June 12, 2013

**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

Steven L. Abrams, Mayor
Priscilla A. Taylor, Vice Mayor
Hal R. Valeche
Paulette Burdick
Shelley Vana
Mary Lou Berger
Jess R. Santamaria

County Administrator

Robert Weisman

Mr. Wesley Blackman, AICP, Chairman, and
Members of the Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, FL 33460

RE: June 19, 2013 LDRAB/LDRC Special Meeting

Dear Mr. Blackman & Board Members:

Attached please find the agenda and supporting materials to assist you in preparing for the above mentioned meeting.

The meeting will commence at **2:00 p.m.** in the Vista Center 1st Floor Ken Rogers Hearing Room (VC-1W-47), located at 2300 North Jog Road, West Palm Beach, Florida.

If you should have any questions or require additional information, please contact me at (561) 233-5206 or via email at WCross@pbcgov.org, or Monica Cantor, Senior Site Planner at (561) 233-5205 or via email at MCantor@pbcgov.org.

Sincerely,

William Cross, AICP
Principal Site Planner, Zoning Division

Attachments: June 19, 2013 LDRAB Agenda and Supporting Materials

- c: Verdenia C. Baker, Deputy County Administrator
- Rebecca D. Caldwell, Executive Director, PZB
- Leonard Berger, Chief Assistant County Attorney
- Robert Banks, Chief Land Use County Attorney
- Jon MacGillis, ASLA, Zoning Director
- Maryann Kwok, Chief Planner, Zoning
- Monica Cantor, Senior Site Planner, Zoning
- Bryan Davis, Principal Planner, Planning
- John Rupertus, Senior Planner, Planning

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PALM BEACH COUNTY

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

JUNE 19, 2013

BOARD MEMBERS

Wesley Blackman, AICP, Chair (PBC Planning Congress)

David Carpenter, RLA, Vice Chair (District 2)

Raymond Puzzitiello (Florida Atlantic Builders Assoc.)

Richard S. Kozell, III (District 1)

Joni Brinkman (Palm Beach League of Cities)

Barbara Katz (District 3)

Terrence N. Bailey (Florida Engineering Society)

Jim Knight (District 4)

Jerome I. Baumoehl (American Institute of Architects)

Lori Vinikoor (District 5)

Edward E. Tedtmann (Environmental Organization)

Mike Zimmerman (District 6)

Frank Gulisano (Realtor's Assoc. of the Palm Beaches)

Henry D. Studstill, (District 7)

Gary Rayman (Fl. Surveying and Mapping Society)

James M. Brake (Member at Large/Alternate)

Vacant (Condominium Association)

Leo Plevy (Member at Large/Alternate)

Vacant (Association Gen. Cont. of America)

Board of County Commissioners

Steven L. Abrams, Mayor, District 4

Priscilla A. Taylor, Vice Mayor, District 7

**Hal R. Valeche
Commissioner, District 1**

**Paulette Burdick
Commissioner, District 2**

**Shelley Vana
Commissioner, District 3**

**Mary Lou Berger
Commissioner, District 5**

**Jess R. Santamaria
Commissioner, District 6**

**Robert Weisman
County Administrator**



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**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) AND
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

**WEDNESDAY, JUNE 19, 2013 AGENDA
2300 NORTH JOG ROAD
KEN ROGERS HEARING ROOM - 1ST FLOOR (VC-1W-47)
2:00 P.M.**

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda
4. Adoption of May 22, 2013 Minutes (Exhibit A)

B. ULDC AMENDMENTS

1. Exhibit B Best Management Practices for Livestock Waste

C. CONVENE AS LDRC

1. Proof of Publication
2. Consistency Determination
Exhibit B - Best Management Practices for Livestock Waste

D. ADJOURN AS LDRC

E. RECONVENE AS LDRAB

F. PUBLIC COMMENTS

G. LDRAB SUBCOMMITTEE UPDATES

1. Use Regulations Project

H. STAFF COMMENTS

1. RVPD Accessory Structure

I. ADJOURN

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

Minutes of May 22, 2013 Meeting

On Wednesday, May 22, 2013 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 13

Wesley Blackman (PBC Planning Congress)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Henry Studstill (District 7)*
Gary Rayman (Fl. Surveying & Mapping Society)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)*
Jerome Baumoehl (AIA)
Edward Tedtmann, Environmental Organization)
Barbara Katz (District 3)
James M. Brake (Member at Large/Alternate)
Leo Plevy (Member At Large/Alternate)

Members Absent: 4

David Carpenter (District 2)
Richard Kozell (District 1)
Frank Gulisano (PBC Board of Realtors)
Raymond Puzzitiello (Gold Coast Build. Assoc.)

Vacancies: 2

(Assoc. General Contractors of America)
(Condominium Association)

County Staff Present:

Leonard Berger, Assistant County Attorney
Bryan Davis, Principal Planner, Planning
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
David Nearing, Site Planner 1, Zoning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Chair Wes Blackman noted that there were no additions, substitutions, and deletions. He requested that a motion be made to allow presentation of a plaque on behalf of Palm Beach County to Mr. Martin Klein who served on the Land Development Review Advisory Board for nine years. This will be done after adoption of Item A.4.

Motion by Ms. Vinikoor, seconded by Barbara Katz. Motion passes (12 - 0)*.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Ms. Vinikoor, seconded by Ms. Katz. Motion passes (12 - 0)*.

4. Adoption of April 24, 2013 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Ms. Katz. Motion passes (12 - 0)*.

RECOGNITION OF FORMER BOARD MEMBER: MARTIN KLEIN

Chair, Wes Blackman, presented the plaque to Mr. Martin Klein and expressed both pleasure in having served with Mr. Klein and regret that he no longer serves on the Board. In responding, Mr. Klein spoke about his warm regards for former fellow members and the honor and gratitude he felt for being afforded the opportunity to serve with them and to work with an excellent Zoning staff. He wished good health and happiness for all.

B. ULDC AMENDMENTS

1. Exhibit B - Adult Day Care

Mr. Cross explained that the Facilities Development and Operations (FDO) Department brought to Zoning's attention language in the Day Care section of the ULDC which is in conflict with State agencies' regulations and that Mr. Eric McClellan, Senior Planner in that department was present to respond to questions. Zoning agrees and this minor amendment means that an adult day care is no longer required to meet the minimum square footage for outdoor activities specified in the ULDC and required for child day care facilities. This is in keeping with the Florida Administration Code (FAC) and Agency for Health Care Administration (AHCA).

Mr. Baumoehl, Mr. Knight and Mr. Tedtmann cited health concerns for clients which will result from lack of exercise due to insufficient space to move around freely.

Mr. Eric McClellan responded that a play area is not mandated by law. The Director of Senior Services had been consulted and it was agreed that it was best left to the market

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of May 22, 2013 Meeting

to determine future needs as the clientele being served is varied. Some clients might not be physically able to use outdoor space and providing and maintaining extra space is costly and could present liability issues for the facility. He further said that an expansive area is not necessary as the adults are there only during the day and all are not required to be outside at the same time, as mostly happens in a child day care. At any given time there might be one or two adults in that area.

Motion by Ms. Vinikoor, seconded by Mr. Rayman.

Motion by the Chair for vote on a roll call. The Secretary called the roll. The motion passes (8 - 4)*. Mr. Baumoehl, Mr. Tedtmann, Mr. Knight and Mr. Brake voted nay.

2. Exhibit C - Murals

Mr. David Nearing, Site Planner I, outlined the main points in the exhibit, as follows:

- A definition for "Mural", and establishing that the County Administrator or a designee is authorized to review and approve, or deny mural applications.
- Restrictions on placement and application procedures.
- Review procedures established by The Public Art Committee Resolution 2010-2092.
- Design criteria, requirements for installation and time allocated for completion.
- Inspection is required to ensure compliance, and enforcement details in the event of non-compliance are clearly explained.

A brief discussion followed in which Mr. Knight questioned the six-month time frame and Ms. Vinikoor expressed concern that neon lights might be used in the murals.

*The Chair noted the arrival of Mr. Bailey at 2:35 p.m.

Mr. Berger explained that the six-month timeframe is merely for internal convenience due mainly to Building Department procedures. Mr. Nearing added that six months is a typical building permit cycle and if additional time is needed the Building Department will extend the permit as long as progress is being made. He also pointed out that neon lighting requires a building permit and line 64 on page 14 of the Exhibit states that there is restriction on moving mechanical or electrical parts on murals.

Motion by Mr. Rayman, seconded by Ms. Katz. The Motion passes (13 - 0).

3. Exhibit D - Freestanding ATM

Mr. Nearing explained that this privately initiated amendment on behalf of Bank of America, was discussed at the BCC Hearing in October, 2012. Zoning was directed by the Board to process amendments to the ULDC to allow freestanding Automated Teller Machines in walk-up and drive-thru structures, which will be unmanned and provide a full range of banking services. He summarized the amendment as follows:

- Non-proliferation in parking lots to prevent excessive disruption of the traffic flow.
- Appropriate landscaping with particular attention to security lighting or Crime Prevention Through Environmental Design (CPTED) guidelines.
- Customer access to the interior is prohibited.
- Parking requirements must be satisfied; with provision for handicapped parking.
- Structures must be at least 1,000 ft. apart; maximum size is 100 sq. ft, excluding canopies for weather protection.
- Wall signage would be permitted in accordance with the same standards applicable to buildings, with exception to minimum tenant provisions intended for occupied businesses.
- The related financial institution is required to have at least one manned full service operation in the County.

Ms. Brinkman suggested that ATMs be allowed in the UC and UI (Urban areas) and asked why these small structures should have to comply with architecture design guidelines.

Mr. John Heron from the law firm of Gray and Robinson, representing Bank of America, provided further rationale for the need to provide freestanding machines:

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of May 22, 2013 Meeting

- Older type ATMs found in grocery stores are being phased out.
- Technical advances are encouraging more people to do their banking from home.
- There is more use of debit cards and many employers are converting to the debit card system to pay their employees.
- Access to the machines will assist many people who do not own a vehicle or a computer.

Mr. Heron further said that he agrees with Ms. Brinkman's opinion that the machines should be allowed in the UC and UI districts and he requested a simpler formula for calculating signage than the percentage method suggested.

Mr. Cross said that during the discussion, Mr. Bryan Davis, Principal Planner, Planning Division, conveyed to him that it might be possible to allow ATMs in the URA and if so a change could be made to the Exhibit. (Editor's note: The exhibit was subsequently amended to include the UC and UI districts as requested.)

Motion by Ms. Vinikoor, seconded by Ms. Brinkman Ms. Vinikoor emphasized the importance of the 1000 ft separation in the amendment. The Motion passes (11 - 2). Mr. Baumoehl and Mr. Plevy voted nay.

4. Exhibit E - Private Gun Range

Mr. Cross stated that complaints of a firearm being discharged on private property prompted research of Florida Statutes, and after further consultation with the County Attorney's Office, it was determined that the County cannot regulate this use. Mr. Berger added that State law regulates private gun ranges and the County can only regulate public gun ranges.

Motion by Ms. Vinikoor, seconded by Mr. Knight. The motion passes (13 - 0).

5. Exhibit F - Bona-Fide Agriculture

Mr. Cross explained the background to the amendment, as follows:

- ULDC provision duplicate requirements delegated to the Property Appraisers Office per Florida Statutes.
- Presently a farm cannot be started without the bona-fide agriculture classification from the Property Appraiser, but the classification cannot be obtained until the farm has started and is in production.
- The language being stricken should not be in the ULDC. Zoning can regulate where a farm is located.

Mr. Berger added that with the bona-fide classification a number of tax exemptions are available through the Property Appraiser and there are some activities which are entitled to exemption whether the operation is bona-fide agriculture or not.

Ms. Brinkman said there is confusion and the Building department does not seem to know how to handle it. She inquired whether the Building Division uses as their basis to exempt an AR property owner from the building process the fact that the owner completed all the required documentation.

Mr. Berger clarified that non-residential farm buildings do not require building permits. Many applicants live in the building after agreeing not to do so, to avoid the impact fees and building permit requirements and it is dangerous for them to live in an unpermitted building. The system has been abused and the State law changes almost every year. Recently attempts have been made to resolve the situation with the Building department and the process is still under review.

Mr. Cross added that Zoning is working on a PPM with several departments and the County Attorney to get feedback and address issues such as setbacks, other standards and the affidavit process. He also said that staff is addressing bona-fide agriculture among the many agricultural uses being reviewed in the Use Regulations project. The Comprehensive Plan will also be reviewed similarly.

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

Minutes of May 22, 2013 Meeting

Ms. Vinikoor requested a copy of the affidavit and Mr. Cross said he would send it by e-mail to all members. (Editor's note: The affidavit was forwarded via e-mail).

The Chair noted that a member of the public wished to speak on this item.

Caroline Villanueva said she represents Florida Crystals Corporation and its affiliates, which owns much of the land in the Agriculture Production area and will be affected by the amendments. The Corporation is now subject to the affidavit although every effort has been made to be in compliance. She was of the view that there is insufficient information in the Exhibit at this point to make decisions and requested the opportunity to coordinate and work with staff as an affected landowner. Ms. Villanueva also referred to page 25, lines 26-27, stating that the sentence is troubling. It does not identify the definition of bona fide agriculture and there is already a State statute that defines that.

Mr. Berger agreed with the Chair that this is an evolving matter and this amendment is a small step. Bona-fide is used frequently in the Code and changing the term entirely could be confusing. Mr. Berger also clarified that Zoning cannot regulate where there is State law but there are areas where Zoning can regulate basic agriculture and that is what the PPM is about. He also clarified that there are other standards that have been left out of the Exhibit and they will be renumbered in the Code.

Motion by Ms. Vinikoor, seconded by Mr. Bailey. Motion passes (13-0).

C. CONVENE AS LDRC

1. Proof of Publication

Motion to approve by Ms. Vinikoor, seconded by Ms. Katz. Motion passes (13 - 0).

2. Consistency Determination

Mr. Blackman requested that Exhibits B.1 through B.5 be looked at for consistency. Mr. Bryan Davis, Principal Planner, Planning Division, stated that the proposed amendments were consistent with the Comprehensive Plan.

Motion to approve consistency determination by Mr. Knight, seconded by Ms. Vinikoor. The motion passes (13 - 0).

D. ADJOURN AS LDRC

Adjourned as LDRC at 3.45 p.m..

E. RECONVENE AS LDRAB

Reconvene at 3:45 p.m

F. PUBLIC COMMENTS

There were no public comments.

G. LDRAB SUBCOMMITTEE UPDATES

1. Use Regulations Project

Ms. Cantor gave the following update:

- At the subcommittee meeting on May 14, the Industrial Uses were presented and several questions were raised especially in cases where the uses were changed from less to more restrictive.
- It was made clear that the object is to simplify the approval process where possible and determine how to handle non-conforming uses.
- The new Consolidated Use Matrix was also presented and explained to attendees.
- The next meeting is tentatively scheduled for the second week of June.

Ms. Cantor thanked LDRAB members who are participating in the Use Regulations subcommittee meetings and invited other members to participate. She also reminded existing Landscape Subcommittee members to attend meetings and invited other members to participate. Mr. Tedtmann accepted the invitation.

Formal motion to have Mr. Edward Tedtmann join the Landscape Subcommittee by Mr. Zimmerman, seconded by Mr. Baumohl. Motion passes (13 - 0).

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

Minutes of May 22, 2013 Meeting

Mr. Knight apologized on behalf of the Use Regulations Subcommittee for badgering of Zoning staff by some members of the public at the meeting on May 14. He hopes to exercise more control over the meeting to prevent this behavior from being repeated at future meetings.

H. STAFF COMMENTS

Mr. Cross advised the Board as follows:

- A special LDRAB/LDRC meeting has been scheduled for June 19, 2013, to discuss the illegal dumping of manure in Unincorporated Palm Beach County and Zoning was directed by the County Administrator to amend the ULDC to address this. The amendments will closely follow the new Wellington Ordinance.
- The Electrified Fence Ordinance would be presented to the BCC the following day for Request for Permission to Advertise and he confirmed to Mr. Bailey that the changes to the amendments proposed at the April 24 meeting were agreed to by the applicants.
- A privately initiated application to amend Communication Tower, Commercial to allow cell towers in a Recreation PUD will be presented in Round 2013-02 or Round 2014-01.

Ms. Vinikoor said the proposal to have cell towers in a PUD will be of interest to Alliance of Delray and COWBRA as it could have an impact on Unincorporated Palm Beach County.

I. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 4:00 p.m.

Recordings of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by: Zona Case

EXHIBIT B

BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE
SUMMARY OF AMENDMENTS
(Updated 6-12-13)

1
2 Part 1. ULDC Art. 1.I, Definitions and Acronyms (pages 40, 48, 53 71 and 100 of 119), is hereby
3 amended as follows:
4

Reason for amendments: [PZ&B and Cooperative Extension Service, with support of ERM, the PBC Health Department, SWA and the County Water Resources Manager] See Part 2 for clarification of overall goals and objectives for the development of best management practices for livestock waste.

5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7
8 B. Terms defined herein or referenced in this Article shall have the following meanings:
9

10 17. **Best Management Practices (BMPs)** – technologically and economically feasible means of
11 preventing or reducing amounts of pollution generated by point and non-point sources to a
12 level compatible with the water quality and quantity objectives of ~~the~~ PBC. BMPs include
13 schedules of activities, prohibitions of practices, maintenance procedures, and other
14 management practices to prevent or reduce the pollution of waters. [Ord. 2013-...]

15
16 C. Terms defined herein or referenced in this Article shall have the following meanings:
17

18 62. **Composting Facility** - a facility designed and used for transforming food, yard waste and
19 other organic material into soil or fertilizer through biological decomposition. This use does
20 not include backyard-composting serving individual families.

21 63. **Composting** – the process by which biological decomposition of organic solid waste is
22 carried out under controlled aerobic conditions, and which stabilizes the organic fraction into
23 a material which can easily and safely be stored, handled, and used in an environmentally
24 acceptable manner. [Ord. 2013-...]

25 [ReNUMBER accordingly.]
26

27 D. Terms defined herein or referenced in this Article shall have the following meanings:
28

29 21. **Designated Disposal Facility** – for the purposes of Art. 5.J, Best Management Practices for
30 Livestock Waste, a solid waste management facility operated, permitted or designated by the
31 Solid Waste Authority to receive solid waste generated within Palm Beach County, or such
32 alternate facility as may be designated by the Solid Waste Authority in writing. [Ord. 2013-
33 ...]

34 [ReNUMBER accordingly.]

35 L. Terms defined herein or referenced in this Article shall have the following meanings:
36

37 48. **Livestock Waste** – for the purposes of Art. 5.J, Best Management Practices for Livestock
38 Waste, waste composed of excreta of animals and residual materials that have been used for
39 bedding, sanitary, or feeding purposes for such animals. [Ord. 2013-...]

40 [ReNUMBER accordingly.]

41 Section 3 Abbreviations and Acronyms

42
43 CES Cooperative Extension Service
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Notes:

Underlined indicates **new** text.

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EXHIBIT B

BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE
SUMMARY OF AMENDMENTS
(Updated 6-12-13)

1
2 Part 2. ULDC Art. 5, Supplementary Standards (page 92 of 92), is hereby amended to create
3 new Chapter J, Best Management Practices for Livestock Waste, as follows:
4

Reason for amendments: [PZ&B and Cooperative Extension Service, with support of ERM, the PBC Health Department, SWA and the County Water Resources Manager] The proposed amendment serves to address the inappropriate dumping or storage of livestock waste that far exceeds the maximum nutrient values necessary for fertilizer or soil amendment. These amendments will not adversely impact legitimate farming operations.

The use of animal waste for fertilizer or soil amendment is a commonly recognized farming practice; however, when applied haphazardly without an appropriate management plan or use of State approved Best Management Plans (BMPs), there is a strong potential for adverse impacts to the environment, especially water bodies and drinking water supplies. In most instances, legitimate farmers recognize that the overuse or improper spreading of livestock waste doesn't make economic sense, and elect to follow State BMPs. Implementation of these BMPs on bona fide agricultural properties would be pre-empted from the requirements of this code, and are encouraged.

5 **CHAPTER J BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE**

6 **Section 1 Purpose and Intent**

7 The purpose and intent of these regulations is to mitigate potential adverse environmental impacts,
8 pathogens and other nuisances associated with the inappropriate use or disposal of livestock waste.
9 Adverse impacts include but are not limited to: ground and surface water pollution due to excessive
10 nutrient discharge, specifically nitrogen or phosphorus; odors or other nuisance from improperly stored,
11 composted or spread livestock waste.

12 **Section 2 Applicability**

13 The standards shall apply to the storage or receiving of livestock waste, with exception to the following:

- 14 A. Where pre-empted by State law. Where applicable, documentation of implemented Best
15 Management Practices or other method of pre-emption shall be required;
16 B. A SWA Designated Disposal Facility;
17 C. Livestock waste generated by livestock on open pasture lands where the waste is not stockpiled;
18 D. The commercial application of fertilizer on non-agricultural property when in compliance with the
19 Palm Beach County Fertilizer Ordinance (Ord. 2012-_____);
20 E. Composted manure applied by a homeowner or tenant to residential ornamentals; and,
21 F. Ten cubic yards per year, with all requirements being met, as listed under Separation, below.

22 **Section 3 Storage or Spreading of Livestock Waste**

23 The storage or spreading of livestock waste is prohibited, unless in compliance with the following:

24 **A. Storage**

25 Storage areas shall be covered or contained to prevent run-off or seepage of liquids/materials
26 from the storage area. Storage of livestock waste shall comply with the following:

- 27 1. Shall not be located within five feet of any adjacent structure, or placed within a structure
28 intended for the storage or composting of such waste;
29 2. Shall not be located within 50 feet of any property line, with exception to internal lot lines of
30 parcels owned by the same entity; and,
31 3. Shall not be within 100 feet of a potable water supply well, a drainage system, wetland, pond,
32 canal or other water body.

33 **B. Spreading**

34 Livestock waste received from offsite sources shall be spread within 72 hours of delivery unless
35 otherwise approved in a Nutrient Management Plan. In either event, storage shall comply with
36 any applicable livestock waste Storage and Separation requirements. Spreading of livestock
37 waste shall comply with the following:

38 **1. Nutrient Management Plan**

39 Prior to receiving of livestock waste, an application shall be submitted to the Cooperative
40 Extension Service (CES) for review. Upon completion of the review, the CES shall develop a
41 Nutrient Management Plan which indicates whether application of any livestock waste is
42 appropriate for the soil condition, and if so, in what amount.

43 **a. Application Form and Requirements**

44 The application form and requirements shall be in a manner established by the CES.

45 **b. Validity of Nutrient Management Plan**

46 The Nutrient Management Plan shall remain current for three years after its issuance by
47 the CES. A current Nutrient Management Plan must be in place prior to receiving of

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EXHIBIT B

BEST MANAGEMENT PRACTICES FOR LIVESTOCK WASTE
SUMMARY OF AMENDMENTS
(Updated 6-12-13)

1 livestock waste at any time. It shall be a violation of the Code if livestock waste is being
2 stored or spread in a manner inconsistent with the current Nutrient Management Plan.

3 **2. Separation**

4 The spreading of livestock waste shall not occur:

- 5 a. Within 50 feet of any property line, with exception to internal lot lines of parcels owned by
6 the same entity; and,
7 b. Within 100 feet of a potable water supply well, a drainage system, wetland, pond, canal
8 or other water body.
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