

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

UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

TITLE: MORATORIUM FOR EQUESTRIAN WASTE, ANIMAL WASTE OR BIO-SOLIDS IN THE GLADES TIER - REQUEST FOR PERMISSION TO ADVERTISE

Staff Recommendation: Staff recommends a motion to approve the Request for Permission to Advertise for First Reading on August 24, 2017.

LDRAB/LDRC: Land Development Regulation Advisory Board (LDRAB) Recommendation and Land Development Regulations Commission (LDRC) Determination: Scheduled for July 26, 2017.

MOTION: To approve the Request for Permission to Advertise for First Reading on August 24, 2017: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ENACTING A ONE YEAR MORATORIUM UPON THE ACCEPTANCE OF ZONING APPLICATIONS AND ALL APPLICABLE REQUESTS FOR ZONING APPROVALS FOR EQUESTRIAN WASTE MANAGEMENT FACILITIES, OR ANY COMPOSTING USE THAT INCLUDES EQUESTRIAN WASTE, ANIMAL WASTE OR BIO SOLIDS, LOCATED IN THE GLADES TIER OF UNINCORPORATED PALM BEACH COUNTY, EXCLUDING ACCESSORY USES TO BONAFIDE AGRICULTURAL OPERATIONS, AMENDING ARTICLE 4, USE REGULATIONS: CHAPTER B, USE CLASSIFICATION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.**

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **ENACTING A ONE YEAR MORATORIUM UPON THE ACCEPTANCE OF ZONING APPLICATIONS AND ALL APPLICABLE REQUESTS FOR ZONING APPROVALS FOR EQUESTRIAN WASTE MANAGEMENT FACILITIES, OR ANY COMPOSTING USE THAT INCLUDES EQUESTRIAN WASTE, ANIMAL WASTE OR BIO SOLIDS, LOCATED IN THE GLADES TIER OF UNINCORPORATED PALM BEACH COUNTY, EXCLUDING ACCESSORY USES TO BONA-FIDE AGRICULTURAL OPERATIONS, AMENDING ARTICLE 4, USE REGULATIONS:** CHAPTER B, USE CLASSIFICATION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

WHEREAS, vegetable production in the Everglade Agricultural Area is a major component in the economy of Palm Beach County:

WHEREAS, Food and Drug Administration Food Safety Modernization Act (FSMA) Produce Safety Rule has increased food safety requirements regarding the growing and harvesting and processing of vegetables;

WHEREAS, processing of equestrian waste in the proximity of vegetable production may adversely impact the fresh vegetable industry, threatening a major component of the Palm Beach County economy;

WHEREAS, the Land Development Regulation Commission has found these amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30 a.m.; and

WHEREAS, the BCC has conducted public hearings to consider these amendments to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. Adoption

The amendments set forth in Exhibit A, attached hereto and made a part hereof, are hereby adopted.

Section 2. Interpretation of Captions

All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance are intended for the convenience of usage only and have no effect on interpretation.

Section 3. Providing for Repeal of Laws in Conflict

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

1 **Section 4. Severability**

2 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item
3 contained in this Ordinance is for any reason held by the Court to be unconstitutional, inoperative,
4 void, or otherwise invalid, such holding shall not affect the remainder of this Ordinance.

5 **Section 5. Providing for a Savings Clause**

6 All development orders, permits, enforcement orders, ongoing enforcement actions, and all
7 other actions of the Board of County Commissioners, the Zoning Commission, the Development
8 Review Officer, Enforcement Boards, all other County decision-making and advisory boards,
9 Special Masters, Hearing Officers, and all other County officials, issued pursuant to the regulations
10 and procedures established prior to the effective date of this Ordinance shall remain in full force
11 and effect.

12 **Section 6. Inclusion in the Unified Land Development Code**

13 The provisions of this Ordinance shall be codified in the Unified Land Development Code
14 and may be reorganized, renumbered or re-lettered to effectuate the codification of this Ordinance.

15 **Section 7. Providing for an Effective Date**

16 The provisions of this Ordinance shall become effective upon filing with the Department of
17 State.

18 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach County,
19 Florida, on this the _____ day of _____, 2017.

20

SHARON R. BOCK, CLERK & PALM BEACH COUNTY, FLORIDA, BY ITS
COMPTRROLLER BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Paulette Burdick, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

21

22 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of
23 _____, 20____.

EXHIBIT A

EQUESTRIAN WASTE MORATORIUM SUMMARY OF AMENDMENTS

(Updated 7/13/17)

1
2 Part 1. ULDC Art. 4.B.5.C.4, Equestrian Waste Management Facility (page 87 of 204), is hereby
3 amended as follows:
4

Reason for amendments: [PZ&B/County Attorney] On June 6, 2017, the Board of County Commissioners (BCC) adopted a Zoning in Progress (ZIP) and directed staff to prepare a Moratorium upon the acceptance of Zoning applications, and all applicable requests for Zoning approvals for Equestrian Waste Management Facilities, or any Composting use that includes equestrian waste, animal waste or bio-solids, located in the Glades Tier, with exception to accessory uses to Bona-fide agricultural operations.

While the ZIP and Moratorium primarily respond to recent feedback related to implementation of the recently established Glades Tier (aka Everglades Agricultural Area) Equestrian Waste Pilot Project, it will also apply to any other similar projects in the Tier where permitted on industrial lands or within the Glades Area Overlay (GAO). BCC direction stemmed from concerns voiced by agricultural industry representatives at recent public meetings and hearings to review Planning and Zoning applications to amend the existing approval for Horizon Composting, to include an Equestrian Waste Management Facility. Concerns revolved around the potential for adverse economic impacts to surrounding farming operations, with participants citing both Federal Food and Drug Administration (FDA) policies or laws for food safety, as well as proprietary industry standards established by buyers of produce.

The ZIP and Moratorium will allow for a pause on applications for the specified uses, while the Planning Division processes amendments to the Plan that will either result in revisions or the deletion of the Pilot Project, which will likely require subsequent amendments to the ULDC.

A far more in-depth overview of the history, background on food safety and economic concerns, and Planning staff recommendations on amending the Comprehensive Plan provisions for the Pilot Project, can be found in the following Planning Division staff report for the July 14, 2017 Planning Commission:

http://discover.pbcgov.org/pzb/planning/PCPDF/2017/july/III-A-5-17-D_Equestrian-Rpt.pdf

Proposed Plan amendments are tentatively scheduled to be presented to the BCC on July 26, 2017, to be considered for Transmittal to the State as part of Amendment Round 17-D, which would then potentially be scheduled for BCC Adoption Hearing on October 30, 2017. ULDC Amendments would likely follow in ULDC Amendment Round 2018-01 for adoption August 2018, or an earlier date if deemed necessary.

5 6 ARTICLE 4 USE REGULATIONS

7 CHAPTER B USE CLASSIFICATION

8 Section 5 Industrial Uses

9 C. Definitions and Supplementary Use Standards for Specific Uses

10 4. Equestrian Waste Management Facility

11 a. Definition

12 An establishment used for the recovery, recycling, or transfer of equestrian waste, provided
13 used bedding is limited to organic materials, such as wood shavings, chips or sawdust,
14 straw or hay, peat moss, or paper limited to newspapers, but excluding plastics, textiles or
15 sand. Recovery may include collection, separation or sorting, or limited processing
16 necessary to reduce volume, render materials safe for transport, storage or disposal, or
17 the cleaning and packaging of materials for reuse. The facility may include manufacturing
18 of products utilizing the equestrian waste including, but not limited to, bedding, fertilizer,
19 pellets, and logs. Transfer may include the transfer of equestrian manure or bedding from
20 smaller vehicles used for collection to larger vehicles for shipment to another destination.

21 b. Approval Process - AP Zoning District with SA FLU Designation

22 An Equestrian Waste Management Facility may be allowed in the AP Zoning District with
23 an SA FLU designation, subject to BCC approval as a Class A Conditional Use.

24 c. Location

25 Shall have frontage and access from an Arterial or Collector Street. Access from
26 residential streets shall be prohibited.

27 d. Separation Distance

28 An Equestrian Waste Management Facility shall be separated a minimum of 1,000 feet
29 from a food processing or packing plant.

30 e. Landscaping Adjacent to Residential

Notes:

- **Underlined** indicates **new** text.
- **Stricken** indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:**] or [**Partially relocated to:**].
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(Updated 7/13/17)

1 The landscape buffer for any Equestrian Waste Management Facility located within 250
2 feet of a parcel with a residential use or FLU designation, shall be upgraded to a minimum
3 of 30 feet in width, a two-foot berm, and double the number of required trees, planted in
4 two staggered rows. Where outdoor activities are permitted within this distance but an
5 Incompatibility Buffer is not required, the buffer shall also be upgraded to include a
6 minimum six-foot hedge, fence or wall.

7 **f. Accessory Use**

8 Manufacturing and Processing shall be limited to a maximum of 30 percent new material
9 for supplementing recycling horse bedding, or for the production of other useful products
10 comprised of Equestrian Waste.

11 **g. Storage or Waste Processing Areas**

12 **1) Best Management Practices**

13 All storage areas, including the temporary or overnight parking of loaded trucks or
14 trailers, and any outdoor waste processing areas, shall comply with Art. 5.J.3.A,
15 Storage Related to Storage or Spreading of Livestock Waste].

16 **2) U/S Tier**

17 Outdoor storage shall be prohibited in the U/S Tier.

18 **3) Outdoor Storage**

19 Where permitted, the pile height of equestrian waste shall not exceed 12 feet, and
20 bollards shall be provided to delineate pile locations and height, tied to a finished grade
21 location designated on site.

22 **h. Application Requirements – Operation Functions**

23 An application for an Equestrian Waste Management Facility shall include a Justification
24 Statement and supporting documentation demonstrating acceptable industry design,
25 configuration and operational standards, including but not limited to:

26 **1) Site Plan**

27 The Plan shall illustrate how the operation functions, including circulation routes, and
28 the location and size of loading and processing areas, and storage piles.

29 **2) Waste Volume**

30 An explanation of the quantity of waste to be received, expressed in cubic yards per
31 day or tons per day.

32 **3) Dust Control Program**

33 A program to address how dust generated from traffic, storage and processing areas
34 will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

35 **4) Odor and Pest Control Program**

36 A program to address how odors and pests resulting from any vehicles transporting
37 waste, or storage and processing areas will be managed pursuant to Art. 5.E.4.D.4,
38 Objectionable Odors.

39 **i. Equestrian Waste Moratorium**

40 **1. The Board of County Commissioners of Palm Beach County does hereby impose a**
41 **moratorium beginning on the effective date of this Ordinance, upon the acceptance of**
42 **zoning applications and all applicable requests for zoning approval for an Equestrian**
43 **Waste Management Facility, or any Composting use that includes equestrian waste,**
44 **animal waste or bio solids, located in the Glades Tier of unincorporated Palm Beach**
45 **County. While the moratorium is in effect the County shall not accept, process or**
46 **approve any application relating to the zoning approval of an Equestrian Waste**
47 **Management Facility, or any Composting use that includes equestrian waste, animal**
48 **waste or bio solids. This moratorium does not prohibit accessory uses to Bona-fide**
49 **Agriculture.**

50 **2. This Ordinance shall expire upon the earlier of the following: one year from the effective**
51 **date of this Ordinance, or upon the effective date of ULDC amendments dealing with**
52 **Equestrian Waste Management Facility or Composting uses that includes equestrian**
53 **waste, animal waste or bio solids, in the Glades Tier of unincorporated PBC.**

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56 **Part 2. ULDC Art. 4.B.5.C.2, Composting Facility (page 113 of 204), is hereby amended as**
57 **follows:**
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Reason for amendments: [PZ&B/County Attorney] See Part 1.

60 **ARTICLE 4 USE REGULATIONS**

61 **CHAPTER B USE CLASSIFICATION**

62 **Section 7 Utility Uses**

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(Updated 7/13/17)

C. Definitions and Supplementary Use Standards for Specific Uses

2. Composting Facility

a. Definition

A facility designed and used for transforming yard waste, clean wood and other organic material into soil or fertilizer through biological decomposition.

b. Approval Process

- 1) A Composting Facility accessory to a Bona Fide Agriculture use in the AP Zoning District may be Permitted by Right.
- 2) A Composting Facility may be allowed in the AR Zoning District in the RSA with a SA FLU designation, subject to Class A Conditional Use approval.

c. Access

Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. Entrances shall be gated and setback from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.

d. Lot Size

A minimum of five acres.

e. Separation Distance

The use shall be located a minimum of 500 feet from a parcel of land with a residential FLU designation or uses.

f. Outdoor Storage

- 1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation, zoning district or use.
- 2) Outdoor storage of material shall be limited to 45 days
- 3) The pile height of storage materials shall be limited to 15 feet or less if required by the F.A.C 62-709, as amended.
- 4) The height of materials shall be tied to a finished grade benchmark delineated on site.
- 5) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.

g. Hours of Operation

The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential FLU designation or use.

h. Operation Functions

The Zoning or Building application, whichever is submitted first, shall include a Justification Statement and supporting documentation demonstrating acceptable industry design, configuration and operational standards, based on the type of materials processed and stored, including but not limited to the following:

1) Site Plan

The Site Plan shall illustrate how the operation functions including circulation routes; and, the location and size of loading and processing areas and storage piles.

2) Waste Volume

An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.

3) Dust Control

A plan to address how dust generated from traffic, storage and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.

4) SWA Permit

Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

i. Backyard Composting

This use does not include backyard-composting bins serving individual families.

j. Equestrian Waste Moratorium

1. The Board of County Commissioners of Palm Beach County does hereby impose a moratorium beginning on the effective date of this Ordinance, upon the acceptance of zoning applications and all applicable requests for zoning approval for an Equestrian Waste Management Facility, or any Composting use that includes equestrian waste, animal waste or bio solids, located in the Glades Tier of unincorporated Palm Beach County. While the moratorium is in effect the County shall not accept, process or approve any application relating to the zoning approval of an Equestrian Waste Management Facility, or any Composting use that includes equestrian waste, animal waste or bio solids. This moratorium does not prohibit accessory uses to Bona-fide Agriculture.
2. This Ordinance shall expire upon the earlier of the following: one year from the effective date of this Ordinance, or upon the effective date of ULDC amendments dealing with

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(Updated 7/13/17)

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Equestrian Waste Management Facility or Composting uses that includes equestrian waste, animal waste or bio solids, in the Glades Tier of unincorporated PBC.

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