

ORDINANCE ORD2017-042

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4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH
5 COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE
6 2003-067, AS AMENDED, AS FOLLOWS: **ENACTING A ONE YEAR MORATORIUM UPON**
7 **THE ACCEPTANCE OF ZONING APPLICATIONS AND ALL APPLICABLE REQUESTS FOR**
8 **ZONING APPROVALS FOR EQUESTRIAN WASTE MANAGEMENT FACILITIES, OR ANY**
9 **COMPOSTING USE THAT INCLUDES EQUESTRIAN WASTE, ANIMAL WASTE OR BIO**
10 **SOLIDS, LOCATED IN THE GLADES TIER OF UNINCORPORATED PALM BEACH**
11 **COUNTY, EXCLUDING ACCESSORY USES TO BONA-FIDE AGRICULTURAL**
12 **OPERATIONS, AMENDING ARTICLE 4, USE REGULATIONS: CHAPTER B, USE**
13 **CLASSIFICATION; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS**
14 **IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND**
15 **DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.**

16
17 **WHEREAS**, vegetable production in the Everglade Agricultural Area is a major
18 component in the economy of Palm Beach County:

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

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

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

28 **WHEREAS**, the BCC hereby elects to conduct its public hearings on this Ordinance at
29 9:30 a.m.; and

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

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

35 **Section 1. Adoption**

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

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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.

Section 4. Severability

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

Section 5. Providing for a Savings Clause

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

Section 6. Inclusion in the Unified Land Development Code

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

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Section 7. Providing for an Effective Date

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

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 30th day of November, 2017.

SHARON R. BOCK, CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By:


Deputy Clerk



By:


Melissa McKinlay, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By:


Assistant County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 5th day of December, 2017.

EXHIBIT A

EQUESTRIAN WASTE MORATORIUM
SUMMARY OF AMENDMENTS

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

ARTICLE 4 USE REGULATIONS

CHAPTER B USE CLASSIFICATION

Section 5 Industrial Uses

C. Definitions and Supplementary Use Standards for Specific Uses

4. Equestrian Waste Management Facility

a. Definition

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

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

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

c. Location

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

d. Separation Distance

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

e. Landscaping Adjacent to Residential

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

f. Accessory Use

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

g. Storage or Waste Processing Areas

1) Best Management Practices

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

2) U/S Tier

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

3) Outdoor Storage

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

h. Application Requirements – Operation Functions

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

1) Site Plan

The 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 Program

A program 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.

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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EXHIBIT A

EQUESTRIAN WASTE MORATORIUM SUMMARY OF AMENDMENTS

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

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

5 i. **Equestrian Waste Moratorium**

6 1. The Board of County Commissioners of Palm Beach County does hereby impose a
7 moratorium beginning on the effective date of this Ordinance, upon the acceptance of
8 zoning applications and all applicable requests for zoning approval for an Equestrian
9 Waste Management Facility, or any Composting use that includes equestrian waste,
10 animal waste or bio solids, located in the Glades Tier of unincorporated Palm Beach
11 County. While the moratorium is in effect the County shall not accept, process or
12 approve any application relating to the zoning approval of an Equestrian Waste
13 Management Facility, or any Composting use that includes equestrian waste, animal
14 waste or bio solids. This moratorium does not prohibit accessory uses to Bona-fide
15 Agriculture or composting facilities with County approvals as of June 6, 2017.

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

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22 **Part 2.** ULDC Art. 4.B.5.C.2, Composting Facility (page 113 of 204), is hereby amended as
23 follows:
24

25 **ARTICLE 4 USE REGULATIONS**

26 **CHAPTER B USE CLASSIFICATION**

27 **Section 7 Utility Uses**

28 **C. Definitions and Supplementary Use Standards for Specific Uses**

29 **2. Composting Facility**

30 a. **Definition**

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

33 b. **Approval Process**

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

38 c. **Access**

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

43 d. **Lot Size**

44 A minimum of five acres.

45 e. **Separation Distance**

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

48 f. **Outdoor Storage**

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

58 g. **Hours of Operation**

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

61 h. **Operation Functions**

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EXHIBIT A

EQUESTRIAN WASTE MORATORIUM SUMMARY OF AMENDMENTS

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

5 **1) Site Plan**

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

8 **2) Waste Volume**

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

11 **3) Dust Control**

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

14 **4) SWA Permit**

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

16 **i. Backyard Composting**

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

18 **j. Equestrian Waste Moratorium**

- 19 1. The Board of County Commissioners of Palm Beach County does hereby impose a
20 moratorium beginning on the effective date of this Ordinance, upon the acceptance of
21 zoning applications and all applicable requests for zoning approval for an Equestrian
22 Waste Management Facility, or any Composting use that includes equestrian waste,
23 animal waste or bio solids, located in the Glades Tier of unincorporated Palm Beach
24 County. While the moratorium is in effect the County shall not accept, process or
25 approve any application relating to the zoning approval of an Equestrian Waste
26 Management Facility, or any Composting use that includes equestrian waste, animal
27 waste or bio solids. This moratorium does not prohibit accessory uses to Bona-fide
28 Agriculture or composting facilities with County approvals as of June 6, 2017.
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