

Date: 06/21/2022		AGENDA ITEM				Item: 05	
<input type="checkbox"/> Ordinance		<input type="checkbox"/> Resolution		<input type="checkbox"/> Budget Resolution		<input checked="" type="checkbox"/> Other	
County Goals							
<input type="checkbox"/>	Thriving Communities	<input checked="" type="checkbox"/>	Economic & Financial Vitality	<input checked="" type="checkbox"/>	Excellence In Government	<input type="checkbox"/>	NA
Department: Growth And Resource Management							
Division: Planning and Development Services							
Subject: This is a request for direction regarding an amendment to the zoning ordinance to allow the sale of agricultural products not grown on property.							
Clay Ervin Director Growth and Resource Management  Department Approval				Legal Paolo Soria Senior Assistant County Attorney  Approved as to Form and Legality		County Manager's Office Ryan Ossowski Chief Financial Officer 	
Carol McFarlane Director Planning and Development  Division Approval							
Council Action:							
Modification:							
Account Number(s): NA							
Total Item Budget: NA							
Staff Contact(s):				Phone:		Ext.	
Clay Ervin				386 822 5013		12000	
Carol McFarlane				386 736 5959		12736	
Summary/Highlights:							
The County Council directed staff to research the regulations applicable to the agricultural zoning classifications regarding the sales of products not grown on the property. The zoning classifications include: Forestry Resource (FR) Prime Agricultural (A-1) Rural Agricultural (A-2) Transitional Agricultural (A-3 and A-4)							
Currently, an owner of property with these zoning classifications may processing, package, store, carry-out retail or wholesale sales of agricultural products not raised on the premises by approval of a special exception. The primary reason for this regulation is to ensure that the agricultural properties are not converted into retail operations that are not consistent with bona							

vide agricultural pursuits on the property. The goal of the regulations is to allow for limited non-agricultural activities associated with agricultural products without creating incompatible uses on the land.

The typical special exception process takes approximately 4 to 6 months to complete since it requires approval from staff, the Planning and Land Development Regulation Commission and County Council. The use is identified as a special exception so it must comply with the general review criteria established in Section 72-415 of the zoning ordinance (see attached).

There are provisions in the zoning ordinance for conditional uses which are uses that require additional review by staff to ensure compliance with specific operational criteria. This may be an alternative to the special exception that is currently required.

Staff is aware that there is a need for additional opportunities for owners of agricultural lands. There are provisions for limited retail in the rural areas of the county. The comprehensive plan and the zoning regulations contain criteria that limit the locations for neighborhood commercial uses in proximity of the rural areas of the county. The primary criteria is that the property is under 5-acres in size and located at the intersection of two arterial roads. There are restrictions on what commercial uses are allowed and the majority are tied to convenience or neighborhood services.

The wide spectrum of uses consisting of packaging, processing, storing and/or sales of agricultural products may need to be better defined. The simple sales of fruits and vegetables at a stand on agricultural land is not a significant impact. The establishment of central storage facility with heavy truck traffic may not be acceptable to the surrounding property owners and may be disruptive to the rural character of the area. Staff recommends providing definitions and specific criteria on what is acceptable if the County Council seeks to amend the existing ordinance.

The County council has the following options:

1. Continue with the current regulations and require approval of a special exception to allow for the sale of products not grown on site of an agriculturally-zoned property.
2. Eliminate the requirement to process a special exception and allow the use by right.
3. Amend the regulations to allow by conditional use, subject to specific criteria.

If the County Council chooses option 3, then staff will develop the conditional use criteria with the intent of assuring that the use is for agricultural products and limiting opportunities for the use to expand into either a commercial retail operation or a flea/farmer's market. The primary concern is these uses are not appropriate in the rural areas and provide for potential incompatible uses.

Recommended Motion: Direction

Sec. 72-415. Special exceptions.

The commission shall hear applications for such special exceptions as are specifically authorized under this article, in the following manner:

- (1) Provided, however, an application for a special exception authorized by the county council shall include a copy of the zoning map page depicting the property involved in lieu of a current survey. A written application for a special exception shall be submitted to the department, together with all applicable fees. The application shall include:
 - a. Current survey of the property prepared by a registered land surveyor licensed to practice in the State of Florida. The survey shall accurately reflect the current status of the parcel and shall have been completed within the past two years, or in lieu thereof a notarized statement from a title insurance company or attorney that a survey more than two years old continues to accurately reflect the current boundaries of the parcel.
 - b. Legal description of the property.
 - c. Notarized authorization of the owner if the applicant is other than the owner or the attorney for owner.
 - d. Any information or exhibits necessary to demonstrate that the grant of a special exception will be in harmony with the general intent and purpose of this article. Such information or exhibits shall include site plans, which is a detailed line drawing, to scale, showing scale used, north arrow, date and title of project, clearly describing the project and showing the following information:
 1. Property lines, location and widths of all streets, alleys and easements.
 2. Proper dimensions on all fundamental features such as lots, buildings, parking spaces and landscaped areas.
 3. The location of setback lines, driveway openings and sidewalks.
 4. All proposed buildings, freestanding sign locations, parking areas and open spaces.
 5. All required landscaping, together with a description of type of material to be used.
 6. A cross section of any required or proposed screening.
 7. Total square footage of the development lot; total square footage of proposed structures; total footage of landscaped areas; total percentage of coverage; density of floor area ratio where applicable; height of all structures; number of parking spaces; square footage and design features of all signs; and solid waste collection facilities.
 8. Name, address and telephone number of the proponent.
- (2) The department shall review the application. The department has three working days from the date the applicant submits the application to determine if it is complete and correct. If the application is found to be lacking any of the requested information or if the data and exhibits are inaccurate, it will not be considered "filed" for the purpose of processing, or placed on the commission's agenda unless a sufficient application is submitted within three working days after the filing deadline date.
- (3) The department shall submit a written report containing its recommendations on each application to the commission and to the applicant at least one week prior to the meeting of the commission before which the application is to be heard unless an extension is granted by the commission.
- (4) The commission shall hold a public hearing on each application after due public notice. The commission may accept, reject, modify, retain or seek additional information from the department.

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- (5) The county council shall hold a public hearing after due public notice on all recommendations from the commission. It may accept, reject, modify, return or seek additional information on those recommendations. No approval of a special exception shall be made unless, upon motion, four members of the county council concur. The county council will thereafter forward its decision to the applicant.
- (6) *Conditions and safeguards.* The commission may recommend and the county council impose on the grant of any special exception any conditions or safeguards not otherwise required, if deemed necessary or desirable in furthering the purpose of this article. Violation of any such condition or safeguard shall be deemed a violation of this section and may result in a revocation of any special exception permit, in addition to any other remedy for such violation provided in this section or by law.
- (7) *Reserved.*
- (8) *Reasons for denial.* The commission may recommend denial of any application for a special exception and the county council may deny any application for a special exception for one or more of the following reasons:
- a. It is inconsistent with the purpose or intent of this article.
 - b. It is inconsistent with any element of the comprehensive plan.
 - c. It will adversely affect the public interest.
 - d. It does not meet the expressed requirements of the applicable special exception.
 - e. The applicant will not be able to meet all requirements imposed by federal, state or local governments, or by the county council.
 - f. Notwithstanding the provisions of division 14 of the Land Development Code [article III], it will generate undue traffic congestion.
 - g. It will create a hazard or a public nuisance, or be dangerous to individuals or to the public.
 - h. It will materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings.
 - i. It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.
- (9) *Preservation of special exception uses.* Existing permitted uses on a particular premises which have become special exceptions under the terms of this section, and which are actually in use, without abandonment, on the effective date of this article, may be continued after the effective date of this article as if a special exception under this section has been expressly granted therefore [therefor], provided any owner of such premises files an affidavit with the zoning enforcement official on such forms as he shall prescribe, within one year after the effective date of this article, that legally describes the parcel, identifies the use, and establishes its existence on the effective date of this article. If no such affidavit is filed within the prescribed period, all other applicable provisions of this article shall govern.
- (10) *Expiration or abandonment of special exception uses.* If a special exception does not begin to serve the purpose for which it was granted within 12 months from the date of rendition, or if its use is abandoned for 12 consecutive months, it shall expire. Provided, however, that the county council may establish a shorter or longer period of time for a special exception to commence. In addition, the zoning enforcement official may extend the special exception for up to an additional 12-month period of time if the applicant can demonstrate that good-faith reliance has been ongoing to accomplish the approved special exception. Good-faith reliance may include, but is not limited to, the securing of any

required permits from other governmental agencies/jurisdictions or the expenditure of substantial funds upon reliance of the approved special exception.

- (11) *Amendments.* Minor amendments not altering the intent and purposes of the approved special exception may be approved by the zoning enforcement official after such departmental comment as he deems appropriate. Amendments to an approved special exception which the zoning enforcement official deems to be major shall require the submittal of an application and compliance with the review procedures as set forth in this section and as otherwise provided in this article.

(Ord. No. 84-1, § LXIV, 3-8-84; Ord. No. 85-27, § XI, 11-14-85; Ord. No. 86-16, § LII, 10-23-86; Ord. No. 87-14, § XXXV, 6-18-87; Ord. No. 88-2, § XXXIII, 1-19-88; Ord. No. 90-34, § 129, 9-27-90; Ord. No. 92-6, § LXXVIII, 6-4-92; Ord. No. 94-4, § CXVII, 5-5-94; Ord. No. 95-17, § VII, 6-15-95; Ord. No. 98-25, § LV, 12-17-98; Ord. No. 00-05, § III, 3-9-00; Ord. No. 00-09, § V, 2-24-00; Ord. No. 02-10, § VI, 4-18-02; Ord. No. 2004-20, § VII, 12-16-04; Ord. No. 2008-25, § II, 12-4-08; Ord. No. 2018-05, § XVII, 1-18-18)

