

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

WORKSHOP SUMMARY

Meeting Date: September 26, 2023

Department: Planning Zoning and Building (PZB)

I. EXECUTIVE BRIEF

Title: Agritourism in Palm Beach County

Summary: This workshop is at the request of the Board of County Commissioners to discuss issues surrounding Agricultural Tourism ("Agritourism") in Palm Beach County. Since 2013 the State has defined Agritourism by Statute. Agritourism activity is currently defined as any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An Agritourism activity does not include the construction of new or additional structures or facilities intended *primarily* to house, shelter, transport, or otherwise accommodate members of the general public. An activity is an Agritourism activity regardless of whether the participant paid to participate in the activity. (Fla. Stat. § 570.86(1)). This workshop will discuss the protections provided to these activities as well as the limited regulatory powers provided to the local government to address substantial off site impacts and the applicability of other State laws. In addition, other jurisdictions Agritourism ordinances will be reviewed for comparison and discussion purposes. **Unincorporated (SS)**

Background and Policy Issues: Agritourism is a growing industry in the State of Florida and within Palm Beach County. The State legislature through the years has continually expanded protections to this industry as recently as last year. There is an established State trade organization that supports these activities known as the Florida Agritourism Association. An Agritourism activity may be established after a bona fide agricultural operation with a good faith commercial agricultural use of the land exists. Agritourism is further protected under Florida's Right to Farm Act (FL. Statute 823.14).

Attachments:

1. Chart of Other Jurisdictions Agritourism Ordinances
-
-

Recommended by:  9/12/2023
Department Director Date

Approved By:  9/15/23
County Administration Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years					
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	*				
#ADDITIONAL FTE					
POSITIONS (CUMULATIVE)					

Is Item Included in Current Budget? Yes No
 Does this item include the use of federal funds? Yes No

Budget Account No:

Fund Dept Unit

B. Recommended Sources of Funds/Summary of Fiscal Impact:

**No Fiscal Impact*

C. Departmental Fiscal Review:

[Signature]

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 9/13/2023
 16 9/13 OFMB QA 9/13

[Signature] 9/15/23
 Contract Dev. & Control
 706 9/14/23

B. Legal Sufficiency

[Signature] 9/15/23
 Assistant County Attorney

C. Other Department Review

 Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

County Agritourism Ordinances (Highlights) Search Results Limited to Only Agritourism Specific Ordinances				
	Volusia 2018-15	Miami-Dade 2020	Manatee 2022-26	Lee County 2015-11 **
Agritourism	<p style="text-align: center;">∅</p> <p>See requirements for rural event center</p>	<p>See requirements for rural event venue</p> <p>References to agritourism are contained only in the WHERAS clauses:</p> <ul style="list-style-type: none"> • section 570.85 expressly provides that it "does not limit the powers and duties of a local government to address substantial offsite impacts of agritourism activities • section 570.85 defines "agritourism activity" • section 570.86 provides that agritourism does not include "the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public;" • consistent with the limited statutory authority for local regulation of agritourism, the Board would like to provide for a simplified certificate of use for rural event venues on certain properties that have a current classification as agricultural land from the Property Appraiser 	<p>Agritourism shall mean the same as the definition of Agritourism Activity, as defined in section 570.86(1) F.S. Sec. 200 -Definitions</p> <p>512.12 Agritourism.</p> <p>Agritourism is allowed on all properties that have a bona fide farm operation as defined in Florida Statutes. The purpose of this regulation is to provide Manatee County the ability to address substantial off-site impacts and emergencies provided in chapter 252, Florida Statutes, of agritourism activities, consistent with Florida Statutes.</p> <p>A. The agritourism activity shall not cause substantial off-site impacts on the surrounding properties (i.e. large crowds noise, and traffic not commonly associated with a bona fide farm operation). Vehicular activity shall not cause a substantial impact to the operational and safety performance of the agritourism site access and</p>	<p>ARTICLE VII. SUPPLEMENTARY DISTRICT REGULATIONS</p> <p>Sec. 34-1711. Agritourism Activities.</p> <p>(a) Agritourism activities are those activities defined in §34-2 that are directly related to agriculture and that promote the intent of F.S. §§ 570.85 - 570.89. Activities permitted by right include:</p> <ol style="list-style-type: none"> (1) Passive and active recreational activities Educational activities and classes. (2) Demonstrations, events and tours, (3) Produce stands and sales of unprocessed and processed agricultural products, agriculture-related crafts, cottage food products, as defined by Florida Statutes, and limited food and beverage services (df). (4) Other activities determined by the Zoning Director to be substantially similar to

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	Volusia 2018-15	Miami-Dade 2020	Manatee 2022-26	Lee County 2015-11 **
			nearby intersections.	the above activities.
Rural event venue	<p><i>Rural event center:</i> A venue on agricultural zoned property intended primarily to house, shelter, transport, facilitate the congregation, and/or accommodate members of the general public for events that include weddings, family reunions, class reunions, company retreats and picnics, or other similar events or celebrations. Sec. 72-2 - Definitions</p>	<p>Rural event venue. A venue, located in an agriculturally zoned area, for special functions such as weddings, receptions, corporate meetings, or similar gatherings. Sec. 33-1(43.1)</p> <p>Sec. 33-279. Uses permitted.</p> <p>(5.1) A rural event venue shall be permitted, subject to the following conditions and limitations:</p> <p>(i) when a rural event venue is entirely contained within land classified as agricultural land by the Property Appraiser, only the following simplified conditions and limitations to address substantial offsite impacts and emergencies shall apply to the event venue use.</p> <ol style="list-style-type: none"> 1. events with amplified sound >50 guests are limited to: 1 event per day and ≤ 3 events/ week 2. allowed only between 9AM – 11PM; must have portable toilets or sanitary sewer; no lighting interference with ROW or adjacent properties; annually renewable CU (modified process) <p><i>* subsection (i) provides a simplified process for a rural event venue on land classified as agricultural by Property Appraiser. See * at the end of this</i></p>	<p>∅</p>	<p>∅</p>

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		<i>document for requirements for rural event venues on land not classified ag.</i>		
Noise	∅	∅	The agritourism activity shall not cause substantial off-site impacts on the surrounding properties (i.e. large crowds noise, and traffic not commonly associated with a bona fide farm operation). Sec. 521-12 A.	∅
Hours	No events between 11PM – 8AM	Allowed only between 9AM – 11PM	∅	∅
Property size	Minimum 10 acres	Minimum 5 acres (except historic designation)	∅	∅
Buffer	<ul style="list-style-type: none"> • 20 ft. wide landscape buffer required between any area used and adjacent property • all structures must be 50 ft. from property line 	∅	∅	∅
No. of guests	∅	On classified agricultural land – No. of guests need not be provided § 33-279, 5.1(i)2.ii.	∅	∅
No. of events	∅	On classified agricultural land – For events with amplified sound or > 50 guests: <ul style="list-style-type: none"> • ≤ 1 event per day and • ≤ 3 events/ week § 33-279, 5.1(i)1.	∅	∅
Road access	Must be served by a public road. Maintenance agreement required if located on a private road.	On classified agricultural land – must provide site plan depicting emergency vehicle access. § 33-279, 5.1(i)2. iii.	Vehicular activity shall not cause a substantial impact to the operational and safety performance of the	∅

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	Sec. 72-293(26)b.		agritourism site access and nearby intersections. Sec. 521-12 A.	
Traffic safety	Must submit a traffic control plan that identifies sufficient ingress and egress for emergency vehicles and provides for the orderly and safe arrival, parking, and departure of all vehicles using means such as parking attendants, shuttle service, law enforcement service, directional signage, etc. Additional traffic control measures may be required. Sec. 72-293. (26)(k) 2.	On classified agricultural land – Upon renewal of a CU, the Director may require additional conditions to address substantial offsite impacts related to traffic, such as requiring more traffic queuing onsite, § 33-279, 5.1(i) 2. v.	Vehicular activity shall not cause a substantial impact to the operational and safety performance of the agritourism site access and nearby intersections. Sec. 521-12 A.	∅
Parking	Rural event centers must have 1 parking space for every 3 seats (1 seat = 18 inches wide) Sec. 72-286 (5) Parking is prohibited off-site and within landscape buffers Sec. 72-293. (26)(i)	On classified agricultural land – No parking site plan required if all parking is entirely onsite. If not - Certificate of Use application requires: a. 1 space for every 4 guests. b. No parking on road rights-of-way c. Required parking spaces may be provided off site if - i. parking is within 1 mile; ii. provide signed statement of consent from the owner of each offsite parking; iii. valet or shuttle will transport guests to the event venue; & iv. provide parking & circulation plan for the offsite property. Sec. 33-279 (5.1)(h)5.	∅	∅

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Lighting	Sec. 72-286. - Off-street parking. (1) <i>Lighting</i> . shall minimize or eliminate glare on surrounding residential property and to motorists on adjacent streets. Sec. Sec. 72-293. (26)(h) All artificial lights shall be directed away from adjoining properties.	Specific lighting requirements only for venue located on land not classified as agricultural. Sec. 33-279 (5.1) (a)-(h)	∅	∅
Toilets	∅	On agricultural land – Site plan must depict portable toilets or restrooms connected to the sanitary sewer system Sec. 33-279 (5.1)(i) iii.	∅	∅
Certificate of Use	∅	Must obtain an annually-renewable CU upon demonstrating compliance with this subsection. Sec. 33-279 (5.1) (h)	∅	∅
Building Code 570.86(1), F.S. . . . An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate.	SECTION IV. Chapter 72, Article II, Section 72-293 Sec. 72-293 Special exceptions (26) Rural event center (e) All permanent structures that will be used by the public for events shall be constructed and maintained in accordance with the Florida Building Code and Florida Fire Prevention Code. Sec. 72-576. Final site plan review (b) Exempt development. (5) Agricultural production practices, which include fencing, drainage, irrigation, and other agricultural uses and structures, including portable structures	WHEREAS, in addition, section 570.86, Florida Statutes, provides that agritourism does not include "the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public;" Sec. 33-279. Uses permitted. No land, body of water and/or structure shall be maintained, used or permitted to be used, and no structure shall be hereafter maintained, erected, constructed, moved, reconstructed or structurally altered or be permitted to be erected, constructed, moved,	Chapter 5 – STANDARDS FOR ACCESSORY AND SPECIFIC USES AND STRUCTURES Section 521. Temporary Uses Allowed. Tents. Tents may only be used in conjunction with permitted temporary uses. Tents, 900 square feet or greater, used in conjunction with agritourism activities are not exempt from obtaining a building permit.	Sec. 34-1711 Agritourism Activities (b) The construction of new or additional structures intended primarily to accommodate the members of the general public require a building permit and must be built in compliance with all applicable building codes and be located in accordance with all setback requirements for the district in which located

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members of the general public. <i>also see nonresidential farm building exemption in 604.50</i>	which do not conflict with existing county ordinances. This does not include construction of rural event centers, bed and breakfasts, and/or other structures, facilities, or improvements intended primarily to house, shelter, transport, or otherwise accommodate members of the general public in agricultural zoning classifications	reconstructed or structurally altered for any purpose in an AU District which is designed, arranged, or intended to be used or occupied for any purpose other than the following: . . .		
Substantial Offsite Impacts	∅	WHEREAS section 570.85 expressly provides that it "does not limit the powers and duties of a local government to address substantial offsite impacts of agritourism activities; when a rural event venue is entirely contained within land classified as agricultural land by the Property Appraiser, only the following simplified conditions and limitations to address substantial offsite impacts and emergencies shall apply to the event venue use: Sec. 33-279. (5.1) (i)	The purpose of this regulation is to provide Manatee County the ability to address substantial off-site impacts of agritourism activities, consistent with Florida Statutes. Section 521.12 The agritourism activity shall not cause substantial off-site impacts on the surrounding properties (i.e. large crowds noise, and traffic not commonly associated with a bona fide farm operation). Section 521.12 A.	∅ ** Lee County Ordinance 2015-11 was adopted before Florida Statutes 570.85 was changed in 2016: 1) to prohibit <i>enforcement</i> of an ordinance to regulate agritourism activity and 2) to allow local gov. to address substantial offsite impacts.

* Miami-Dade has 2 sets of requirements for rural event venues – one for venues on land classified as agriculture by the Property Appraiser (found in subsection 5.1(i)) and one for venues not on agriculturally classified land (subsections 5.1 (a)-(h)). This table focuses on rural event venues on land classified as agricultural. Requirements for land outside agriculturally classified land are provided below.
 Sec. 33-279. Uses permitted (Outside land classified as agriculture)
 (5.1) A rural event venue shall be permitted, subject to the following conditions and limitations:
 Outside Ag. classified land –

- (a) bona-fide ag.; designated historic
- (b) minimum 5 acres
- (c) max 150 guest per 10 acres
- (d) ≤ 1 event per day, 3 / week
- (e) only allowed 9 AM – 11 PM; no outdoor amplified sound 11 PM– 9 AM
- (f) must have portable toilets commensurate with no. of guests unless connected to the sewer system
- (g) lighting must minimize direct spillage, sky glow, and hazardous interference with vehicular traffic and all adjacent properties
- (h) annually-renewable CU upon demonstrating compliance with this subsection.