



OPEN SPACE
A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD
(LDRAB)

MINUTES OF THE MAY 13, 2010 SUBCOMMITTEE MEETING

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On Thursday **May 13, 2010**, the Open Space Subcommittee met at the Vista Center, Room VC-2E-12-Conference Room, at 2300 North Jog Road, West Palm Beach, Florida. The meeting convened at 2:07 p.m.

Third Meeting of the Open Space Subcommittee.

A. Attendance:

LDRAB Members: N/A

Industry: Collene Walters, Kevin Ratterree, Chris Roog, Brian Terry, Bill Whiteford

Lake Worth Drainage District (LWDD): Nicole Smith, Anne Perry

County Staff: Maryann Kwok, Wendy Hernandez, Barbara P. Nau, Monica Cantor, Jan Wiegand, Ann Deveaux, Bryce Van Horn

B. Minutes

Part A of Agenda

Barbara P. Nau called the meeting to order at 2:07 p.m.

The Committee did not select a Chair or Vice Chair due to the absence of LDRAB representation. There were no additions, substitutions or deletions to the agenda.

Part B of Agenda

Discussion:

Ms. Nau began the meeting by summarizing the issues identified in the last meeting and distributed two handouts - Concepts of Open Space and Usable Open Space and a Comparison of Definitions of the State Statutes, Comp Plan, existing ULDC, and proposed ULDC language. She stated that the following ULDC definitions were revised to reflect feedback received from the last meeting: Open Space, Usable Open Space, Park - Open Space Usable, Usable Open Space for WHP, and Greenway.

Open Space: Ms. Nau stated that a broad definition for open space was created which could be incorporated into the ULDC in the individual sections pertaining to PUDs, TDDs and AGR Residential Districts or it could be placed into the definition for Open Space. The proposed definition answers the question of "What is Open Space?". The LWDD easements which may include ancillary or support structures were also added into the definition.

Ms. Smith stated that LWDD R-O-Ws are either easements or fee simple and easements would be included in the property while fee simple would not.

Mr. Ratterree commented that fee simple is dedicated prior to the plat recordation and if fee simple is already owned, then the fee simple would be deducted out of the boundary.

Mr. Whiteford pointed out that the reason the developers usually dedicate in fee simple is because if you do not need it for setbacks or density, it is land that can not be used and taxes must be paid on it. If needed for setbacks or density, then the option is given to convey it as an easement.

Mr. Whiteford asked if it was necessary to single out LWDD easements in the definition. Ms. Kwok stated that Barbara Alterman expressed similar concerns and suggested only using easement in the definition.

Mr. Whiteford pointed out a conflict that exists in the definition terminology referencing "unencumbered by structures". He stated for the ease of easement implementation, the entire pod, including the pool and pool deck should be counted as open space, as it is not necessarily unencumbered by structures and impervious materials.

Ms. Kwok commented that in the last meeting, the Zoning Director's expressed direction was to keep the definition general.

Ms. Hernandez stated that civic pods would include possibly daycare or recreation buildings which would be habitable. Ms. Kwok suggested revisiting the percentages of open space for the PUDs. She went on to state that if recreation and civic pods are not allowed as open space, then the percentage should be lowered. She related that there has to be a balance between development and open space for retention, recreation, house, etc., and that there is a tendency to include LWDD, crops, and others to meet the 40 percent requirement. Ms. Hernandez pointed out that in a PUD there would be an overlap if 40 percent of the development for open space includes civic and also two percent of the development is required for civic uses. The two percent can be deducted from the total open space required in order to avoid double dipping.

Ms. Walters suggested that the existing open space definition be reviewed instead of creating a new one. Ms. Kwok summarized the discussion and stated that the following minor revisions will be made to the proposed language:

- ✓ delete the term “unbuilt”;
- ✓ remove “PDP” as this term is no longer used for a PUD and update with “plans such as”;
- ✓ include ancillary or support structures in the easement definition;
- ✓ remove the last sentence “In the AGR District, open space shall also include unbuilt land use for bona fide agriculture uses” and relocate it in the AGR section of the ULDC.

Ms. Hernandez stated that the open space requirement only pertains to the Planned Development Districts and could be removed without an effect.

Ms. Walters suggested lands and ancillary or support structures be moved to the definition of easements.

Mr. Whiteford questioned why open space is in the Bona fide Agriculture District.

Ms. Kwok explained that if a PUD is developed in the AGR district then it can be considered as open space. She suggested removing the last sentence from the open space ULDC definition which states “In the AGR district, open space shall also include unbuilt land use for bona fide agriculture uses” and placing it in the proposed definition under AGR PUD.

Mr. Horn stated that in the AGR PUD, the preserve areas are not part of the open space and the purpose of the 60/40 percentage deduction was to promote agriculture in the open space. He also expressed concern over the procedure of double dipping by deducting the LWDD at 60/40, and adding it back in, which makes it inconsistent with the Plan. Regarding canals, he stated if allowance is given for canals in the open space, then it should be specifically allowed for in the AGR TMDs.

The proposed ULDC definition for open space is: *“Land reserved for, or shown on the approved plan, such as, but not limited to easements, civic, preservation, conservation, wetlands, well site dedicated to PBCWUD, recreation, greenway, landscaping, landscape buffer and water management tracts.”* The definition for easements will be amended to add: *“The easements may include ancillary and support structures”*.

Usable Open Space: Ms. Nau stated that the intent is to make the definition for usable open space general. In looking at other open space and usable open space for parks and WHP, the definitions are almost identical and are

repetitive. She related that crediting for open space is specific to a particular item. The credits are not stated in WHP presently. Parks, Open Space Usable references Article 5 and is not used in Article 5. Ms. Kwok stated that caution should be exercised when considering the removal of the language pertaining to crediting for indoor spaces, road R-O-Ws, etc., because open space was created specifically for the Traditional Development Districts and Lifestyle Centers and the reason why it is in the ULDC should be explored. Ms. Kwok suggested that usable open space should be unchanged as it is not a challenged issue. The proposed language is not longer going to be considered.

Park, Open Space, Usable: Ms. Kwok stated that the Parks Department does not count space less than 75 X 100 feet as parks. The suggestion was made to maintain the existing language of the ULDC for this definition.

Usable Open Space for WHP: Ms. Kwok proposed deletion of this definition from the ULDC and it was agreed upon.

Greenway: Ms. Nau stated that the proposed language for Greenway will include linear open space or natural areas established for conservation, ecological or recreational purposes. Mr. Ratterree pointed out that the definition should also include "such as but not limited to" maintain the broad appeal of the definition. In this way, it would give the Zoning Director some authority to make a reasonable interpretation as to what constitutes Greenway. Ms. Nau confirmed that greenway is only referenced in Article 1, Definitions of the ULDC as it is mentioned within the open space definition. The subcommittee members agreed that for information on Greenway, the ULDC should refer back to the Comp Plan.

Ms. Kwok stated that the definitions would be revised and submitted to the Zoning Director for approval. If there are no major changes as a result of his review, the final proposed language will be emailed to the subcommittee members.

The meeting adjourned at 2:50 p.m.