



# News Release

FOR IMMEDIATE RELEASE ON:

December 5, 2019

(Revised: 2/16/19; 1/13/20,  
1/28/20, 03/05/20; 3/30/20,  
4/21/20, 5/6/20, 5/20/20,  
6/9/20, 7/1/20)

FOR MORE INFORMATION, CALL:

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## Landscape Service Use

### 1. Interested Parties Meetings on Implementation of newly ULDC adopted Amendments

Interested parties or property owners who have an existing Landscape Service operating in conjunction with a Wholesale or Retail Nursery, that is located in the Agricultural Residential Zoning District, Rural Service Area (AR/RSA) may be able to legalize their operation subject to the following:

The Interested party or property owner may submit a Development Review Officer (DRO) approval application within 180 calendar days from Ordinance effective date. Staff will review the application and confirm whether the Applicant has demonstrated that the Landscape Service was in operation prior to Ordinance effective date. Applications seeking to obtain a DRO approval shall submit the application on the DRO intake dates found on the 2020 Zoning Calendar prior to the 180-calendar day deadline.

**DRO Intake Dates:** January 6, 2020, February 3, 2020, March 2, 2020, April 6 2020, May 4, 2020 or June 1, 2020.

### 2. January 27, 2020 - BCC Zoning Hearing

At the December 19, 2019 Board of County Commissioners (BCC) Zoning Hearing, the BCC discussed several issues relating to Landscape Service Code Amendment and AGR PUD Preserves. The BCC directed Staff to follow up on several issues, and, provide an update to the BCC at the January 27, 2020 Zoning Hearing:

- [Memo – Unified Land Development Code \(ULDC\) Amendment - Landscape Service Update for January 27, 2020 BCC Zoning Hearing](#)

**BCC Direction:** At the January 27, 2020 Zoning BCC hearing the BCC gave the following direction to Staff:

- Agricultural Residential (AR) in the Rural Service Area (RSA)** - BCC directed staff to amend the code to remove the allowance for a 1.5 acre Collocated Landscape Service use within the AR/RSA Zoning District. Additionally, they enacted a Zoning in Progress (ZIP) to withhold acceptance of an application with 1.5 acres while the code is being amended.

**02/27/2020 – Permission to Advertise** – At the BCC Zoning Hearing the BCC approved 6-0 to advertise for the Adoption Hearing on April 23, 2020 amendments to the ULDC for this Landscape Service. Please see links below to Ordinances:

- [02/27/2020 - Permission to Advertise Hearing](#)
- 04/23/2020 – Adoption Hearing – *Canceled, due to State of Emergency*
- [05/28/2020 – Adoption Hearing](#) Adopted on May 28, 2020; Effective date **Pending**

At the May 28, 2020 hearing the BCC adopted the modifications to the ULDC that included:

- The deletion of the 1.5 acre Collocated Landscape Service use with the AR/RSA Zoning District,
- Requirement for a Type 2 Waiver, with Standards, for sites that cannot comply with the Article 11 Access requirements for Landscape Service uses within the AR/RSA and AR/USA;
- Type 2 Variance requirement for AGR and other Zoning Districts that do not have legal access in accordance with Article 11.
- An extension of the submittal and sufficiency deadline for an Administrative Application (DRO) for existing Landscape Service uses within the AR/RSA from June 2, 2020 to June 17, 2020 (15 additional days)

- Property Control Number (PCN)** – No direction was needed from the BCC.



- c. **Access requirements** - The BCC directed Staff to amend the ULDC requirements for access to be a Type 2 Waiver (Option 2) rather than a Type 2 Subdivision Variance for the Collocated Landscape Service use located within the AR Zoning District. The BCC directed staff to amend the Code to allow access as it exists, subject to criteria, (Option 3) for Landscape Services within.
- d. **Landscape Service in the Agricultural reserve Planned Unit Development (AGR/PUD) Preserves** - BCC clarified their direction to Staff to amend the ULDC to allow a Nursery with Landscape Service use, for those identified 24 businesses that exist in the AGR-PUD Preserves and for four additional identified parcels that have private contracts and intend to rezone to AGR-PUD preserves. The size of the Nursery/Landscape Service would be restricted to size limitations 70/30.

**March 10, 2020** – Staff will be conducting a Public Interested Parties Meeting to present the proposed amendments for the AGR/PUD Preserves at 3:00 pm in Room VC-2E-12 at Visa Center, 2300 North Jog Road, West Palm Beach

**The BCC directed Staff to use an expedited process so the proposed Ordinance would be presented at the following Zoning BCC public hearings:**

- 3/25/20 LDRC – *Canceled, due to State of Emergency*
- 4/23/20 BCC Hearing- Permission to Advertise – *Canceled, due to State of Emergency*
- [5/27/20 LDRC](#) – Recommended approval 15-2
- [5/28/20 BCC](#) Hearing- Permission to Advertise- Approved with a vote of 7-0
- [6/25/20 BCC](#) Hearing-1<sup>st</sup> Reading
- 7/30/20 BCC Hearing - Adoption

### 3. **December 19, 2019 - BCC Zoning Hearing**

Staff presented their findings and recommendations based on BCC direction to address Landscape Service in AGR-PUD Preserves and Access. Click on link below to view Staff Memo to BCC.

- [Memo – Agricultural Reserve Preserves](#)  
The BCC directed staff to amend the ULDC in order to allow existing Landscape Services to remain in the AGR-PUD Zoning District Preserves, subject to size limitations of 70% Nursery and 30% Landscape Service
- [Memo – Access Approvals Options for Landscape Services in the AGR and AR Zoning Districts](#)  
Land Development provided BCC options to address their direction on legal access (Arterial/Collector) to a property.

The BCC directed staff to amend the ULDC in order to modify the process from a Type 2 Variance (reviewed by the ZC) to a Type 2 Waiver (reviewed by the BCC), for Collocated Landscape Service uses that are in the AR Zoning District should the existing or proposed access not meet the requirements of Article 11 minimum access standards. The BCC requested that the discussion and direction regarding access for AGR and AGR-PUD properties be reviewed and discussed at the January 27, 2020 hearing.

### 4. **November 24, 2019 BCC Adopts ULDC Amendments**

County Staff completed the review and processing of a Unified Land Development Code (ULDC) Amendment for Landscape Service located in all Zoning Districts, except AGR-PUD, Preserves. Ordinance 2019-039 was adopted by the Board of County Commissioners (BCC) on November 25, 2019, which will be effective in December 2019.

If you have any questions regarding this News Release, please contact me or Wendy Hernández, Deputy Zoning Director at 561-233-5218.