

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LANDSCAPE SERVICE SUBCOMMITTEE

NOVEMBER 7, 2017 MEETING SUMMARY

Prepared by Zona Case

On Tuesday, November 7, 2017, the LDRAB Landscape Service Subcommittee held a meeting at the Vista Center, Room VC-1W-47 Conference Room at 2300 North Jog Road, West Palm Beach, Florida.

A. CALL TO ORDER

The Chair, Ms. Vinikoor called the meeting to order at 2:06 p.m.

1. Roll Call

Introduction of Subcommittee Members, Staff and Interested Parties

LDRAB Subcommittee Members: Lori Vinikoor, Frank Gulisano, Tommy Strowd, Michael Peragine and James Knight.

Interested Parties: Chip Carlson, Mark Perry, Bradley Miller.

County Staff: Jon MacGillis, Doug Wise, Bill Cross, Lisa Amara, Bob Banks, Scott Cantor and Monica Cantor.

2. Motion to Adopt Agenda

Motion to adopt agenda by Mr. Gulisano seconded by Mr. Strowd (4 - 0).

3. Additions, Substitutions and Deletions to Agenda – None

4. Motion to Adopt the May 30, 2017 Meeting Summary

Adoption of the May 30, 2017 Meeting Summary was deferred to the next meeting.

B. SUMMARY/OVERVIEW BY COUNTY STAFF

Ms. Vinikoor explained that time would be allowed for comments after the presentations and asked for a brief overview by County staff.

1. Status of Tasks Since Last Meeting / General Summary – Overview of Issues

Mr. Cross summarized the correspondence and meetings with industry in the past few months and said he hoped to get recommendations from this meeting on what provisions can be made to accommodate the use within the framework of the Comprehensive Plan and the ULDC.

Mr. Cross went on to explain that there are numerous sites which are in violation of the code for various reasons, including use, improvements or lack of improvements, structures, etc., and these violations are predominantly in the AGR Tier, but also in the AR District in the Rural and U.S.Tiers. Landscape services help to sustain nursery operations and a good relationship exists between the two, as there is a need for the industry to maintain commercial and residential lawns. Tiers and Districts can be placed into the following silos:

- a) There are cases of landscape services on parcels where the use is not allowed and some owners would like to sell the land and retain the use. Nurseries could be in the AGR Preserve as Development Rights are mostly in residential areas. Development Rights cannot be sold as they are part of a large development.
- b) Districts – nurseries are currently allowed for accessory or incidental, subordinate to the nursery, which means it is not the principal use. Most sites do not comply and it is very difficult to quantify in a fair way.
- c) Landscape services – mow yards, work on equipment, irrigation, etc., are contractor storage yards and not allowed in residential zoning districts.

C. RECOMMENDATION FOR PLAN AND CODE AMENDMENTS

1. Review Industry Draft Recommendations for ULDC Amendments

Mr. Bradley Miller, Miller Land Planning, said he had worked with County staff, Mr. Mark Perry, and Mr. Chip Carlson to put together comments and recommendations for amendments to the Plan and the ULDC. Mr. Perry circulated the draft.

- The service itself is not on the property, the service is performed elsewhere, at PUDs, commercial sites, etc.
- There are three different types of service, the type that grows, the type that does not grow, and Home Occupation, which has already been covered.
- The service has been broken into two categories: (1) Landscape Contractor – growing, installing, maintaining and some irrigation. The difference is that they have landscape products that go along with the service; (2) Landscape Maintenance is a lawn mower operation that goes out, trims the grass and leaves.
- Landscape Service should not be allowed in commercial or industrial zoning districts.
- Hours of operation are 6a.m. - 7p.m, Monday to Saturday. No activity outside of these hours.
- Access – predominantly with this use, is on arterial or collector location. A large majority are on unpaved roads.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LANDSCAPE SERVICE SUBCOMMITTEE

NOVEMBER 7, 2017 MEETING SUMMARY

- Buffer around the perimeter – most of the uses are hidden behind hedges and screen. A 10ft buffer where there is no existing adjacent buffer; to be applied in Rural and AGR Tiers. If adjacent to PUD buffer, it is not necessary to have another buffer.
- Offices and structures –the Right to Farm Act allows structures, permitted without using the normal permitting process.
- Parking - operating on Shell rock or dirt surfaces is allowed. Handicap space may have to be addressed to satisfy the ADA requirements, otherwise the request is to have it remain unpaved.
- Legal positive outflows – most developments have a means to have drainage to legally discharge. If not adjacent to canal propose to exempt it from the requirements.
- Mulch – just identifying that mulch can be there.
- Caretakers on site - allowed for security reasons.
- Approval process - biggest section - how to get the uses through. Suggestions:
 - a. Amount of area proposed to be used: less than 50% of site – Business Tax Receipt (BTR). Other regulatory agencies to review too.
 - b. > 50% Special Permit process - some form of a site plan. For record in Zoning and BTR.
 - c. Landscape Maintenance – Full DRO process, usually 100% of business occupying.
 - d. Home Occupation – retain text in current code.

Mr. Richard Carlson added that Nurseries are recognized as agricultural and accessory landscape service. Landscape Contractor and Landscape Maintenance will eliminate the accessory component, to be now a principal use. Landscape Contractors are licensed by the Department of Agriculture and handling plants requires that as well. Landscape Service helps to deter other uses in the AGR Reserve.

In response to Mr. Gulisano's question on whether reduction of buffers is allowed, Mr. Cross responded affirmatively, saying it has to be consistent with Article 7. Mr. Gulisano also questioned whether the service is required to comply with fees for roads, law enforcement, etc., and Mr. Cross clarified that the use cannot be allowed where the Plan does not allow it.

Mr. Perry expressed the view that this is a work in progress item. Home Occupation may include light duty vehicles. He also requested that the Ordinance be reviewed to see if it works for everybody.

D. DISCUSSION

1. Building Permit and/or FBC Requirements (Building Division)

Mr. Doug Wise, Building Director, explained that the use is recognized as an important one. Agricultural exemption is limited to the nursery. When it is bundled with irrigation it is no longer an agricultural use. Mr. Bob Banks opined that a use licensed by the Department of Agriculture, is not necessarily agriculture exempt. Mr. Wise went on to say that agricultural exempted uses are not excluded or exempted from the flooding regulations. Any use that is non-exempted by the Right to Farm Act is subject to the Building Code. Mr. Wise clarified for Mr. Carlson that a nursery operation can employ a licensed contractor to go out into the field and install an irrigation system.

2. Engineering Requirements (Engineering)

Mr. Scott Cantor, Land Development Division, commented as follows:

- Legal positive outfall exemptions included in Article 5. Most of them relate to industrial sites. It has to be addressed on a case by case scenarios.
- Caretakers have to be connected to a central sewer system. Sometimes it's required to comply with drainage statements.
- Art, 6 already authorizes other surface material on parking areas
- Permeability of the soil will be important instead of determining use by percentage for outfall.
- Most of these areas are not County maintained roads. They have never been accepted by the County for maintenance, therefore there are no issues with paved parking.
- Land development is concerned about access points as some of these roads are narrow.
- Tentative need to add special regulations for certain uses. No sense in requiring subdivision variances, therefore tentative amendments may be necessary.

Mr. Cross inquired which roads would be capable of handling the traffic and Mr. Cantor responded that both the width of the road and the construction of the unpaved roads will not be able to handle the traffic.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LANDSCAPE SERVICE SUBCOMMITTEE

NOVEMBER 7, 2017 MEETING SUMMARY

Mr. Perry opined that the roads are not designed and created to be used to meet width dimensions, curbing and construction characteristics.

3. Comprehensive Plan Policies (Planning)

Ms. Lisa Amara, Planning Division explained that the Comprehensive Plan does not get to the level of detail as the ULDC, the Plan has broad categories. The changes proposed may require additional Plan changes. Multiple sources were used to create a data base, including NAICS, County records, agricultural, etc. Landscaping services operate on large commercial sites and use of the properties is not for the use that was intended. Some employees go directly to the sites that are maintained, some have agricultural components, some operate from the house (Home Occupation) with provisions for vehicles and some with just vehicles. The primary use has to be Residential or Agricultural related in order to be allowed.

Mr. Carlson asked if the use Landscape Service when associated with a Nursery could be associated as an agricultural use and Ms. Amara responded that some uses that have mainly storage of vehicles are not agricultural and they belong on industrial sites.

In response to Mr. Guliano, Mr. Cross clarified that the incidental character of the uses have to be related to both the area and the dollar. Mr. Cross added that the ULDC cannot preempt the Plan and attempts were made through the use project to address some type of DRO approval to show what has been approved for Future Use, to address code enforcement issues in the future.

4. Other Requirements (Zoning)

Mr. Cross referred to the bulleted list of requirements and commented that during the Use Regulations Project, Landscape Services Use was put aside to be addressed, which we are now doing. He summarized as follows:

There is no need to add or change standards related to hours of operation unless there are other provisions which would allow longer hours; setbacks – the districts should stand – new standards for outdoor storage areas; perimeter interior buffering – would prefer to keep the dimensional buffering we already require; need feedback from Health Department on restroom facilities requirements for workers; Parking – up to engineering and building; storage screened; Approval Process - Code Enforcement asked for an approval process, a form of DRO approval, so that they can know what has been approved.

E. ADDITIONAL COMMENTS

A note read into the record from Mary Young, Audobon Everglades, indicated that there should be no commercial activities in any preserve area.

Mr. Perry referred to Florida Statutes s.604.5, permitting for non-residential agricultural buildings, and mentioned that there are some sites west of Boynton Beach that are not going to be able to have legal positive outfall.

Mr. Knight suggested a tentative need to amend the Plan and requested a copy of the last Power Point presentation.

Ms. Vinikoor expressed the need for more meetings and opined that it is necessary to delineate between Landscape Contractor and Landscape Maintenance.

Mr. MacGillis explained that the subcommittee generated from the URP and it is time to present this to the Board to get direction - to provide status, and ask if they direct staff to amend the Plan, Code, or see certain uses in any specific way. As Zoning Director this is just recommendation to provide status and the main issues are the policies in the Plan and there is a need to get direction to amend the Plan or not.

Mr. Carlson supported the idea of relationship, that nursery supports landscape services or vice versa. He noted that industry would like to present some suggestions for land amendments.

Ms. Amara recommended that there should not be a new land designation as this does not resolve any problems.

Mr. Gulisano proposed a motion to allow 55% nursery use, the remaining for other uses (landscape services), seconded by Mr. Strowd.

Mr. Perry suggested another meeting with staff to determine what the percentage should be and also whether it requires Plan amendments. No consensus, then no motion.

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LANDSCAPE SERVICE SUBCOMMITTEE

NOVEMBER 7, 2017 MEETING SUMMARY

Per Mr. Banks, the Motion was reinstated, asking the Board for possible 45% Accessory Landscape Service and 55% Nursery and if that is not possible, then, change the Comprehensive Plan, seconded by Mr. Strowd. Motion passed (5-0).

Mr. Cross inquired whether the Board would like staff to consider tentative increase in buffering, vehicles, etc., for Home Occupation. He requested that they bring some ideas on how to address this issue at the next meeting.

F. ITEMS FOR NEXT MEETING

1. Upcoming Staff Update to BCC

Mr. MacGillis summed up by indicating that staff can take the Subcommittee recommendation to the BCC as part of the 2018-01 ULDC Initiation Round. Typically, the recommendation would have been sent back to the full LDRAB for a motion, however, they are not meeting again until January. The Subcommittee motion to ask the BCC to provide staff direction on whether or not they would support the principal use (Nursery being 55% of the land area while the Landscape Service can be up to 45% rather than current 30%), will be presented on January 2018. If BCC does not support this or another percentage amount, staff will ask the Board if they want staff to consider a Comprehensive Plan amendment to address this Commercial use.

2. Discussion on how to proceed to the next step

The subcommittee agree that staff and industry would get together the 2nd week of December and work out the percentage so Zoning can prepare an update to the BCC for the January 25, 2018 BCC Zoning Hearing, and get direction from the Board before presenting back to LDRAB Subcommittee or LDRAB.

G. ADJOURN

Motion to adjourn by Frank Gulisano at 4:10 p.m.