

EXHIBIT A

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

APRIL 10, 2017 MEETING SUMMARY

Prepared by Monica Cantor

On Monday, April 10, 2017, the LDRAB Landscape Service Subcommittee held a meeting at the Vista Center, Room VC-1E-47 Conference Room at 2300 North Jog Road, West Palm Beach, Florida.

A. CALL TO ORDER

The meeting commenced at 2:04 p.m.

1. Roll Call

2. Introduction of Subcommittee Members, Staff and Interested Parties

LDRAB Subcommittee Members: Lori Vinikoor, Frank Gulisano, Tommy Strowd, and Philip Barlage.

Interested Parties: Scott Bowling, Chip Carlson, Chris Lockhart, Drew Martin, Mark Perry, Candice Thomas, Mark Travis, Michael Zimmerman, and Scott Zucker.

County Staff: Jon MacGillis, Shannon Fox, Maryann Kwok, Bill Cross, Lisa Amara, and Monica Cantor.

Mr. Cross explained that the subcommittee members are elected by the LDRAB, currently include 6 LDRAB members, and clarified that Subcommittee members run the meeting. He noted that Zoning had requested industry to nominate lead representatives to sit with the subcommittee for the discussion of the topics as contained in the agendas.

3. Elections – Mr. Gulisano nominated Ms. Vinikoor as Chair, seconded by Mr. Strowd. Motion passed (4 - 0). Mr. Strowd nominated Mr. Gulisano as Vice-chair, seconded by Mr. Barlage. Motion passed (4 - 0).

4. Motion to Adopt Agenda

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

5. Additions, Substitutions and Deletions to Agenda – None

B. BACKGROUND AND SUMMARY

1. Comprehensive Plan Policies

Mr. Cross indicated that this topic is not an Agricultural Reserve Tier specific issue since there are Landscape Services seeking to be located in residential and nonresidential districts where the use is not allowed, or due to other Code Enforcement cases in other Tiers. He read out the broad definition of "Agricultural Uses" as contained in the Comprehensive Plan, which was included in the agenda. He pointed out that additional uses are allowed by the Code in agricultural zoning districts including Agricultural Reserve (AGR), Agricultural Residential (AR) and Agricultural Production (AP) intended to support agricultural operations.

2. Landscape Service Use Regulations History

Mr. Cross explained that the use has been subject to multiple modifications and presented a brief overview of the use in the agricultural zoning districts as follows:

- The existing regulations for Landscape Service in the AGR Zoning District since 1998 have only allowed that use accessory to a Wholesale or Retail Nursery. He further clarified that an accessory use, where allowed, is incidental and subordinate to, and not to be the principal use, or the majority of the property, or the predominant activity that generates the largest revenue.
- Mr. Cross noted that AR is located in both, Urban/Suburban and Rural Tiers, predominantly the rural areas in the County such as Jupiter Farms, Palm Beach Country Estates, Royal Palm Beach Acreage, and portions of Heritage Farms. In those areas Landscape Service is also allowed as an accessory use to a Nursery or as principal use when located on an Arterial or Collector street, subject to Board of County Commissioners (BCC) approval.
- Otherwise, Landscape Service is only allowed in Industrial or Commercial zoning districts.

3. Items Raised at 3/29/17 Industry Meeting

Mr. MacGillis discussed the main concerns brought to staff's attention at the interested parties meeting held on March 29 as follows:

- Agricultural Use – Why the use is not considered an agricultural use.
- Location/Proximity to Client – Clientele located mostly in residential unit developments.
- Necessary Land Area to Support Use – Land available for the location of vegetative material and vehicles.
- Relocation to Eastern Areas of County (Traffic/Incompatibility) - Mostly traffic related concerns related to tentative relocation of the use to the eastern areas of the Urban/Suburban Tier. It may increase traffic issues due to the number of employees and trucks associated with the use operation.

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C. GOALS AND OBJECTIVES

Ms. Vinikoor initiated discussion on the mission and objectives of the Subcommittee.

Mr. MacGillis clarified that staff developed a mission statement and objectives, as proposed in the agenda, for the subcommittee to keep participants on target and reach an agreement on how to proceed.

Mission Statement

- Continue to recognize the importance of nursery & landscape business in Palm Beach County.
- Continue to explore existing Comprehensive Plan and ULDC regulations to see if additional revisions can be recommended to the BCC.

Mission statement accepted by subcommittee, motion by Mr. Gulisano, seconded by Mr. Strowd. Motion passed (4 - 0).

Objectives

1. Review existing Comp Plan/ ULDC provisions.
2. Ensure "Plan & Codes" do not allow what they do.
3. Recommendations for plan or code changes

It was recommended by Subcommittee members to review objective #2 and make it clearer at the next meeting. Motion on the objectives to be done at the next meeting.

Discussion took place on the applicability of "Accessory Use" and the financial aspect involved with the existing requirement. Mr. Cross clarified that accessory uses are not based on the size of a parcel but the area utilized by the principal use. He cited an example over a 10-acre parcel of which only 2-acres are dedicated for a Nursery as the principal use, therefore only 30 percent of the 2 acres are allowed to be used for accessory uses. He explained that it will be also tied to the revenues on the property by citing an example of an approved Nursery as the principal use with trees that last 10 years to grow and the operation also provides landscape maintenance. If the main income is coming from the landscape maintenance instead of the Nursery, then the principal use is not the Nursery, therefore the accessory use is not allowed. This is typically the main issue with enforcing the Code and this subcommittee provides an opportunity to coordinate how to improve those regulations for Code Enforcement officials.

Ms. Vinikoor indicated that before moving to the next item in the agenda, she wanted to have comments at this time. Comments were provided by interested parties, mostly environmentalists and industry representatives as follows:

- Changing the land use from Nurseries to Landscape Service businesses in the AGR Tier will disturb bees, birds and butterflies which will affect the County's wildlife.
- Concerns of expansion of the use will allow eventually more incompatible uses in the area especially in the AGR Tiers away from the original intent to provide landscape Service related to nurseries not to itself.
- Need to understand the extend of this business in terms of acres, location and available places where the use can go and if the use fits in those areas.
- Request to staff to indicate history on what was allowed prior 1998 and if allowed before, why it was taken away.
- Suggestions to recognize the need of landscape industry in the AGR Tier and resolve concerns.
- Sites with license issued by other agencies not meeting minimum lot size requirements.
- Tentative relocation of the use to eastern parts of the county, where commercial and industrial districts are located, may contribute to more traffic issues already existing in the area.
- Code Enforcement violations associated with the storage of vehicles for Home Occupation landscape service use.
- Need to check the use evolution and location history in the County.

Mr. Cross explained that in the early 1990's, this use was not allowed in Agricultural Residential or allowed as accessory or principal use in many of the zoning districts for the properties discussed at the meeting. He requested Landscape Service industry to provide alternative solutions to the matter, as to how and when became the pressure to utilize the areas in question

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for the location of the use, and when businesses started to grow and no other place were available to go.

Mr. Cross also clarified that former Palm Beach County Commissioner Marcus requested staff to address operation of Landscape Services for residential home occupation in Jupiter Farm. Staff addressed the issue by allowing for limited expansion of Home Occupation, while ensuring the residential character of the use is maintained by limiting storage of commercial vehicles, trailers or equipment, and vegetation, and the number of outside employee. Mr. Cross added that the use was amendment in 2007 to allow exemptions for parcels with one acre or more to have an accessory landscape service with one truck or mower on site as long as they are not visible from adjacent properties or roads, and have 3 employees and parking on an improve surface. He indicated that as part of the Subcommittee review, requests to allow the accessory use as Home Occupation in the Urban/Suburban Tier, also to be located on parcels less than one acre, will need to be evaluated. Discussion will be necessary related to the minimum lot size that is reasonable, and what is the maximum number of commercial vehicles allowed to maintain the residential nature of the property.

Mr. Gulisano requested to review the use definition as well as the number of vehicles in relation with the size of the parcel. It was recommended to take into account the definition of nursery as they may operate to plant trees for 20 years while other may include vegetation that grow fast. It was also mentioned the importance of considering in the use analysis all typical services and activities offered by the Landscape Service industry such as irrigation, maintenance or installation.

Ms. Vinikoor requested clarification on the typical complaints associated with the operation of large sites. Mr. Bulkeley, PZ&B Deputy Director indicated that they are mostly related to noise, traffic, roads in disrepair because of the traffic, debris, congregation of employees very early in the morning and parking issues. Mr. Cross clarified that nurseries or farming industry issues are not intended to be included in this subcommittee discussions.

Ms. Vinikoor provided opportunity for public comments. Mostly landscape service owners and environmentalists attending the meeting made the following comments:

- Encourage the use of native plants instead of more laws in the agricultural areas.
- Need to identify compatible and incompatible uses surrounding Landscape Services such as Schools.
- Need to consider the type of approval applied to this use as there are some standards required that may remove completely the options for many of these sites to operate. Sites with Development Review Office (DRO) approval will be required to comply with Land Development regulations that require non-residential uses to have access from 80-foot Right-Of-Way. Many of the 5-acre subdivisions where these uses are located are old, typically situated on easements between property lines. In addition, they need to provide legal positive outfall which is different when a use is subject to Special Permit where legal positive outfall has to be obtainable.
- Restrict the percentage allowed for accessory uses as they may attract more commercial uses to eventually change the character of the Agricultural Tier.
- Need to differentiate the use from industrial operation than planting related operation.
- Include native vegetation buffers to provide screening to the use.
- Require parking spaces for this uses to avoid road parking.
- Participant were reminded that the Agricultural Tier was created with tax payer's money intended to preserve agricultural, very contrary to the tentative use changes proposed.

A definition for Landscape Horticulture Establishment from the Florida Nursery Growers and Landscape Association (FNGLA) was provided by Mr. Perry as a starting point of discussion. Mr. Cross indicated that such definition suggests the use to be more of an agricultural nature. He indicated that vegetation grown on site may be protected by the agricultural regulations under the Right to Farm Act, and the equipment associated with the growth of that material is equally protected. There are provisions that a nursery owner may be protected under but when the use involves activities that are not associated to the growth of material on site, it cannot be considered an agricultural use. Ms. Vinikoor clarified this subcommittee is to address Landscape Service use not horticulture or nursery related uses. It was noted that the State of Florida issues licenses to nurseries as an agricultural license.

Mr. MacGillis also indicated that some of the existing accessory Landscape Service uses may conform to the Code today, they just have to get the approvals.

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D. ITEMS FOR NEXT MEETING

1. Next Meeting Topics

Mr. Perry accepted request to bring additional back up information at the next meeting. He indicated that he may have a presentation on Landscape Service industry statistics in Palm Beach County.

Mr. MacGillis suggested to consolidate the objective into one which will be the review of the existing Comprehensive Plan and ULDC requirements that limit the Landscape Service; Maintaining the preservation of the Agricultural Reserve; and establish a clear definition of the use. He indicated that they may be refined as the meetings progress. He suggested participants to refine the objective for the next meeting, and e-mail such suggestions to staff.

Mr. Carlson requested to have mapped information of where the use can go. Mr. Cross reiterated need for individuals to provide additional back up. Planning will have basic information for that meeting.

2. Establish Meeting Schedule

It was agreed that the next meeting will be scheduled on May 30, 2017 to provide enough time for staff and interested parties to put together the necessary information.

E. ADJOURN

Motion to adjourn by Frank Gulisano and seconded by Tommy Strowd. The meeting adjourned at 3:29 p.m.