

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: 07/11/2023

Consent

Regular

Ordinance

Public Hearing

Department:

Submitted By: Office of Financial Management and Budget

Submitted For: Office of Financial Management and Budget

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE PALM BEACH COUNTY UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, BY AMENDING ARTICLE 2, CHAPTER G, SECTION 3 CONCERNING BOARD MEMBERSHIP QUALIFICATIONS AND TERM LIMITS FOR MEMBERS OF THE IMPACT FEE REVIEW COMMITTEE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE.

Summary: The Board of County Commissioners (the "Board") conducted the first reading of the ordinance June 6, 2023 and granted permission to advertise the Public Hearing. During staff's presentation of the last Impact Fee Rate Update Study and Report (Report) at the Board of County Commissioner's second public hearing on September 13, 2022, the Board voted to add a designated seat on the Impact Fee Review Committee (IFRC) for a representative from the Associated General Contractors of America Florida East Coast Chapter (AGC) and indicated their desire to eliminate term limits for IFRC members. This additional Committee member will bring the total number of Committee members to eight members. To maintain the odd number of voting members, staff recommends adding another at-large Committee member. At the June 6th preliminary reading and request for permission to advertise, the Board designated the additional at-large Committee member seat for a resident of Unincorporated Palm Beach County.

Upon approval of this item, the IFRC will have nine voting and three alternate members with no term limits. The membership will include three representatives from municipalities within Palm Beach County, four representatives from the business community of which one seat is designated for AGC, and two members selected at-large of which one is designated for a resident of Unincorporated Palm Beach County. Countywide (RM)

Background and Policy Issues: Article 2, Chapter G., Section 3.1 of the ULDC states that, "the Impact Fee Review Committee is composed of seven voting and three alternate members" and further provides that, "no person shall be appointed or reappointed to this Board for more than three consecutive terms". During the September 13, 2022 Public Hearing and discussion of the last Impact Fee Rate Update Study and Report, local stakeholders voiced their concerns that three of the long-time IFRC members would be reaching their term limit and would be required to step down from serving on the IFRC. Because of the unique and highly technical nature of the impact fee study and related data utilized in evaluating and analyzing the study, local stakeholders and members of the Board expressed their concerns and interest in eliminating the term limits for the Committee. Additionally, the Board voted to add a designated seat for a representative from the Associated General Contractors of America Florida East Coast Chapter.

Attachments:

1. Proposed ordinance amending Article 2 of the ULDC
2. 2023 ULDC Revision Staff Report – Land Development Regulation Commission "Consistency Determination"

Recommended by: Sherry Brown Department Director Date 6/9/2023

Approved by: KBaker County Administrator Date 6/14/23

ORDINANCE No. 2023-_____

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE PALM BEACH COUNTY UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: ARTICLE 2, CHAPTER G, SECTION 3 CONCERNING QUALIFICATIONS AND TERM LIMITS FOR MEMBERS OF THE IMPACT FEE REVIEW COMMITTEE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

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WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

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WHEREAS, the Board of County Commissioners has determined that proposed amendments further a legitimate public purpose; and

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WHEREAS, the Land Development Regulation Commission has found this proposed Ordinance to be consistent with the adopted Comprehensive Plan; and

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WHEREAS, public hearings have been held by the Board of County Commissioners consistent with the requirements set forth in section 125.66, Florida Statutes; and

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NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

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SECTION 1. ADOPTION OF AMENDMENT TO THE UNIFIED LAND DEVELOPMENT CODE:

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Article 2 of the Palm Beach County Unified Land Development Code is hereby amended as set forth in Exhibit A, attached hereto and made a part hereof.

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SECTION 2. REPEAL OF LAWS IN CONFLICT:

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All local laws and ordinances that apply in Palm Beach County in conflict with any provision of this Ordinance are hereby repealed to the extent of any such conflict.

1 **SECTION 3. SEVERABILITY:**

2 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
3 reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect
4 the remainder of this Ordinance.

5 **SECTION 4. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE:**

6 The provisions of this Ordinance shall become and be made a part of the Unified Land
7 Development Code of Palm Beach County, Florida. The Sections of this Ordinance may be
8 renumbered or relettered to accomplish such, and the word "ordinance" may be changed to
9 "section," "Article," or any other appropriate word.

10 **SECTION 5. EFFECTIVE DATE:**

11 The provisions of this Ordinance shall become effective _____, 2023.

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13 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach
14 County, on the ____ day of _____, 2023.

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16 SHARON R. BOCK, CLERK &
17 COMPTROLLER

 PALM BEACH COUNTY, FLORIDA,
 BY ITS BOARD OF COUNTY COMMISSIONERS

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20 By: _____
21 Deputy Clerk

 By: _____
 Mayor Gregg K. Weiss

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25 APPROVED AS TO FORM
26 AND LEGAL SUFFICIENCY

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30 _____
 COUNTY ATTORNEY

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33 Filed with the Department of State on this ____ day of _____, 2023.

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EXHIBIT A

ARTICLE 2

**DECISION MAKING BODIES
SUMMARY OF AMENDMENTS**

PART 1. ULDC ART. 2.G.3.I [Related to the Impact Fee Review Committee](pages 86-87), is hereby amended as follows:

CHAPTER G DECISION MAKING BODIES

Section 3 APPOINTED BODIES

I. Impact Fee Review Committee

**3. Board Membership
a. Qualifications**

The IFRC shall be composed of ~~seven~~ nine members and three alternate members appointed by the BCC. The membership of the IFRC shall include three representatives from municipalities within PBC, ~~three~~ four representatives from the business community, (one of which is designated for a representative from the Florida East Coast Chapter of Associated General Contractors of America), and one ~~two~~ members selected at large. The voting membership of the IFRC shall include three representatives from municipalities within PBC, ~~three~~ four representatives from the business community, and ~~one~~ two members selected at large (one of which is designated for a resident of Unincorporated Palm Beach County). The alternate members shall include one representative from each of the three categories above. An alternate member shall be authorized to vote in place of an absent voting member appointed from the same category and shall count toward a quorum.

6. Term Limits

~~Beginning on or after March 2, 2013~~ July 24, 2023, ~~no person there shall be no limit on the number of terms a person may serve on appointed or reappointed to this Committee~~ no person shall be no limit on the number of terms a person may serve on appointed or reappointed to this Board for more than three consecutive terms.



ULDC REVISIONS STAFF REPORT

LDRAB/LDRC MEETING, MAY 10, 2023

I. General Data

Project Name: Impact Fee Review Committee Term Limits and Membership
Articles: 2
Project Manager: Derrek Moore, Impact Fee Manager
Agency Manager: Robyn Lawrence, Director of Financial Management
Staff Recommendation: Staff recommends *approval* based on the findings and conclusions presented in this report.

II. Item Summary

Summary: The item before the Board are proposed revisions to the Unified Land Development Code (ULDC).

During Staff's presentation of the last Impact Fee Rate Update Study and Report (Report) at the Board of County Commissioner's second public hearing on September 13, 2022, the Board voted to add a designated seat on the Impact Fee Review Committee (IFRC) for the Associated General Contractors of America Florida East Coast Chapter (AGC) and indicated their desire to eliminate term limits for IFRC members. This additional Committee member will bring the total number of Committee members to eight members. To maintain the odd number of voting members, Staff recommends adding another at-large Committee member.

Assessment: Upon approval of this item, the Committee will have nine voting and three alternate members with no term limits. The membership will include three representatives from municipalities within Palm Beach County, four representatives from the business community of which one seat is designated for AGC, and two members selected at-large.

III. Hearing History

LDRAB/LDRC Recommendation: On May 10, 2023, the LDRC found the proposed ULDC revision to be consistent with the Plan with a vote of 12-0.

Board of County Commissioners Permission to Advertise: *Scheduled for June 6, 2023*

Board of County Commissioners Adoption: *Scheduled for June 13, 2023*

IV. Intent

The intent and purpose of this amendment is to honor the directions and requests of the Board of County Commissioners to increase the number of members on the IFRC and remove the term limit.

V. Background

During Staff's presentation of the last Impact Fee Rate Update Study and Report (Report) at the Board of County Commissioner's second public hearing on September 13, 2022, the Board voted to add a designated seat on the Impact Fee Review Committee (IFRC) for the Associated General Contractors of America Florida East Coast Chapter (AGC) and indicated their desire to eliminate term limits for IFRC members. This additional Committee member will bring the total number of Committee members to eight members. To maintain the odd number of voting members, Staff recommends adding another at-large Committee member.

VI. Data and Analysis

This section provides data and analysis of the proposed revisions to the ULDC. The specific proposed revisions are shown with proposed language to be deleted in strike out and additions in underline in **Exhibit 1**.

A. Proposed Amendment

These changes will amend the qualifications and term limit of the IFRC members to conform to the Board's intentions and directions.

B. Consistency with the Comprehensive Plan

A preliminary review by the Planning Division indicates that the proposed amendments will not result in inconsistencies with the Comprehensive Plan.

VII. Assessment and Conclusions

As demonstrated in this report, the proposed revision to the ULDC will implement Board direction. Staff recommends *approval*.

Attachments

Exhibit 1 – Proposed changes in strike-out and underline format

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EXHIBIT 1
IFRC Term Limits & Membership

This exhibit revises the following Articles:

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in strike-out, and relocated text italicized. *Stricken and italicized* means text to be totally or partially relocated. Relocation notes are shown in brackets as [Relocated to:] or [Relocated from:]. Unaltered text omitted for brevity is indicated by a series of four bolded ellipses....

Part 1. **ULDC ART. 2.G.3.I [Related to the Impact Fee Review Committee](pages 86-87), is hereby amended as follows:**

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....
6. Term Limits

Beginning on or after March 2, 2013 ~~2013~~, ~~no person there shall be no limit on the number of terms a person may serve on appointed or reappointed to this Committee Board for more than three consecutive terms.~~