

**INTRODUCTION:**

To address recommendations from the industry to draft new code provisions in the Unified Land Development Code (ULDC) to address the need for flex space in commercial and industrial zoning districts. There is an ongoing trend in the industry to allow flexibility to a use to have limited office and retail along with the commercial or industrial use. In unincorporated PBC the zoning code allows office/warehouse that allows limited flexibility. The new regulations being proposed would allow the tenant to have primarily a commercial or industrial use but some limited office and retail. The Zoning Division did send a copy of the final proposed code provisions to the League of Cities for input.

**BACKGROUND AND SUMMARY:**

In 2007, the Palm Beach County League of Cities commissioned an “Industrial Land Use and Economic Development Strategy” study. The study was to address and focus on the countywide need for industrial land. The study indicated that many industrial areas had been converted to allow residential or commercial development. In 2008, the Planning Division recommended that the Board of County Commissioners (BCC) amend the Comprehensive (Comp) Plan to include a definition for flex space. Following adoption of the Comp Plan amendment and in conjunction with direction from the Board of County Commissioners (BCC) the Zoning Division established a Task Team to further address the issue. The first Task Team meeting was held on February 24, 2009 and was attended by industry representatives and staff that would be responsible for developing standards and regulations to allow flex space. At the Land Development Regulation Advisory Board (LDRAB) Organizational Meeting on February 25, 2009, the Flex Space Subcommittee was formally established. The Subcommittee was comprised of Task Team, LDRAB and Staff members.

The issues put forth by the Subcommittee:

- *Current regulations limit the ability to attract certain businesses*
- *Allowing higher percentages of office in industrial areas*
- *Reducing the costs for “start-up” businesses*

**LDRAB SUBCOMMITTEE MEETINGS**

An LDRAB Flex Space Subcommittee was established to consider recommendations from industry and staff on drafting new code provisions in the Unified Land Development Code (ULDC) that would address flexibility in both commercial and industrial zoning districts for how a space could have limited office and retail in addition to the commercial and industrial uses. Also, to ensure any new regulations were consistent with Planning Ordinance 2008-54, and Comp Plan Policy 2.2.2 Commercial and 2.2.4 Industrial Land Use Policies as well as the Com Plan Flex Space Definition.

**Subcommittee Members:**

**LDRAB** – Michael Cantwell, David Carpenter, Jose Jaramillo, Raymond Puzzitiello

**Industry** – Michael Falk, Neil Gaeta, Dale Hedrick, Steve McCraney, Edna Trimble, Rob Rennenbaum

**Staff** – Jon MacGillis, Barbara Pinkston-Nau, Isaac Hoyos, Nick Uhren, Scott Rodriquez, Ann DeVeaux

**Motion from Subcommittee**

A motion was made by the Committee on **November 3, 2009** to recommend the proposed code language be sent to LDRAB for review and recommendation of approval.

**The objectives of the Subcommittee were as follows:**

1. Review examples of Flex Space projects and regulations from other municipalities as well as other parts of country;
2. Develop regulations consistent with Comp Plan definition and requirements;
3. Review existing Use Charts in the ULDC to identify uses that could benefit from Flex Space; and
4. Review potential impacts on parking, traffic and impact fees

**Subcommittee Meetings**

The first Flex Space Subcommittee meeting was convened on March 17, 2009. The meetings continued until the final recommendation was made on November 3, 2009. During the first meeting industry expressed concerns that the existing Comp Plan language did not allow sufficient flexibility to address their concerns. Industry representatives were concerned the percentage allotment of office and retail in both commercial and industrial was too limiting. Staff advised the committee that the proposed ULDC amendments would have to be consistent with the Comp Plan. In order to make amendments to the Comp Plan language the BCC would have to

approve any changes recommended by Planning staff. The Subcommittee voted to recommend that the Planning Division amendments to the Comp Plan definition for Flex Space in the 2009-02 Round for adoption on November 19, 2009. It was also agreed that the committee would continue to meet on a less frequent basis from February to September while the Comp Plan amendments were being prepared by Planning.

Meetings reconvened in September 2009, and continued discussion on how to address related to: traffic, monitoring, parking, approval processes, thresholds, and flex space users. Staff drafted code language based on comp plan directives as well as consensus with industry and committee members.

**Subcommittee Recommendations:**

- Allow maximum amount of flexibility for commercial and industrial land owners so they can attract business to PBC.
- Address office and retail uses in commercial and industrial zoning districts to ensure tenant can have flexibility under Flex Space to operate
- Reviewed all Uses in Article 4 of the ULDC and identified those that are typical uses that might need the ability to apply for Flex Regulations
- Examined the existing review process to ensure that this process can be folded into existing review process to not to extend review timelines for Public Hearing, DRO and Building Permit Review

All Agendas, Minutes and Attendance for Subcommittee meetings can be reviewed by visiting the Zoning Web Page, Code Revisions, LDRAB Subcommittees at:

[http://www.pbcgov.com/pzb/zoning/LDRAB/subs/subcom\\_meetings.htm](http://www.pbcgov.com/pzb/zoning/LDRAB/subs/subcom_meetings.htm)

**Planning Requirements:**

2009-02 Round, Revisions to Flex Space Definition- to address outdated references and percentages within the flex space definition are being updated as flex space provisions are concurrently being added to the ULDC.

**FLEX SPACE** - A building type with a mix of non-residential uses allowed in the Industrial, Economic Activity Development Center, and Commercial High future land use designations (FLU). Flex space allows each use to be a flexible percentage of the permitted uses allowed in the Use Matrix per the applicable FLU. The uses shall predominately consist of light and medium industrial uses and commercial high uses and related services, such as research and development, office, retail accessory to industrial activities, light to medium industrial processing. Flex space uses shall consist of no less than 30% retail, accessory to industrial uses, and office combined, and no more than 70% light industrial/warehouse uses of the total uses allowed. In General, approximately 75% of the total floor area is devoted to light industrial uses including research and development, light manufacturing, processing, storage and/or warehousing, with the remaining 25% allowed for retail, office and display areas for products manufactured or distributed from the industrial portion, as determined in the Unified Land Development Code (ULDC). Within IND and EDC FLU, retail and office square footage is limited to accessory only, and shall not exceed 30%.

### **Existing Industrial reference to Flex Space**

#### **2.2.4 Industrial**

**Policy 2.2.4-a:** The County shall apply Industrial future land use categories at appropriate locations and intensities to satisfy the need for industrial space and to promote economic development consistent with the County's economic development directives. The County shall also encourage a broad range of employment opportunities by permitting Flex Space. *Remainder of policy relocated to Regulation Section*

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