

6C-1

Agenda Item #:

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: July 22, 2008

☐ Consent ☒ Regular
☐ Workshop ☐ Public Hearing

Department: Planning, Zoning & Building

Submitted By: Zoning Division

Submitted For: Zoning Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: An Interlocal Agreement with the Treasure Coast Regional Planning Council (TCRPC) to provide technical assistance to the Zoning Division for amendments to the Unified Land Development Code (ULDC), which include the creation of the Infill Redevelopment Overlay (IR-O); revisions to Article 1.F, Non-conformities, and other related articles of the ULDC.

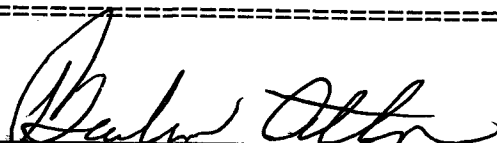
Summary: The Zoning Division has requested TCRPC to provide technical assistance in drafting and truthing amendments to address the need for infill and redevelopment in the commercial corridors of the Urban Suburban Tier of Palm Beach County. The amendments shall address non-conforming regulations and include the creation of an IR-O, amongst other related tasks. It is the intent that the Interlocal Agreement shall be in effect until August 30, 2009, unless there is a need for an extension due to postponements or rescheduling by the County. The agreement is not to exceed \$50,000. Should either party desire to terminate all or part of this Agreement, written notification shall be required.
Unincorporated (RB)

Background and Justification: Generally, there are 3 phases to this amendment project. The overall objective of the Infill and Redevelopment Project is to "develop" and "consolidate" ULDC regulations and related development processes. This objective will serve to encourage and facilitate predictable and sustainable redevelopment in the commercial corridors of the Urban/Suburban Tier. While the underlying focus of the project is to simplify and streamline Zoning processes, the primary focus is to develop a long-term strategic vision that will serve as a blueprint for creating more pedestrian oriented, mixed use and sustainable development to better serve the needs of residents. (continued on page 3)

Attachments:

1. Interlocal Agreement with Exhibits

Recommended by:


Executive Director

6/25/08
Date

Approved By:


Deputy County Administrator

7/14/08
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	20 <u>08</u>	20 <u>09</u>	20 <u>10</u>	20 <u>11</u>	20 <u>12</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	<u>50,000</u>	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>50,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	<u>0</u>	_____	_____	_____	_____

Is Item Included In Current Budget? Yes X No _____
 Budget Account No.: Fund 000 Department 600 Unit 6105 Object 3401
 Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Funds will be appropriated from our contractual service line. The Fiscal Impact will be \$50,000 expenditure to this line.

C. Departmental Fiscal Review: Pat D'Agostino

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Funds are included in the FY 2008 budget, although will not be spent this year, therefore they will be included as an FY 2009 carry forward amendment.

Stwillhite 7.1.08
 88 OFMB SK CN
 7/1/08 6/26/08
 7/1/08.

John J. Jones 7/2/08
 Contract Dev. and Control
 6/26/08 7/2/08

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

This Contract complies with our contract review requirements.

At the time of our review, the contract was not executed.

C. Other Department Review:

 Department Director

Background and Justification:

The 3 key goals to this project are:

1. Establish performance standards to mitigate non-conforming lots, uses, and structures in the Urban/Suburban Tier (Phase 1);
2. Develop alternative redevelopment regulations; and,
3. Consolidate and simplify current ULDC Regulations and processes.

General Timeframe for the 3 Phases of this project are:

1. Phase 1 [2008-09] (Revise Article 1, create Article 3.B.16 Infill Redevelopment Overlay)
2. Phase 2 [2009-10] (Reorganize Article 3)
3. Phase 3 [2010-11] (Revise other Articles, as needed)

The Zoning Division is currently undertaking Phase 1. TCRPC will assist Zoning Division staff in the processes of data collection and fact finding/drafting and truthing of the revised/new ordinances, and will also participate in meetings with the Infill Redevelopment Task Force (a subcommittee of the Land Development Regulation Advisory Board (LDRAB)) and Interested Parties. In addition, TCRPC will assist staff in the presentations of the revised/new ordinances to the LDRAB, Zoning Commission and Board of County Commissioners.

**INTERLOCAL AGREEMENT
BETWEEN
PALM BEACH COUNTY
AND
THE TREASURE COAST REGIONAL PLANNING COUNCIL**

This Agreement is entered into this _____ day of _____, 2008, by and between Palm Beach County, a political subdivision of the State of Florida having its principal address at 301 North Olive Avenue, West Palm Beach, Florida 33401 (hereinafter "the County") and the Treasure Coast Regional Planning Council, having its principal office at 421 Southwest Camden Avenue, Stuart, Florida 34994 (hereinafter "TCRPC").

WHEREAS, the above-named governmental entities have an interest in the creation of an Infill Redevelopment Overlay (hereinafter IR-O), and an amendment to the Palm Beach County Unified Land Development Code (ULDC) for non-conformities.

WHEREAS, the governmental entities desire to work together to achieve a result, which is beneficial to all; and

WHEREAS, TCRPC is willing to provide consulting services for the County for a reasonable fee.

Now, therefore, in consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, as well as the mutual promises and covenants set forth herein, the parties agree to work together to develop the IR-O for the lands generally described herein, and an amendment to the ULDC for non-conformities as fully set forth below.

WITNESSETH:

SECTION 1. SCOPE, SCHEDULE AND WORK PRODUCTS
Pages 5-7

SECTION 2. FEES AND REIMBURSABLE EXPENSES

- A. Fees: Professional services described in this proposal will be performed at a fee not to exceed \$50,000. This includes all costs necessary to perform functions identified in the Scope of Services (Exhibit A) such as, but not limited to, travel, out of pocket expenses, printing and reproductions costs, film processing, mail, couriers, and other costs related to the professional services being provided.
- B. Payment Terms: Upon completion of each Section identified in the contract, the amount due shall be paid to TCRPC.

SECTION 3. NOTICE

All notices required to be given under this Agreement shall be in writing, and deemed sufficient to each party when sent by United States Mail, postage prepaid, to the following:

Palm Beach County	Treasure Coast Regional Planning Council
Barbara Alterman, Esquire Executive Director Planning, Zoning & Building Dept. 2300 North Jog Road West Palm Beach, FL 33411	Michael J. Busha, AICP Executive Director Treasure Coast Regional Planning Council 421 Southwest Camden Avenue Stuart, FL 34994
With copy to:	
Jon MacGillis, ASLA Zoning Director Palm Beach County Zoning Division 2300 North Jog Road West Palm Beach, FL 33411	Dana Little Urban Design Director Treasure Coast Regional Planning Council 421 Southwest Camden Avenue Stuart, FL 34994

SECTION 4. GENERAL TERMS AND CONDITIONS

1. This AGREEMENT sets forth all the rights, responsibilities and obligations of the parties to each other, represents the entire understanding of the parties to each other, represents the entire understanding of the parties, and supersedes all other negotiations, representations, or agreements, whether written or oral, relating to the subject matter of the AGREEMENT. This AGREEMENT cannot be changed, altered, amended or modified except by written instrument signed by the duly authorized representatives of the parties, and adopted and approved by all parties in the same manner as the AGREEMENT.
2. Nothing stated in this AGREEMENT shall be construed to give any rights or benefits of any parties to this AGREEMENT to anyone other than the above listed parties, and all duties and responsibilities undertaken pursuant to this AGREEMENT will be for the sole and exclusive benefit of the parties, and not for the benefit of any other.
3. This AGREEMENT may not be assigned by any parties.
4. This document can be signed in counterparts.
5. All of the terms and provisions of this AGREEMENT shall be binding upon, insure to the benefit of, and be enforceable by the Parties and their legal representatives, successors, and assigns.
6. If any part of this AGREEMENT is contrary to, prohibited by, or deemed invalid under any applicable law or regulation, such provision shall be inapplicable and deemed omitted to the extent so contrary, prohibited, or invalid, but the remainder hereof shall not be invalidated thereby and shall be given full force and effect, so far as possible.
7. This AGREEMENT shall become effective upon execution of all the parties.

IN WITNESS WHEREBY, the parties have hereunto set their hands and seal this _____ day of _____.

ATTEST:


SHARON R. BOCK, Clerk & Comptroller

PALM BEACH COUNTY, FLORIDA BY
ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

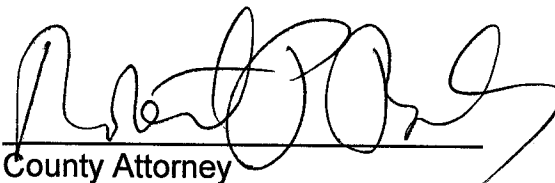
By: _____
Addie L. Greene, Chairperson

TREASURE COAST REGIONAL
PLANNING COUNCIL

By: 
Michael J. Busha, Executive Director

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

APPROVED AS TO TERMS &
CONDITIONS

By: 
County Attorney

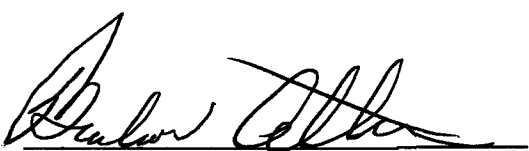
By: 
Barbara Alterman, Exec. Director
Planning, Zoning & Building

EXHIBIT A - SCOPE OF SERVICES

A. Project Objectives

The objective of this contract is for the Treasure Coast Regional Planning Council (TCRPC) to provide technical assistance to the County Zoning Division staff in drafting proposed amendments to the Unified Land Development Code (ULDC). The scope of tasks for Zoning Division and TCRPC are summarized as follows:

1. Develop a new article of the ULDC, which will specifically address development standards in the Infill Redevelopment Overlay (IR-O) of the County. Under this task, the TCRPC will assist Zoning Division staff in conducting data collection, participating in task force and interested parties meetings, and producing the documents listed below:
 - a. White Paper – a document/report consisting of, but not limited to, the project history; project goals and objectives; project vision; data analysis; benefit/burden analysis, etc.
 - b. ULDC amendments – code language for the IR-O (Article 3.B.16).
 - c. ULDC amendments to various portions of the ULDC, including but not limited to: Articles 1.E; 1.F; Articles 3, 4, 5, 6 and 7, which address general infill and redevelopment issues/standards and non-conformities.
2. PowerPoint presentation – a composite of graphic/text documents associated with the project vision and analysis.

B. General Responsibilities and deliverables of TCRPC

1. Assign one (1) TCRPC Staff Project Manager (PM).
2. Attend meetings on specified dates as listed in Table 1.
3. Provide specific tasks and deliverables as listed in Table 2.
 - a. Written documents shall be subject to the following format, unless stated otherwise:
 - i. All text documents shall be Microsoft Word, using Arial text style at 11 text font; and,
 - ii. Tables or databases shall be in Microsoft Word, Excel, or Access using Arial text style and 10 or 11 text font, or as otherwise approved by the County staff.
 - b. Images, (defined in Item H) which illustrate concepts that County staff can utilize or manipulate for ULDC insertion, and shall be utilized to demonstrate development options; design guidelines; examples of case studies of infill redevelopment projects.
4. In addition to tasks/deliverables listed in Table 2 below, research and obtain any additional information or documentation needed to facilitate meetings, that may not be commonly available from the County, including any Form Based Code (FBC) or other similar documents to be used in recommending and providing direction to County staff.

C. General Responsibilities of County Staff

1. Assign a County Project Manager (PM) from the Zoning Division and a contact person (coordinator) from the Zoning Division.
2. Provide copies of any Code amendments to TCRPC that have been transmitted, adopted, or proposed for the IR, prior to scheduled meetings.
3. Conduct meetings with Infill Redevelopment Task Force (IRTF) and Infill Redevelopment Interested Parties (IRIP) to solicit input and comments from the subcommittee, public, key agencies, stakeholders and municipalities prior to Land Development Regulations Advisory Board (LDRAB)/Land Development Review Committee (LDRC) and

ZC/BCC meetings. County staff shall provide TCRPC staff with a summary of input received from all meetings prior to each staff meeting identified in Table 1.

4. Communicate with the TCRPC PM via e-mail and/or verbal updates on the status of drafting ULDC amendments, and provide two (2) copies of proposed ULDC amendments to the TCRPC PM prior to the LDRAB/LDRC meetings.

SCHEDULE

Table 1

	Timeframe	Meetings Duration/Frequency	Meeting with	TCRPC'S Role (Further defined in Table 2)
Stage	Data Collection/ Drafting of White Paper and Ordinance			
1.	July to October 2008	2-hour meeting (Twice a month as scheduled by the County).	Zoning Division Staff. Other Agencies, if needed.	-Data Collection -Input for White Paper -Input for ULDC amendments.
2.	July to October 2008	2-hour meeting (Twice a month as scheduled by the County).	I/R Task Force (IRTF).	-Discuss data/research on Key Issues -Respond to questions
3.	August 13, 2008; November 12, 2008; and, March 2009. (No specific date for 3/09 scheduled at this time)	2-hour meeting for each date. **	I/R Interested Parties (IRIP).	-Discuss data/research on Key Issues -Respond to questions
LDRAB Presentation/Truthing of Ordinance				
4.	3 meetings (Dates to be determined by County)	2-hour meeting for each date.	Land Development Regulation Advisory Board (LDRAB) and Land development Review Committee (LDRC)	See Table 2.
ZC/BCC Presentation/Hearings				
5.	ZC – 1 hearing; BCC – 2 hearings	2-hour hearing/meeting for each date.	Zoning Commission (ZC) and Board of County Commissioners (BCC) [See item H for explanation of ZC/BCC meeting]	See Table 2.
Follow-up after Public Hearings				
6.	November 2008 to February 2009 (Dates to be determined by County)	2-hour meeting (Once a month)	Zoning Division Staff. Other Agencies, if needed	-Review revisions recommended by LDRAB/ZC/BCC; and, -Truth draft language.
7.	No specific date scheduled yet.	2-hour contingency meeting	Staff	-Address issues resulting from LDRAB/LDRC/ZC/BCC meetings

WORK PRODUCT

Table 2

Stage	TCRPC's role in staff/Group meetings	TCRPC's Tasks	TCRPC's Deliverables	Payment
1. Data Collection	Present research/data on <u>Key Issues</u> to facilitate meeting discussions and respond to questions.	Provide data and analyses for Key Issues that include, but are not limited to the following topics: i. Submittal/Approval Process ii. Interconnectivity iii. Building Use, Mass, and Positioning iv. Parking v. Streetscaping/Landscaping vi. Drainage/Infrastructure vii. Parks/Open Space	A minimum of five (5) Florida Codes selected by Zoning Division staff, and five (5) other Codes selected by TCRPC pursuant to TCRPC'S Tasks.	\$8,000
2. White Paper	Assist Staff in drafting, reviewing and presenting Draft and Final White Paper	Benefit/Burden Analyses a. The Benefit/Burden Analyses component of this process will explore the 'value' added to the development community by utilizing the Infill Redevelopment Overlay (IR-O) option. b. A local developer(s) will compare the existing ULDC process and Property Development Regulations (PDR) with the proposed IRO process and PDRs and provide a qualitative assessment of the desirability of the overlay to the development sector.	One (1) electronic and one (1) hard copy of a text document for the insertion of the White Paper pursuant to TCRPC'S Tasks.	\$8,000
		Provide comments on Zoning Division's staff DRAFT White Paper.	One (1) electronic copy and one (1) hard copy of written comments pursuant to TCRPC'S Tasks.	\$3,000
		Provide images on <u>Key Issues</u> listed under Data Collection.	A minimum of two (2) images for each Key Issue pursuant to TCRPC'S Tasks.	\$3,000

3. ULDC Amendments (FIRST DRAFT)	Assist staff in calibrating and truthing the first DRAFT	-Provide analyses of URA and other FBC	One (1) electronic and one (1) hard copy of a text document pursuant to TCRPC'S Tasks.	\$8,000
		Test different generic/prototypes IR sites based on: -Vacant lot -Built lot -By lot size -By access Zoning Division will identify prototypes to truth the code	A minimum of five (5) prototypes pursuant to TCRPC'S Tasks.	\$10,000
4. PowerPoint Presentation For LDRAB/ZC/BCC meetings/hearings.	Assist Staff to prepare and present Draft and Final White Paper, which includes a PowerPoint presentation.	-Present research on special topics to facilitate LDRAB meeting discussions; and, -Discuss and respond to questions on draft/final code language in LDRAB meetings.	N/A.	\$2,000
		-Assist staff in presenting new Code to ZC/BCC; -Provide expert witness testimony to substantiate any information or documentation of the IR code; and, -Facilitate meeting discussions.	N/A.	\$3,000
5. ULDC Amendments (FINAL DRAFT)	Assist staff in calibrating and truthing the final DRAFT.	-Go over revisions recommended by LDRAB/ZC/BCC; and, -Truth the draft language by participating in the 2-hour meeting.	N/A.	\$5,000
Total:				\$50,000

D. Timeline Of Key IR Benchmarks

The timeline will be finalized following approval of the inter-local agreement by the BCC. The timeline will include key benchmarks, minimum timeframes where applicable, and responsibilities for each.

E. Adoption process and services

The cost for the services to be provided by the TCRPC PM shall be billed per Pay Schedule (Table 2) during the term of the contract with an overall cost not to exceed \$50,000.00, unless agreed upon and approved by the BCC. Hours shall be limited to actual meeting times with staff at the County's Planning, Zoning and Building Department, Governmental Center, the TCRPC offices, or other location as otherwise may be agreed upon, and shall not include travel time.

F. Minimum Staff Qualifications

The TCRPC PM who is to provide these services shall participate in all of the tasks and provide the deliverables listed in Tables 1 and 2, unless replaced due to staff turnover and agreed upon by the PBC Zoning Director.

G. Termination/Postponement of Contract

The PBC Zoning Director reserves the right to terminate or postpone this contract at anytime. If a postponement occurs, the schedule will be adjusted accordingly.

H. Terms, Definitions and Acronyms

Day:

Working weekday when counting days unless otherwise stated, or a minimum working weekday period of eight hours, excluding lunch.

FBC:

Form Based Code

Images:

Graphic illustrations, which include, but not limited to plan, section, axonometric, photographs, computer generated graphic images, thumbnail sketches.

Plan:

The 1989 Comprehensive Plan for Palm Beach County, Florida, as may be amended.

Project:

Infill Redevelopment and related amendments to the Unified Land Development Code.

Other Staff:

Zoning Division key staff.

Thumbnail Sketches:

Drawings quick, abbreviated drawings usually done quickly to illustrate a "concept" idea or "point". Typically hand drawings and not detailed.

URA:

Urban Redevelopment Area (PBC Planning Division project, Resolution 2006-0909)

White Paper:

A text/graphic product that explains the findings resulting from organized committee research collaboration or design and development effort.

ZC/BCC Hearings:

1. ZC Public Hearing: Presentation to the Zoning Commission, an advisory board to the BCC and discussion on the ULDC amendments for the non-conformities and IR-O,
2. BCC Public Hearing: Request for Permission to Advertise ULDC amendments for the non-conformities and IR-O.
3. BCC Public Hearing – 1st Reading of ULDC amendments for the non-conformities and IR-O.
4. BCC Public Hearing – 2nd Reading and Adoption of ULDC amendments for the non-conformities and IR-O.