

**CITY OF PALM BEACH GARDENS
CITY COUNCIL
Agenda Cover Memorandum**

**Meeting Date: December 3, 2020
Ordinance 14, 2020**



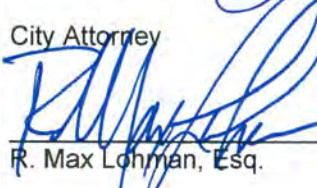
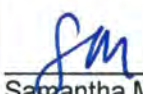
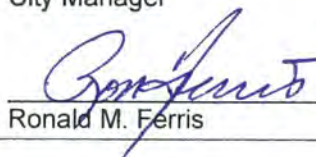
Subject/Agenda Item

Amendment to the City's Land Development Regulations

Public Hearing and First Reading: A City-initiated request to amend the City's Code of Ordinances at Section 78-159. The proposed amendment will permit *Laboratory, Dental or Medical* use as an accessory and Minor Conditional Use to *Office, Professional or Business* use in the General Commercial (CG-1) zoning district.

[X] Recommendation to APPROVE

[] Recommendation to DENY

Reviewed by: Assistant Director of Planning and Zoning  Peter Hofheinz, AICP Development Compliance and Zoning Manager N/A Bahareh Wolfs, AICP Director of Planning and Zoning  Natalie M. Crowley, AICP City Attorney  R. Max Lohman, Esq.	Originating Dept.: Planning & Zoning: Project Manager  Samantha Morrone, Planner [] Quasi – Judicial [X] Legislative [X] Public Hearing Advertised: [X] Required [] Not Required Date: 11/18/2020 Paper: Palm Beach Post	Finance: Accountant N/A Tresha Thomas Fees Paid: N/A Funding Source: [] Operating [X] Other N/A Budget Acct. #: N/A Effective Date: N/A Expiration Date: N/A	City Council Action: [] Approved [] Approved with Conditions [] Denied [] Continued to: _____ Attachments: • Ordinance 14, 2020
Approved By: City Manager  Ronald M. Ferris	Affected parties: [] Notified [X] Not Required		

EXECUTIVE SUMMARY

This Land Development Regulations (LDRs) text amendment is a City-initiated request to amend Section 78-159. Permitted uses, minor and major conditional uses, and prohibited uses. of the City's LDRs to permit an accessory dental or medical laboratory use to professional office use as a Minor Conditional Use within the General Commercial (CG-1) zoning district, subject to the standards outlined in a new Note (j)(47.2).

BACKGROUND

On November 5, 2020, the City Council adopted Resolution 72, 2020, expressing support for the relocation of National Dentex, LLC corporate headquarters and laboratory to the City of Palm Beach Gardens. National Dentex, LLC has expressed its desire to relocate to the Seminole Shoppes site, zoned General Commercial (CG-1). The tenant space would occupy approximately 35,000 square feet, divided into 25,000 square feet of professional office and 10,000 square feet of dental laboratory to create dental devices utilizing 3D technology. National Dentex, LLC intends to make a significant capital investment in their corporate relocation to the City, employing highly-paid individuals and training dental professionals from around the world.

The City of Palm Beach Gardens aims to address modern and evolving trends in the medical, dental, and laboratory sphere of advancements in technology. This City-initiated amendment serves to acknowledge and encourage National Dentex, LLC and similar office-based corporations with medical or dental laboratory components to develop and grow in the City of Palm Beach Gardens.

PROPOSED AMENDMENT

Subpart B
LAND DEVELOPMENT REGULATIONS
Chapter 78
LAND DEVELOPMENT
Article IV. Zoning Districts

Sec. 78-159. Permitted uses, minor and major conditional uses, and prohibited uses.

(a) – (i) (These subsections shall remain in full force and effect as previously adopted.)

Table 21: Permitted, Conditional, and Prohibited Use Chart

P = Permitted Use C = Minor Conditional Use C* = Major Conditional Use
Blank = Prohibited Use
PUDs and PCDs = Permitted Uses by Development Order Approved by City Council

	AR	AE	RE	RR10	RR20	RL1	RL2	RL3	RM	RH	RMH	PO	CN	CG1	CG2	CR	M1	M1A	M2	P&I	CONS	PDA	NOTE
*** (All other unaffected rows of Table 21 have been omitted for brevity.) ***																							
PERSONAL SERVICES																							
Laboratory, Dental or Medical														C	P		P	P					47.2
OFFICE																							
Office, Professional and Business												P	P	P	P		P	P	P				47.2

(j) *Additional standards.* The following standards apply to specific uses as indicated in the "Note" column of Table 21.

(1) – (47.1) (These subsections shall remain in full force and effect as previously adopted.)

(47.2) Office, professional or business.

a. A laboratory, dental or medical use may be established in conjunction with a professional office use in the General Commercial (CG-1) zoning district as a Minor Conditional Use, subject to the standards listed below:

- The accessory laboratory use shall be clearly incidental and subordinate to the principal professional office use.
- The accessory laboratory shall clearly satisfy the definition as established in Section 78-751: "Laboratory, medical or dental means an establishment to perform medical tests, or for the construction or repair of prosthetic devices, provided such testing or work is performed exclusively at the written order of a licensed physician or dentist."
- Square footage of the lab space shall remain at or below 40 percent of the total square footage of the professional office space; however, in no case shall the lab space exceed 10,000 square feet.

4. The accessory laboratory shall comply with Section 78-345 to provide the number of parking spaces required for the "Laboratory, Dental or Medical" portion of the office space. A parking study can be requested by the City or provided by the Applicant to demonstrate overall parking demand for review by City Staff.
5. The accessory laboratory shall not have direct external access except for the purpose of sending and/or receiving deliveries. All personnel access to the laboratory shall occur internally via the main entrance that is shared with the professional office use.
6. Exterior signage identifying the laboratory and/or indicating its presence is prohibited.
7. All operations shall be consistent with all performance standards outlined in Section 78-661, as applicable. This may include noise, odor, dust and dirt, toxic matter, fire hazard, liquid or solid waste, etc.
8. The accessory laboratory use is prohibited within the PGA Boulevard corridor overlay.

(48) – (77) (These subsections shall remain in full force and effect as previously adopted.)

Staff Comment: "Laboratory, Dental or Medical" use has been amended to be permitted as a Minor Conditional Use in the CG-1 zoning district with criteria outlined in new Note (47.2). Note (47.2) has also been added to "Office, Professional and Business" use. The standards for a dental or medical laboratory accessory to a professional office has been outlined in Note (47.2) for review with a Minor Conditional Use process of approval.

STAFF ANALYSIS

A significant aspect of the City's long-term vision is our focus on encouraging and assisting the responsible development and redevelopment of employment centers for our citizens and the surrounding community. In addition, as development patterns and business uses evolve, change, and modify through the course of time and advancements in technology, it is important for City Staff to consistently evaluate new uses and update the City's Land Development Regulations to, as necessary, remain current. An amendment to the City's LDRs to allow a dental or medical lab as an accessory use to a professional office use acknowledges this and provides new opportunity for economic growth. Therefore, City Staff researched and analyzed the potential impacts of including a dental or medical laboratory as an ancillary use to a professional office. That analysis is provided below.

An accessory use, defined by the City's Code, is of a nature customarily incidental and subordinate to the principal use. A dental or medical lab use that is accessory to a professional office use would need to demonstrate such through compliance with the standards being proposed in this amendment and outlined in new Note (47.2).

A professional office with an accessory dental or medical lab space must demonstrate the ancillary nature of the lab and compatibility with the development in which it is to be located. The size of the lab space must not be more than 40 percent of the total tenant space, with a maximum of 10,000 square feet. The tenant and site must be able to accommodate the required amount of parking for the portion of lab space provided. "Office, Professional and Business" use requires 1 space per 300 square feet while the "Laboratory, Dental or Medical" use requires 1 space per 250 square feet.

To ensure that the lab use maintains an accessory nature to the office use, access shall primarily be through a central shared entrance. The exception, as necessary and applicable, would be for lab deliveries. Further, exterior signage for the company or corporation should be limited to either the principal office name or shared by both the office and lab components of the business. This ensures that a standalone dental or medical lab cannot be advertised as a solely independent use.

To protect the immediate site and adjacent properties from injurious or obnoxious effects, the accessory laboratory shall be constructed, maintained, and operated in compliance with the applicable performance standards in Section 78-661. These standards include performance measures for such things as smoke, dust and dirt, vibration, odor, radiation, noise, and liquid or solid wastes.

The criteria listed in Note (47.2) ensure responsibility and compatibility within the specific site, the surrounding developments, and all other CG-1 development in the City.

Finally, by listing the use as a Minor Conditional Use, a request to include a dental or medical laboratory as an ancillary use to a professional office use will need to demonstrate compliance with the conditional use criteria listed in Section 78-52 of the City's Code. This additional criteria allows Staff to review potential uses on a case-by-case basis. Minor Conditional Uses are approved at staff level by the Development Review Committee.

This LDR Amendment is consistent with the Comprehensive Plan's Economic Development element, Goal 13.1, which states that the economic goal of the City is to achieve sustainable economic development through a balanced and diversified economy.

This LDR Amendment is also consistent with the Comprehensive Plan's Future Land Use element, Policy 1.1.1.7.: Commercial (C), which intends to accommodate a wide range of commercial uses.

PUBLIC NOTICE

In accordance with City Code requirements, an advertisement was published in the Palm Beach Post on Wednesday, November 18, 2020.

PLANNING, ZONING, AND APPEALS BOARD (PZAB)

The Planning, Zoning, and Appeals Board will hear the petition at the December 8, 2020, PZAB meeting. The recommendation of the PZAB will be presented at the second City Council reading.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of Ordinance 14, 2020 as presented on first reading.

ORDINANCE 14, 2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AMENDING CHAPTER 78. LAND DEVELOPMENT REGULATIONS. AT SECTION 78-159. PERMITTED USES, MINOR AND MAJOR CONDITIONAL USES, AND PROHIBITED USES. AT TABLE 21: PERMITTED, CONDITIONAL, AND PROHIBITED USE CHART BY PERMITTING "LABORATORY, DENTAL OR MEDICAL" AS A MINOR CONDITIONAL USE IN THE GENERAL COMMERCIAL (CG-1) ZONING DISTRICT, ADDING NEW NOTE (47.2) TO BOTH THE "LABORATORY, DENTAL OR MEDICAL" USE AND THE "OFFICE, PROFESSIONAL AND BUSINESS" USE, AND MODIFYING SUBSECTION (j) TO ADD NEW NOTE (47.2); PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 78. LAND DEVELOPMENT. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the economic goal of the City is to achieve sustainable economic development through a balanced and diversified economy, as outlined in the Economic Development element of the City's Comprehensive Plan; and

WHEREAS, this Ordinance will be reviewed by the Planning, Zoning, and Appeals Board, sitting as the Local Planning Agency, at a public hearing on December 8, 2020; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interests of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, that:

SECTION 1. Chapter 78. Land Development. of the Code of Ordinances of the City of Palm Beach Gardens, Florida, is hereby amended at Section 78-159. Permitted uses, minor and major conditional uses, and prohibited uses. by amending Table 21 and adopting new Note (j)(47.2); providing that Section 78-159 shall hereafter read as follows:

Sec. 78-159. Permitted uses, minor and major conditional uses, and prohibited uses.

(a) – (i) (These subsections shall remain in full force and effect as previously adopted.)
Table 21: Permitted, Conditional, and Prohibited Use Chart

	AR	AE	RE	RR10	RR20	RL1	RL2	RL3	RM	RH	RMH	PO	CN	CG1	CG2	CR	M1	M1A	M2	P&I	CONS	PDA	NOTE
*** (All other unaffected rows of Table 21 have been omitted for brevity.) ***																							
PERSONAL SERVICES																							
Laboratory, Dental or Medical														C	P		P	P					47.2
OFFICE																							
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P = Permitted Use, C = Minor Conditional Use, C* = Major Conditional Use

Blank = Prohibited

PUDs and PCDs = Permitted Uses by Development Order Approved by City Council

(j) *Additional standards.* The following standards apply to specific uses as indicated in the "Note" column of Table 21.

(1) – (47.1) (These subsections shall remain in full force and effect as previously adopted.)

(47.2) Office, professional or business.

a. A laboratory, dental or medical use may be established in conjunction with a professional office use in the General Commercial (CG-1) zoning district as a Minor Conditional Use, subject to the standards listed below:

1. The accessory laboratory use shall be clearly incidental and subordinate to the principal professional office use.

2. The accessory laboratory shall clearly satisfy the definition as established in Section 78-751: "Laboratory, medical or dental means an establishment to perform medical tests, or for the construction or repair of prosthetic devices, provided such testing or work is performed exclusively at the written order of a licensed physician or dentist."

3. Square footage of the lab space shall remain at or below 40 percent of the total square footage of the professional office space; however, in no case shall the lab space exceed 10,000 square feet.
4. The accessory laboratory shall comply with Section 78-345 to provide the number of parking spaces required for the "Laboratory, Dental or Medical" portion of the office space. A parking study can be requested by the City or provided by the Applicant to demonstrate overall parking demand for review by City Staff.
5. The accessory laboratory shall not have direct external access except for the purpose of sending and/or receiving deliveries. All personnel access to the laboratory shall occur internally via the main entrance that is shared with the professional office use.
6. Exterior signage identifying the laboratory and/or indicating its presence is prohibited.
7. All operations shall be consistent with all performance standards outlined in Section 78-661, as applicable. This may include noise, odor, dust and dirt, toxic matter, fire hazard, liquid or solid waste, etc.
8. The accessory laboratory use is prohibited within the PGA Boulevard corridor overlay.

(48) – (77) (These subsections shall remain in full force and effect as previously adopted.)

SECTION 2. All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

SECTION 3. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 4. Specific authority is hereby granted to codify this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon adoption.

(The remainder of this page intentionally left blank.)

PASSED this ____ day of _____, 2020 upon first reading.

PASSED AND ADOPTED this ____ day of _____, 2020, upon second and final reading.

CITY OF PALM BEACH GARDENS	FOR	AGAINST	ABSENT
BY: _____ Carl W. Woods, Mayor	_____	_____	_____
_____	_____	_____	_____
Rachelle A. Litt, Vice Mayor	_____	_____	_____
_____	_____	_____	_____
Mark T. Marciano, Councilmember	_____	_____	_____
_____	_____	_____	_____
Chelsea Reed, Councilmember	_____	_____	_____

ATTEST:

BY: _____
Patricia Snider, CMC, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
R. Max Lohman, City Attorney

