

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

TITLE: UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS TO ESTABLISH THE WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO), TO ALLOW FOR THE INDIAN TRAILS GROVE PLANNED UNIT DEVELOPMENT (PUD): FIRST READING AND REQUEST TO ADVERTISE FOR ADOPTION HEARING ON MARCH 23, 2017.

SUMMARY: This Phase 2 Privately Initiated Amendment (PIA 2015-01473) Application to amend the Unified Land Development Code (ULDC) has been submitted by GL Homes concurrent with related privately initiated text and map series amendments to the Comprehensive Plan. These amendments include establishing the Western Communities Residential (WCR) future land use (FLU) designation and related Policies, which will be implemented as the WCR Planned Unit Development (PUD). These new provisions further allow for Rezoning applications within the Overlay, including the project known as the Indian Trails Grove (ITG) PUD.

Staff Recommendation: Staff recommends approval on First Reading and to Advertise for Adoption Hearing on March 23, 2017.

LDRAB/LDRC: The proposed ULDC amendments were presented to the LDRAB and LDRC on April 27, 2016: LDRAB recommendation to approve, passed (13-0); and, LDRC determination of consistency with the Comprehensive Plan, passed (13-0). Revisions to the original amendment request were also presented to the LDRAB and LDRC on December 14, 2016: LDRAB recommendation to approve, passed (12-0); and, LDRC determination of consistency with the Comprehensive Plan, passed (12-0).

BCC Public Hearings: **BCC Public Hearings:** January 5, 2017, Request for Permission to Advertise for First Reading on January 26, 2017; January 26, 2017 Motion to Postpone to February 23, 2017.

MOTION: To approve on First Reading and Advertise for Adoption Hearing on March 23, 2017: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, **TO ESTABLISH THE WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO), TO ALLOW FOR THE INDIAN TRAILS GROVE PLANNED UNIT DEVELOPMENT (PUD), AS FOLLOWS: ARTICLE 1 - GENERAL PROVISIONS; CHAPTER I, DEFINITIONS AND ACRONYMS; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS; CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.**

1 **Section 2. Interpretation of Captions**

2 All headings of articles, sections, paragraphs, and sub-paragraphs used in this
3 Ordinance are intended for the convenience of usage only and have no effect on interpretation.

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5 **Section 3. Repeal of Laws in Conflict**

6 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
7 repealed to the extent of such conflict.

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9 **Section 4. Severability**

10 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other
11 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,
12 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this
13 Ordinance.

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15 **Section 5. Savings Clause**

16 All development orders, permits, enforcement orders, ongoing enforcement actions, and
17 all other actions of the Board of County Commissioners, the Zoning Commission, the
18 Development Review Officer, Enforcement Boards, all other County decision-making and
19 advisory boards, Special Masters, Hearing Officers, and all other County officials, issued
20 pursuant to the regulations and procedures established prior to the effective date of this
21 Ordinance shall remain in full force and effect.

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23 **Section 6. Inclusion in the Unified Land Development Code**

24 The provisions of this Ordinance shall be codified in the Unified Land Development Code
25 and may be reorganized, renumbered or re-lettered to effectuate the codification of this
26 Ordinance.

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28 **Section 7. Providing for an Effective Date**

29 The provisions of this Ordinance shall become effective upon filing with the Department
30 of State.

1 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
2 County, Florida, on this the _____ day of _____, 20____

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SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Paulette Burdick, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

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6 **EFFECTIVE DATE:** Filed with the Department of State on the _____ day of
7 _____, 20____.

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General Reason for amendments: The following Phase 2 Privately Initiated Application (PIA) to amend the Unified Land Development Code (ULDC) has been submitted by GL Homes concurrent with related privately initiated text and map series amendments to the Comprehensive Plan. These amendments include establishing the new Western Communities Residential (WCR) future land use (FLU) designation and related Policies, which will be implemented as the WCR Planned Unit Development (PUD). These new provisions will allow for applications for Rezoning for projects that have obtained a WCR future land use atlas (FLUA) amendment, including the project known as the Indian Trails Grove (ITG) PUD.

The following website provides additional details on the aforementioned applications and tentative dates for public meetings and hearings: http://www.pbcgov.com/pzb/indian_trails/index.htm. Additional backup and history related to the proposed amendments can be found in the Planning staff report presented at the Board of County Commissioners Adoption Hearing on September 22, 2016: <http://discover.pbcgov.org/pzb/planning/BCC-Agendas/2016/sept/Agenda-BCC-9-22-16.pdf>.

In evaluating the newly proposed WCR FLU designation requirements, Zoning staff have concluded that since the preponderance of additional requirements result in de minimis calibrations to existing PUD regulations, preference is to locate the substantive provisions of the Overlay within the PUD regulations as its own new type of PUD. A placeholder will also be established within Art. 3.B, Overlays, referencing the new WCR PUD.

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Part 1. ULDC Art. 1.1.3, Abbreviations and Acronyms (page 119 of 119), is hereby amended as follows:

Reason for amendments: [GL Homes PIA] Recognize definition and related acronyms associated with proposed Comprehensive Plan Future Land Use Element (FLUE) Objective 4.5, Western Communities Residential (WCR).

[Planning FLUE text amendment Staff assessment] *“This definition is proposed to identify the new proposed form of development, its composition and intent, and with further meaningful and predictable standards detailed in a new objective and policies.”*

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ARTICLE 1, GENERAL PROVISIONS

9 **CHAPTER I DEFINITIONS & ACRONYMS**

10 **Section 3 Abbreviations and Acronyms**

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WCR	<u>Western Communities Residential</u>
WCRO	<u>Western Communities Residential Overlay</u>
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Part 2. ULDC Art. 3.A.1.B.1, Overlays (page 15 of 232), is hereby amended as follows:

Reason for amendments: [GL Homes Phase 2 PIA] See General and Part 1 Reasons for Amendments above.

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ARTICLE 3, OVERLAYS & ZONING DISTRICTS

19 **CHAPTER A GENERAL**

20 **Section 1 Districts**

21 **B. Overlays and Zoning Districts**

22 **1. Overlays**

- 23 AGEO, Agricultural Enclave Overlay [Ord. 2011-016]
- 24 AZO, Airport Zone Overlay
- 25 COZ, Conditional Overlay Zone
- 26 GAO, Glades Area Overlay
- 27 IOZ, Indiantown Road Overlay
- 28 IRO, Infill Redevelopment Overlay [Ord. 2011-016]

- 1 LOSTO, Lake Okeechobee Scenic Trail Overlay
- 2 NBOZ, Northlake Boulevard Overlay Zone
- 3 NEO, Native Ecosystem Overlay
- 4 PBAIO, Palm Beach International Airport Overlay
- 5 RTO, Research and Technology Overlay
- 6 SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay [Ord. 2004-
- 7 040]
- 8 SR-80, Non-residential Overlay
- 9 TAPO, Turnpike Aquifer Protection Overlay
- 10 URAO, Urban Redevelopment Area Overlay [Ord. 2011-016]
- 11 WCRAO, Westgate Community Redevelopment Agency Overlay
- 12 BRPO, Bioscience Research Protection Overlay [Ord. 2016-042]
- 13 LCSO, Lion Country Safari Overlay [Ord. 2016-042]
- 14 WCRO, Western Communities Residential Overlay
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17 **Part 3. ULDC Table 3.A.3.C, FLU Designation and Corresponding Planned Development**
 18 **Districts (page 18 of 232), is hereby amended as follows:**
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Reason for amendments: Implements revised FLUE Table III.C, Future Land Use Designation by Tier, which recognizes that the WCR FLU is consistent with the Planned Unit Development District (PUD).

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Table 3.A.3.C - FLU Designation and Corresponding Planned Development Districts (1)

	AGR (2)	RR	WCR	AGE	LR1	LR2	LR3	MR5	HR8	HR12	HR18	MLU
PUD	√	√	√	√	√	√	√	√	√	√	√	√
MHPD		√			√	√	√	√	√	√	√	
MXPD										(3)	(3)	
	AGR (1)	RR		CL	CH	CLO	CHO	IND	INST	CRE	MLU	EDC
MUPD				√	√	√	√	√	√	√	√	√
MXPD					√		√				√	√
PIPD								√			√	√
RVPD		√								√		
LCC				√	√							
[Ord. 2008-037] [Ord. 2009-040] [Ord. 2009-040] [2010-005] [Ord. 2010-022] [Ord. 2014-025]												
Notes:												
1.	Check (√) indicates the PDD corresponds to the FLU designations. Any application for a rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037]											
2.	PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]											
3.	MXPD shall be permitted when located at an intersection, as defined by the Plan, or when adjacent to a parcel with a CH FLU designation. [Ord. 2010-005]											

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Part 4. ULDC Art. 3.B, Overlays (118 of 232), is hereby amended as follows:

Reason for amendments: [GL Homes Phase 2 PIA] See General Reasons for Amendments above.

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ARTICLE 3, OVERLAYS & ZONING DISTRICTS

CHAPTER B OVERLAYS

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Section 21 Western Communities Residential Overlay (WCRO)

30 **A. General**
 31 See ULDC Art. 3.E.2.H, WCR PUD.

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2 Part 5. New ULDC Art. 3.E.2.H, Western Communities Residential Development Overlay
3 (WCRDO) PUD, is hereby adopted as follows:
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5 Reason for amendments: [GL Homes Phase 2 PIA] See General Reasons for Amendments above.

6 ARTICLE 3, OVERLAYS & ZONING DISTRICTS

7 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

8 Section 2 Planned Unit Development (PUD)

9 H. WCR PUD

10 1. Purpose and Intent

11 To enable the appropriate transition between rural, suburban, and other uses including
12 existing and future conservation areas, specifically the J.W. Corbett Wildlife Management
13 Area and Everglades restoration programs and projects. It achieves compatibility with the
14 existing residential development pattern in the surrounding area while furthering remediation
15 of the historic land use imbalance in that area through additional non-residential uses, and
16 residential support for other nonresidential projects. This is accomplished through use of the
17 Planned Unit Development (PUD) Zoning district, a site specific WCR FLUA amendment
18 Conceptual Plan, hereinafter referred to as "FLUA Conceptual Plan", and the following
19 additional standards.

20 2. Applicability

21 The provisions of the WCRO shall apply properties within a Planning Conceptual Plan for a
22 WCR FLU designation.

23 3. Development Review Procedures

24 Any application for a Development Order shall be consistent with the FLUA Conceptual Plan.
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Reason for amendments: Reinforces FLUE Table 2.2.1-j.1, which establishes that the WCR FLU designation is only consistent with the PUD Zoning district, and Policy 4.5-e, which restates the same while establishing that "commercial nodes..." (aka Commercial Pods) "...shall be designed consistent with the form of the Traditional Marketplace provisions in the ... Plan." The referenced TMD provisions are implemented through ULDC Art. 3.F, Traditional Development District Art. 3.F.4, Traditional Marketplace Development, and the Use Regulations and related Supplemental Use Standards for a TMD (which will be relocated to Art. 4, Use Regulations, as part of the Use Regulations Project).

[Additional Planning FLUE text amendment Staff assessment] "This is generally in keeping with the concepts included in the Sector Plan Remedial Amendment in 2007. It also provides additional specificity on the density and intensity being consistent with that of the adopted conceptual plan."

26 a. Rezoning

27 All land areas included within the FLUA Conceptual Plan shall be rezoned to a single
28 PUD.
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Reason for amendments: Implements new Policy 4.5-a requirements for a site specific WCR FLUA amendment Conceptual Plan (aka FLUA Conceptual Plan), with additional standards established in FLUE Policy 4.5-d and other policies of FLUE Objective 4.5.

[Additional Planning FLUE text amendment Staff assessment] "As indicated in the above analysis for the Objective, this policy requires any amendment to the WCR FLU designation include a Conceptual Plan that is a binding graphic depicting the locations and general configurations of a development; however, this is further clarified in New Policy 4.5-d. It is comparable to the old Development of Regional Impact (DRI) Map H. Policy also provides that the Conceptual Plan can only be amended after adoption through a subsequent FLUA amendment."

31 b. FLUA Conceptual Plan Interpretation

32 Any interpretation of the FLUA Conceptual Plan shall be made by the Planning Director,
33 or by the Zoning Director in consultation with the Planning Director.

34 c. Commercial Pod(s) – BCC Preliminary Site Plan Approval

35 The BCC shall approve a Preliminary Site Plan for each Commercial Pod within a WCR
36 PUD, with Commercial Pods developed in accordance with the standards for a
37 Traditional Marketplace Development (TMD).
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Reason for amendments: PUD exceptions are required to recognize a number of deviations from standard PUD requirements established within FLUE Objective 4.5, namely Policies 4.5-d, 4.5-e, 4.5-f.1-7, as may be amended, including but not limited to:

- A minimum of 33.3% of the gross site acreage shall be set-aside in one large contiguous open space land area (aka open space set-aside);
- The project shall provide a minimum of 66.7% of the gross site acreage in open space uses [aka "Required Open Space"], with an additional requirement that 50% of the gross site acreage be in the form of "Exterior Open Space". The latter would primarily be comprised of the required "open space set-aside" with the remaining portions typically comprised of larger water, landscape or similar open space features located near the periphery of the development areas, or other similar features within the development;
- A minimum of 900 acres to qualify for a WCR FLUA amendment, which equates to the minimum acreage required for a WCR PUD;
- Increased area for Commercial Pods [AKA "Neighborhood Serving Commercial Nodes"], "intended to keep with the concepts included in the Sector Plan remedial amendment in 2007."
- Provisions to allow for interim and future agricultural use; and
- Maximum density of 0.80 du/acre, requirements for a range of housing types, a range of density with higher and medium density development in closer proximity to Commercial Pods, and a 10% minimum Workforce Housing Requirement.

Rather than duplicate the FLUE Policies above in the ULDC, which are also required to be included in a site specific WCR FLUA amendment Conceptual Plan (aka FLUA Conceptual Plan), Zoning is recommending a lighter approach, which:

- 1) Identifies any known inconsistencies with existing PUD standards as necessary to allow for a Planning Conceptual Plan to be implemented; and,
- 2) Recognizes the potential for further refinement if future WCRD eligible applicants submit additional privately initiated Comprehensive Plan amendments.

4. Planned Unit Development (PUD) Exceptions

a. Contiguity

For the purposes of contiguity, any land area included within the FLUA Conceptual Plan, shall be considered contiguous in accordance with FLUE Policy 1.12-d.

b. Minimum Acreage

As indicated on the FLUA Conceptual Plan.

c. PUD Land Use Mix

The following deviations shall be permitted from Table 3.E.2.C, PUD Land Mix, where specified otherwise on the FLUA Conceptual Plan.

1) Minimum Residential

The minimum required residential may be reduced.

2) Maximum Commercial

The maximum required commercial may be increased.

3) Open Space

Minimum or maximum required open space area shall be in accordance with the FLUA Conceptual Plan.

d. TMD Requirements for Commercial Pods

Commercial Pods shall be located in accordance with the FLUA Conceptual Plan, developed in accordance with the standards for a TMD as specified in Art. 3.F, Traditional Development Districts, and exempt from the PUD Commercial Pod requirements for Use Regulations, Location, Design, and PDRs.

e. Standards for Open Space

If designated on the FLUA Conceptual Plan, additional required open space set-aside areas not located within the development area of the WCR PUD shall be further limited to preservation, conservation, passive recreation, perimeter landscape buffers, rural parkways, pedestrian/equestrian pathways and greenways, wetlands, agricultural uses in accordance with f. below, regional water management, and fallow land uses.

Reason for amendments: [Zoning] New FLUE Policy 4.5-c allows for the continuation or expansion of existing agricultural uses. It also may allow for a WCR FLUA Conceptual Plan to identify open space areas where existing or new agricultural uses may continue concurrent with other approved development. However, due to the construction of the ULDC, additional clarification is required to ensure that any future agricultural uses are truly farming uses compatible with the intended use of open space areas likely to be identified on a FLUA Conceptual Plan, as opposed to Commercial or Industrial agricultural support uses. This is accomplished by expanding previously established Agricultural Enclave Overlay (AGEO)

provisions related to this subject, which in turn relies upon collaboration with the Property Appraiser, which undertakes a more in depth evaluation and monitoring of agricultural uses in accordance with F.S. 193.461.

[Planning FLUE text amendment Staff assessment] *“This new policy would prevent any existing agricultural operations from being rendered non-conforming by allowing them to continue until such time as they develop. It also enables continued agricultural operations within open space areas as designated on the adopted conceptual plan.”*

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f. Agricultural Uses

Agricultural uses shall be permitted within a WCR PUD development area as an interim use, or where otherwise designated on the FLUA Conceptual Plan, provided that existing or new agricultural uses have or are eligible to be agriculturally classified by the Property Appraiser. Unless stated otherwise on the FLUA Conceptual Plan, agricultural uses shall be permitted in accordance with the standards for the AR or AP Zoning districts, whichever is applicable based on the prior Zoning for the subject area.

Reason for Amendment: [GL Homes Phase 2 PIA, as amended November 23, 2016] Subsequent to the original PIA submittal, GL Homes submitted an addendum in accordance with ongoing discussions with County staff regarding applicability of Landscape Buffer requirements and certain improvements within easements located within the WCRO. Additional refinements were incorporated with input from UDKS, representing the applicants for the Delray Linton Groves WCR PUD. The revisions seek to clarify the applicability of certain types of Landscape Buffers between certain uses within the boundaries of a WCR PUD, or in scenarios where additional open space is provided along a number of easements existing within the WCRO.

As pertains to easements, Art. 5.F.2, Easements, establishes standards to recognize allowances for minor encroachments, provided that *“No construction shall be permitted within any easement where such construction is incompatible with the use for which the easement was established.”* County staff, including PZB Administration, Planning Division, Zoning Division, Land Development Division, and County Attorney’s Office, have evaluated the requested revisions and determined that they are generally consistent with the aforementioned regulations for easements.

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g. Landscape Buffer Exceptions

The following exceptions to Landscape Buffer requirements may be allowed:

1) Rural Parkways

Landscape Buffers shall not be required adjacent to Rural Parkways approved as part of the FLUA Conceptual Plan. The Planning Division shall establish Conditions of Approval on the Rezoning for all planting and pathway requirements.

2) Contiguous Open Space

Landscape Buffers shall not be required around the boundary of the required large contiguous Open Space land area (33.33% of the overall site) approved on the FLUA Conceptual Plan.

3) Optional Agriculture Use Compatibility Buffer

Landscape Buffers required between Residential and Agricultural uses located within a WCR PUD, shall only be required to be a minimum five-foot wide Compatibility Buffer, provided the residential lots and Agricultural use(s) are separated by a minimum of 50 feet of dedicated open space.

4) Section Line Easements within the WCRO

Within the WCRO, WCR PUDs may be encumbered by ingress, egress, maintenance, drainage and irrigation easements. Collectively, when specified in the Development Order for a WCR PUD Rezoning, these easements are hereinafter referred to as “Section Line Easements”. The following may apply to Section Line Easements, except where encumbered by any other easements, including those dedicated to Palm Beach County, the Indian Trail Improvement District, a POA, or other similar:

(a) When road right of way dedication to Palm Beach County is required, Palm Beach County will accept these rights of way encumbered with only ingress, egress and drainage easements. Other types of easements shall be released prior to dedication of rights of way to Palm Beach County. The limit of the right of way conveyance shall establish the WCR PUD Base Building Line.

(b) Overlap or encroachment of Landscape Buffer Easements or Tracts shall be prohibited in the Section Line Easements;

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- (c) A minimum five foot wide Compatibility Buffer may be allowed in lieu of a R-O-W Buffer, where adjacent to a Section Line Easement for ingress or egress, subject to the following:
 - (1) The Section Lines Easement is not used for ingress or egress purposes, and there are no proposed streets;
 - (2) There is a minimum 50 foot wide dedicated open space between the development area and adjacent uses.
 - (3) Adjacent uses within the development area of the WCR PUD are designated for agriculture, water management, residential or conservation uses, or external parcels support residential, agricultural or conservation uses, or have a residential or conservation FLU designation.
- (d) Required Landscape Buffer material may be relocated into the Section Line Easements;
- (e) Improvements such as, but not limited to landscaping, undulating berms, pedestrian pathways, equestrian trails, signage, drainage, utilities, and irrigation may be allowed within Section Line Easements; and,
- (f) The WCR PUD property line shall establish the Base Building Line.

Reason for amendments: TMD exceptions are required to recognize a number of deviations from standard TMD requirements not explicitly outlined within the Plan, but generally consistent with the purpose and intent behind new FLUE Policies 4.5-e and 4.5-f.4.

- 5. Traditional Marketplace Development (TMD) Exceptions**
 - a. Minimum Square Footage**
As designated on the FLUA Conceptual Plan.
 - b. Permitted Locations**
As designated on the FLUA Conceptual Plan.