



TITLE: ADOPTION HEARING, UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS FOR AGRICULTURAL RESERVE (AGR) PRESERVE AREA CONTIGUITY REQUIREMENTS FOR PLANNED DEVELOPMENTS

SUMMARY: The proposed amendments will address the Agricultural Reserve (AGR) Preserve Area Contiguity Requirements for Planned Developments.

- Ordinance Title
- Exhibit A Agricultural Reserve (AGR) Preserve Area Contiguity Requirements for Planned Developments

REASON FOR AMENDMENT: [Planning/Zoning] This amendment is one result of a year-long review of the Comprehensive Plan directed by the Board of County Commissioners (BCC), to consider changes to Agricultural Reserve (AGR) provisions proposed by a group of property-owners in early 2014. At a March 2015 workshop, the BCC considered the input received during the Roundtable process and directed staff to proceed with several different actions, including an amendment to the Comprehensive Plan to eliminate the contiguity requirement for AGR 60/40 Planned Unit Development (PUD) preserve areas. ULDC amendments are being processed concurrently with the aforementioned Plan amendments.

The intent of this amendment is to allow parcels smaller than 150 acres, that are not adjacent to existing preserves or conservation areas, to become eligible as potential preserves, as follows: eliminate the requirement that smaller parcels comprising the 60% preserve area for 60/40 PUDs be contiguous to other lands that aggregate to 150 acres and have a conservation or preserve status. This amendment does not propose changes for preserve areas associated with "80/20" PUDs or Traditional Marketplace Developments (TMDs).

The term Preservation is being amended to Preserve for consistency with references in the Comprehensive Plan and elsewhere within the ULDC.

Additional information regarding the Roundtable process is provided on the Planning Division Agricultural Reserve webpage:

http://www.pbcgov.com/pzb/Planning/ag_reserve/ag_reserve.htm, including a list of all items directed by the BCC at that workshop. Some of these additional items may also result in amendments to the AGR provisions of the Comprehensive Plan or ULDC in future amendment rounds.

LDRAB Recommendation/LDRC Determination: The proposed ULDC amendments were presented to the Land Development Regulation Advisory Board (LDRAB) and the Land Development Regulation Commission (LDRC) on June 25, 2015. LDRAB Recommendation, approval by Ms. Vinikoor, seconded by Ms. Katz, passed 13 – 1. The LDRAB convened as the LDRC to determine consistency with the Comprehensive Plan. Motion to approve by Mr. Brake, seconded by Ms. Katz, passed 14 – 0.

MOTION: TO ADOPT AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: **BY ELIMINATING THE CONTIGUITY REQUIREMENT FOR AGRICULTURAL RESERVE (AGR) PRESERVE AREAS FOR A 60/40 AGR PLANNED UNIT DEVELOPMENT (PUD), AS FOLLOWS: ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS; 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.**

EXHIBIT A

AGRICULTURAL RESERVE (AGR) PRESERVE AREA CONTIGUITY REQUIREMENTS FOR PLANNED DEVELOPMENTS SUMMARY OF AMENDMENTS

1
2 Part 1. ULDC Art. 3.E.2.F.3, Preservation Area (pages 167 to 168 of 234), are hereby amended
3 as follows:

4 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

5 Section 2 Planned Unit Development (PUD)

6 F. AGR-PUD

7 3. ~~Preserve Preservation Area~~

8 A ~~Preserve Preservation Area~~ ~~or a pod designated as a Preservation Area~~ is intended to
9 support bona fide agriculture uses, wetlands, or other significant open space. Adjacent
10 residential development in the PUD should be designed to be compatible with a Preserve
11 Preservation Area and shall not detract from its operation or function.

12 a. **Location and Access**

13 Preserve Preservation Areas ~~which are not contiguous to Development Areas~~ may be
14 situated anywhere in the AGR FLU designations, provided they are accessible by a
15 street.

16 ~~b. Adjacency~~

17 ~~Preservation Areas shall be located, to the greatest extent practical, adjacent to existing,~~
18 ~~planned, or projected Preservation Areas.~~

19 ~~bc. Uses~~

20 Uses allowed in a Preserve Preservation Area are indicated in Table 3.E.1.B, PDD Use
21 Matrix, Table 3.F.1.F, Traditional Development District Permitted Use Schedule, or where
22 stated within Art. 4, Use Regulations, and specified by the Preserve Management Plan as
23 approved by ERM. **[Ord. 2006-004] [Ord. 2012-027]**

24 ~~cd. Configuration~~

25 1) **Property Development Regulations**

26 A Preserve Area and any remaining portion of a lot used to create a Preserve Area
27 shall meet the minimum PDRs of the AGR district, with exception to the following:
28 **[Ord. 2006-004]**

- 29 a) lot width may be reduced to 100 feet for a Rural Parkway, as defined in the Plan;
30 or **[Ord. 2006-004]**
31 b) for an equestrian use that meanders through a 60/40 development area; ~~or and,~~
32 **[Ord. 2006-004]**
33 c) a legal lot of record that does not meet the minimum acreage or dimensions of
34 the AGR district may be used as a preserve area if in compliance with all other
35 requirements of this Section. **[Ord. 2006-004]**

36 2) **General**

37 Preserve Preservation Areas shall be arranged ~~in a unified whole~~ so as to maximize
38 the purpose, function, and perpetuation of the preserve preservation use. This shall
39 be accomplished, in part, through the following:

40 a) **Agriculture**

41 Agricultural areas shall have boundaries that allow for efficient agricultural
42 operation, and shall not be encroached upon by a Development Area. **[Ord.**
43 **2006-004-**

44 b) **Wetlands**

45 The boundary of preserved wetlands shall be determined by the ecological
46 function of the viable area, as determined by the BCC upon recommendations
47 from ERM and/or the SFWMD. Wetland areas shall be preserved in the following
48 order of priority: adjacent to off-site wetlands; open space; fallow land; or,
49 agricultural land. Primary consideration shall be given to preserved wetland
50 areas adjacent to off-site wetlands.

51 ~~de. 80/20 Contiguity Requirement~~

52 ~~1) 80/20 Option~~

53 The Preserve Preservation Area in the 80/20 option shall be located contiguous to
54 the Development Area.

55 ~~2) 60/40 Option~~

56 ~~The Preservation Area for the 60/40 option shall be a minimum 150 acres and~~
57 ~~contiguous to, but not intrusive into, the Development Area with the following~~
58 ~~exceptions:~~

- 59 a) ~~Equestrian communities may have pastures designated as Preservation Area,~~
60 ~~which meander, in a contiguous fashion, throughout the PUD;~~

Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets **[Relocated to:]** or **[Partially relocated to:]**.
- *Italicized* indicates relocated text. Source is noted in bolded brackets **[Relocated from:]**.
- A series of four bolded ellipses indicates language omitted to save space.

