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4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH
5 COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE
6 2003-067, AS AMENDED, **BY ELIMINATING THE CONTIGUITY REQUIREMENT FOR**
7 **AGRICULTURAL RESERVE (AGR) PRESERVE AREAS FOR A 60/40 AGR PLANNED UNIT**
8 **DEVELOPMENT (PUD), AS FOLLOWS: ARTICLE 3 - OVERLAYS AND ZONING**
9 **DISTRICTS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); PROVIDING**
10 **FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY;**
11 **A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN**
12 **EFFECTIVE DATE.**
13

14 **WHEREAS**, Section 163.3202, Florida Statutes, mandates the County compile Land
15 Development Regulations consistent with its Comprehensive Plan into a single Land
16 Development Code; and

17 **WHEREAS**, pursuant to this statute the Palm Beach County Board of County
18 Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-
19 067, as amended from time to time; and

20 **WHEREAS**, the BCC has determined that the proposed amendments further a
21 legitimate public purpose; and

22 **WHEREAS**, the Land Development Regulation Commission has found these
23 amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan;
24 and

25 **WHEREAS**, the BCC hereby elects to conduct its public hearings on this Ordinance at
26 9:30 a.m.; and

27 **WHEREAS**, the BCC has conducted public hearings to consider these amendments to
28 the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida
29 Statutes.

30
31 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
32 **PALM BEACH COUNTY, FLORIDA, as follows:**

33 **Section 1. Adoption**

34 The amendments set forth in Exhibit A, Agricultural Reserve (AGR) Preserve Area
35 Contiguity Requirements for Planned Developments, attached hereto and made a part hereof,
36 are hereby adopted.

37 **Section 2. Interpretation of Captions**

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

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

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42 repealed to the extent of such conflict.

1 **Section 4. Severability**

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

6 **Section 5. Savings Clause**

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

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

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

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

18 The provisions of this Ordinance shall become effective upon the effective date of the
19 amendments to the Palm Beach County Comprehensive Plan adopted in Amendment Round
20 2015-02.

21
22 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
23 County, Florida, on this the 26th day of October, 2015

24
SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: *Macey Powell*
Deputy Clerk

By: *Shelley Vana*
Shelley Vana, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: *James B.*
County Attorney

25
26 Filed with the Department of State on the 29th day of October, 2015.

Effective date Comprehensive Plan Amendment Round 2015-02: 4th day of
December, 2015.

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.

EXHIBIT A

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

- 1 b) ~~A Preservation Area in the 60/40 option may be located remote from its~~
2 ~~associated Development Area provided that at least one of the following~~
3 ~~conditions are met: [Ord. 2005-002]~~
4 ~~(1) the Preservation Area contains at least 150 acres and meets the~~
5 ~~requirements in Article 3.E.2.F.3.d, Configuration; or~~
6 ~~(2) the Preservation Area shares at least one common boundary of which a~~
7 ~~minimum of 50 percent of the common boundary is contiguous with an~~
8 ~~existing Preservation Area, an agricultural area preserved under the PACE~~
9 ~~program, or a designated wetland which is in public ownership, and which,~~
10 ~~when combined with the adjacent existing area, has a land area equal to or~~
11 ~~greater than 150 acres. [Ord. 2005-002] [Ord. 2006-004]~~

12 **[Renumber Accordingly.]**
13

Notes:

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

October 29, 2015

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Timothy Montiglio, Administrative Specialist II

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your revised electronic copy of Palm Beach County Ordinance No. 2015-047, which was filed in this office on October 29, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb