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: A PRIVATELY INITIATED AMENDMENT, PROVIDING FOR RENEWABLE ENERGY SOLAR FACILITY AS IT RELATES TO THE DEFINITION, LANDSCAPING, AND FENCING, GENERALLY LOCATED IN ARTICLE 4 – USE REGULATIONS; ARTICLE 5 – SUPPLEMENTARY STANDARDS; AND, ARTICLE 7 – LANDSCAPING; 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.

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

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

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

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

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

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

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

Section 1. Adoption
The amendments set forth in Exhibit A listed below, attached hereto and made a part hereof, are hereby adopted.

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

Section 3. Repeal of Laws in Conflict
All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

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

Section 5. Savings Clause

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

Section 6. Inclusion in the Unified Land Development Code

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

Section 7. Providing for an Effective Date

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

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
County, Florida, on this the 27th day of June, 2019.

SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: Mack Bernard, Mayor

EFFECTIVE DATE: Filed with the Department of State on the 2nd day of
ARTICLE 4 – USE REGULATIONS, ARTICLE 5 SUPPLEMENTARY STANDARDS, AND
ARTICLE 7, LANDSCAPING
RENEWABLE ENERGY SOLAR FACILITY

Part 1. ULDC Art. 4.B.7.C.8, Use Regulations, Use Classification, Utility Uses, Renewable Solar
Energy Facility (page 115 of 200, Supplement 25), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

Section 7 Utility Uses

C. Definitions and Supplementary Use Standards for Specific Uses

8. Renewable Energy Solar Facility

a. Definition
A facility that uses photovoltaic, thermal or other systems with a principal use of producing
electric or thermal power from the sun, that is then stored and delivered to the transmission
system and consumed off-site.

b. Lot Size
Lots shall comply with the minimum lot dimension requirements pursuant to Table 3.D.1.A,
Property Development Regulations, or the applicable PDD requirements.

c. Setbacks
Accessory electric poles, distribution and transmission lines shall be exempt from the
minimum setback requirements indicated below:

1) Lots 50 Acres or Greater
Setbacks shall be a minimum of 25 feet from the side and rear property lines. The
facility shall comply with the minimum front and side street setbacks of the applicable
zoning district.

2) Lots Less than 50 Acres
Setbacks shall be a minimum of 15 feet from the side and rear property lines. The
facility shall comply with the minimum front and side street setbacks of the applicable
zoning district.

3) Lots Adjacent to Existing Residential Uses
Setbacks shall be a minimum of 35 feet or the zoning district setback, whichever is
greater, along the affected property line.

4) Additional Setback
One additional foot of setback shall be required in addition to the minimum setback
indicated above for each one foot of height, or fraction thereof, over 20 feet.

d. Perimeter Buffers and Interior Tree Requirements

1) For facilities within the Rural, Exurban and Glades Tiers greater than 250 acres in size,
the following shall apply:

a) R-O-W Buffer
Shall be exempt from the requirements of Art. 7.C.2.A, R-O-W Buffer provided a
six-foot high Landscape Barrier is installed. If a hedge is proposed, credit to satisfy
the hedge material may be granted for on-site preservation of existing vegetation
pursuant to Art. 7.E.3, Credit and Replacement. An Alternative hedge height may
be allowed subject to the following: An additional six-foot high hedge shall be
incorporated into the required Compatibility Buffer or R-O-W Buffer. Palms may
be substituted for 50 percent of the required Canopy Trees.

(1) Minimum two feet at time of installation and maintained at a minimum height
of six feet and no greater than 12 feet pursuant to Article 7.D.4.A, Hedges;

(2) The solar panels, including support structures, shall be no greater than eight
feet in height and setback a minimum of 80 feet from the adjacent R-O-W or
Base Building line, whichever is more restrictive; and,

(3) The area between the R-O-W buffer and the minimum setback shall be limited
to landscaping, drainage, easements, and a drive aisle that is used for the
repair, maintenance, and or installation of the solar panels, when the hedge is
less than six-feet in height.

b) Compatibility Buffer
(1) Shall be exempt from the landscaping requirements of Art. 7 when the site
meets or exceeds the minimum 25 foot setback, and is adjacent to a parcel of
land with Agricultural or Utility Uses or a Conservation FLU designation; or

(2) Shall be exempt from the landscaping requirements of Art. 7 when the site
meets or exceeds a 50 foot setback, and is adjacent to a parcel of land with
an existing Landscape Buffer.

c) Incompatibility Buffer
The Type 3 Incompatibility Buffer may be reduced to 50 percent of the
Landscaping materials, excluding the width, and can be a hedge or fence.

Notes:
Underlined indicates new text.
Strikethrough indicates text to be deleted. Strikethrough and italicized means text to be totally or partially relocated.
If being relocated destination is noted in bolded brackets [Relocated to: ].
Italicized indicates text to be relocated. Source is noted in bolded brackets [Relocated from: ].

.... A series of four bolded ellipses indicates language omitted to save space.

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2) **All Tiers**

These facilities shall be exempt from interior landscape requirements for the developable area pursuant to Art. 7.

Part 2. ULDC Art. 5.B.1.A.2.b.1) and 2) Accessory Uses and Structures, Fences and Walls, Dangerous Material, Allowable Uses for Barbed Wire (page 12-13 of 107, Supplement 25), is hereby amended as follows:

CHAPTER B GENERAL

Section 1 Supplementary Regulations

A. Accessory Uses and Structures

2. Fences and Walls

b. Height and Related Standards

1) Residential **Districts Uses**

The maximum height for a fence or wall on or adjacent to a residential lot line or in a landscape buffer shall be as follows: [Ord. 2015-006]

a) Within required front setback:

   (1) four feet, or [Ord. 2005-041] [Ord. 2015-006]
   (2) six feet for property owned by PBC for preservation or conservation purposes. [Ord. 2005-041] [Ord. 2015-006]

b) Within required side, side street, and rear setback: six feet. [Ord. 2015-006]

c) Within a landscape buffer: six feet. [Ord. 2015-006]

2) **Nonresidential Districts Uses**

The maximum height for a fence or wall on or adjacent to a lot line or in a landscape buffer shall be as follows: [Ord. 2015-006]

a) Within the required front setback: six feet. [Ord. 2015-006]

b) Within the required side, side street, and rear setback: eight feet. [Ord. 2015-006]

...
A. R-O-W Buffer

A R-O-W Buffer shall consist of Canopy trees; palms or pines; rows of shrubs, and groundcover. Palms or pines may be used as a substitute for Canopy trees. Clustering of plant materials and opening of tree planting are allowed to provide visibility for a wall sign or an architectural feature of the building; or to accommodate a walkway or an amenity. [Ord. 2018-002]

1. Applicability

R-O-W Buffers shall be provided along all public street R-O-W. This shall apply to those lots that are separated by a canal, lake, open space or a combination thereof. [Ord. 2016-042] [Ord. 2018-002]

2. Exemptions

R-O-W Buffers are not required for the following: [Ord. 2018-002]

a. Where the R-O-W is an alley; [Ord. 2018-002]

b. A lot with a Single Family, ZLL or townhouse unit; and [Ord. 2018-002]

c. Private streets internal to a PDD, TDD, a subdivision or a lot. If trees are installed within the street R-O-W, installation of the trees shall be subject to the approval by the Engineering Department. [Ord. 2018-002]

d. Renewable Energy Solar Facility, within the Rural, Exurban and Glades Tiers greater than 250 acres in size, shall comply with the requirements of Article 4.B.7.C.8.d, Perimeter Buffers and Interior Tree Requirements.

B. Compatibility Buffer

A Compatibility Buffer shall consist of Canopy trees and rows of shrubs. Palms or pines may be used as a substitute for Canopy trees. [Ord. 2018-002]

1. Applicability

Compatibility Buffers shall be provided between all compatible uses or where a development or a lot is adjacent to lots with a compatible FLU designation, unless stated otherwise herein. [Ord. 2018-002]

2. Exemption

Compatibility Buffers shall not be required for the following: [Ord. 2018-002]...


b. Internal buffers within TDDs, unless specifically stated otherwise; or [Ord. 2018-002]

c. Where residential uses are not adjacent to other incompatible design elements such as roadways, useable open space areas; or where residential setbacks are less than adjacent residential development. [Ord. 2018-002]

d. Renewable Energy Solar Facility, within the Rural, Exurban and Glades Tiers greater than 250 acres in size, provided the site meets or exceeds the minimum 25 foot setback, and is adjacent to a parcel of land with Agricultural or Utility Uses or a Conservation FLU designation.

e. Renewable Energy Solar Facility, within the Rural, Exurban and Glades Tiers greater than 250 acres in size, provided the site meets or exceeds a 50 foot setback, and is adjacent to a parcel of land with an existing Landscape Buffer.

Notes:

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

Attention: Mr. Timothy Montiglio

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2019-023, which was filed in this office on July 2, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb