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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, **TO ESTABLISH THE WESTERN COMMUNITIES RESIDENTIAL
7 OVERLAY (WCRO), TO ALLOW FOR THE INDIAN TRAILS GROVE PLANNED UNIT
8 DEVELOPMENT (PUD), AS FOLLOWS: ARTICLE 1 - GENERAL PROVISIONS; CHAPTER I,
9 DEFINITIONS AND ACRONYMS; ARTICLE 3 - OVERLAYS AND ZONING DISTRICTS;
10 CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER E, PLANNED DEVELOPMENT
11 DISTRICTS (PDDs); PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS
12 IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND
13 DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.**

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

18 **WHEREAS**, pursuant to this statute the Palm Beach County Board of County
19 Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-
20 067, as amended from time to time; and

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

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

26 **WHEREAS**, the BCC hereby elects to conduct its public hearings on this Ordinance at
27 9:30 a.m.; and

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

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 listed below, attached hereto and made a part
35 hereof, are hereby adopted.

36 **Section 2. Interpretation of Captions**

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

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

40 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
41 repealed to the extent of such conflict.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
7 **Section 5. Savings Clause**

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

14
15 **Section 6. Inclusion in the Unified Land Development Code**

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

19
20 **Section 7. Providing for an Effective Date**

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

23
24 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
25 County, Florida, on this the 23rd day of March, 2017.

26
SHARON R. BOCK, CLERK &
COMPTROLLER

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

By: *Sharon R. Bock*
Deputy Clerk

By: *Paulette Burdick*
Paulette Burdick, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: *[Signature]*
County Attorney

27
28 **EFFECTIVE DATE:** Filed with the Department of State on the 28th day of
29 March, 2017.

EXHIBIT A

WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO)
SUMMARY OF AMENDMENTS

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ARTICLE 1, GENERAL PROVISIONS

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

CHAPTER I DEFINITIONS & ACRONYMS

Section 3 Abbreviations and Acronyms

| | |
|-------------|--|
| | |
| <u>WCR</u> | <u>Western Communities Residential</u> |
| <u>WCRO</u> | <u>Western Communities Residential Overlay</u> |
| | |

Part 2. ULDC Art. 3.A.1.B.1, Overlays (page 15 of 232), is hereby amended as follows:

ARTICLE 3, OVERLAYS & ZONING DISTRICTS

CHAPTER A GENERAL

Section 1 Districts

B. Overlays and Zoning Districts

1. Overlays

- AGEO, Agricultural Enclave Overlay [Ord. 2011-016]
- AZO, Airport Zone Overlay
- COZ, Conditional Overlay Zone
- GAO, Glades Area Overlay
- IOZ, Indiantown Road Overlay
- IRO, Infill Redevelopment Overlay [Ord. 2011-016]
- LOSTO, Lake Okeechobee Scenic Trail Overlay
- NBOZ, Northlake Boulevard Overlay Zone
- NEO, Native Ecosystem Overlay
- PBIAO, Palm Beach International Airport Overlay
- RTO, Research and Technology Overlay
- SCGCFO, Sugar Cane Growers Cooperative of Florida Protection Area Overlay [Ord. 2004-040]
- SR-80, Non-residential Overlay
- TAPO, Turnpike Aquifer Protection Overlay
- URAO, Urban Redevelopment Area Overlay [Ord. 2011-016]
- WCRAO, Westgate Community Redevelopment Agency Overlay
- BRPO, Bioscience Research Protection Overlay [Ord. 2016-042]
- LCSSO, Lion Country Safari Overlay [Ord. 2016-042]
- WCRO, Western Communities Residential Overlay

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Notes:

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EXHIBIT A

WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO)
SUMMARY OF AMENDMENTS

Part 3. ULDC Table 3.A.3.C, FLU Designation and Corresponding Planned Development Districts (page 18 of 232), is hereby amended as follows:

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]

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

ARTICLE 3, OVERLAYS & ZONING DISTRICTS

CHAPTER B OVERLAYS

....

Section 21 Western Communities Residential Overlay (WCRO)

A. General

See ULDC Art. 3.E.2.H, WCR PUD.

Part 5. New ULDC Art. 3.E.2.H, Western Communities Residential Development Overlay (WCRDO) PUD, is hereby adopted as follows:

ARTICLE 3, OVERLAYS & ZONING DISTRICTS

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 2 Planned Unit Development (PUD)

H. WCR PUD

1. Purpose and Intent

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

2. Applicability

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

3. Development Review Procedures

Any application for a Development Order shall be consistent with the FLUA Conceptual Plan.

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EXHIBIT A

WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO) SUMMARY OF AMENDMENTS

- 1 **a. Rezoning**
2 All land areas included within the FLUA Conceptual Plan shall be rezoned to a single PUD.
- 3 **b. FLUA Conceptual Plan Interpretation**
4 Any interpretation of the FLUA Conceptual Plan shall be made by the Planning Director, or
5 by the Zoning Director in consultation with the Planning Director.
- 6 **c. Commercial Pod(s) – BCC Preliminary Site Plan Approval**
7 The BCC shall approve a Preliminary Site Plan for each Commercial Pod within a WCR
8 PUD, with Commercial Pods developed in accordance with the standards for a Traditional
9 Marketplace Development (TMD).
- 10 **4. Planned Unit Development (PUD) Exceptions**
- 11 **a. Contiguity**
12 For the purposes of contiguity, any land area included within the FLUA Conceptual Plan,
13 shall be considered contiguous in accordance with FLUE Policy 1.12-d.
- 14 **b. Minimum Acreage**
15 As indicated on the FLUA Conceptual Plan.
- 16 **c. PUD Land Use Mix**
17 The following deviations shall be permitted from Table 3.E.2.C, PUD Land Mix, where
18 specified otherwise on the FLUA Conceptual Plan.
- 19 **1) Minimum Residential**
20 The minimum required residential may be reduced.
- 21 **2) Maximum Commercial**
22 The maximum required commercial may be increased.
- 23 **3) Open Space**
24 Minimum or maximum required open space area shall be in accordance with the FLUA
25 Conceptual Plan.
- 26 **d. TMD Requirements for Commercial Pods**
27 Commercial Pods shall be located in accordance with the FLUA Conceptual Plan,
28 developed in accordance with the standards for a TMD as specified in Art. 3.F, Traditional
29 Development Districts, and exempt from the PUD Commercial Pod requirements for Use
30 Regulations, Location, Design, and PDRs.
- 31 **e. Standards for Open Space**
32 If designated on the FLUA Conceptual Plan, additional required open space set-aside
33 areas not located within the development area of the WCR PUD shall be further limited to
34 preservation, conservation, passive recreation, perimeter landscape buffers, rural
35 parkways, pedestrian/equestrian pathways and greenways, wetlands, agricultural uses in
36 accordance with f. below, regional water management, and fallow land uses.
- 37 **f. Agricultural Uses**
38 Agricultural uses shall be permitted within a WCR PUD development area as an interim
39 use, or where otherwise designated on the FLUA Conceptual Plan, provided that existing
40 or new agricultural uses have or are eligible to be agriculturally classified by the Property
41 Appraiser. Unless stated otherwise on the FLUA Conceptual Plan, agricultural uses shall
42 be permitted in accordance with the standards for the AR or AP Zoning districts, whichever
43 is applicable based on the prior Zoning for the subject area.
- 44 **g. Landscape Buffer Exceptions**
45 The following exceptions to Landscape Buffer requirements may be allowed:
- 46 **1) Rural Parkways**
47 Landscape Buffers shall not be required adjacent to Rural Parkways approved as part
48 of the FLUA Conceptual Plan. The Planning Division shall establish Conditions of
49 Approval on the Rezoning for all planting and pathway requirements.
- 50 **2) Contiguous Open Space**
51 Landscape Buffers shall not be required around the boundary of the required large
52 contiguous Open Space land area (33.33% of the overall site) approved on the FLUA
53 Conceptual Plan.
- 54 **3) Optional Agriculture Use Compatibility Buffer**
55 Landscape Buffers required between Residential and Agricultural uses located within
56 a WCR PUD, shall only be required to be a minimum five-foot wide Compatibility Buffer,
57 provided the residential lots and Agricultural use(s) are separated by a minimum of 50
58 feet of dedicated open space.
- 59 **4) Section Line Easements within the WCRO**
60 Within the WCRO, WCR PUDs may be encumbered by ingress, egress, maintenance,
61 drainage and irrigation easements. Collectively, when specified in the Development
62 Order for a WCR PUD Rezoning, these easements are hereinafter referred to as
63 "Section Line Easements". The following may apply to Section Line Easements,
64 except where encumbered by any other easements, including those dedicated to Palm
65 Beach County, the Indian Trail Improvement District, a POA, or other similar.

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EXHIBIT A

WESTERN COMMUNITIES RESIDENTIAL OVERLAY (WCRO) SUMMARY OF AMENDMENTS

- 1 (a) When road right of way dedication to Palm Beach County is required, Palm Beach
2 County will accept these rights of way encumbered with only ingress, egress,
3 irrigation, maintenance, and drainage easements, provided the dedicator/grantor,
4 on behalf of itself and its successors and assigns, agrees to rectify to the
5 reasonable satisfaction of the County Engineer any impacts resulting from later
6 construction of improvements within such right of way which are made by
7 easement beneficiaries done without the consent of the County that materially and
8 adversely impact the use or functionality of then existing or future County
9 improvements within the right of way. Other types of easements shall be released
10 prior to dedication of rights of way to Palm Beach County. The limit of the right of
11 way conveyance shall establish the WCR PUD Base Building Line.
12 (b) Overlap or encroachment of Landscape Buffer Easements or Tracts shall be
13 prohibited in the Section Line Easements;
14 (c) A minimum five foot wide Compatibility Buffer may be allowed in lieu of a R-O-W
15 Buffer, where adjacent to a Section Line Easement for ingress or egress, subject
16 to the following:
17 (1) The Section Lines Easement is not used for ingress or egress purposes, and
18 there are no proposed streets;
19 (2) There is a minimum 50 foot wide dedicated open space between the
20 development area and adjacent uses.
21 (3) Adjacent uses within the development area of the WCR PUD are designated
22 for agriculture, water management, residential or conservation uses, or
23 external parcels support residential, agricultural or conservation uses, or have
24 a residential or conservation FLU designation.
25 (d) Required Landscape Buffer material may be relocated into the Section Line
26 Easements;
27 (e) Improvements such as, but not limited to landscaping, undulating berms,
28 pedestrian pathways, equestrian trails, signage, drainage, utilities, and irrigation
29 may be allowed within Section Line Easements; and,
30 (f) The WCR PUD property line shall establish the Base Building Line.

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.

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