

**DRAFT****PROPOSED CHANGES TO THE AGRICULTURAL RESERVE TIER**

The unintended consequences of the Agricultural Reserve Master Plan have resulted in inequities for many in the farming community. These inequities create a financial hardship on land owners and are detrimental to the continuation of the agricultural uses the Master Plan was designed to protect. The changes outlined below help to resolve these inequities and are designed to promote the economic stability and viability of the farming community.

**CHANGES TO ENHANCE THE VIABILITY OF AGRICULTURAL USES**

- Eliminate the current ULDC size restrictions for a packing house.
- Eliminate the 1,000 square foot size limitation for a care taker quarters.
- Allow a farm residence with no limitation on maximum square footage to exist in an AgR-PUD preserve area, provided that the majority of the property is used for uses permitted in a conservation easement.
- Allow more agricultural related uses to qualify as permitted uses in an AgR-PUD preserve area, such as sod farming, landscape maintenance, mulching, and the production of products that serve as an accessory to the agricultural industry.
- Eliminate the minimum size requirement for properties to qualify as an AgR-PUD preserve area, provided the use of the property is consistent with the allowed uses within the conservation easement. The size of the property and what that property is contiguous to should not matter as it is the use of the property that matters.

**CHANGES TO EXISTING PROPERTY RIGHTS TO MAKE PROPERTIES ECONOMICALLY VIABLE**

- Modify the minimum development area size down from 100 acres to 35 acres for 60/40 AgR-PUD's.
- Create an overlay option to allow the Agricultural Reserve Tier to become a receiving area for the Palm Beach County owned Transfer of Development Rights ("TDR") Bank.
- Under the overlay, properties would be designated with a base land use potential of one unit per acre, as they are under the existing AgR-PUD rules.
- To participate in the overlay, a property owner must purchase a minimum of one TDR per acre (even if the unit isn't used within the development) from the County TDR bank, for every acre that will be part of the development. By participating in the overlay, a property owner is no longer required to provide the 60% open space requirement. The purchase of one TDR per acre from the County's TDR bank will replace the 60% open space requirement. While not a rule change, it is noted that preserve areas for built AgR-PUDs are precluded from participating in the overlay unless the preserve area is replaced, on an acre for acre basis, with other lands that qualify as preserve area for the Agr-PUD.
- A property owner will have the right, but not the obligation, to purchase a second TDR per acre from the County owned TDR bank or create the additional density by complying with the existing rules of preserving land within the Ag Reserve and transferring the

density to the development parcel. In no event would a development area exceed a maximum of 3 du's per acre.

- Allow 60/40's to be built anywhere in the Ag Reserve, just like 80/20's are allowed to do under the existing rules of the Agricultural Reserve.
- Eliminate "frontage" roads. This would allow development to occur along any of the main roads.

#### **CHANGES TO ALLOW MORE COMMERCIAL DEVELOPMENT AT APPROPRIATE LOCATIONS**

- Allow an additional 200 acres commercial development along the main road corridors.
- Commercial properties must purchase one TDR per acre for every acre that encompasses the size of the proposed commercial development area.

#### **CHANGES TO MAKE THE EXISTING TDR PROGRAM A VIABLE ECONOMIC ENGINE**

- In order for the overlay to be created for both commercial and residential uses, the Agricultural Reserve must become an eligible receiving area for County owned development rights to be transferred. Once this occurs, then a sale of a TDR unit to the Ag Reserve will be treated in the same manner as a sale of a TDR unit anywhere else in the County.
- Modify the policy encompassing the Transfer of Development Rights to allow for more uses of the proceeds. This would include, but not be limited to, the construction of capital improvements for public facilities and maintenance of these facilities. It must be expanded beyond the acquisition and maintenance of environmentally sensitive lands in order for the public benefit of the proposed overlay to be realized.
- Create a formula to properly handle the monies raised through the sale of TDR's. This would include a certain percentage of all proceeds being allocated to each of the seven commission districts; a percentage being allocated to Environmental Resources Management in order for the environmentally sensitive lands acquisition/maintenance program to continue and additional lands to be purchased; a percentage being allocated for capital projects within the Ag Reserve (and the continued maintenance of these capital projects once constructed), since the Agricultural Reserve area will be where the majority of these TDR bank units would be built.
- Place a maximum cap of 7,000 units that can be transferred out of the County TDR Bank into the Ag Reserve Tier. This will place a maximum number of new homes that can be constructed within the Ag Reserve and also allow the County to continue to replenish their bank with additional units from future purchases of environmentally sensitive lands for use in other areas of the County.