

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All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.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

1 unconstitutional, inoperative, void, or otherwise invalid, such holding shall not affect the  
2 remainder of this Ordinance.

3 **Section 5. Savings Clause**

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

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

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

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

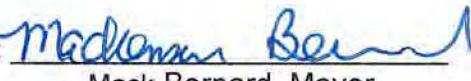
15 The provisions of this Ordinance shall become effective upon filing with the Department  
16 of State.

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

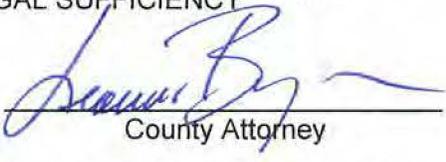
SHARON R. BOCK, CLERK &  
COMPTROLLER

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

By:   
Deputy Clerk

By:   
Mack Bernard, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
County Attorney

19 **EFFECTIVE DATE:** Filed with the Department of State on the 2nd day of  
20 July, 2019.

EXHIBIT A

ARTICLE 4 – USE REGULATIONS, ARTICLE 5 SUPPLEMENTARY STANDARDS, AND  
ARTICLE 7, LANDSCAPING  
RENEWABLE ENERGY SOLAR FACILITY

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

3 CHAPTER B USE CLASSIFICATION

4 Section 7 Utility Uses

5 ....

6 C. Definitions and Supplementary Use Standards for Specific Uses

7  
8 8. Renewable Energy Solar Facility

9 a. Definition

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

13 b. Lot Size

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

16 c. Setbacks

17 Accessory electric poles, distribution and transmission lines shall be exempt from the  
18 minimum setback requirements indicated below:

19 1) Lots 50 Acres or Greater

20 Setbacks shall be a minimum of 25 feet from the side and rear property lines. The  
21 facility shall comply with the minimum front and side street setbacks of the applicable  
22 zoning district.

23 2) Lots Less than 50 Acres

24 Setbacks shall be a minimum of 15 feet from the side and rear property lines. The  
25 facility shall comply with the minimum front and side street setbacks of the applicable  
26 zoning district.

27 3) Lots Adjacent to Existing Residential Uses

28 Setbacks shall be a minimum of 35 feet or the zoning district setback, whichever is  
29 greater, along the affected property line.

30 4) Additional Setback

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

33 d. Perimeter Buffers and Interior Tree Requirements

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

36 a) ~~R-O-W Buffer~~

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

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

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

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

53 b) ~~Compatibility Buffer~~

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

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

60 c) ~~Incompatibility Buffer~~

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

Notes:

Underlined indicates new text.

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

1 2) All Tiers

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

4  
5 Part 2. ULDC Art. 5.B.1.A.2.b.1) and 2) Accessory Uses and Structures, Fences and Walls,  
6 Dangerous Material, Allowable Uses for Barbed Wire (page 12-13 of 107, Supplement  
7 25), is hereby amended as follows:

8 CHAPTER B GENERAL

9 Section 1 Supplementary Regulations

10 A. Accessory Uses and Structures

11 ...  
12 2. Fences and Walls

13 ....  
14 b. Height and Related Standards

15 1) Residential ~~Districts~~ Uses

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

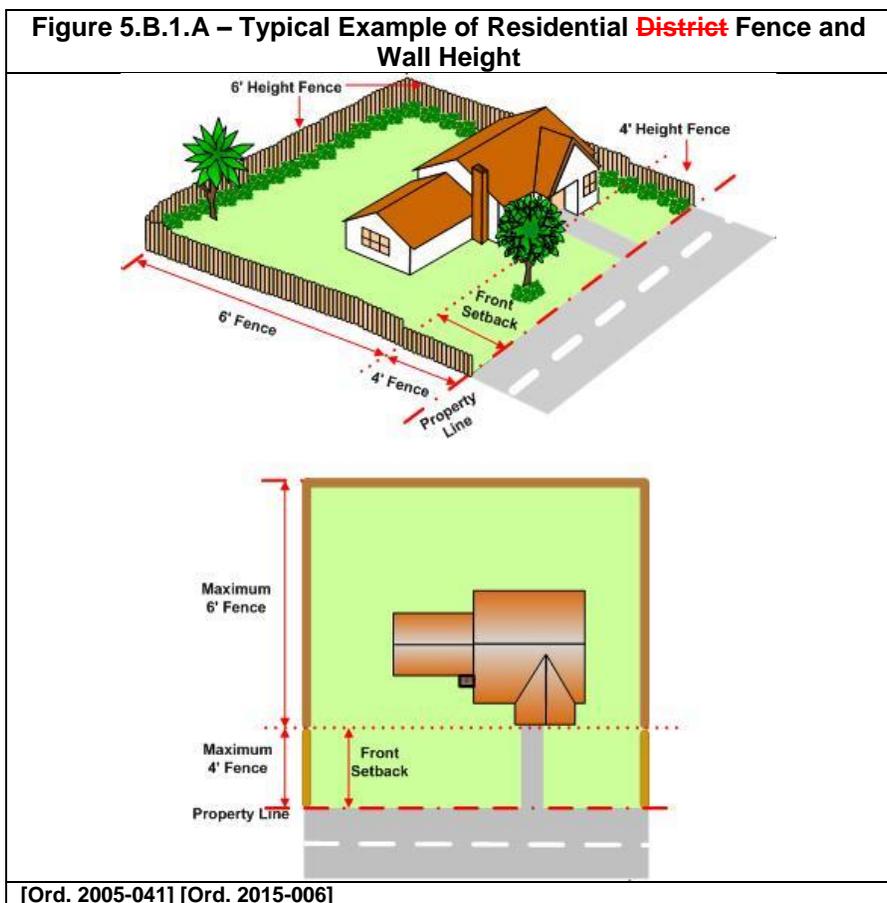
18 a) Within required front setback:

19 (1) four feet, or [Ord. 2005-041] [Ord. 2015-006]

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

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

23 c) Within a landscape buffer: six feet. [Ord. 2015-006]  
24



25 ....  
26 2) Nonresidential Districts Uses

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

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

30 b) Within the required side, side street, and rear setback: eight feet. [Ord. 2015-006]  
31 ...

32  
33 Part 3. ULDC Art. 7.C.2, Types of Landscape Buffer, R-O-W Buffer and Compatibility Buffer  
34 Exemption, (page 15-17 of 54, Supplement 25), is hereby amended as follows:

35 CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS

36 Section 2 Types of Landscape Buffer

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- 1           **A. R-O-W Buffer**  
2           A R-O-W Buffer shall consist of Canopy trees; palms or pines; rows of shrubs, and groundcover.  
3           Palms or pines may be used as a substitute for Canopy trees. Clustering of plant materials and  
4           opening of tree planting are allowed to provide visibility for a wall sign or an architectural feature of  
5           the building; or to accommodate a walkway or an amenity. **[Ord. 2018-002]**  
6           **1. Applicability**  
7           R-O-W Buffers shall be provided along all public street R-O-W. This shall apply to those lots  
8           that are separated by a canal, lake, open space or a combination thereof. **[Ord. 2016-042]**  
9           **[Ord. 2018-002]**  
10          **2. Exemptions**  
11          R-O-W Buffers are not required for the following: **[Ord. 2018-002]**  
12          a. Where the R-O-W is an alley; **[Ord. 2018-002]**  
13          b. A lot with a Single Family, ZLL or townhouse unit; and **[Ord. 2018-002]**  
14          c. Private streets internal to a PDD, TDD, a subdivision or a lot. If trees are installed within  
15          the street R-O-W, installation of the trees shall be subject to the approval by the  
16          Engineering Department. **[Ord. 2018-002]**  
17          d. Renewable Energy Solar Facility, within the Rural, Exurban and Glades Tiers greater than  
18          250 acres in size, shall comply with the requirements of Article 4.B.7.C.8.d, Perimeter  
19          Buffers and Interior Tree Requirements.  
20          ....  
21  
22          **B. Compatibility Buffer**  
23          A Compatibility Buffer shall consist of Canopy trees and rows of shrubs. Palms or pines may be  
24          used as a substitute for Canopy trees. **[Ord. 2018-002]**  
25          **1. Applicability**  
26          Compatibility Buffers shall be provided between all compatible uses or where a development  
27          or a lot is adjacent to lots with a compatible FLU designation, unless stated otherwise herein.  
28          **[Ord. 2018-002]**  
29          **2. Exemption**  
30          Compatibility Buffers shall not be required for the following: **[Ord. 2018-002]**...  
31          a. Single Family residential subdivisions or pods adjacent to Single Family residential  
32          subdivisions or pods. Cottage Home pods adjacent to Cottage Home pods. **[Ord. 2018-**  
33          **002] [Ord. 2018-018]**  
34          b. Internal buffers within TDDs, unless specifically stated otherwise; or **[Ord. 2018-002]**  
35          c. Where residential uses are not adjacent to other incompatible design elements such as  
36          roadways, useable open space areas; or where residential setbacks are less than adjacent  
37          residential development. **[Ord. 2018-002]**  
38          d. Renewable Energy Solar Facility, within the Rural, Exurban and Glades Tiers greater than  
39          250 acres in size, provided the site meets or exceeds the minimum 25 foot setback, and is  
40          adjacent to a parcel of land with Agricultural or Utility Uses or a Conservation FLU  
41          designation.  
42          e. Renewable Energy Solar Facility, within the Rural, Exurban and Glades Tiers greater than  
43          250 acres in size, provided the site meets or exceeds a 50 foot setback, and is adjacent to  
44          a parcel of land with an existing Landscape Buffer.  
45          ....

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## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

July 2, 2019

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