

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: **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); 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 amendment furthers a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found this amendment 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 this amendment 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 amendment set forth in Exhibit A, attached hereto and made a part hereof, is 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All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

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.

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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.

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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.

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

21 The effective date of Exhibit A shall be the same date as the effective date of the
22 Comprehensive Plan amendment, titled "LWDD Ag Reserve Preserve Areas," adopted by the
23 Board of County Commissioners on November 3, 2021.

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26 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
27 County, Florida, on this the 3rd day of November, 2021.

JOSEPH ABRUZZO, CLERK &
COMPTROLLER

By: 

Deputy Clerk

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

By: 

Dave Kerner, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 

Scott A. Stone, County Attorney

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1 **EFFECTIVE DATE:** Filed with the Department of State on the 10th day of
2 November, 2021.
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EXHIBIT A

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
LAKE WORTH DRAINAGE DISTRICT CANALS AS PRESERVE AREAS

Part 1. ULDC Art. 3.C.1.G.1.a.3), Overlays and Zoning Districts, Standard Districts, General, Public and Institutional Districts, IPF, Institutional and Public Facilities District, AGR Tier – Faith Farm Ministries, Split Zoning (page 120, Supplement 30), is hereby amended as follows:

CHAPTER B STANDARD DISTRICTS

Section 1 General

G. Public and Institutional Districts

1. IPF, Institutional and Public Facilities District

The IPF district is to provide land in appropriate locations for a variety of regional and community uses that are either publicly or privately operated.

a. AGR Tier – Faith Farm Ministries

3) Split Zoning

Split zoning of a Legal Lot of Record wherein a portion of the property is zoned IPF, in part, and AGR-PUD Preserve Area, in part, is permitted in accordance with FLUE Policy 1.5-t and Art. 3.E.2.F.3.c.1)eb), Split Zoning. No buffer shall be required between land zoned IPF and AGR-PUD Preserve Area, provided both split zoned areas are owned by Faith Farm Ministries or another single non-profit entity whose primary mission is residential treatment and recovery program. [Ord. 2020-019]

Part 2. ULDC Art. 3.E.2.F.3, Overlays and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), AGR-PUD, Preserve Area (page 158, Supplement 30), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 2 Planned Unit Development (PUD)

F. AGR-PUD

3. Preserve Area

A Preserve Area is intended to support Bona Fide Agriculture uses, wetlands, or other significant open space. Adjacent residential development in the PUD should be designed to be compatible with a Preserve Area and shall not detract from its operation or function. [Ord. 2015-047]

a. Location and Access

A Preserve Area may be situated anywhere in the AGR Tier on a Legal Lot of Record with an AGR FLU designation, provided it is accessible by a street. [Ord. 2015-047] [Ord. 2017-002]

1) Exception

Lands owned by the Lake Worth Drainage District identified by FLUE Policies 1.5.1-i and 1.5.1-n and in Art. 3.E.2.F.3.c.1)a)(1)(c), below, are not required to be a Legal Lot of Record.

b. Uses

Uses allowed in a Preserve Area are indicated in the Use Matrices contained in Art. 4, Use Regulations, and where specified by the Preserve Management Plan as approved by ERM. [Ord. 2006-004] [Ord. 2012-027] [Ord. 2015-047] [Ord. 2017-002] [Ord. 2017-007]

c. Configuration

1) Property Development Regulations

A Preserve Area and any remaining portion of a lot used to create a Preserve Area shall meet the minimum PDRs for the AGR ~~Zoning d~~istrict, inclusive of Table 3.D.1.A, Property Development Regulations, with exception to the following: [Ord. 2006-004] [Ord. 2017-002]

a) General Exceptions

(1) The minimum width of an AGR-PUD Preserve Area may be reduced as follows: [Ord. 2017-002]

(1a) 100 feet for a Rural Parkway, as defined in the Plan; or [Ord. 2006-004] [Ord. 2015-047] [Ord. 2017-002]

(2b) for an equestrian use that meanders through a 60/40 Development Area; or [Ord. 2006-004] [Ord. 2015-047] [Ord. 2017-007]

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken 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.

EXHIBIT A

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
LAKE WORTH DRAINAGE DISTRICT CANALS AS PRESERVE AREAS

1 (c) for lands owned by the Lake Worth Drainage District identified by FLUE
2 Policies 1.5.1-i and 1.5.1-n.
3 **(b2)** ~~Non-Conforming Legal Lot of Record~~ A Legal Lot of Record or land owned by
4 the Lake Worth Drainage District identified by FLUE Policies 1.5.1-I and 1.5.1-
5 n that does not meet the minimum acreage or dimensions of the AGR Zoning
6 dDistrict may be used as a Preserve Area if in compliance with all other
7 requirements of this Section; or, **[Ord. 2006-004] [Ord. 2017-002]**
8 **eb** **Split Zoning**
9 (1) In cases of split zoning, where a Legal Lot of Record is partially zoned AGR
10 and AGR-PUD Preserve Area where permitted in accordance with FLUE
11 Policy 1.5-j, the following shall apply: **[Ord. 2017-002]**
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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 10, 2021

Honorable Joseph Abruzzo
Clerk of the Circuit Court and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attn: Marisa A Valentin

Dear Mr. Abruzzo:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No 2021-033, which was filed in this office on November 10, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

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