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**TITLE: REQUEST FOR PERMISSION TO ADVERTISE  
UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS FOR  
AGRICULTURAL RESERVE (AGR) PRESERVE AREA CONTIGUITY  
REQUIREMENTS FOR PLANNED DEVELOPMENTS**

**SUMMARY:** The proposed amendments will address the Agricultural Reserve (AGR) Preserve Area Contiguity Requirements for Planned Developments. ULDC amendments are being processed concurrently with the Comprehensive Plan amendments. The intent of this amendment is to allow parcels smaller than 150 acres, that are not adjacent to existing preserves or conservation areas, to become eligible as potential preserves, as follows: eliminate the requirement that smaller parcels comprising the 60% preserve area for 60/40 PUDs be contiguous to other lands that aggregate to 150 acres and have a conservation or preserve status. This amendment does not propose changes for preserve areas associated with "80/20" PUDs or Traditional Marketplace Developments (TMDs).

- Ordinance Title
- Exhibit A Agricultural Reserve (AGR) Preserve Area Contiguity Requirements for Planned Developments

**Staff Recommendation:** Staff recommends a motion to approve on Preliminary Reading and advertise for Adoption Hearing on October 26, 2015.

**LDRAB Recommendation/LDRC Determination:** The proposed ULDC amendments were presented to the Land Development Regulation Advisory Board (LDRAB) and the Land Development Regulation Commission (LDRC) on June 25, 2015. LDRAB Recommendation, approval by Ms. Vinikoor, seconded by Ms. Katz, passed 13 – 1. The LDRAB convened as the LDRC to determine consistency with the Comprehensive Plan. Motion to approve by Mr. Brake, seconded by Ms. Katz, passed 14 – 0.

**MOTION:** To approve on Preliminary Reading and advertise for Adoption Hearing on October 26, 2015: 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.

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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 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, Agricultural Reserve Preserve Area Contiguity Requirements for Planned Developments, 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.

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           **Section 5. Savings Clause**

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

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

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

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

18           The provisions of this Ordinance shall become effective upon the effective date of the  
19 amendments to the Palm Beach County Comprehensive Plan adopted in Amendment Round  
20 2015-02.

21  
22           **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach  
23 County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
24

SHARON R. BOCK, CLERK &  
COMPTROLLER

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

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
County Attorney

25  
26  
27 Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

# EXHIBIT A

## AGRICULTURAL RESERVE (AGR) PRESERVE AREA CONTIGUITY REQUIREMENTS FOR PLANNED DEVELOPMENTS SUMMARY OF AMENDMENTS

1  
2 Part 1. ULDC Art. 3.E.2.F.3, Preservation Area (pages 167 to 168 of 234), are hereby amended  
3 as follows:  
4

**Reason for amendments:** [Planning/Zoning] This amendment is one result of a year-long review of the Comprehensive Plan directed by the Board of County Commissioners (BCC), to consider changes to Agricultural Reserve (AGR) provisions proposed by a group of property-owners in early 2014. At a March 2015 workshop, the BCC considered the input received during the Roundtable process and directed staff to proceed with several different actions, including an amendment to the Comprehensive Plan to eliminate the contiguity requirement for AGR 60/40 Planned Unit Development (PUD) preserve areas. ULDC amendments are being processed concurrently with the aforementioned Plan amendments.

The intent of this amendment is to allow parcels smaller than 150 acres, that are not adjacent to existing preserves or conservation areas, to become eligible as potential preserves, as follows: eliminate the requirement that smaller parcels comprising the 60% preserve area for 60/40 PUDs be contiguous to other lands that aggregate to 150 acres and have a conservation or preserve status. This amendment does not propose changes for preserve areas associated with "80/20" PUDs or Traditional Marketplace Developments (TMDs).

The term Preservation is being amended to Preserve for consistency with references in the Comprehensive Plan and elsewhere within the ULDC.

Additional information regarding the Roundtable process is provided on the Planning Division Agricultural Reserve webpage: [http://www.pbcgov.com/pzb/Planning/ag\\_reserve/ag\\_reserve.htm](http://www.pbcgov.com/pzb/Planning/ag_reserve/ag_reserve.htm), including a list of all items directed by the BCC at that workshop. Some of these additional items may also result in amendments to the AGR provisions of the Comprehensive Plan or ULDC in future amendment rounds.

### 5 CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

#### 6 Section 2 Planned Unit Development (PUD)

##### 7 F. AGR-PUD

##### 8 3. ~~Preserve Preservation~~ Area

9 A ~~Preserve Preservation~~ Area ~~or a pod designated as a Preservation Area~~ is intended to  
10 support bona fide agriculture uses, wetlands, or other significant open space. Adjacent  
11 residential development in the PUD should be designed to be compatible with a Preserve  
12 ~~Preservation~~ Area and shall not detract from its operation or function.

##### 13 a. Location and Access

14 Preserve Preservation Areas ~~which are not contiguous to Development Areas~~ may be  
15 situated anywhere in the AGR FLU designations, provided they are accessible by a  
16 street.

##### 17 ~~b. Adjacency~~

18 ~~Preservation Areas shall be located, to the greatest extent practical, adjacent to existing,~~  
19 ~~planned, or projected Preservation Areas.~~

##### 20 ~~bc. Uses~~

21 Uses allowed in a Preserve Preservation Area are indicated in Table 3.E.1.B, PDD Use  
22 Matrix, Table 3.F.1.F, Traditional Development District Permitted Use Schedule, or where  
23 stated within Art. 4, Use Regulations, and specified by the Preserve Management Plan as  
24 approved by ERM. [Ord. 2006-004] [Ord. 2012-027]

##### 25 ~~cd. Configuration~~

##### 26 1) Property Development Regulations

27 A Preserve Area and any remaining portion of a lot used to create a Preserve Area  
28 shall meet the minimum PDRs of the AGR district, with exception to the following:  
29 [Ord. 2006-004]

30 a) lot width may be reduced to 100 feet for a Rural Parkway, as defined in the Plan;  
31 or [Ord. 2006-004]

32 b) for an equestrian use that meanders through a 60/40 development area; ~~or and,~~  
33 [Ord. 2006-004]

34 c) a legal lot of record that does not meet the minimum acreage or dimensions of  
35 the AGR district may be used as a preserve area if in compliance with all other  
36 requirements of this Section. [Ord. 2006-004]

##### 37 2) General

38 Preserve Preservation Areas shall be arranged ~~in a unified whole~~ so as to maximize  
39 the purpose, function, and perpetuation of the preserve preservation use. This shall  
40 be accomplished, in part, through the following:

#### Notes:

- Underlined indicates new text.
- ~~Stricken~~ indicates text to be ~~deleted~~. If being relocated, or partially relocated, destination is noted in bolded brackets [Relocated to: ] or [Partially relocated to: ].
- *Italicized* indicates relocated text. Source is noted in bolded brackets [Relocated from: ].
- .... A series of four bolded ellipses indicates language omitted to save space.

# EXHIBIT A

## AGRICULTURAL RESERVE (AGR) PRESERVE AREA CONTIGUITY REQUIREMENTS FOR PLANNED DEVELOPMENTS SUMMARY OF AMENDMENTS

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a) **Agriculture**

Agricultural areas shall have boundaries that allow for efficient agricultural operation, and shall not be encroached upon by a Development Area. **[Ord. 2006-004-**

b) **Wetlands**

The boundary of preserved wetlands shall be determined by the ecological function of the viable area, as determined by the BCC upon recommendations from ERM and/or the SFWMD. Wetland areas shall be preserved in the following order of priority: adjacent to off-site wetlands; open space; fallow land; or, agricultural land. Primary consideration shall be given to preserved wetland areas adjacent to off-site wetlands.

**de. 80/20 Contiguity Requirement**

**1) ~~80/20 Option~~**

The ~~Preserve Preservation~~ Area in the 80/20 option shall be located contiguous to the Development Area.

**2) ~~60/40 Option~~**

~~The Preservation Area for the 60/40 option shall be a minimum 150 acres and contiguous to, but not intrusive into, the Development Area with the following exceptions:~~

~~a) Equestrian communities may have pastures designated as Preservation Area, which meander, in a contiguous fashion, throughout the PUD;~~

~~b) A Preservation Area in the 60/40 option may be located remote from its associated Development Area provided that at least one of the following conditions are met: **[Ord. 2005 - 002]**~~

~~(1) the Preservation Area contains at least 150 acres and meets the requirements in Article 3.E.2.F.3.d, Configuration; or~~

~~(2) the Preservation Area shares at least one common boundary of which a minimum of 50 percent of the common boundary is contiguous with an existing Preservation Area, an agricultural area preserved under the PACE program, or a designated wetland which is in public ownership, and which, when combined with the adjacent existing area, has a land area equal to or greater than 150 acres. **[Ord. 2005 - 002] [Ord. 2006-004]**~~

**[Renumber Accordingly.]**

U:\Zoning\CODEREV\2015\BCC Hearings\AGR Preserve Area Contiguity\1 RPA\Exh. A - AGR Preserve Area Contiguity Requirements for Planned Developments and Related Amendments.docx

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