County Administrator Verdenia C. Baker



Department of Planning, Zoning & Building

2300 North Jog Road West Palm Beach, FL 33411 Phone: 561-233-5200 Fax: 561-233-5165

TITLE: ADOPTION HEARING, 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.

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

REASON FOR AMENDMENT: [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, 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.

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 ADOPT 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: BY ELIMINATING THE CONTIGUITY REQUIREMENT FOR AGRICULTURAL RESERVE (AGR) PRESERVE AREAS FOR A 60/40 AGR PLANNED UNIT DEVELOPMENT (PUD), 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.

1 2	ORDINANCE 2015	
3 4 5 6 7 8 9 10 11 12 13 14	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, BY ELIMINATING THE CONTIGUITY REQUIREMENT FOR AGRICULTURAL RESERVE (AGR) PRESERVE AREAS FOR A 60/40 AGR PLANNED UNIT DEVELOPMENT (PUD), 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	
15	Development Regulations consistent with its Comprehensive Plan into a single Land	
16	Development Code; and	
17	WHEREAS, pursuant to this statute the Palm Beach County Board of County	
18	Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-	
19	067, as amended from time to time; and	
20	WHEREAS, the BCC has determined that the proposed amendments further a	
21	legitimate public purpose; and	
22	WHEREAS, the Land Development Regulation Commission has found these	
23	amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan;	
24	and	
25	WHEREAS, the BCC hereby elects to conduct its public hearings on this Ordinance at	
26	9:30 a.m.; and	
27	WHEREAS, the BCC has conducted public hearings to consider these amendments to	
28	the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida	
29	Statutes.	
30		
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, Agricultural Reserve (AGR) Preserve Area	
35	Contiguity Requirements for Planned Developments, attached hereto and made a part hereof,	
36	are hereby adopted.	
37	Section 2. Interpretation of Captions	
38	All headings of articles, sections, paragraphs, and sub-paragraphs used in this	
39	Ordinance are intended for the convenience of usage only and have no effect on interpretation.	
40	Section 3. Repeal of Laws in Conflict	
41	All local laws and ordinances in conflict with any provisions of this Ordinance are hereby	
42	repealed to the extent of such conflict.	

1	Section 4. Severability			
2	If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any othe			
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 the			
5	Ordinance.			
6	Section 5. Savings Clause			
7	All development orders, permits, enforcement orders, ongoing enforcement actions, an			
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	e 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		
	Deputy Clerk	Shelley Vana, Mayor		
	APPROVED AS TO FORM AND LEGAL SUFFICIENCY			
	By: County Attorney			
25	•			
26		, day of, 20		
	Effective date Comprehensive Plan An	mendment Round 2015-02: day of		

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EXHIBIT A

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

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

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 2 Planned Unit Development (PUD)

F. AGR-PUD

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3. Preserve Preservation Area

A <u>Preserve</u> <u>Preservation</u> Area or a <u>pod designated as a Preservation Area</u> 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 <u>Preserve Preservation</u> Area and shall not detract from its operation or function.

a. Location and Access

<u>Preserve</u> Preservation Areas which are not contiguous to Development Areas may be situated anywhere in the AGR FLU designations, provided they are accessible by a street.

b. Adjacency

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

bc. Uses

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

cd. 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 of the AGR district, with exception to the following: [Ord. 2006-004]

- a) lot width may be reduced to 100 feet for a Rural Parkway, as defined in the Plan; or [Ord. 2006-004]
- b) for an equestrian use that meanders through a 60/40 development area; or and, [Ord. 2006-004]
- a legal lot of record that does not meet the minimum acreage or dimensions of the AGR district may be used as a preserve area if in compliance with all other requirements of this Section. [Ord. 2006-004]

2) General

<u>Preserve</u> <u>Preservation</u> Areas shall be arranged in a unified whole so as to maximize the purpose, function, and perpetuation of the <u>preserve</u> <u>preservation</u> use. This shall be accomplished, in part, through the following:

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 <u>Preserve</u> <u>Preservation</u> 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;

Notes:

- <u>Underlined</u> indicates <u>new</u> 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.

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

- 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.]

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