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3 **ORDINANCE 2009- 047**

4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM
5 BEACH COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT
6 CODE, ORDINANCE 03-067, AS AMENDED, AS FOLLOWS: AMENDING ARTICLE
7 5, SUPPLEMENTARY STANDARDS, CHAPTER G. DENSITY BONUS PROGRAMS,
8 SECTION 2, TRANSFER OF DEVELOPMENT RIGHTS (TDR)-Special Density
9 Program, CREATING SUBSECTION O, MORATORIUM ON ACCEPTANCE OF
10 DEVELOPMENT APPLICATIONS SEEKING TO INCREASE DENSITY UTILIZING
11 THE TDR PROGRAM, EXPIRING AT THE EARLIER OF THE FOLLOWING: ONE
12 YEAR FROM THE EFFECTIVE DATE OF THIS ORDINANCE OR UPON THE
13 EFFECTIVE DATE OF AMENDMENTS TO THE COMPREHENSIVE PLAN
14 REGARDING TRANSFER OF DEVELOPMENT RIGHTS TO BE CONSIDERED IN
15 AMENDMENT ROUND 10-1; PROVIDING FOR: INTERPRETATION OF CAPTIONS;
16 REPEAL OF LAWS IN CONFLICT; SEVERABILITY; INCLUSION IN THE UNIFIED
17 LAND DEVELOPMENT CODE; AND AN EFFECTIVE DATE.

18 **WHEREAS**, the Board of County Commissioners has determined that
19 dramatic changes in the local economy and local housing markets have made it
20 necessary to revisit provisions in the Palm Beach County Comprehensive Plan
21 requiring that fifty percent of TDRs utilized in a project be provided at no cost to the
22 developer for use as workforce housing units; and

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24 **WHEREAS**, the Board of County Commissioners has determined it is
25 inappropriate to continue to accept applications for TDR approvals pending the
26 revision of the program; and

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28 **WHEREAS**, the changes to the TDR program will require amendments to the
29 Palm Beach County Comprehensive Plan; and

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31 **WHEREAS**, the Board of County Commissioners has initiated amendments to
32 the comprehensive plan regarding TDRs, which will be considered by the Board in
33 Amendment Round 10-1; and

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35 **WHEREAS**, the TDR program is a discretionary program and the Board of
36 County Commissioners is not bound to grant TDR approvals; and

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39 **WHEREAS**, the moratorium will remain in place no longer than necessary to
40 study revisions to the TDR program and amend the comprehensive plan regarding
41 TDRs, if determined necessary, but in no event shall this moratorium remain in place
42 longer than one year from the effective date of the ordinance; and

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44 **WHEREAS**, the County Commission finds that the moratorium is a valid
45 exercise of its police powers and serves a compelling public purpose; and

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47 **WHEREAS**, this ordinance was adopted consistent with the requirements of
48 section 125.66, Florida Statutes; and

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50 **WHEREAS**, the County Commission hereby elects to conduct the public
51 hearing on this ordinance at 9:30 a.m.

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53 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
54 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:**

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56 **PART 1. AMENDMENT TO THE UNIFIED LAND DEVELOPMENT CODE**

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58 Article 5, SUPPLEMENTARY STANDARDS, CHAPTER G, DENSITY BONUS
59 PROGRAMS, Section 2 Transfer of Development Rights (TDRs)-Special Density
60 Programs, is hereby amended by adding Subsection O, Moratorium on TDR
61 APPLICATIONS, as follows:
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Subsection O. Moratorium

- 1. The Board of County Commissioners of Palm Beach County does hereby impose a moratorium beginning on the effective date of this ordinance, upon the acceptance of applications for transfer of development rights (TDR) approvals.
- 2. This Ordinance shall expire upon the earlier of the following: one year from the effective date of this ordinance or upon the effective date of comprehensive plan amendments related to TDRs to be considered by the Board of County Commissioners in amendment round 10-1.

PART 2. CAPTIONS:

The captions, section headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

PART 3. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

PART 4. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

PART 5. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE:

The provision of this ordinance shall become and be made a part of the Unified Land Development Code of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word. References to the effective date of the moratorium created by this ordinance may be changed to the actual calendar date established upon filing with the Department of State.

PART 6. EFFECTIVE DATE:

The provisions of this ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm

Beach County, Florida, on this 8th day of December, 2009.

SHARON R. BOCK, CLERK & COMPTROLLER

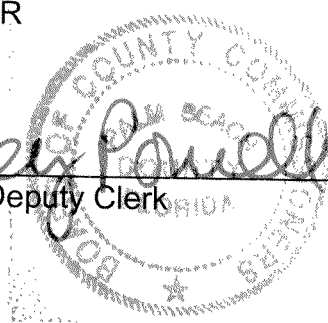
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY
COMMISSIONERS

By:


Deputy Clerk

By:


Burt Aaronson, Chairman



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

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EFFECTIVE DATE: Filed with the Department of State on the 18th day of
December, 2009.

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