

**ORDINANCE 2009- \_\_\_\_\_**

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

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

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

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

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

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

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

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

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

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

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

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

Article 5, SUPPLEMENTARY STANDARDS, CHAPTER G, DENSITY BONUS PROGRAMS, Section 2 Transfer of Development Rights (TDRs)-Special Density Programs, is hereby amended by adding Subsection O, Moratorium on TDR 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

SHARON R. BOCK, CLERK &  
COMPTROLLER

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

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

By: \_\_\_\_\_  
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 \_\_\_\_\_ day of  
\_\_\_\_\_, 2009.

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EXHIBIT D

TDR MORATORIUM  
SUMMARY OF AMENDMENTS  
(Updated 10/21/09)

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Part 1. ULDC, Art. 5.G.2, Transfer of Development of Rights (TDRs) – Special Density Programs (page 69 of 75 [Supplement 6]), is hereby amended to add new subsection O, Moratorium, as follows:

**Reason for amendment:** [Zoning/County Attorneys] BCC directed Staff at the September 29, 2009, BCC Hearing to amend the Transfer of Development Rights (TDRs) – Special Density Programs to impose a moratorium on new applications for TDR approvals.

CHAPTER G DENSITY BONUS PROGRAMS

Section 2 Transfer of Development of Rights (TDRs) – Special Density Programs

....

**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.

U:\Zoning\CODEREV\2009\LDRAB\Meetings\10-28\Exhibit D - TDR Moratorium.docx

**Notes:**

Underlined language indicates proposed new language.  
Language ~~crossed-out~~ indicates language proposed to be deleted.  
.... (ellipses) indicates language not amended which has been omitted to save space.  
Relocated language is shown as *italicized* with reference in parenthesis.

ORDINANCE 2009- 047

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

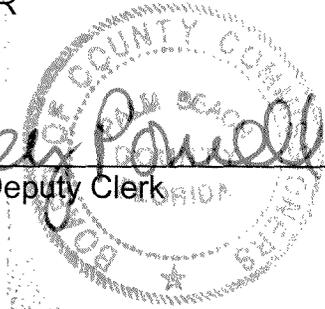
**APPROVED and ADOPTED** by the Board of County Commissioners of Palm

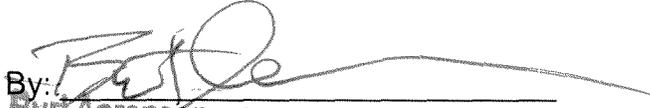
Beach County, Florida, on this 8th day of December, 2009.

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 18<sup>th</sup> day of

December, 2009.

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