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4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH  
5 COUNTY, FLORIDA, AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE  
6 03-067, AS AMENDED, AS FOLLOWS: **ARTICLE 1 – GENERAL PROVISIONS**; CHAPTER E,  
7 PRIOR APPROVALS; CHAPTER I, DEFINITIONS AND ACRONYMS; **ARTICLE 2 –**  
8 **DEVELOPMENT REVIEW PROCEDURES**; CHAPTER A, GENERAL; CHAPTER B, PUBLIC  
9 HEARING PROCESS; CHAPTER D, ADMINISTRATIVE PROCESS; **ARTICLE 3 – OVERLAYS**  
10 **AND ZONING DISTRICTS**; CHAPTER A, GENERAL; CHAPTER B, OVERLAYS; CHAPTER C,  
11 STANDARD DISTRICTS; CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDS);  
12 CHAPTER F, TRADITIONAL DEVELOPMENT DISTRICTS (TDDS); **ARTICLE 4 – USE**  
13 **REGULATIONS**; CHAPTER A, USE CLASSIFICATION; CHAPTER B, SUPPLEMENTARY USE  
14 STANDARDS, WHICH INCLUDES AN EXTENSION TO THE MORATORIUM UPON  
15 ACCEPTANCE OF ZONING APPLICATIONS AND REQUESTS FOR ZONING APPROVAL  
16 FOR PAIN MANAGEMENT CLINICS; **ARTICLE 5 - SUPPLEMENTARY STANDARDS**;  
17 CHAPTER B, ACCESSORY AND TEMPORARY USES; CHAPTER C, DESIGN STANDARDS;  
18 CHAPTER D, PARKS & RECREATION – RULES AND RECREATION STANDARDS; CHAPTER  
19 G, DENSITY BONUS PROGRAMS; **ARTICLE 6 – PARKING**; CHAPTER A, PARKING;  
20 **ARTICLE 7 – LANDSCAPING**; CHAPTER C, MGTS TIER COMPLIANCE; **ARTICLE 11 –**  
21 **SUBDIVISION, PLATTING AND REQUIRED IMPROVEMENTS**; CHAPTER A, GENERAL  
22 REQUIREMENTS; CHAPTER E, REQUIRED IMPROVEMENTS; CHAPTER F, VARIANCES;  
23 **ARTICLE 12 – TRAFFIC PERFORMANCE STANDARDS**; CHAPTER H, CONSTRAINED  
24 FACILITIES; **ARTICLE 14 – ENVIRONMENTAL STANDARDS**; CHAPTER A, SEA TURTLE  
25 PROTECTION AND SAND PRESERVATION; **ARTICLE 17 – DECISION MAKING BODIES**;  
26 CHAPTER C, APPOINTED BODIES; PROVIDING FOR: REPEAL OF LAWS IN CONFLICT;  
27 SEVERABILITY; A SAVINGS CLAUSE; INTERPRETATION OF CAPTIONS; INCLUSION IN  
28 THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.  
29

30 **WHEREAS**, Section 163.3202, Florida Statutes, mandates the County compile Land  
31 Development Regulations consistent with its Comprehensive Plan into a single Land  
32 Development Code; and

33 **WHEREAS**, pursuant to this statute the Palm Beach County Board of County  
34 Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-  
35 067, as amended from time to time; and

36 **WHEREAS**, the BCC desires to further amend the ULDC, based upon public participation  
37 and advice from the Palm Beach County Land Development Regulation Advisory Board; and

38 **WHEREAS**, based upon the specific findings set forth in Palm Beach County Ordinance  
39 2010-009, the Board of County Commissioners imposed a moratorium upon acceptance of  
40 zoning applications and applicable requests for zoning approvals for pain management clinics  
41 effective April 2, 2010; and

42 **WHEREAS**, despite the efforts of the Florida Legislature to address the problem, the  
43 primary and secondary effects of pain management clinics continue to negatively impact Palm  
44 Beach County; and

45 **WHEREAS**, the Board of County Commissioners desire to extend the moratorium to  
46 provide the opportunity to work with the Palm Beach County Multi-Jurisdictional Issues Forum to  
47 develop local regulations to address the proliferation of Pain Management Clinics; and

48 **WHEREAS**, the moratorium will terminate upon adoption of such regulations, but in no  
49 event shall the moratorium extend beyond September 30, 2011; and

1           **WHEREAS**, the Board of County Commissioners find that this moratorium is the  
2 narrowest possible in scope and the shortest in duration to address this serious threat to the  
3 health, safety and welfare of its citizens; and

4           **WHEREAS**, the BCC has determined that the proposed amendments further a legitimate  
5 public purpose; and

6           **WHEREAS**, the Land Development Regulation Commission has found these  
7 amendments to the ULDC to be consistent with the Palm Beach County Comprehensive Plan;  
8 and

9           **WHEREAS**, the BCC hereby elects to conduct its public hearings on this Ordinance at  
10 9:30 a.m.; and

11           **WHEREAS**, the BCC has conducted public hearings to consider these amendments to  
12 the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida  
13 Statutes.

14  
15 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
16 **PALM BEACH COUNTY, FLORIDA, as follows:**

17           **Section 1. Adoption**

18           The amendments set forth in Exhibits listed below, attached hereto and made a part  
19 hereof, are hereby adopted.

- |    |                          |           |   |
|----|--------------------------|-----------|---|
| 20 | <input type="checkbox"/> | Exhibit A | Article 2 – Development Review Procedures             |
| 21 | <input type="checkbox"/> | Exhibit B | Article 3 – Overlays & Zoning Districts               |
| 22 | <input type="checkbox"/> | Exhibit C | Article 6 – Parking                                   |
| 23 | <input type="checkbox"/> | Exhibit D | Article 12 – Traffic Performance Standards            |
| 24 | <input type="checkbox"/> | Exhibit E | Environmental Standards                               |
| 25 | <input type="checkbox"/> | Exhibit F | Pain Management Clinic Moratorium                     |
| 26 | <input type="checkbox"/> | Exhibit G | Density Bonus Program                                 |
| 27 | <input type="checkbox"/> | Exhibit H | Yard Waste  |
| 28 | <input type="checkbox"/> | Exhibit I | Emergency Structures                                  |
| 29 | <input type="checkbox"/> | Exhibit J | Barbed Wire   |
| 30 | <input type="checkbox"/> | Exhibit K | Big Box   |
| 31 | <input type="checkbox"/> | Exhibit L | Civic Pods  |
| 32 | <input type="checkbox"/> | Exhibit M | Infill Redevelopment Overlay                          |
| 33 | <input type="checkbox"/> | Exhibit N | Land Development                                      |
| 34 | <input type="checkbox"/> | Exhibit O | Medical Office in INST FLU Designation                |
| 35 | <input type="checkbox"/> | Exhibit P | Open Space  |
| 36 | <input type="checkbox"/> | Exhibit Q | Public Park Landscape Standards                       |
| 37 | <input type="checkbox"/> | Exhibit R | Recreational Facility (Clubhouse)                     |
| 38 | <input type="checkbox"/> | Exhibit S | Westgate Community Redevelopment Area Overlay (WCRAO) |

39  
40           **Section 2. Providing for 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.

43           **Section 3. Severability**

44           If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other  
45 item contained in this Ordinance is for any reason held by the Court to be unconstitutional,

1 inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this  
2 Ordinance.

3 **Section 4. Providing for a Savings Clause**

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

10 **Section 5. Interpretation of Captions**

11 All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance  
12 are intended for the convenience of usage only and have no effect on interpretation.

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**

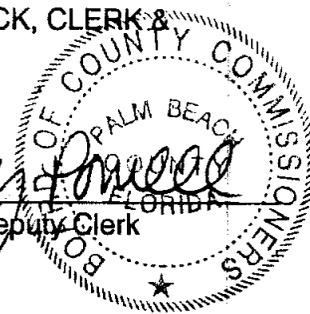
18 The provisions of this Ordinance shall become effective upon filing with the Department of  
19 State.

20  
21 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach  
22 County, Florida, on this the 27th day of January, 2011.

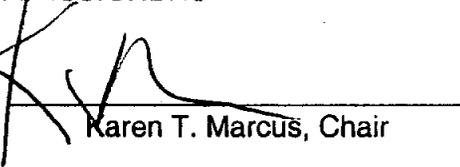
SHARON R. BOCK, CLERK &  
COMPTROLLER

By: 

Deputy Clerk

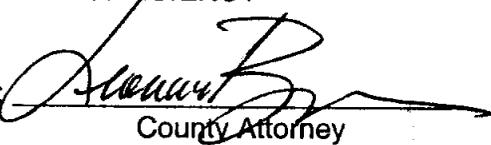


PALM BEACH COUNTY, FLORIDA, BY  
ITS BOARD OF COUNTY  
COMMISSIONERS

By: 

Karen T. Marcus, Chair

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By: 

County Attorney

23

24

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26

EFFECTIVE DATE: Filed with the Department of State on the 4th day of

27

February, 20 11.

28

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EXHIBIT F

PAIN MANAGEMENT CLINICS  
SUMMARY OF AMENDMENTS

1  
2 Part 1. ULDC, Art. 1.I.2.P.1, Pain Management Clinic [Related to definitions] (page 78 of 114),  
3 is hereby amended as follows:

4  
5 CHAPTER I DEFINITIONS & ACRONYMS

6 Section 2 Definitions

7 P. Terms defined herein or referenced Article shall have the following meanings:

8 1. **Pain Management Clinic** – all privately owned pain management clinics, facilities, or offices,  
9 which advertise in any medium for any type of pain management services, or employ a  
10 physician who is primarily engaged in the treatment of pain by prescribing or dispensing  
11 controlled substance medications, and are required to register with the Florida Department of  
12 Health pursuant to Sec. 458.3265, Florida Statutes, as may be amended, regardless of  
13 whether such registration is pending, denied or revoked 458.309 or Sec. 459.005, FL Stat.  
14 (2009). A physician is primarily engaged in the treatment of pain by prescribing or dispensing  
15 controlled substance medications when the majority of the patients seen are prescribed or  
16 dispensed controlled substance medications for the treatment of chronic nonmalignant pain.  
17 Chronic nonmalignant pain is pain unrelated to cancer which persists: 1) beyond the usual  
18 course of the disease or the injury that is the cause of the pain; or 2) more than 90 days after  
19 surgery. [Ord. 2010-009]

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21  
22 Part 2. ULDC, Art. 4.B.1.A, Definitions and Supplementary Standards for Specific Uses (pages  
23 68 of 161), is hereby amended as follows:

24  
25 CHAPTER B SUPPLEMENTARY USE STANDARDS

26 Section 1 Uses

27 A. Definitions and Supplementary Standards for Specific Uses

28  
29 91.1 Pain Management Clinic

30 All privately owned pain management clinics, facilities, or offices, which advertise in any  
31 medium for any type of pain management services, or employ a physician who is primarily  
32 engaged in the treatment of pain by prescribing or dispensing controlled substance  
33 medications, and are required to register with the Florida Department of Health pursuant to  
34 Sec. 458.3265, Florida Statutes, as may be amended, regardless of whether such  
35 registration is pending, denied or revoked 458.309 or Sec. 459.005, FL Stat. (2009). A  
36 physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled  
37 substance medications when the majority of the patients seen are prescribed or dispensed  
38 controlled substance medications for the treatment of chronic nonmalignant pain. Chronic  
39 nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the  
40 disease or the injury that is the cause of the pain beyond the usual course of the disease or  
41 the injury that is the cause of the pain or more than 90 days after surgery.

42 a. **Moratorium**

- 43 1. The ~~BCC Board of County Commissioners of Palm Beach County~~ does hereby  
44 impose a moratorium beginning ~~April 2, 2010 on the effective date of this ordinance,~~  
45 upon the acceptance of zoning applications and all applicable requests for zoning  
46 approval for pain management clinics.  
47 2. This Ordinance shall expire upon the earlier of the following: October 3, 2011, one  
48 year from the effective date of this ordinance or upon the effective date of ULDC  
49 Unified Land Development Code amendments dealing with pain management clinics  
50 to be considered by the ~~BCC Board of County Commissioners~~ during the moratorium.

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**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.