



ULDC REVISIONS STAFF REPORT

ZONING COMMISSION, NOVEMBER 6, 2025

I. General Data

Project Name: Green Market Use
ULDC Articles: 4 and 6
Project Manager: Alexander Biray, Senior Site Planner
Agency Manager: Wendy N. Hernández, Interim Zoning Director
Staff Recommendation: Staff recommends *approval* based on the findings and conclusions presented in this report.

II. Item Summary

Summary: The item before the Board are proposed revisions to land development regulations in the Unified Land Development Code (ULDC) related to Green Markets. The revisions propose to merge the two types of Green Markets as one Temporary Use (similar to a Special Permit) and allowing up to 12 months per year. Other associated revisions will streamline the Green Market regulations to allow greater flexibility.

Assessment: The proposed modifications to the County's Unified Land Development Code (ULDC) will revise land development regulations to continue to allow Green Markets as a Temporary Use (similar to a Special Permit), but to extend the time frame from 6 months to 12 months. This change would allow the property owner and the market operator to apply for annual renewal. Associated changes would eliminate the Green Market Use as a 'permanent' use. The Public Purpose to be served is to accurately reflect the appropriate approval process for a use of this nature which operates on a site that has an existing approval and site plan. The current requirement for a DRO approval and site plan for Green Markets operating over 6 months per year has proven to be cost prohibitive and unnecessarily complicated for this type of approval. No changes are proposed to be more restrictive or burdensome than current Code.

III. Hearing History

Board of County Commissioners RPA: At the September 25, 2025 BCC Hearing, this item was on the Regular Agenda. There was no public comment cards submitted for this item. Commissioner Woodward made a motion to approve on the Request for Permission to Advertise for First Reading on October 23, 2025 at 9:30 a.m., Second Reading and Final Adoption to be conducted at 9:30 a.m., and to receive and file the Business Impact Estimate. The motion was seconded by Commissioner Weiss. The motion passed by a vote of 6-0-0.

Board of County Commissioners RPA: At the October 23, 2025 BCC Hearing, this item was on the Regular Agenda. There was no Board discussion and no public comment on this item. Commissioner Weiss made a motion to approve the Request for Permission to Advertise for First Reading on November 13, 2025 at 9:30 a.m., and Second Reading and Final Adoption to be conducted at 9:30 a.m. The motion was seconded by Commissioner Flores. The motion passed by a vote of 5-0-0.

ZC Recommendation: *Scheduled for November 6, 2025*

LDRC Recommendation: *Scheduled for November 6, 2025*

Board of County Commissioners First Reading: *Scheduled for November 13, 2025*

Board of County Commissioners Second Reading and Adoption: *Scheduled for December 10, 2025*

IV. Intent

The item before the Board are proposed revisions to land development regulations in the Unified Land Development Code (ULDC) related to Green Markets. The revisions propose to merge the two types of Green Markets as one Temporary Use (similar to a Special Permit) and allowing up to 12 months per year. Other associated revisions will streamline the Green Market regulations to allow greater flexibility.

V. Data and Analysis

This section provides data and analysis to support the proposed revisions.

A. Background

The Green Market use was introduced by Ordinance No. 98-11, effective April 30, 1998, and classified as a temporary use. Where allowed, this use was subject to Special Permit approval, with the option for annual renewal. Ordinance No. 2010-005, effective February 2, 2010, removed the Special Permit approval and established a “permanent” Green Market approved by the Development Review Officer (DRO) through the depiction of the area occupied by the Green Market on an approved Site Plan.

The Use Regulations Project (URP) adopted by Ordinance No. 2017-007, effective March 2, 2017, further distinguished a permanent “Green Market” from a “Temporary Green Market,” where a permanent market may operate no more than three days a week while a temporary market is limited to weekends and Federal holidays up to six months. Ordinance No. 2018-002, effective February 1, 2018, changed all Special Permit approval processes for uses that are generally temporary in nature, to “Temporary Use” approvals.

B. Findings

Prior to the URP, a Temporary Green Market was able to operate year-round on weekends and Federal holidays. The introduction of a six-month limitation on the operation of a Temporary Green Market and requiring DRO approval for a permanent Green Market to operate more than six months per year, has proven to be more complicated for this type of use, which is inherently temporary in nature.

It has been determined that the correct course of action would be to modify the ULDC to merge the two uses back together again as was previously, and to extend the timeframe from six months to 12 months. Associated changes would eliminate the Permanent Green Market use, while recognizing prior approvals such as accessory to a Community Vegetable Garden in the Westgate Community Redevelopment Area Overlay (WCRAO).

C. Proposed Revisions

This section of the report provides supporting information for the proposed ULDC revisions.

1. Supplementary Use Standards – Commercial Use Green Market (Permanent) and Temporary Use Green Market

All duplicative language shared between permanent and Temporary Green Market Supplementary Use Standards is proposed to be deleted. Certain permanent Green Market language is proposed to be relocated to the Temporary Use Green Market Supplementary Use Standards to serve as clarification, including the definition and vendor stand regulations. Language specific to an accessory permanent Green Market to a Community Vegetable Garden in the WCRAO and CCRT is also proposed to be relocated to the Temporary Use Green Market Supplementary Use Standards, recognizing prior approvals while providing a less restrictive approval process.

The duration of a Green Market is proposed to be increased from 6 months to 12 months. The ability to operate on any three days of a week rather than be restricted to weekends and Federal holidays is proposed to be retained from the Permanent Green Market use subject to DRO approval.

2. On-Site Parking Regulations

With the proposed deletion of the permanent Green Market use in Article 4 of the ULDC, the parking requirements for the use are no longer applicable, therefore, it is proposed to be deleted. Temporary Green Markets have no minimum on-site parking requirements, however, will be reviewed as part of each Temporary Use request to ensure no required parking spaces are utilized.

D. Business Impact Estimate

In 2024, the Florida Legislature adopted SB 1628 to remove the exemption for business impact statements related to comprehensive plan and land development regulation ordinances, unless those changes are privately proposed. Consequently, this County initiated land development revision prior to adopting and implementing a comprehensive plan amendment or land development regulation. An analysis of the business impact estimate is provided in Exhibit 2 to demonstrate compliance with the statute on a template provided by the County Attorney's Office. The specific statute language is provided below.

125.66 Ordinances; enactment procedure; emergency ordinances; rezoning or change of land use ordinances or resolutions.—

(3)(a) *Before the enactment of a proposed ordinance, the board of county commissioners shall prepare or cause to be prepared a business impact estimate in accordance with this subsection. The business impact estimate must be posted on the county's website no later than the date the notice of proposed enactment is published pursuant to paragraph (2)(a) and must include all of the following:*

1. *A summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the county.*
 2. *An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the county, including the following, if any:*
 - a. *An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.*
 - b. *Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.*
 - c. *An estimate of the county's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.*
 3. *A good faith estimate of the number of businesses likely to be impacted by the ordinance.*
 4. *Any additional information the board determines may be useful.*
- (b) *This subsection may not be construed to require a county to procure an accountant or other financial consultant to prepare the business impact estimate required by this subsection.*

E. Consistency with the Comprehensive Plan

A review by the Planning Division indicates that the proposed amendments will not result in inconsistencies with the Comprehensive Plan.

VI. Assessment and Conclusions

The proposed modifications to the County's Unified Land Development Code (ULDC) will revise land development regulations to continue to allow Green Markets as a Temporary Use (similar to a Special Permit), but to extend the time frame from 6 months to 12 months. This change would allow the property owner and the market operator to apply for annual renewal. Associated changes would eliminate the Green Market Use as a 'permanent' use. The Public Purpose to be served is to accurately reflect the appropriate approval process for a use of this nature which operates on a site that has an existing approval and site plan. The current requirement for a DRO approval and site plan for Green Markets operating over 6 months per year has proven to be cost prohibitive and unnecessarily complicated for this type of approval.

As such, Staff recommends **approval** of this amendment.

Attachments

Exhibit 1 – Proposed changes in strike out and underline format	E - 1
Exhibit 2 – Business Impact Estimate	E - 6
Exhibit 3 – Planning Consistency Determination Letter	E - 7

EXHIBIT 1
PROPOSED GREEN MARKET ULDC REVISIONS

This exhibit revises the following Article(s):

ARTICLE 4 – USE REGULATIONS
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in strike-out, and relocated text italicized. *Stricken and italicized* means text to be totally or partially relocated. Relocation notes are shown in brackets as **[Relocated to:]** or **[Relocated from:]**. Unaltered text omitted for brevity is indicated by a series of four bolded ellipses....

Part 1. ULDC Art. 4.B, Use Regulations, Use Classification, is hereby amended as follows:

1 **CHAPTER B USE CLASSIFICATION**

2 **Section 2 Commercial Uses**

3 **C. Definitions and Supplementary Use Standards for Specific Uses**

4

5 **16. Reserved for Future Use Green Market**

6 **~~a. Definition~~**

7 ~~Gathering of vendors for the purpose of selling fresh unprocessed fruit, vegetables,~~
8 ~~flowers, and consumable items such as coffee, bread, and prepared food on a retail basis.~~
9 **[Partially relocated to: Art. 4.B.11.C.3.a, Definition]**

10 **~~b. Lot Size~~**

11 ~~A minimum of one acre with the exception of lots located in the WCRAO where a minimum~~
12 ~~of one-half of an acre is required.~~

13 **~~c. Accessory Uses – Green Market~~**

14 ~~A Green Market may be allowed as an accessory use to a Community Vegetable Garden~~
15 ~~in the WCRAO and CCRT areas subject to DRO approval and the following: [Ord. 2019-~~
16 ~~005] [Ord. 2021-006]~~

17 ~~1) The use shall be operated by a CCRT neighborhood organization or the WCRA.~~

18 ~~2) Items for sale shall be limited to those grown or prepared by neighborhood residents.~~

19 ~~3) The accessory use and structure shall be limited to 30 percent of the total growing~~
20 ~~area for the Community Vegetable Garden. [Ord. 2019-005]~~

21 ~~4) Shall be limited to the hours of 7:00 a.m. and 7:00 p.m. [Ord. 2019-005]~~

22 ~~5) Where a Green Market is allowed as an accessory use to a Community Vegetable~~
23 ~~Garden, a six-foot-high landscape barrier, which includes but not limited to: a hedge,~~
24 ~~a vinyl-coated chain link fence with hedge, or an opaque fence shall be provided along~~
25 ~~any property line that abuts a parcel with a residential FLU designation or residential~~
26 ~~use. An accessory Green Market to an existing Community Garden, approved prior to~~
27 ~~the effective date of this amendment, that has complied with the buffer requirements~~
28 ~~of Art. 7, Landscaping, is not required to provide a six-foot-high landscape barrier.~~
29 ~~[Ord. 2019-005]~~

30 **[Partially relocated to: Art. 4.B.11.C.3.g, Accessory Use to a Community Vegetable**
31 **Garden]**

32 **~~d. Duration~~**

33 ~~The use shall operate no more than three days a week.~~

34 **~~e. Vendor Stands~~**

35 ~~The stand shall remain transportable and shall be removed from the site at the close of~~
36 ~~the market each week. Motor vehicles such as vans or small trucks may be allowed subject~~
37 ~~to the preceding removal requirements. [Relocated to: Art. 4.B.11.C.3.f, Vendor Stands]~~
38

....

1 Section 11 Temporary Uses

2 C. Definitions and Supplementary Use Standards for Specific Uses

3

4 **3 9. Temporary Green Market**

5 a. Definition

6 A temporary gathering of vendors, primarily for the purpose of selling fresh unprocessed
7 fruit, vegetables, flowers, and consumable items such as coffee, bread, and prepared food
8 on a retail basis. [Partially relocated from: Art. 4.B.2.C.16.a, Definition]

9 b. Duration

10 The use shall ~~Shall~~ only be allowed on weekends and holidays, and up to 12 six months
11 per calendar year, unless approved as an Accessory Use to a Community Vegetable
12 Garden.

13 1) **DRO Approval**

14 The use may be allowed on any three days per week subject to DRO approval.

15 c. Lot Size

16 A minimum of one acre with the exception of lots located in the WCRAO where a minimum
17 of one-half of an acre is required.

18 ~~d. Signage~~

19 ~~Vendor signs shall not be visible from the right-of-way.~~

20 ~~d. e. Operation~~

21 1) Tents exceeding 120 square feet shall be subject to a Building Permit review.

22 ~~2) Motor vehicles utilized for the purpose of transporting vendor supplies and products~~
23 ~~may be allowed on site, provided the vehicles are removed from the site within two~~
24 ~~hours after the market closes each weekend.~~

25 2 3) Shall not utilize required parking spaces.

26 e. Vendor Stands

27 The stand shall remain transportable and shall be removed from the site at the close of
28 the market each week. Motor vehicles such as vans or small trucks may be allowed subject
29 to the preceding removal requirements. [Relocated from: Art. 4.B.2.C.16.e, Vendor
30 Stands]

31 **f. Accessory Use to a Community Vegetable Garden**

32 A Green Market may be allowed as an accessory use to a Community Vegetable Garden
33 in the WCRAO and CCRT areas subject to a Temporary Use approval and the following:
34 [Ord. 2019-005] [Ord. 2021-006]

35 1) The use shall be operated by a CCRT neighborhood organization or the WCRA.

36 2) Items for sale shall be limited to those grown or prepared by neighborhood residents.

37 3) The accessory use and structure shall be limited to 30 percent of the total growing
38 area for the Community Vegetable Garden. [Ord. 2019-005]

39 4) Shall be limited to the hours of 7:00 a.m. and 7:00 p.m. [Ord. 2019-005]

40 5) The use may be allowed on any three days per week.

41 [Partially relocated from: Art. 4.B.2.C.16.c, Accessory Uses – Green Market]

42[Renumber accordingly]

Part 2. ULDC Art. 6.B.1.B, Parking, Loading, and Circulation, Parking and Loading, Calculation, Minimum Parking Requirements, is hereby amended as follows:

43 CHAPTER B PARKING AND LOADING

44 Section 1 Calculation

45 B. Minimum Parking Requirements

Use Classification: Commercial		Loading Standard
....		
Green Market, Permanent	1 space per 250 sq.ft.	A
....		
[Ord. 2006-004] [Ord. 2006-036] [Ord. 2008-037] [Ord. 2009-040] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-021] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2019-039] [Ord. 2020-001]		

Use Classification: Temporary		Loading Standard
....		
Temporary Green Market	N/A	N/A
....		
[Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]		

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**EXHIBIT 2
BUSINESS IMPACT ESTIMATE**

Meeting Date: September 25, 2025 – BCC Zoning Hearing

Proposed Ordinance Title/Reference:

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: REVISION FOR **GREEN MARKET USE**, AMENDING ARTICLE 4 – USE REGULATIONS; ARTICLE 6 – PARKING AND LOADING; 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.

Summary of Proposed Ordinance and Statement of Public Purpose to be Served:

The proposed modifications to the County's Unified Land Development Code (ULDC) will revise land development regulations to continue to allow Green Markets as a Temporary Use (similar to a Special Permit), but to extend the time frame from 6 months to 12 months. This change would allow the property owner and the market operator to apply for annual renewal. Associated changes would eliminate the Green Market Use as a 'permanent' use. The Public Purpose to be served is to accurately reflect the appropriate approval process for a use of this nature which operates on a site that has an existing approval and site plan. The current requirement for a DRO approval and site plan for Green Markets operating over 6 months per year has proven to be cost prohibitive and unnecessarily complicated for this type of approval.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. Estimate of Direct Business Compliance Costs: This change will result in a reduction of fees for the affected Green Markets which seek to operate more than 6 months per year.
- b. New Charges/Fees on Businesses Impacted: There will be no new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.
- c. Estimate of Regulatory Costs: There will be no additional regulatory costs, and no additional revenues since there will be no new charges or fees that will be imposed on businesses to cover such costs.

Good Faith Estimate of Number of Businesses Likely Impacted:

It is estimated that one or two businesses per year would seek to establish a Green Market use under the proposed regulations. These revisions will positively impact businesses through reduced time frame, application requirements, and fees.

Any Additional Information: None.

EXHIBIT 3
PLANNING CONSISTENCY DETERMINATION LETTER



**Planning, Zoning
& Building Department**
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Compliance 233-5500
Contractor Regulations 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbc.gov/pzb

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**Palm Beach County
Board of County
Commissioners**

Maria G. Marino, Mayor
Sara Baxter, Vice Mayor

Gregg K. Weiss
Joel G. Flores
Marci Woodward
Maria Sachs
Bobby Powell Jr.

County Administrator
Joseph Abruzzo

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Official Electronic Letterhead

**INTER-OFFICE COMMUNICATION
PLANNING, ZONING AND BUILDING DEPARTMENT
PLANNING DIVISION**

TO: Mr. James Williams, Chair, and
Members of the Zoning Commission

FROM: Travis Goodson, Principal Planner 
Planning Division

DATE: October 16, 2025

RE: Comprehensive Plan Consistency Determination for proposed
Unified Land Development Code (ULDC) revisions

The Planning Division has determined that the two proposed ULDC revisions, known as Green Market and Reasonable Accommodation for Certified Recovery Residences, as found in the packet provided by the Zoning Division and scheduled for the November 6, 2025 meeting, are generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

cc: Thuy Shutt, AIA, FRA-RA, Planning Director
Jeffrey W. Gagnon, AICP, Deputy Planning Director
Lisa Amara, Zoning Director
Wendy N. Hernandez, Deputy Zoning Director
Jerome Ottey, Principal Site Planner, Zoning Division

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