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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: **A PRIVATELY INITIATED AMENDMENT, TO ESTABLISH REGULATIONS FOR DOG FRIENDLY DINING AT RESTAURANTS**, AMENDING **ARTICLE 4 – USE REGULATIONS**: CHAPTER B, USE CLASSIFICATION; 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 Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

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

WHEREAS, the BCC has determined that the proposed amendment furthers a legitimate public purpose; and

WHEREAS, the Land Development Regulation Commission has found this amendment to the ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

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

WHEREAS, the BCC has conducted public hearings to consider this amendment to the ULDC in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

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

Section 1. Adoption

The amendment set forth in Exhibit A, attached hereto and made a part hereof, is hereby adopted.

Section 2. Interpretation of Captions

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

Section 3. Repeal of Laws in Conflict

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

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Section 4. Severability

If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item contained in this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, void, or otherwise invalid, such holding shall not affect the remainder of this Ordinance.

Section 5. Savings Clause

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

Section 6. Inclusion in the Unified Land Development Code

The provisions of this Ordinance shall be codified in the Unified Land Development Code and may be reorganized, renumbered, or re-lettered to effectuate the codification of this Ordinance.

Section 7. Providing for an 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 the 28th day of October, 2021.


JOSEPH ABRUZZO, CLERK & COMPTROLLER

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

By: 
Deputy Clerk

By: 
Dave Kerner, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: 
Scott A. Stone, County Attorney

EFFECTIVE DATE: Filed with the Department of State on the 4th day of November, 2021.

EXHIBIT A

ARTICLE 4 – USE REGULATIONS DOG FRIENDLY DINING

Part 1. ULDC Art. 4.B.2.C, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses (pages 50 and 51, Supplement 30), is hereby amended as follows:

1 CHAPTER B USE CLASSIFICATION

2

3 Section 2 Commercial Uses

4

5 C. Definitions and Standards for Specific Uses

6

7 33. Restaurant, Type 1

8 a. Definition

9 An establishment equipped to sell food and beverages in one of the following methods:
10 drive-through sales to patrons in automobiles for takeout who place orders through a
11 window or remote transmission device; or sales to patrons for takeout or dining in, that
12 includes three or more of the following: food or beverage choices are advertised on a menu
13 board; countertop sales where payment is made prior to consumption; disposable
14 containers and utensils; limited service dining facilities with no hostess or waiters; and, self-
15 service or prepackaged condiments.

16

17 h. Outdoor Dining

18 Shall comply with the principal structure setbacks.

19 **1) Dog Friendly Dining**

20 Pursuant to F.S. § 509.233, as amended, a Type 1 Restaurant may allow patrons with
21 dogs within designated outdoor dining areas. Before allowing patrons' dogs on their
22 premises, a participating restaurant shall apply for and receive a Dog Friendly Dining
23 Permit from the Florida Department of Health in Palm Beach County in accordance
24 with the permit application requirements described in F.S. § 509.233. A restaurant shall
25 be subject to the minimum regulations and limitations described in F.S. § 509.233.

26 a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12
27 font or greater, in a location that is legible from the entrance of the designated
28 outdoor Dog Friendly Dining area.

29 b) A participating restaurant shall ensure that the Dog Friendly Dining Permit is
30 available for inspection during hours of operation.

31 c) A Dog Friendly Dining Permit is not transferable to a subsequent owner upon the
32 sale of a restaurant, and shall expire automatically upon any such sale.

33 34. Restaurant, Type 2

34 a. Definition

35 An establishment with no drive-through, equipped to sell food and beverages, served and
36 consumed primarily on the premises, that includes three or more of the following: host or
37 hostess assists patrons upon entry; food and beverage choices are offered from a printed
38 menu provided by wait staff at a table; orders are taken at the table; food is served on
39 dishes and metal utensils are provided; and, payment is made after meal consumption.

40

41 f. Outdoor Dining

42 Shall comply with the principal structure setbacks.

43 **1) Dog Friendly Dining**

44 Pursuant to F.S. § 509.233, as amended, a Type 2 Restaurant may allow patrons with
45 dogs within designated outdoor dining areas. Before allowing patrons' dogs on their
46 premises, a participating restaurant shall apply for and receive a Dog Friendly Dining
47 Permit from the Florida Department of Health in Palm Beach County in accordance
48 with the permit application requirements described in F.S. § 509.233. A restaurant shall
49 be subject to the minimum regulations and limitations described in F.S. § 509.233.

50 a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12
51 font or greater, in a location that is legible from the entrance of the designated
52 outdoor Dog Friendly Dining area.

53 b) A participating restaurant shall ensure that the Dog Friendly Dining Permit is
54 available for inspection during hours of operation.

55 c) A Dog Friendly Dining Permit is not transferable to a subsequent owner upon the
56 sale of a restaurant, and shall expire automatically upon any such sale.

57

Notes:

Underlined indicates **new** text.

~~Stricken~~ indicates text to be **deleted**. ~~Stricken and italicized~~ means text to be totally or partially relocated. If being relocated destination is noted in bolded brackets **[Relocated to:]**.

Italicized indicates text to be relocated. Source is noted in bolded brackets **[Relocated from:]**.

.... A series of four bolded ellipses indicates language omitted to save space.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 4, 2021

Honorable Joseph Abruzzo
Clerk of the Circuit Court and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attn: Yadzia Roa

Dear Mr. Abruzzo:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No 2021-027, which was filed in this office on November 4, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb