

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 ALLOW A HOTEL OR MOTEL USE IN A COMMERCIAL POD OF A PLANNED UNIT DEVELOPMENT, SUBJECT TO A CLASS A CONDITIONAL USE APPROVAL** AMENDING, **ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER E, PLANNED DEVELOPMENT DISTRICTS (PDDs); **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All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

1 **Section 4. Severability**

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

6
7 **Section 5. Savings Clause**

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

14
15 **Section 6. Inclusion in the Unified Land Development Code**

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

19
20 **Section 7. Providing for an Effective Date**

21 The provisions of this Ordinance shall become effective upon filing with the Department
22 of State.

23
24
25 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach
26 County, Florida, on this the 15th day of December, 2021.

JOSEPH ABRUZZO, CLERK &
COMPTROLLER

By: 

Deputy Clerk

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

By: 

Robert S. Weinroth, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 

Scott A. Stone, County Attorney

27
28 **EFFECTIVE DATE:** Filed with the Department of State on the 22nd day of
29
30 December, 2021.

EXHIBIT A

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 4 – USE REGULATIONS
BOCA LAGO PUD CLUBHOUSE

Part 1. ULDC Art. 3.E.2.E.2, Overlays and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), Pods, Commercial Pod (page 152, Supplement 30), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

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Section 2 Planned Unit Development (PUD)

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E. Pods

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2. Commercial Pod

A Commercial Pod is intended to provide personal services, retail opportunities, and professional or business offices for use primarily by the residents of the PUD, except as described in Art. 4.B.2.C.18, Hotel or Motel. A Commercial Pod shall be designated on the Master Plan as follows:

a. Location

A Commercial Pod shall comply with the following location and design criteria:

1) Frontage

A Commercial Pod shall not have frontage on a public Arterial or Collector Street traversing or bordering the PUD. Access shall be limited to an Arterial or Collector Street internal to the PUD only.

a) Exception

A private Arterial or Collector Street traversing the PUD is exempt from this requirement.

2) Setback

a) A Commercial Pod shall be set back a minimum of 1,000 feet from the perimeter of the PUD.

b) A Commercial Pod shall be set back a minimum of 1,000 feet from a public Arterial or Collector Street traversing the PUD.

....

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.

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
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BOCA LAGO PUD CLUBHOUSE

A. Commercial Use Matrix

[illegible]

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

EXHIBIT A

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS
ARTICLE 4 – USE REGULATIONS
BOCA LAGO PUD CLUBHOUSE

Part 3. ULDC Art. 4.B.2.C.18, Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses, Hotel or Motel (page 41, Supplement 30), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

....

Section 2 Commercial Uses

....

C. Definitions and Supplementary Use Standards for Specific Uses

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18. Hotel or Motel

a. Definition

An establishment typically licensed by the State of Florida, used, maintained, or advertised as a place where furnished sleeping accommodations are supplied to the guest for a short period of time.

b. Approval Process

1) TMD District – U/S Tier

The use may be Permitted by Right when located in the CH FLU designation. [Ord. 2020-020]

c. Zoning District – PO District

1) An existing Hotel located in the PO district shall be considered a conforming use.

2) Collocated Hotel

a) Approval Process – PARK FLU

A Hotel may be allowed as a collocated use to a PBC Regional Park with a PARK FLU, subject to Class A Conditional Use approval.

b) Park Resource Base

The Regional Park shall include a resource base which promotes heritage tourism, eco-tourism, or is otherwise planned to attract patrons from a Countywide or greater population for historical, cultural, scientific, educational, or other similar purposes. Such resource base shall be operational prior to approval of a Hotel, or approved and permitted concurrently with a Hotel.

c) Conceptual Master Plan

A Hotel shall be a component of a Conceptual Master Plan or equivalent that is approved by the Board of County Commissioners.

d) Frontage and Access

The Regional Park in which a Hotel is located shall have frontage on an Arterial or Collector Street(s). Vehicular access to a Hotel shall be prohibited from any Residential Street abutting the park, unless approved by the BCC as part of the Conditional Use approval for the Hotel.

e) Site Plan – Affected Area

When a Site Plan is not required for the overall park site, the required Site Plan for the Hotel shall regulate only the development area for the Hotel and access related thereto.

d. Accessory Services

Hotels and Motels may provide services and facilities, such as food and beverage, recreational, meeting, or conference rooms, ballrooms, and laundry.

e. Commercial Pod of a PUD

1) Approval Process

A Hotel or Motel may be allowed in a Commercial Pod of a PUD subject to a Class A Conditional Use approval and the following requirements:

a) Compliance with Art. 3.E.2.E.2, Commercial Pod; and

b) The Hotel or Motel shall be subject to the following location criteria:

(1) Shall be located abutting a Recreation Pod with a Golf Course; and

(2) Shall be located within a 1,000-foot radius of a Golf Course clubhouse facility, and pedestrian access shall be provided to connect these uses.

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 27, 2021

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

Attn: Marisa A Valentin

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 2021-039, which was filed in this office on December 22, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb