

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: **ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES:** CHAPTER C, ADMINISTRATIVE PROCESSES; **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All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.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 27th day of January, 2022.

JOSEPH ABRUZZO, CLERK &
COMPTROLLER

By: 


Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 

Scott A. Stone, County Attorney

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

By: 

Robert S. Weinroth, Mayor

27
28 **EFFECTIVE DATE:** Filed with the Department of State on the 4th day of
29
30 February, 2022.

EXHIBIT A

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ARTICLE 4 – USE REGULATIONS
DOG FRIENDLY DINING SPECIAL PERMITS

Part 1. ULDC Art. 2.C.3, Application Processes and Procedures, Administrative Processes, General (page 46.2 and 51, Supplement 30), is hereby amended as follows:

CHAPTER C ADMINISTRATIVE PROCESSES

Section 3 General

The DRO shall coordinate the review of applications with all the applicable Agencies based on the request(s), and in accordance with Table 2.C.3, DRO – Administrative Processes. The application(s) shall be assigned by the DRO to be reviewed either through the Full DRO, which consists of all applicable County Agencies, or the Zoning Agency Review (ZAR), which consists of one to a maximum of five Agencies pursuant to Art. 2.C.4.A.3, Zoning Agency Review (ZAR). An Applicant may also request Concurrent Review by the DRO. [Ord. 2018-002] [Ord. 2020-020]

Table 2.C.3 – DRO, Administrative Processes

Requests		Processes	
		Full DRO	ZAR
....			
Administrative Approval			
....			
Special Permits pursuant to <u>Art. 4.B.2.C.33.h.1) or Art. 4.B.2.C.34.f.1), Dog Friendly Dining, or Art. 8.H.2, Billboards</u>			(6)
....			
[Ord. 2018-002] [Ord. 2018-018] [Ord. 2020-020] [Ord. 2021-022]			
Notes:			
....			
6.	Shall be processed as a Special Permit.		
....			

Section 5 Types of Applications

D. Temporary Use

1. Purpose

To create standards and an approval process for certain uses, which are generally temporary in nature, but require monitoring for compliance with Code requirements to ensure compatibility with surrounding land uses. A Temporary Use may be accommodated in a temporary structure or a permanent structure that is legally approved. A Temporary Use shall include, but not limited to those items listed in Art. 4.B.11, Temporary Uses. [Ord. 2007-013] [Ord. 2015-006] [Ord. 2018-002]

2. Prior Approved and Authorized Special Permits

Any prior approved Special Permits that have expired shall be considered invalid, and the Applicant shall be required to submit a new application for a Temporary Use. Special Permits shall be issued only for Type 1 or 2 Restaurants with Dog Friendly Dining or bArt. 8.H.2, Billboards, subject to the applicable standards and Code requirements. [Ord. 2018-002]

E. Special Permit

1. Authorized Special Permits

Special Permits shall be issued only for Dog Friendly Dining pursuant to Art. 4.B.2.C.33.h.1) or Art. 4.B.2.C.34.f.1), Dog Friendly Dining, or billboards pursuant to Art. 8.H.2, Billboards, subject to the applicable standards and Code requirements.

2. Sufficiency Determination

Special Permits are subject to the requirements of Art. 2.C.2, Sufficiency Review, with exception that the Sufficiency review shall be completed within five days of submittal.

3. Review Process

The application shall be submitted in a form established by the Zoning Director and shall be consistent with this Code, in accordance with the ZAR review process of Art. 2.C.4, Review, Resubmittal, and Final Decision. If the request complies with the Code requirements and the standards of Art. 2.C.5.D.6, Standards, a Special Permit may be approved.

4. Conditions

The DRO may impose conditions pursuant to Art. 2.C.6, Conditions of Approval.

....[Re-letter accordingly]

Notes:

Underlined indicates new text.

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DOG FRIENDLY DINING SPECIAL PERMITS

Part 2. ULDC Art. 4.B.2.C.33.h.1), Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses, Restaurant, Type 1, Outdoor Dining, Dog Friendly Dining; and
ULDC Art. 4.B.2.C.34.f.1), Use Regulations, Use Classification, Commercial Uses, Definitions and Supplementary Use Standards for Specific Uses, Restaurant, Type 2, Outdoor Dining, Dog Friendly Dining (page 51, Supplement 30), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

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Section 2 Commercial Uses

....

C. Definitions and Supplementary Use Standards for Specific Uses

....

33. Restaurant, Type 1

a. Definition

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

....

h. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 1 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Special Permit from the ~~Florida Department of Health in Palm Beach County~~Zoning Division in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233. [Ord. 2021-027]

a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area. [Ord. 2021-027]

b) A participating restaurant shall ensure that the Dog Friendly Dining Special Permit is available for inspection during hours of operation. [Ord. 2021-027]

c) A Dog Friendly Dining Special Permit is not transferable to a subsequent owner upon the sale of a restaurant, and shall expire automatically upon any such sale. [Ord. 2021-027]

34. Restaurant, Type 2

a. Definition

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

....

f. Outdoor Dining

Shall comply with the principal structure setbacks.

1) Dog Friendly Dining

Pursuant to F.S. § 509.233, as amended, a Type 2 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Special Permit from the ~~Florida Department of Health in Palm Beach County~~Zoning Division in accordance with the permit application requirements described in F.S. § 509.233. A restaurant shall be subject to the minimum regulations and limitations described in F.S. § 509.233. [Ord. 2021-027]

a) A participating restaurant shall post all signs required by F.S. § 509.233, in size 12 font or greater, in a location that is legible from the entrance of the designated outdoor Dog Friendly Dining area. [Ord. 2021-027]

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6
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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 7, 2022

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 2022-002, which was filed in this office on February 4, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb