

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 3 – OVERLAYS AND ZONING DISTRICTS:** CHAPTER B, OVERLAYS; 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 Exhibits listed below, attached hereto and made a part hereof, are hereby adopted.

- Exhibit A Art. 3, Airport Zoning Overlay Use Regulations Update
- Exhibit B Art. 3, Planned Unit Development Standards and Measurement
- Exhibit C Art. 4, Generators for Commercial Communication Towers

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All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.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

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 4th day of

29  
30           February, 2022.

EXHIBIT A

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS  
AIRPORT ZONING OVERLAY USE REGULATIONS UPDATE

Part 1. ULDC Art. 3.B.2.B.2.a.4), Overlays and Zoning Districts, Overlays, AZO, Airport Zoning Overlay, Applicability, Uses on Airport Properties, Use Regulations, Specific Use Regulations (pages 18-21, Supplement 30), is hereby amended as follows:

CHAPTER B OVERLAYS

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Section 2 AZO, Airport Zoning Overlay

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....

B. Applicability

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2. Uses on Airport Properties

The provisions of this Section shall apply to airport-related and non-airport related uses within the boundaries of the Airport Master Plans for those parcels with a U/T ~~Land-Use~~ FLU designation and in the PO Zoning d District for the four County-operated airports identified as follows: PBIA, PBC Glades Airport, PBC Park Airport (a.k.a. Lantana Airport), and North ~~Palm Beach County~~ General Aviation Airport. Development of these airports shall be in accordance with the Airport Master Plans as required by Plan Objective TE 1.7, Future Airport Expansion.

[Ord. 2006-036]

a. Use Regulations

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4) Specific Use Regulations

The following uses are permitted in the AZO on airport properties: [Ord. 2006-036]

Table 3.B.2.B – Airport Use Regulations

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Residential Uses					
Caretaker Quarters	D	D	CG or IG		All
Commercial Uses					
....					
Retail Sales, Mobile <del>or Temporary</del>		S	CG or IG	3	All
<del>Retail Sales, Temporary</del>		<del>S</del>	<del>CG or IG</del>	<del>10</del>	<del>All</del>
Self-Service Storage, Limited Access		D	CG or IG	37	All
Self-Service Storage, Multi-Access		D	CG or IG	37	All
Single Room Occupancy (SRO)	P	A	CG	38	All
Vehicle <del>or</del> Equipment Sales and Rental, Heavy		A	CG or IL	40	All
Vehicle Sales and Rental, Light	P	B	CG or IL	41	All
Veterinary Clinic	P	D	CG or IL	42	All
Vocational <u>Institution</u>	P	D	CG or IG	43	All
[Ord. 2006-036] [Ord. 2008-003] [Ord. 2010-009] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2017-007] [Ord. 2018-018] [Ord. 2019-005]					

Table 3.B.2.B – Airport Use Regulations, Cont'd.

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Institutional, Public, and Civic Uses					
....					
<del>Entertainment, Indoor</del> [Relocated to: Recreation Uses]	<del>P</del>	<del>D</del>	<del>CG or IL</del>	<del>3</del>	<del>All</del>
<del>Entertainment, Outdoor</del> [Relocated to: Recreation Uses]	<del>P</del>		<del>PO</del>	<del>4</del>	<del>All</del>
<del>Fitness Center</del> [Relocated to: Recreation Uses]	<del>P</del>	<del>D</del>	<del>CG or IL</del>	<del>5</del>	<del>All</del>
<del>Golf Course</del> [Relocated to: Recreation Uses]		<del>D</del>	<del>CG or IL</del>	<del>6</del>	<del>All</del>
<del>Park Public</del> [Relocated to: Recreation Uses]		<del>P</del>	<del>CG or IG</del>	<del>9</del>	<del>All</del>
<del>Park, Neighborhood</del> [Relocated to: Recreation Uses]		<del>P</del>	<del>CG or IG</del>	<del>7</del>	<del>All</del>
Prison, Jail, or Correctional Facility	P	A	CG or IL	14	All
Recreation Uses					
Arena or Stadium or Amphitheater	P	A	CG	1	<del>PBIA</del> 1
<del>Entertainment, Indoor</del> [Relocated from: Institutional, Public and Civic Uses]	<del>P</del>	<del>D</del>	<del>CG or IL</del>	<del>3</del>	<del>All</del>

Notes:

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EXHIBIT A

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS  
AIRPORT ZONING OVERLAY USE REGULATIONS UPDATE

<del>Entertainment, Outdoor</del> [Relocated from: Institutional, Public and Civic Uses]	<u>P</u>	<u>D</u>	<u>CG or PO</u>	4	All
<del>Fitness Center</del> [Relocated from: Institutional, Public and Civic Uses]	<u>P</u>	<u>D</u>	<u>CG or IL</u>	5	All
<del>Golf Course</del> [Relocated from: Institutional, Public and Civic Uses]		<u>D</u>	<u>CG or IL</u>	6	All
<del>Park, Neighborhood</del> [Relocated from: Institutional, Public and Civic Uses]		<u>P</u>	<u>CG or IG</u>	7	All
Park, Passive	P	P	CG or IL	8	All
<del>Park Public</del> [Relocated from: Institutional, Public and Civic Uses]		<u>P</u>	<u>CG or IG</u>	9	All
Agricultural Uses					
....					
Utilities <del>es</del> Uses/Excavation Uses/Commercial Communication Towers					
....					
<del>Recycling Center</del> [Relocated to: Industrial Uses]	<u>D</u>	<u>D</u>	<u>CG or IG</u>	<u>11</u>	All
Minor Utility	P	D	CG or IG	7	All
Transportation Uses					
Airport	P		PO	1	All
Heliport <u>or Vertiport</u>	P	A	CG or IL	2	All
Transportation Facility	B	B	CG or IG	5	All
[Ord. 2006-036] [Ord. 2008-003] [Ord. 2010-022] [Ord. 2012-007] [Ord. 2013-001] [Ord. 2017-007]					

Table 3.B.2.B – Airport Use Regulations, Cont'd.

Use Type	Airport Related Uses	Non-Airport Related Uses	Corresponding Zoning District PDRs (1)	Note (2)	Use Applicable to Specific Airport
Temporary Uses					
....					
Industrial Uses					
....					
Machine or Welding Shop	P	D	IL	7	All
Multi-Media Production		D	CG or IG	10	All
Gas and Fuel, Wholesale	P	D	IG	5	All
Research and Development		D	IG	13	All
Manufacturing and Processing	P	D	IG	8	All
Medical or Dental Laboratory		D	CG or IL	9	All
Recycling Center [Relocated from: Utilities/Excavation Uses/Commercial Communication Towers]	D	D	CG or IG	11	All
Recycling Plant	P	D	IG	12	All
Warehouse	P	D	IG	17	All
Wholesaling, General	P	D	IG	18	All
....					
[Ord. 2006-036] [Ord. 2010-022] [Ord. 2017-007] [Ord. 2018-002]					
Key:					
P	Permitted by Right				
D	Permitted subject to approval by the DRO				
B	Permitted only if approved by the Zoning Commission (ZC)				
A	Permitted only if approved by the Board of County Commissioners (BCC)				
Use Applicable to Specific Airport:					
1	Palm Beach International Airport (PBI)				
2	PBC Glades Airport				
3	PBC Park Airport (a.k.a. Lantana Airport)				
4	North PBC General Aviation Airport				
All	PBI, PBC Glades Airport, PBC Park Airport (a.k.a. Lantana Airport), and North PBC General Aviation Airport				
Notes:					
1.	For purposes of determining the applicable property development regulations (PDRs) for non-airport related uses, the corresponding zoning district's PDR identified in Table 3.D.1.A, Property Development Regulations shall apply to lot dimension, density, FAR, building coverage, and setbacks. [Ord. 2018-002]				
2.	Reference Art. 4, Use Regulations for additional Supplementary Use Standards which includes exceptions, restrictions, or prohibitions. [Ord. 2017-007] [Ord. 2018-018]				
3.	Temporary Use through the ZAR process. [Ord. 2018-002]				

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EXHIBIT B

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS  
PLANNED UNIT DEVELOPMENT STANDARDS AND MEASUREMENT

Part 1. ULDC Art. 3.E.2.A.4, Overlays and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), (pages 148 and 149, Supplement 30), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

....

Section 2 Planned Unit Development (PUD)

A. General

4. Exemplary

A Rezoning to the PUD Zoning district or a Development Order Amendment (DOA) to a previously approved PUD shall only be granted to a project ~~exceeding~~consistent with the ~~g~~Goals, ~~policies and o~~bjectives, ~~and Policies (GOPs) in~~of the Plan, ~~and exceeds~~ the minimum requirements of this Code, and the design objectives and performance standards in this Article which include, but are not limited to, sustainability, trip reduction, cross access, buffering, aesthetics, creative design, vegetation preservation, recreational opportunities, mix of uses, mix of unit types, safety, and affordable housing. ~~See the PBC Zoning Division Technical Manual for examples.~~ A DOA to a previously approved PUD shall be reviewed pursuant to Art. 1.E.1.B, Prior Approvals. [Ord. 2006-055]

B. Objectives and Standards

2. Required Performance Standards

A PUD shall comply with the following standards: ~~Standards~~; a-d are required and ~~must be met.~~ Aa minimum of two ~~of the four~~ standards listed in e-h ~~i~~ are required: [Ord. 2006-055]

a. Proximity to Other Uses

All Residential Pods with five or more units per acre shall be located within 1,320 feet of a neighborhood park, Recreation Pod, Private Civic Pod, Commercial Pod, or ~~a~~ public recreational facility. [Ord. 2006-055]

1) Measurement of Distance

For the purpose of this Section, distance shall be measured by drawing a straight line between the property lines of a Residential Pod to the property line of the pod where the commercial/personal services are located a neighborhood park, Recreation Pod, Private Civic Pod, Commercial Pod, or public recreational facility. ~~[Ord. 2004-040]~~

b. Focal Points

A focal point shall be provided at the terminus of 15 percent of the streets in the project. The focal point may be in the form of a plaza, fountain, landscaping, or similar amenity deemed acceptable to the DRO. The focal point shall not be located on a private residential lot. [Ord. 2006-055]

c. Neighborhood Park

Neighborhood parks shall have a direct connection to the pedestrian system and include a tot lot, gazebo, fitness station, rest station, or similar recreation amenity. Neighborhood parks shall not be used towards the Parks and Recreation Department's minimum recreation requirements and shall not be located within areas designated for drainage, stormwater management or other utility purposes. [Ord. 2006-055]

d. Decorative Street Lighting

Decorative street lights shall be provided along the development entrances. [Ord. 2008-037]

e. Decorative Paving

Decorative pavers shall be provided at the development entrances and incorporated into recreational areas. [Ord. 2006-055]

f. Fountains

A minimum of one fountain shall be located in the main or largest lake or water body. [Ord. 2006-055]

g. Benches or Play Structures

Benches or play structures shall be provided in usable open space areas and along pedestrian pathways. [Ord. 2006-055]

h. Interspersed Housing

~~W~~FHP units shall be interspersed with market rate units within a pod. [Ord. 2006-055]

i. Pedestrian Circulation System

An interconnected pedestrian sidewalk, path, or trail system shall be provided linking pods to recreation amenities within the development. [Ord. 2008-037]

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EXHIBIT C

ARTICLE 4 – USE REGULATIONS  
GENERATORS FOR COMMERCIAL COMMUNICATION TOWERS

Part 1. ULDC Art. 4.B.9.B.9, Use Regulations, Use Classification, Commercial Communication Towers, General Standards, Generators (page 141, Supplement 30), is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

....

Section 9 Commercial Communication Towers

....

B. General Standards

....

~~9. Generators~~

~~All permanently installed generators used on site shall use propane fuel. However, generators 125 kilowatts or greater may utilize diesel fuel.~~

**409. Lighting**

The least intensive nighttime method of illumination acceptable to the FAA shall be utilized. To the extent possible, strobe lighting or similar types of lighting shall not be utilized. All required lighting shall be maintained on an as-needed basis by the owner of the tower.

**[Renumber accordingly]**

....

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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