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ORDINANCE NO. 2022 - 018

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 THE **WESTGATE COMMUNITY REDEVELOPMENT AREA OVERLAY**, AMENDING ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS: CHAPTER B, OVERLAYS; AND REVISION FOR **DEVELOPER SUBSTITUTION FOR LAND DEVELOPMENT PERMIT EXTENSIONS**, AMENDING; ARTICLE 11 – SUBDIVISION, PLATTING, AND REQUIRED IMPROVEMENTS: CHAPTER B, SUBDIVISION REQUIREMENTS; 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 following Exhibits, attached hereto and made a part hereof, are hereby adopted.

- Exhibit 1 Westgate Community Redevelopment Area Overlay, Art. 3
- Exhibit 2 Developer Substitution for Land Development Permit Extensions, Art. 11

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.

1 **Section 3. Repeal of Laws in Conflict**

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3 hereby repealed to the extent of such conflict.

4 **Section 4. Severability**

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

9 **Section 5. Savings Clause**

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

16 **Section 6. Inclusion in the Unified Land Development Code**

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

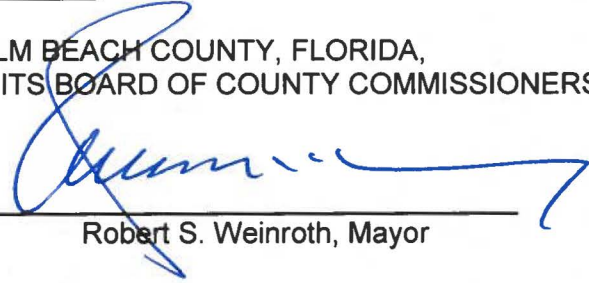
20 **Section 7. Providing for an Effective Date**

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

23 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach
24 County, on the 28th day of July, 2022.

25 ATTEST
26 JOSEPH ABRUZZO, CLERK
27 & COMPTROLLER

28 By 
29 Clerk

 PALM BEACH COUNTY, FLORIDA,
 BY ITS BOARD OF COUNTY COMMISSIONERS
 By 
 Robert S. Weinroth, Mayor

30 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

31 By 
32 Scott A. Stone, County Attorney

33 Filed with the Department of State on the 29th day of July, 2022.

EXHIBIT 1

WESTGATE COMMUNITY REDEVELOPMENT OVERLAY CONFLICTS ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

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. 3.B.14.E.2.a, Overlays and Zoning Districts, Overlays, WCRAO, Westgate Community Redevelopment Area Overlay, Use Regulations, Sub-area Use Regulations, Use Regulations (page 45, Supplement 30), is hereby amended as follows:

- 1 **CHAPTER B OVERLAYS**
- 2
- 3 **Section 14 WCRAO, Westgate Community Redevelopment Area Overlay**
- 4
- 5 **E. Use Regulations**
- 6
- 7 **2. Sub-area Use Regulations**
- 8 **a. Use Regulations**
- 9 In addition to the requirements of Art. 4.B, Use Classification, the following uses shall be
- 10 prohibited or permitted in the WCRAO Sub-areas: The Zoning Director may apply the
- 11 provisions of Art. 4.B, Use Classification for the underlying zoning district, subject to a
- 12 mutual agreement and approval by the WCRA Board. [Ord. 2006-004]
- 13

EXHIBIT 2

DEVELOPER SUBSTITUTION FOR LAND DEVELOPMENT PERMIT
EXTENSIONS
ARTICLE 11, SUBDIVISION, PLATTING, AND REQUIRED
IMPROVEMENTS

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. 11.B.3.B, Subdivision, Platting, and Required Improvements, Subdivision Requirements, Substitution of Developers, Involuntary Substitution of Developers (pages 18, Supplement 28), is hereby amended as follows:

1 CHAPTER B SUBDIVISION REQUIREMENTS

2

3 Section 3 Substitution of Developers

4

5 B. Involuntary Substitution of Developers

6 When a developer becomes the succeeding developer through foreclosure or some similar action
7 and it is not possible to obtain the original developer's signature on a joint application for transfer
8 of the Land Development Permit, the succeeding developer must comply with all provisions of Art.
9 11.B.3.A, Voluntary Substitution of Developers, except that, in lieu of said original developer's
10 signature, the succeeding developer shall submit a current certification of title, foreclosure
11 judgment, or other proof of ownership of the lands encompassed by the plat referred to in the Land
12 Development Permit. Where the Land Development Permit has expired, the County Engineer may
13 approve a Land Development Permit extension pursuant to Art. 11.B.5.B.2, as long as the Land
14 Development Permit is otherwise in compliance with this Article. [Ord. 2014-025]

15

Part 2. ULDC Art. 11.B.5.B.2, Subdivision, Platting, and Required Improvements, Subdivision Requirements, Construction of Required Improvements, Time of Completion of Required Improvements (page 20, Supplement 28), is hereby amended as follows:

16 Section 5 Construction of Required Improvements

17

18 B. Time of Completion of Required Improvements

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20 2. A ~~one-year~~ time extension for up to and including one year may be granted by the County
21 Engineer after review of the written application for extension of the developer. The developer
22 should submit the application for extension, including but not limited to a statement of
23 justification and proof that an acceptable guarantee will remain in place for the duration of the
24 extension. The application shall be submitted, not less than two months prior to expiration of
25 the Land Development Permit, except pursuant to Art. 11.B.3.B, Involuntary Substitution of
26 Developers. The County Engineer shall review and advise the developer in writing of his
27 decision within 30-calendar days of receipt of the application. [Ord. 2014-025]

28

Part 3. ULDC Art. 11.B.5.G.5, Subdivision, Platting, and Required Improvements, Subdivision Requirements, Construction of Required Improvements, Acknowledgment of Completion and Maintenance of Required Improvements, Developer's Failure to Complete Improvements in Unrecorded Subdivisions (page 23, Supplement 28), is hereby amended as follows:

29 G. Acknowledgment of Completion and Maintenance of Required Improvements

30

31 5. Developer's Failure to Complete Improvements in Unrecorded Subdivisions

32 Where a developer has elected to install the required improvements prior to recordation of the
33 plat and fails to complete such improvements within the time limits prescribed in Art. 11.B.5.B,
34 Time of Completion of Required Improvements, except pursuant to Art. 11.B.3.B, Involuntary
35 Substitution of Developers, all previous approvals applicable to the proposed subdivision shall
36 be deemed void. [Ord. 2014-025]

37



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

July 29, 2022

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

Attn: Biaggia Jenkins

Dear Honorable Joseph 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 2022-018, which was filed in this office on July 28, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh