

ORDINANCE NO. 2023 - 009

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 **RESIDENTIAL FUTURE LAND USE DESIGNATIONS**, AMENDING ARTICLE 1 – GENERAL PROVISIONS; ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS; ARTICLE 4 – USE REGULATIONS; ARTICLE 5 – SUPPLEMENTARY STANDARDS; 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-A Residential Future Land Use, Art. 3 and 4

Exhibit 1-B Accessory Uses and Structures, Art. 1 and 5

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.

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All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

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, on the 23rd day of February, 2023.

ATTEST: JOSEPH ABRUZZO, CLERK & COMPTROLLER PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By [Signature] Clerk, By [Signature] Gregg K. Weiss, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By [Signature] Darren Leiser, County Attorney

Filed with the Department of State on the 28th day of February, 2023.

Exhibit 1-A - Residential Future Land Use

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 periods....

Part 1. ULDC Art. 3.A.3.B., Overlays and Zoning Districts, General, Zoning District Consistency with the Future Land Use Atlas (FLUA), Standard Zoning Districts, (page 15-17, Supplement 30), is hereby amended as follows:

1 **ARTICLE 3 OVERLAYS AND ZONING DISTRICTS**

2 **CHAPTER A GENERAL**

3 **Section 3 Zoning District Consistency with the Future Land Use Atlas (FLUA)**

4 **A. Purpose and Intent**

5 Pursuant to Chapter 163.3194, F.S. and Objective 2.2, Future Land Use Provisions – General, of
 6 the PBC Comprehensive Plan’s Future Land Use Element, all zoning actions must be consistent
 7 with the Comprehensive Plan. A parcel’s zoning district must be consistent with the parcel’s future
 8 land use designation. The following tables establish the future land use designation and zoning
 9 consistency in the Comprehensive Plan Future Land Use Element.

- 10 1. Table 1.6-a, Glades Tier Residential Future Land Use/Zoning Consistency, under Policy
 11 1.6-d;
 12 2. Table 2.2-f.1, Non-Residential Future Land Use - Zoning Consistency, under Policy 2.2-f;
 13 and
 14 3. Table 2.2.1-j.1, Residential Future Land Use - Zoning Consistency, under Policy 2.2.1-j.

15 **B. Applicability for Prior Approvals**

16 Any application for a Development Order to any of the prior approvals listed herein shall comply
 17 with the applicable requirements of the corresponding district, except for any information permitted
 18 to be carried forward from a prior approval. Unless otherwise indicated by the Comprehensive Plan
 19 FLU/Zoning Consistency Tables, the following former zoning districts shall correspond to the
 20 current zoning districts as identified in Table 3.A.3.B, Exemptions/Applicability for Prior Approvals
 21 below.

22 **Table 3.A.3.B - Exemptions/Applicability for Prior Approvals**

<u>Former Zoning District</u>	<u>Corresponding Zoning District</u>
<u>Specialized Agriculture (SA)</u>	<u>AP in Glades Tier</u> <u>AGR in AGR Tier</u> <u>AR in Rural Tier</u>
<u>Specialized Commercial High (CSH) and Specialized Commercial (CS) districts</u> <u>Special Exceptions for Large Scale Community or Regional Shopping Centers</u> <u>Planned Commercial Developments (PCDs)</u> <u>Planned Neighborhood Commercial Developments (PNCDs)</u> <u>Planned General Commercial Developments (PGCDs)</u> <u>Mixed Use Planned Developments (MXPDs)</u> <u>Planned Office Business Parks (POBPs)</u>	<u>Commercial High Office (CHO)</u> <u>MUPD</u>
<u>Special Exceptions or CA for Planned Industrial Developments (PIDs)</u>	<u>IL, IG, or MUPD</u>
<u>Special Exceptions or CA for PIPDs</u>	<u>PIPD</u>
<u>Special Exceptions or CA for MHPDs</u>	<u>MHPD</u>
<u>Special Exceptions or CA for RVPDs</u>	<u>RVPD</u>

23 **C. Applicability of Specific Zoning Districts**

24 In addition to the provisions set forth above, the following applies to specific zoning districts and
 25 circumstances.

- 26 1. An existing Legal Lot of Record may be developed with a SFD with accessory uses, provided
 27 the existing zoning is identified in Table 2.2-f.1, Non-Residential Future Land Use - Zoning
 28 Consistency, under Policy 2.2-f; and Table 2.2.1-j.1, Residential Future Land Use - Zoning
 29 Consistency, under Policy 2.2.1-j. [Partially Relocated from Table 3.A.3.B]
 30 2. Existing institutional or civic uses in the RE, RT, RS, or RM Zoning Districts with an INST FLU
 31 designation shall not be considered non-conforming. [Relocated from Table 3.A.3.B]
 32 3. The CG Zoning District is consistent with the CL FLU designation on sites located within the
 33 U/S Tier which have existing CG zoning with a CL FLU designation prior to the adoption of
 34 Ordinance No. 2020-011 on July 6, 2020. Any lot greater than one acre in size shall utilize the
 35 CC Zoning District approval process; any lot one acre or less shall utilize the CN Zoning District
 36 approval process. [Relocated from Table 3.A.3.B]
 37 4. A rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU
 38 designation provided that any subdivision or development is consistent with all development
 39 standards and use regulations for the PC Zoning District. [Relocated from Table 3.A.3.B]
 40 5. A rezoning shall not be required for the installation or replacement of a SFWMD telemetry tower
 41 in accordance with Art. 5.B.1.A.13.c, Exceptions for SFWMD Telemetry Towers in the Glades
 42 Tier. [Relocated from Table 3.A.3.B]
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~~A parcel's zoning district shall be consistent with its Future Land Use (FLU) designation. Any request for a Development Order shall be reviewed to determine consistency with the requirements of this Section. Unless exempted otherwise, all applications for a Development Order shall be in a zoning district corresponding to the FLU designations indicated in the following Tables: [Ord. 2011-016]~~

~~1. Standard Districts: Table 3.A.3.B, Future Land Use (FLU) Designations and Corresponding Standard Zoning Districts; or~~

~~2. Planned Development Districts: Table 3.A.3.C, FLU Designation and Corresponding Planned Development Districts; or~~

~~3. Traditional Development Districts: Table 3.A.3.D, TDD Corresponding Land Use.~~

~~B. Standard Zoning Districts~~

~~Any application for a Rezoning to a Standard Zoning District shall correspond to a FLU designation indicated in the Table below. [Ord. 2021-023]~~

Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1)(2)(3)(4)(6)

FLU Designation	Zoning District								
Agriculture/Conservation									
AP	AP	AR	PO						
AGR	AGR	AR	PO	AP					
CON	PC (12)	PO							
SA	AR	AGR (7)	PO	AP					
Residential									
RR-20	AR	PO	AP						
RR-10	AR	PO	AP						
RR-5	AR	PO	AP						
RR-2.5	AR	RE	PO	AP					
LR-1	AR	RE	RT	RS	PO	AP			
LR-2	AR	RE	RT	RS	PO	AP			
LR-3	AR	RE	RT	RS	PO	AP			
MR-5	AR	RE	RT	RS	RM (5)	PO	AP		
HR-8	AR	RE	RT	RS	RM	PO	AP		
HR-12	AR	RE	RT	RS	RM	PO	AP		
HR-18	AR	RE	RT	RS	RM	PO	AP		
CLR					RM	PO	AP		
WCR	AR (14)	PO	AP						
Commercial									
CL-O	CLO	IR	AR	PO	AP				
CL	CN	CC	CLO	CG (9)	IR	AR	PO	AP	
CH-O	CLO	CHO	IR	AR	AP				
CH	CN	CC	CLO	CHO	GG	IR	AR	PO	AP
CR	CRE	AR	PO	AP					
UI	UI (11)								
UC	UC (11)								
Industrial									
IND	IL	IG	CRE	AR	PO	AP			
Institutional/Public and Civic									
INST (8)	IPF	AR	RE	RT	RS	RM	PO	AP	
PARK	IPF	AR	PO	AP					
U/T	PO	IPF (10)	AR	PO	AP				
[Ord. 2006-004] [Ord. 2008-003] [Ord. 2008-037] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2014-025] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001] [Ord. 2021-023]									
Key:									
Typical example of a "shaded district."									
Notes:									
1.	Unless exempted otherwise all applications for a DO shall require the subject site be rezoned to a shaded district. A district that is not shaded is consistent with the FLU designation pursuant to the limitations as listed in the Notes below. [Ord. 2021-023]								
2.	A Rezoning shall not be required for an existing Legal Lot of Record for the development of a SFD with accessory uses, provided the existing zoning is identified in this Table. [Ord. 2011-016] [Ord. 2021-023] [Partially Relocated to Art. 3.A.3.C.1]								
3.	The AP and AR Zoning Districts are consistent with all FLU designations within the Glades Tier, excluding CON. [Ord. 2011-016] [Ord. 2016-042] [Ord. 2021-023]								
4.	The AR Zoning District is consistent with all non-residential FLU designations, excluding CON. [Ord. 2011-016] [Ord. 2021-023]								
5.	The RM Zoning District is consistent with the MR-5 FLU designation only for those properties that were zoned RM prior to the Plan's August 31, 1989 adoption. [Ord. 2011-016] [Ord. 2017-025] [Ord. 2021-023]								
6.	The PO Zoning District is consistent with all FLU designations. [Ord. 2021-023]								
7.	The AGR Zoning District is consistent with the SA FLU designation in the AGR Tier only. [Ord. 2011-016] [Ord. 2021-023]								
8.	Existing institutional or civic uses in the RE, RT, RS, or RM Zoning Districts with an INST FLU designation shall not be considered non-conforming. However, a Rezoning shall be required for any action exceeding DRO Authority. [Ord. 2011-016] [Ord. 2021-023] [Relocated to Art. 3.A.3.C.3]								
9.	The CG Zoning District is consistent with the CL FLU designation on sites located within the U/S Tier which have existing CG zoning with a CL FLU designation prior to the adoption of Ordinance No. 2020-011 on July 6, 2020. Any lot greater than one acre in size shall utilize the CC Zoning District approval process; any lot one acre or less shall utilize the CN Zoning District approval process. [Ord. 2021-023] [Relocated to Art. 3.A.3.C.4]								
10.	The IPF Zoning District shall only be consistent with the U/T FLU designation for the purposes of accommodating privately-owned or operated utility uses, including those considered publicly-held utilities that are not owned or operated by the State of Florida or local PBC governmental entity. [Ord. 2017-007] [Ord. 2021-023]								
11.	The UC or UI Zoning Districts may be permitted to utilize the FLU designation and zoning district in place prior to the adoption of the Urban Redevelopment Area Overlay (URAO), in accordance with Art. 3.B.16.B.5.b, Alternative Future Land Use and Zoning. [Ord. 2017-002]								
12.	A Rezoning shall not be required for any Palm Beach County Natural Area with a CON FLU designation provided that any subdivision or development is consistent with all development standards and use regulations for the PC Zoning District. [Ord. 2011-016] [Ord. 2021-023] [Relocated to Art. 3.A.3.C.6]								
13.	A Rezoning shall not be required for the installation or replacement of a SFWMD telemetry tower in accordance with Art. 5.B.1.A.13.c, Exceptions for SFWMD Telemetry Towers in the Glades Tier. [Ord. 2014-025] [Relocated to Art. 3.A.3.C.7]								
14.	The zoning district is consistent as described in the Plan. [Ord. 2019-005]								

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C. Planned Development Districts (PDDs)

Any application for a Rezoning to a PDD shall correspond to a FLU designation indicated in the Table below. [Ord. 2011-016]

Table 3.A.3.C – FLU Designation and Corresponding Planned Development Districts (5)

	AGR (1)	RR	WCR	AGE	LR-1	LR-2	LR-3	MR-5	HR-8	HR-12	HR-18	CLR
PUD	✓	✓	✓	(2)	✓	✓	✓	✓	✓	✓	✓	✓
MHPD		✓			✓	✓	✓	✓	✓	✓	✓	
	AGR (1)	RR	AGE	CL	CH	CL-O	CH-O	IND	INST	CRE	EDC	CLR
MUPD (5)			(2)	✓	✓	✓	✓	✓	✓	✓	✓(6)	✓(3)
PIPD								✓			✓	
RVPD		✓								✓		

[Ord. 2008-037] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2014-025] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2021-023]

Key:

✓ Indicates the PDD corresponds to the FLU designations. Any application for a Rezoning to a PDD shall be to a PDD that corresponds to a FLU designation. [Ord. 2008-037] [Ord. 2021-023]

Notes:

1. PDDs in the AGR Tier are limited to the 80/20 PUD OR 60/40 PUD. [Ord. 2006-004]
2. A PUD or MUPD Pod may be permitted within a TTD with an AGE FLU designation in accordance with Table 3.F.5.C, Traditional Town Development Land Use Allocations. [Ord. 2014-031]
3. The MUPD Zoning District is consistent with the CLR FLU designation when applied as an underlying designation for a mixed or multiple use project. The uses allowed in the CLR FLU designation, as associated approval processes, are the same as the uses allowed in RM or PUD Zoning Districts with the limitation that any residential uses are limited to CLFs. [Ord. 2019-005] [Ord. 2021-023]
4. An MUPD Zoning District is only consistent with residential FLU designations within the U/S Tier for sites that have a non-residential FLU designation on at least a portion of the MUPD. [Ord. 2021-023]
5. For Multiple Land Use (MLU), the consistent zoning districts are those that are consistent with the FLU designations affixed in the MLU's adopting Ordinance. [Ord. 2021-023]
6. See Art. 3.E.3.B.4, EDC FLU – Use Limitations. [Ord. 2021-023]

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D. Traditional Development Districts (TDDs)

Any application for a Rezoning to a TDD shall correspond to a FLU designation indicated in the Table below. [Ord. 2011-016]

Table 3.A.3.D – TDD Corresponding Land Use

	AGE	AGR	RR	LR-1	LR-2	LR-3	MR-5	HR-8	HR-12	HR-18	EDC
TND	(1)			✓	✓	✓	✓	✓	✓	✓	---
TTD	✓			✓	✓	✓	✓	✓	✓	✓	
	AGE	AGR	RR	CL	CH	CL-O	CH-O	IND	INST	CRE	EDC
TMD	(1)			✓	✓					✓	---

[Ord. 2010-022] [Ord. 2014-025] [Ord. 2014-031] [Ord. 2017-025] [Ord. 2021-023]

Key:

✓ Indicates the TDD corresponds to the FLU category. Any application for a Rezoning to a TDD shall be to a TDD that corresponds to a FLU designation. [Ord. 2008-037] [Ord. 2021-023]

Notes:

1. A TND or TMD Pod may be permitted within a TTD with an AGE FLU designation in accordance with Table 3.F.5.C, Traditional Town Development Land Use Allocations.

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E. Exemptions/Applicability for Prior Approvals

Any application for a Development Order that requires Public Hearing approval, excluding Status Reports, EAC, Class B Conditional Uses, Type 2 Variances, and prior Special Exception or Conditional Use for a Planned Unit Development (PUD), are required to rezone. Other prior Special Exceptions for Planned Developments such as PCD, PCND, PGCD, POBP, or PID, are encouraged but not required to rezone when submitting an application for amendment to the prior approval. Any application for a Development Order to any of the prior approvals listed herein shall comply with the applicable requirements of the corresponding district, except for any information permitted to be carried forward from a prior approval. [Ord. 2011-016] [Ord. 2012-003] [Ord. 2013-024]

1. Standard Districts

The following previously established zoning districts shall correspond to the current districts indicated: [Ord. 2011-016]

- a. The Specialized Agriculture (SA) district shall correspond to the AP district in the Glades Tier, the AGR district in the AGR Tier, and the AR district in the Rural Tier. Property with an SA district located in the Glades Area Protection Overlay (GAPO) shall be exempt from the Rezoning requirement. [Ord. 2011-016] [Ord. 2012-003]
- b. Rural Services (RSER) district shall correspond to the AR district. [Ord. 2011-016]
- c. Residential Transitional Suburban (RTS) district shall correspond to the RT district. [Ord. 2011-016]
- d. Residential Transitional Urban (RTU) district shall correspond to the RS district. [Ord. 2011-016]
- e. Multifamily Residential High Density (RH) district shall correspond to the RM district. [Ord. 2011-016]
- f. Specialized Commercial High (CSH) and Specialized Commercial (CS) districts shall correspond to the Commercial High Office (CHO) district. [Ord. 2011-016]

2. Planned Development Districts

The following previous approvals shall correspond to the current districts indicated: [Ord. 2011-016]

- a. Special Exceptions for PUDs shall correspond to a PUD. [Ord. 2011-016]
- b. Special Exceptions for Large Scale Community or Regional Shopping Centers (30,000 square feet or 50,000 square feet of total floor area or more), Planned Commercial

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1 ~~Developments (PCDs), Planned Neighborhood Commercial Developments (PNCs),~~
2 ~~Planned General Commercial Developments (PGCDs), Mixed Use Planned Developments~~
3 ~~(MXPDs), and Planned Office Business Parks (POBPs) shall correspond to an MUPD.~~
4 ~~[Ord. 2011-016] [Ord. 2018-018] [Ord. 2021-023]~~

5 ~~e. Special Exceptions for Planned Industrial Developments (PIDs) shall correspond to IL or~~
6 ~~IG Zoning District of the subdivision. [Ord. 2018-018]~~

7 ~~d. Special Exceptions for PIPDs shall correspond to a PIPD. [Ord. 2011-016]~~

8 ~~e. Special Exceptions for MHPDs shall correspond to an MHPD. [Ord. 2011-016]~~

9 ~~f. Special Exceptions for RVPDs shall correspond to an RVPD. [Ord. 2011-016]~~

10 ~~g. Any of the above where approved as a Conditional Use approval as opposed to a Special~~
11 ~~Exception. [Ord. 2011-016]~~

12 **Part 2. ULDC Art. 3.C.1.C.1.c., Overlays and Zoning Districts, Standard Districts, General, Residential Districts, AR, Agricultural Residential District (page 115, Supplement 30), is hereby amended as follows:**

13 **CHAPTER C STANDARD DISTRICTS**

14 **Section 1 General**

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16 **C. Residential Districts**

17 **1. AR, Agricultural Residential District**

18 The AR district is to protect and enhance the rural lifestyle and quality of life of residents in
19 areas designated rural residential, to protect watersheds and water supplies, wilderness and
20 scenic areas, conservation and wildlife areas, and to permit a variety of uses that require non-
21 urban locations but do not operate to the detriment of adjoining lands devoted to rural and
22 residential purposes.

23 **a. Previously Approved RSER and Non-Residential Uses**

24 The previously approved site in the RSER Zoning District (Petition 1999-011 Everglades
25 Farm Equipment Co.) requested before the effective date of this Ordinance, may be
26 developed as a conforming use. [Ord. 2005-002] [Ord. 2011-016]

27 **b. Special Agriculture Uses**

28 Additional non-residential uses may be allowed in the AR/~~Rural/Exurban~~ Zoning dDistrict
29 with an SA FLU designation.

30 ~~c. Agricultural Uses in the U/S Tier~~

31 ~~1) Existing Agricultural Uses in the U/S Tier~~

32 ~~Agricultural uses in the U/S Tier existing prior to or in accordance with any previously~~
33 ~~adopted Code permitting agricultural uses, shall be considered conforming. Any~~
34 ~~expansion of existing agricultural uses shall be subject to all applicable requirements,~~
35 ~~unless pre-empted by State law. [Ord. 2011-016] [Ord. 2016-016]~~

36 ~~2) New Agricultural Uses~~

37 ~~Agricultural uses not listed as permitted in the U/S Tier may only be permitted subject~~
38 ~~to Class A Conditional Use approval, unless pre-empted by State law. [Ord. 2011-016]~~

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Part 3. ULDC Art. 3.D.1.A, Overlays and Zoning Districts, Property Development Regulations (PDRs), PDRs for Standard Zoning Districts, PDRs (page 117-118, Supplement 30), is hereby amended as follows:

40 **CHAPTER D PROPERTY DEVELOPMENT REGULATIONS (PDRs)**

41 **Section 1 PDRs for Standard Zoning Districts**

42 **A. PDRs**

43 The minimum lot dimensions, density, maximum FAR, maximum building coverage, and minimum
44 setbacks in each Standard Zoning District are indicated in Table 3.D.1.A, Property Development
45 Regulations unless otherwise stated. Front, side, side street, and rear setbacks shall be applied in
46 accordance with the lot orientation as defined by lot frontage. [Ord. 2005-041] [Ord. 2019-005]

Table 3.D.1.A – Property Development Regulations (2)										
Zoning District (3)	Min. Lot Dimensions			Density (5)	Max. FAR (6)	Max. Building Coverage	Min. Setbacks (2, 11)			
	Size	Width and Frontage	Depth				Front	Side	Side Street	Rear
Unaltered text omitted for brevity										
Residential										
AR (RR-20)	20 ac.	300'	300'	-	0.15	15%	100'	50'	80'	100'
AR (RR-10)	10 ac.									
AR (RR-5)	5 ac.									
AR (RR-2.5)	2.5 ac.-(3)	200'	200'	-	-	20%	50'	25'	25'	40'
AR & RE (U/S Tier) (4, 15)	1 ac.-(3,4)	125'	200'	-	-	30%	50'25'	15'	25'	25'
RE (RSA)	2.5 ac.	200'	200'	-	-	20%	50'	40-25'	50-25'	50-40'
RT (LR-1)	20,000 sq. ft.	100'	125'	-	-	30%	25'	15'	25'	25'
RT (LR-2)	14,000 sq. ft.									
HR-18	6,000 sq. ft.	65'	75'	-	-	40%	25'	7.5' (14)	15'	15'
RM	(5)	65'	75'	-	-	40%	25'	15'	25'	15' (12)
Unaltered text omitted for brevity										
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2012-027] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2019-005] [Ord. 2020-020]										
Notes:										
1.	The only density allowed in the AP Zoning District is for properties in the LR-1 FLU category located north of Pahokee, on the east side of U.S. 441, for the unincorporated community of Canal Point, in the Glades Tier only. [Ord. 2005-002]									
2.	Existing residentially zoned lots that do not meet the minimum width and depth may utilize the following PDRs for a Single Family dwelling unit only. For non-conforming depth: Front setback is 30 percent of lot depth and Rear setback is 20 percent of lot depth. For non-conforming width: Side setback is 15 percent of lot width, and Side Street is 20 percent of lot width. [Ord. 2010-005] The minimum lot size in the AR district corresponds to the FLU category as follows: RR-20 – 20 acres; RR-10 – 10 acres; RR-5 – 5 acres; RR-2.5 – 2.5 acres; and, U/S Tier – 5 acres. [Partially Relocated from Art. 1.F.2.C.1]									
3.	Non-conforming lots in the AR district A lot in the AR Zoning District that is a Legal Lot of Record prior to the Plan's August 31, 1989 adoption, and is one acre or greater in any residential future land use designation, shall be considered a conforming lot; however, if the lot does not have the minimum lot width or depth it may use the setback provisions in Note 2 in Art. 1.F.2, Non-Conforming Lot.									
4.	A lot in the AR Zoning District that is a Legal Lot of Record prior to the Plan's August 31, 1989 adoption, and is less than one acre in the U/S Tier shall be considered conforming and may use the RT PDRs, and if less than one half acre may use the RS PDRs. AR lots with an RR-2.5 FLU designation may use the RE PDRs. [Ord. 2005-002] [Ord. 2016-042]									
5.	Density is determined by the FLU designation on each parcel of land, pursuant to FLUE Table 2.2.1-g.1, and other related Policies of the Plan. The number of units permitted on a parcel of land which complies with the applicable property development regulations and design standards, therefore, is an acceptable minimum lot size. [Ord. 2005-002] [Ord. 2005-041] [Ord. 2019-005]									
6.	The maximum FAR shall be in accordance with FLUE Table III.C.2 of the Plan, and other related provisions, unless otherwise noted. The 0.15 FAR for the AR district is applicable where the primary use of a lot is residential. [Ord. 2005-041]									
7.	Maximum FAR shall be in accordance with Table 3.B.15.C, IRO FAR Increase. [Ord. 2010-005]									
8.	Building setbacks shall be in accordance with Art. 3.B.15, Infill Redevelopment Overlay (IRO). [Ord. 2010-005]									
9.	Building setbacks shall be in accordance with Art. 3.B.16, Urban Redevelopment Area Overlay (URAO). [Ord. 2010-022]									
10.	Setback equal to width of R-O-W Buffer pursuant to Art. 7, Landscaping. [Ord. 2005-002] [Ord. 2005-041]									
11.	Buildings over 35 feet in height may be permitted in accordance with Art. 3.D.1.E.2, Multifamily, Non-Residential Districts, and PDDs. [Ord. 2005-002] [Ord. 2005-041]									
12.	Property previously developed with a RM or RH rear setback of 12 feet shall be considered conforming and subject to Art. 1.E, Prior Approvals. [Ord. 2005-002] [Ord. 2005-041]									
13.	Maximum Building Coverage in the AP district with an SA FLU designation may be increased to 15 percent. [Ord. 2017-007]									
14.	Side setback for a SFD shall be increased to ten feet when adjacent to the ZLL side property line of a ZLL home, pursuant to Art. 3.D.2.B.1.d, ZLL Adjacent to Other Housing Types. The SF lot shall have an easement recorded pursuant to Art. 3.D.2.B.3.e, Access, Maintenance, and Roof Overhang Easement. [Ord. 2020-020]									
15.	Properties with AR zoning with a residential future land use designation in the Urban Suburban Tier are not required to rezone when subdividing for a residential use provided that the newly subdivided density is a maximum of 1 unit per acre, or when developing a non-residential use that is allowed in AR.									

1

Part 4. ULDC Art. 4.B.1.C, Use Regulations, Use Classification, Residential Uses, Definitions and Supplementary Use Standards for Specific Uses (page 19-20, Supplement 30), is hereby amended as follows:

2 CHAPTER B – USE CLASSIFICATION

3

4 Section 1 Residential Uses

5 C. Definitions and Supplementary Use Standards for Specific Uses

6 5. Multifamily

7

8 d. Zoning District

9 1) TMD District

10 AGR-TMDs shall be exempt from the integration requirement and shall comply with the Development Order approved by the BCC.

11 2) RM District

12 Multifamily units may be allowed in the RM Zoning District as follows: [Ord. 2017-025]

13 a) MR-5 FLU Designation

14 (1) Existing RM Zoning

15 The property was zoned RM prior to the 1989 adoption of the Plan, and for lots less than three acres, provided that the proposed multi-family development does not introduce multi-family housing into a subdivision that is exclusively single family. [Ord. 2021-006]

1 **(2) Density Bonus**

2 The property is three acres or greater, utilizes the Transfer of Development
3 Rights and/or Workforce Housing Program to increase density, and provided
4 that the proposed multi-family development does not introduce multi-family
5 housing into a subdivision that is exclusively single family.

6 **(3) Approval Process**

7 The approval process shall be as follows:

- 8 1) Permitted by Right for projects with 1-4 dwelling units;
- 9 2) DRO for projects 5-8 dwelling units;
- 10 3) Class B Conditional Use for projects with 9-24 dwelling units;
- 11 4) Class A Conditional Use for projects with 25 or greater dwelling units.

12 **Table 4.B.1.C – Approval Process,
RM District with MR-5 FLU Designation**

Process	Units
Class A Conditional Use	> 24
Class B Conditional Use	9-24
DRO	5-8
Permitted by Right	1-4

13 **(4) Development Order**

14 Prior approvals for Multifamily units in the RM Zoning District with an MR-5
15 FLU designation shall be considered legal conforming uses.

16 **b) HR-8, HR-12, or HR-18 FLU Designation**

17 Multifamily units on parcels with an HR-8, HR-12, or HR-18 FLU designation, may
18 be Permitted by Right unless Development Thresholds in Art. 4.A.9, Development
19 Thresholds are triggered. [Ord. 2017-025]

20 **c) Limestone Creek**

21 Multifamily units in the RM Zoning District shall be prohibited in the area bounded
22 on the north by 184th Place North, on the south by the C-18 Canal, on the east by
23 Central Boulevard and the municipal limits of the Town of Jupiter, and on the west
24 by Narcissus Avenue (north of Church Street) and Limestone Creek Road (south
25 of Church Street).

26 **d) Multifamily Units in Single Family Subdivisions**

27 Multifamily units in the RM Zoning District shall not be approved on lots less than
28 three acres within an existing exclusively single family subdivision.
29

Part 5. ULDC Art. 4.B.6.C, Use Regulations, Use Classification, Agricultural Uses, Definitions and Supplementary Use Standards for Specific Uses (page 93, 94, and 98-103, Supplement 30), is hereby amended as follows:

30 **CHAPTER B – USE CLASSIFICATION**

31 **Section 6 Agricultural Uses**

32
33 **C. Definitions and Supplementary Use Standards for Specific Uses**

34 **1. Agriculture, Bona Fide**

35 **a. Definition**

36 Any plot of land where the principal use consists of the growing, cultivating, and harvesting
37 of crops; the raising of animals, inclusive of aviculture, aquaculture, horses, and livestock;
38 the production of animal products such as eggs, honey, or dairy products; or, the raising of
39 plant material. The following standards shall apply to a Bona Fide Agriculture use, except
40 where pre-empted by State law.

41 **~~b. Agricultural Uses in the U/S Tier~~**

42 **~~1) Applicability~~**

43 ~~Uses legally established prior to the effective date of this Code in the U/S Tier shall be~~
44 ~~considered conforming. Any expansion of existing agricultural uses shall be consistent~~
45 ~~with all applicable requirements and subject to the review procedure identified in this~~
46 ~~Code.~~

47 **~~2) Uses Not Listed~~**

48 ~~Agricultural uses not listed in Table 4.B.6.A, Agricultural Use Matrix, as permitted in~~
49 ~~the U/S Tier shall only be permitted as an interim use, subject to Class A Conditional~~
50 ~~Use approval.~~

51 **~~3) AR Zoning District~~**

52 ~~The AR Zoning District shall be considered consistent with all FLU designations in the~~
53 ~~U/S Tier for the purposes of permitting interim agricultural uses only.~~

54 **~~4) Temporary Agricultural Uses~~**

55 ~~Property which has an existing Development Order may also receive an additional~~
56 ~~Development Order for a temporary agricultural use in the U/S Tier in accordance with~~
57 ~~the standards for the specific agricultural use, however, the agricultural use shall not~~
58 ~~be eligible for an agricultural tax exemption.~~

59 **eb. Groves and Row Crops**

60 The cultivation of fruits and vegetables as groves and row crops shall be subject to the
61 following additional standards in all zoning districts:

- 1) **Lot Size**
A minimum of five acres.
- 2) **Setback**
Structures and accessory activities shall be set back a minimum of 50 feet.
- 3) **Hours of Operation**
Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.
- 4) **Loading**
All loading and unloading of trucks shall be restricted to the site and shall not be permitted in any setbacks.
- 5) **Spraying**
No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.

dc. Dipping Vats
Dipping vats shall not be allowed in the AR Zoning District, unless approved as a Class B Conditional Use.

ed. Pens and Cages
In the AR and AGR Zoning Districts, pens, cages, or structures shall meet the district setbacks for a principal use, or be set back a minimum of 50 feet from any property line, whichever is greater.

fe. Game and Exotic Animals
The Florida Fish and Wildlife Conservation Commission (FWC) regulates game farms or game animal care for private or commercial purposes.

- 1) **Exotic Animals**
Care for exotic animals (imported or non-native animal species) for private or commercial breeding purposes shall have a minimum lot size of five acres.
- 2) **Dangerous or Class 1 and 2 Animals**
Ownership, care, or keeping of dangerous or Class 1 and 2 animals, as defined by the F&FWC, shall require Class A Conditional Use approval and shall have a minimum lot size of five acres.

gf. Livestock Raising
The breeding, raising, and caring for ~~domestic animals including~~ horses, poultry, and livestock.

- 1) ~~Urban Service Area (USA) Residential Zoning Districts~~
~~In the Urban Service Area, livestock raising shall comply with the following standards:~~
 - a) **Lot Size**
A minimum of ~~five~~ one acres.
 - ~~b) **Setback**
All accessory uses and structure, such as troughs, feed mechanisms and storage, shall be set back a minimum of 100 feet.~~
 - ~~c) **Large Animals**
The maximum number of large animals permitted for each acre shall not exceed five. Large animals shall include horses, swine, cattle, goats, and sheep. An enclosed structure with one stall for each large animal is required when the total number of large animals exceeds three per acre. In addition, the following limitation on the number of specific large animals per acre shall apply: horses: five; swine: one; cattle: two; goats: two; sheep: two.~~
 - ~~d) **Small Animals**
The maximum number of small animals permitted for each acre shall not exceed 100. Small animals shall include rabbits and fowl, excluding peafowl. Small animals shall be permitted in addition to large animals.~~
 - ~~e) **Palm Beach County Animal Control Department (PBCACD)**
The Property Owner shall notify PBCACD as to the type of livestock and details of animal care to be provided.~~
 - ~~f) **Processing and Slaughtering**
Processing and slaughtering shall be prohibited.~~
 - ~~g) **Loading**
All loading and unloading of trucks shall be restricted to the site and shall not encroach any setback.~~
 - ~~h) **Waste**
A plan outlining a method of waste removal shall be submitted to and approved by the PBC Health Department.~~
 - ~~i) **Compatibility**
The use shall assure that there is no incompatibility with surrounding land uses. In the event that an incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to receiving Conditional Use or DRO approval.~~

....[Re-letter accordingly]

- 7. **Agriculture, Storage**
 - a. **Definition**
The storage of equipment or products accessory or incidental to a principal agricultural use.
 - b. **Storage**
 - 1) Storage of hazardous waste or regulated substances shall comply with Local, State, and Federal regulations.

1 ~~2) Outdoor Agriculture Storage shall comply with the following standards:~~

2 ~~a) Urban Service Area~~

3 ~~(1) Setbacks~~

4 ~~Outdoor Agriculture Storage shall meet the principal use setbacks of the~~
5 ~~zoning district in which it is located.~~

6 ~~(2) Screening~~

7 ~~Outdoor Agriculture Storage shall be screened from view by a solid fence, wall~~
8 ~~or building.~~

9 ~~(b2) Outdoor Agriculture Storage~~

10 Outdoor Agriculture Storage is only permitted in the RE, RT, RS, RM, CN, CC₁ and CG
11 Zoning Districts as a Class B Conditional Use.

12 ~~(1a) Exception~~

13 Outdoor Agriculture Storage is not permitted in a PDD with a commercial FLU
14 designation.

15 3) Indoor Agricultural Storage shall be permitted in conjunction with a Bona Fide
16 Agriculture use with or without a principal structure. Indoor storage shall be contained
17 within a permanent structure. Agricultural Storage in a mobile home shall not be
18 permitted. Agricultural Storage in a shipping container shall only be permitted in
19 conjunction with a Bona Fide Agriculture use.

20 ~~a) AR Zoning District in Urban Service Area (USA)~~

21 ~~An enclosed structure shall be set back 100 feet from the front and side street and~~
22 ~~50 feet from the side and rear property lines.~~

23 ~~b) All Other Zoning Districts in Urban Service Area (USA)~~

24 ~~An enclosed structure shall meet the principal use setbacks of the zoning district~~
25 ~~in which it is located.~~

26
27 ~~....~~
28 **11. Equestrian Arena, Commercial**

29 **a. Definition**

30 An establishment engaged in commercial spectator activities involving equestrian events,
31 but excluding any establishment engaged in gaming, pari-mutual wagering, off-track
32 betting, events₁ or activities held or broadcast for similar purposes.

33 ~~b. Tier~~

34 ~~1) Urban/Suburban (U/S)~~

35 ~~a) Lot Size~~

36 ~~The minimum lot size shall be five acres.~~

37 ~~b) Frontage~~

38 ~~The project in which an equestrian arena is located shall front on and access from~~
39 ~~Collector or Arterial Street.~~

40 ~~c) Hours of Operation~~

41 ~~Outdoor activity shall be limited from hours of 6:00 a.m. to 10:00 p.m. daily.~~

42 ~~d) Loudspeakers~~

43 ~~Loudspeakers and public address systems shall not be used before 8:00 a.m. or~~
44 ~~after 8:00 p.m.~~

45 ~~2) Rural, Exurban, Agricultural Reserve (AGR) and Glades~~

46 ~~a)b. Location Frontage~~

47 The project in which an ~~e~~Equestrian ~~a~~Arena is located shall have frontage on a paved
48 street.

49 ~~b)c. Operating Hours Hours of Operation~~

50 Outdoor activity shall be limited to the hours of 5:00 a.m. and 10:00 p.m. daily.

51 ~~c)d. Loudspeakers~~

52 Loudspeakers and public address systems shall not be used before 8:00 a.m. or after 8:00
53 p.m.

54 ~~ce. Setbacks~~

55 Riding, spectator viewing areas, and show rings shall not be located within 100 feet of any
56 property line.

57 ~~df. Compatibility~~

58 Design of the site shall assure no incompatibility with surrounding land uses. When an
59 incompatibility exists, the petitioner shall satisfactorily mitigate the incompatibility prior to
60 receiving Conditional Use or DRO approval.

61 ~~....~~
62 **14. Nursery, Wholesale**

63 **a. Definition**

64 The wholesale of horticultural specialties such as flowers, shrubs, sod, and trees, mulch
65 and accessory hardscape materials such as decorative stones intended for ornamental or
landscaping purposes.

1
2

b. Approval Process

Table 4.B.6.C – Residential Zoning Districts in the USA(Except AR)

ZAR (1)	≤ 5 ac.
DRO	> 5 ac. < 20 ac.
Class B Conditional Use	≥ 20 ac.
[Ord. 2018-002]	
Notes:	
1.	If no approved Final Site or Subdivision Plan <u>on record</u> , the application shall be subject to the Full DRO process.

3

Table 4.B.6.C – AR Zoning District in RSA

Permitted	≤ 10 ac.
ZAR (1)	> 10 ac. < 40 ac.
DRO	≥ 40 ac.
[Ord. 2018-002]	
Notes:	
1.	If no approved Final Site or Subdivision Plan <u>on record</u> , the application shall be subject to the Full DRO process.

4

~~1) All Other Districts Permitted.~~

5

6

7

~~c. Tier~~

8

~~In addition to the above standards, a Wholesale Nursery in the U/S Tier shall comply with the following standards:~~

9

~~1) Lot Size~~

10

~~A minimum of one acre.~~

11

~~2) Setbacks~~

12

~~All structures and outdoor storage areas shall be set back a minimum of 50 feet from the property line. Shade Houses shall be subject to the requirements pursuant to Art. 4.B.6.C.17, Shade House.~~

13

~~3) Compatibility~~

14

~~The use shall assure that there is no incompatibility with surrounding land uses. When an incompatibility exists, the Property Owner shall satisfactorily mitigate the incompatibility prior to receiving a DO. [Ord. 2018-002]~~

15

~~4) Spraying~~

16

~~No aerial application of any pesticides, fungicides, fertilizers, or any other chemical shall be allowed.~~

17

~~dc. AR Zoning District—AR~~

18

~~May be operated in conjunction with a residence.~~

19

~~ed. Accessory Use~~

20

~~1) A Retail Nursery may be permitted as an accessory use to a Wholesale Nursery in the AGR Tier.~~

21

~~2) An office is permitted as an accessory use, provided it is not a mobile home.~~

22

~~fe. Parking and Loading~~

23

~~All parking and loading shall occur on site.~~

24

~~gf. Landscaping~~

25

~~A buffer, pursuant to Art. 7, Landscaping, shall be provided along all property lines except when the growing area is located adjacent to the property line of the site, as follows: [Ord. 2019-039]~~

26

~~1) R-O-W and Incompatibility Buffer~~

27

~~May be modified when the growing area is 50 feet or more in width, subject to the provision of Art. 4.B.6.14.g.3), Alternative Buffer. [Ord. 2019-039]~~

28

~~2) Compatibility Buffer~~

29

~~Is exempt where the growing area is adjacent to a parcel of land that has an existing agriculture use pursuant to Art. 4.B.6, Agricultural Uses. [Ord. 2019-039]~~

30

~~3) Alternative Buffer~~

31

~~a) A six-foot-high landscape barrier shall be installed within a buffer with a minimum width of ten feet. [Ord. 2019-039]~~

32

~~b) The landscape barrier shall be satisfied by plant material for sale provided that the plant material is grown in the ground, and spaced at least five feet on center. Plants in container may be used in lieu of the in-ground planting. Any removed plants shall be replaced, and shall be maintained to ensure there is a continuous visual screen being provided at all times. [Ord. 2019-039]~~

33

~~4) Barbed Wire~~

34

~~The use of barbed wire shall be prohibited.~~

35

~~hg. Storage~~

36

~~Outdoor bulk storage of mulch, rock, soil or similar material shall comply with the outdoor storage standards contained in Art. 5.B, Accessory Uses and Structures. Outdoor bulk storage in residential zoning districts shall be set back a minimum of 50 feet or the district setback, whichever is greater.~~

37

~~ih. Hours of Operation~~

38

~~Operation of commercial vehicles over one ton rated capacity or gross vehicle weight of 10,000 pounds, including load, from 7:00 p.m. to 6:00 a.m. is prohibited.~~

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jl. Limitations of Sales

Sales from a Wholesale Nursery are limited to exporters, distributors, landscape contractors, retailers, or other businesses.

kj. Site Plan

Relocation of structures on a ZC or BCC approved site plan due to SFWMD or ERM requirements may exceed the DRO limitations contained in Art. 2.G.4.G, Development Review Officer (DRO).

....
16. Produce Stand

a. Definition

An establishment engaged in the retail sale of fruits, vegetables, flowers, containerized house plants and other agricultural food products. The sale of grocery or convenience-type foods or products shall not be permitted, unless stated otherwise herein.

b. Permanent

1) Maximum Floor Area

The square footage of the establishment shall include both the structure and all accessory areas devoted to display or storage.

2) Outdoor Display and Storage

Outdoor storage shall be subject to the provisions in Art. 5.B, Accessory Uses and Structures. Outdoor display of only fresh fruits and vegetables is permitted, along the property's frontage, except within the required setbacks.

3) Sale of Products

a) General

Includes sales of agricultural food products such as jelly, jam, honey, and juice. No ZAR process shall be permitted in conjunction with the stand except for seasonal sales. Seasonal sales that require additional storage area may be permitted in accordance with Art. 4.B.11.C.10, Temporary Retail Sales. No vending machines or other similar equipment shall be permitted on site. [Ord. 2018-002] [Ord. 2019-005]

~~**b) Urban/Suburban Tier**~~

~~The sale of packaged or canned food products may be permitted, where in compliance with the following:~~

~~(1) The parcel has commercial Future Land Use designation; and~~

~~(2) Sales area is limited to five percent of the total square footage of the structure, or 1,000 square feet, whichever is less.~~

4) Building Construction

The Produce Stand shall be contained in either an entirely enclosed or roofed open-air structure. Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

5) AR/RSA and AGR Tiers Zoning Districts

In addition to the standards above, permanent produce stands shall comply with the following:

a) Locational Criteria

The structure and accessory area shall be:

(1) Located on an Arterial designated on the PBC Thoroughfare Plan; and

(2) Located at least 500 feet from adjacent existing residential uses.

b) Lot Size

The stand shall be located on a legal lot of record. A minimum of one acre shall be allocated to the exclusive use of the stand and accessory parking area.

c) Setbacks

The structure and accessory area shall be set back at least 50 feet from the front and side corner property lines. The rear and side interior setbacks shall meet the minimum standards of the zoning district.

d) Approval

A permanent Produce Stand shall be a permitted use in the AGR and AR, and by a DRO approval through the ZAR Process in the CN, CC, and CG districts. [Ord. 2018-002]

(1) AR and AGR Zoning Districts

The area devoted to the permanent Produce Stand exceeding 3,000 square feet shall be approved subject to a Class A Conditional Use.

....

Exhibit 1-B – Accessory Uses and Structures

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 periods....

Part 1. ULDC Art. 1.F.2.C, General Provisions, Nonconformities, Non-Conforming Lot, Residential Development Regulations (page, Supplement 30), is hereby amended as follows:

1 **CHAPTER F NONCONFORMITIES**

2 **Section 2 Non-Conforming Lot**

3 **A. Applicability**

4 This Section shall only apply to non-conforming lots that do not meet the minimum lot acreage and
5 dimensional criteria pursuant to Table 3.D.1.A, Property Development Regulations of this Code, if
6 all of the following conditions are met: **[Ord. 2008-037] [Ord. 2010-005]**

7 **1. FLU and Zoning Consistency**

8 ~~The existing zoning or any Rezoning is in compliance with the requirements of Art. 3.A.3,~~
9 ~~Zoning District Consistency with the Future Land Use (FLU). **[Ord. 2008-037] [Ord. 2010-005]**~~
10 ~~**[Ord. 2019-034]**~~

11 **2. Lot Recombination Requirements**

12 Where applicable, the lot or lots have complied with the lot recombination requirements of Plan
13 FLUE Policy 2.2.1-r, and Art. 11, Subdivision, Platting, and Required Improvements. **[Ord.**
14 **2008-037] [Ord. 2010-005]**

15

16 **C. Residential Development Regulations**

17 A non-conforming residential lot may utilize the following property development regulations subject
18 to Table 3.D.1.A, Property Development Regulations, for a Single Family dwelling unit only, or for
19 related accessory structures in the AR district in accordance with Art. 5.B.1.A.1.d.2)b), Non-
20 Conforming Lot Dimensions. **[Ord. 2010-005] [Ord. 2016-042]**

21 ~~**1. Minimum Setback Requirements**~~

22 ~~Minimum setback requirements may be in accordance with the percentages listed below: **[Ord.**~~
23 ~~**2010-005] [Ord. 2016-042] [Ord. 2019-034]**~~

24 ~~a. If the minimum depth dimension is non-conforming: **[Ord. 2010-005]**~~

25 ~~*Front: 30 percent of lot depth. **[Ord. 2010-005]***~~

26 ~~*Rear: 20 percent of lot depth. **[Ord. 2010-005]***~~

27 ~~**[Relocated to Table 3.D.1.A]**~~

28 ~~b. If the minimum width dimension is non-conforming: **[Ord. 2010-005]**~~

29 ~~*Side Interior: 15 percent of lot width. **[Ord. 2010-005]***~~

30 ~~*Side Street: 20 percent of lot width. **[Ord. 2010-005]***~~

31 ~~**[Relocated to Table 3.D.1.A]**~~

32 ~~**2. Building Coverage**~~

33 ~~The maximum lot coverage calculations shall be based on the size of the lot indicated in the~~
34 ~~Table below, and shall include accessory structures. **[Ord. 2010-005] [Ord. 2016-042]**~~

35 **Table 1.F.2 – Non-Conforming Building Coverage in the AR District**

Non-Conforming Lot Size	Max. Building Coverage
Greater than 2.5 ac.	15%
20,000 sq. ft.-2.5	20%
14,000 sq. ft.-19,999 sq. ft. 1 ac.	30%
≤13,999 sq. ft. and under	40%
[Ord. 2016-042]	

36 ~~**3. Floor Area Ratio**~~

37 ~~Maximum Floor Ratio Area (FAR) requirements for the AR district do not apply. **[Ord. 2016-**~~
38 ~~**042]**~~

39 ~~**4. Accessory Structures**~~

40 ~~Accessory structures shall comply with all applicable Code requirements. **[Ord. 2010-005]**~~
41 ~~**[Ord. 2016-042]**~~

42 ~~....~~

43 ~~....~~
44 **D. Accessory Quarters**

45 ~~Accessory Quarters on non-conforming lots with an RR FLU designation that are equal to or less~~
46 ~~than one and one-half acres may utilize a 25-foot side or rear setback, subject to the following~~
47 ~~where the setback is less than the setback required for the SFD unit: **[Ord. 2006-004] [Ord. 2010-**~~
48 ~~**005] [Ord. 2017-007]**~~

49 ~~1. A minimum five-foot high continuous solid opaque visual screen consisting of a hedge, fence,~~
50 ~~or wall, shall be installed and maintained along the property line adjacent to the length of the~~
51 ~~Accessory Quarters. **[Ord. 2006-004] [Ord. 2010-005] [Ord. 2017-007]**~~

52 ~~2. Ingress/egress to the Accessory Quarters shall not be oriented towards the adjoining property.~~
53 ~~**[Ord. 2006-004] [Ord. 2010-005] [Ord. 2017-007]**~~

- 1 **E. Non-Residential Development and/or Residential Development Other Than Single Family**
 2 ~~Non-residential development and residential development other than Single Family may be~~
 3 ~~developed, subject to the following: [Ord. 2008-037] [Ord. 2010-005]~~
 4 ~~1. The proposed use is allowed by this Code; and [Ord. 2010-005]~~
 5 ~~2. All other PDRs, supplemental development regulations, and setbacks for the use are met, or~~
 6 ~~Variations are obtained pursuant to the requirements of Art. 2.B.7.E, Type 2 Variance or Art.~~
 7 ~~2.C.5.E, Type 1 Variance and Art. 2.C.5.F, Type 1 Waiver. [Ord. 2008-037] [Ord. 2010-005]~~
 8 ~~[Ord. 2010-022] [Ord. 2018-002]~~

Part 2. ULDC Art. 3.E.2.G.3 Overlays and Zoning Districts, Planned Development Districts, Planned Unit Development, RR-PUD, Property Development Regulations (page 160 of 215, Supplement 30), is hereby amended as follows:

9 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)**

10 **Section 2 Planned Unit Development (PUD)**

11
 12 **G. RR-PUD**

13
 14 **3. Property Development Regulations (PDRs)**

15 The PDRs for residential lots are in Table 3.E.2.G, RR-PUD Property Development
 16 Regulations. Accessory residential uses/structures may use ~~with the non-conforming lot~~
 17 ~~provisions in the AR district. the setbacks in accordance with Art. 5.B.1.A.1.d.1) Residential~~
 18 Districts.

Part 3. ULDC Art. 5.B.1.A.1, Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, General (page 10 of 106, Supplement 29), is hereby amended as follows:

19 **CHAPTER B ACCESSORY USES AND STRUCTURES**

20 **Section 1 Supplementary Regulations**

21 **A. Accessory Use and Structures**

22 **1. General**

23 The following provisions in this Section shall apply to all development in Standard, PDD, or
 24 TDD Zoning Districts, unless otherwise stated. [Ord. 2007-001] [Ord. 2017-007]

25 **a. Standards**

26 Uses indicated in the Use Matrix as ~~blank in a dash (-) for~~ a zoning district shall not be
 27 allowed as an accessory use unless stated otherwise in Art. 4, Use Regulations. An
 28 accessory use or structure shall be subject to the same regulations that apply to the
 29 principal use or structure, except as otherwise stated. [Ord. 2017-007]

30
 31 **d. Setbacks, Accessory Structure**

32 **1) Residential Districts ~~(Except AR)~~**

33 ~~Accessory structures shall be allowed subject to the requirements below, may be set~~
 34 ~~back a distance of five feet from the side and rear property lines provided it is not~~
 35 ~~located in an established easement or required landscape buffer unless exempted by~~
 36 ~~Art. 5.F.2.A, Easement Encroachment.~~

37 **a) Accessory Living Quarters**

38 ~~Accessory dwellings, such as Guest Cottages, Grooms Quarters, and other~~
 39 ~~accessory Quarters, shall meet the minimum setback in Table 3.D.1.A, Property~~
 40 ~~Development Regulations. [Relocated from Art. 5.B.1.A.1.d.1.c)(1)]~~

41 **ab) Townhouse**

42 Accessory structures shall meet the setback and separation requirements in Table
 43 3.D.2.A, Townhouse Property Development Regulations. No detached accessory
 44 building or structure other than permitted fences or walls shall be permitted on any
 45 lot less than 30 feet in width.

46 **bc) ZLL**

47 Accessory structures shall meet the setback requirements of Table 3.D.2.B, ZLL
 48 Property Development Regulations. [Ord. 2008-037]

49 **d) Single Family**

50 ~~(1) Within any residential zoning district and AR lots less than 1 acre~~
 51 ~~Accessory structures ten feet or less in height shall meet a minimum 5 foot setback~~
 52 ~~from the side and rear property lines. Accessory structures over ten feet in height~~
 53 ~~shall meet the minimum setbacks in Table 3.D.1.A, Property Development~~
 54 ~~Regulations. [Partially Relocated from Art 5.B.1.A.d.1.c)(2)]~~

55 **(2) Within AR zoning district on lots one acre and greater**

56 ~~Accessory structures shall be set back from the side and rear property lines~~
 57 ~~as follows:~~

58 ~~(a) Lots five acres or greater; minimum of 25 feet~~

59 ~~(b) Lots one acre or greater and less than five acres; minimum of 15 feet.~~

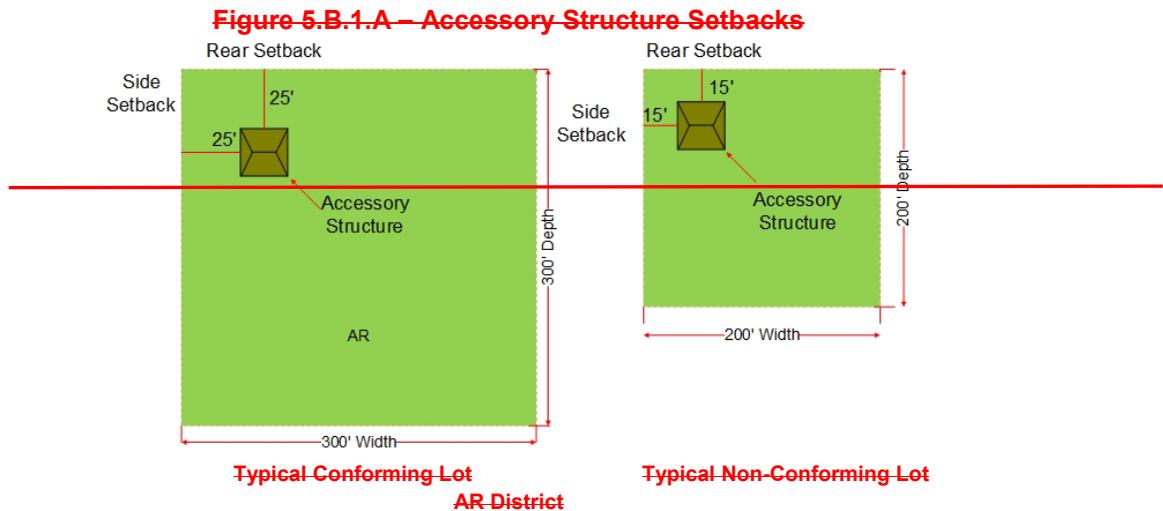
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e) Exceptions

- ~~(1) All structures used as dwellings, such as guest cottages, grooms quarters, and accessory dwellings, shall meet the minimum setback in Table 3.D.1.A, Property Development Regulations, or Art. 1.F.2.C.1, Minimum Residential Setback Requirements, if applicable. [Relocated to Art. 5.B.1.A.1.d.1.a]~~
- ~~(2) All structures over ten feet in height shall meet the minimum setbacks in Table 3.D.1.A, Property Development Regulations, or Art. 1.F.2.C.1, Minimum Residential Setback Requirements, if applicable. [Relocated to Art. 5.B.1.A.1.d.1.d](1)]~~
- ~~(3) Encroachment into easements shall be in accordance with Art. 5.F.2.A, Easement Encroachment.~~

2) AR District

- ~~a) Conforming Lot Dimensions Accessory structures may be set back a distance of 25 feet from the side and rear property lines on lots with conforming width and depth lot dimensions.~~



[Ord. 2016-042]

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b) Non-Conforming Lot Dimensions

The setbacks for accessory structures on lots with nonconforming width or depth may be reduced for either non-conforming dimension, as follows: [Ord. 2016-042]

(1) General

A minimum setback distance of 15 feet from the side or rear property lines; or [Ord. 2016-042]

(2) U/S Tier

The minimum setback may be reduced in accordance with the following: [Ord. 2016-042]

(a) The reduced setback permitted under Art. 1.F.2.C.1, Minimum Residential Setback Requirements; or [Ord. 2016-042]

(b) Parcels that are less than or equal to 13,999 square feet may apply the accessory structure setbacks of Art. 5.B.1.A.1.d.1), Residential Districts (Except AR). [Ord. 2016-042]

ee) Minimum Setback from Easements for AR Districts

Accessory structures, excluding fences, shall ~~Must~~ be a minimum of five feet from all established drainage easements unless the applicant can demonstrate that drainage requirements are met through the building permit process, except where use of Art. 5.B.1.A.1.d.1), Residential Districts (Except AR) is permitted. [Ord. 2016-042]

3) Prohibition in Landscape Buffers

Accessory structures shall not be located within a required landscape buffer. [Ord. 2016-042]

4) Non-Residential Districts

Accessory structures shall meet the setback requirements in Table 3.D.1.A, Property Development Regulations.

....

Part 4. ULDC Art. 5.B.1.A.21, Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, Livestock (page 36, Supplement 30), is hereby amended as follows:

46 **CHAPTER B ACCESSORY USES AND STRUCTURES**

47 **Section 1 Supplementary Regulations**

48 **A. Accessory Uses and Structures**

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21. Livestock

a. Standards of Approval

Domesticated livestock shall be allowed accessory to a Single Family residential use on lots a minimum of one acre ~~subject to the following standards:~~ **[Ord. 2012-027]**

~~1) Tier~~

~~Shall only be located in the Rural and Exurban Tiers and when not within a PUD. **[Ord. 2012-027]**~~

....



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 28, 2023

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

Attn: Tracey Powell

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. 2023-09, which was filed in this office on February 28, 2023.

Sincerely,

Anya Owens
Program Administrator

ACO/rra