

ORDINANCE NO. 2024 - 001

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 **LAND DEVELOPMENT REGULATION COMMISSION, ZONING COMMISSION, AND PRIVATELY INITIATED AMENDMENTS TO THE UNIFIED LAND DEVELOPMENT CODE**, AMENDING ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES; 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 revisions set forth in Exhibit 1, attached hereto and made a part hereof, are 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.

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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All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.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 25 day of January, 2024.

ATTEST
JOSEPH ABRUZZO, CLERK
& COMPTROLLER

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

By  Clerk

By  Maria Sachs, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By  Scott A. Stone, County Attorney

Filed with the Department of State on the 29th day of January, 2024.

EXHIBIT 1
PROPOSED ULDC REVISIONS - LDRC

This exhibit revises the following Article(s):

ARTICLE 2 – Application Processes and Procedures

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. 2.G Application Processes and Procedures, Decision Making Bodies, Appointed Bodies, Zoning Commission

1 **Chapter G DECISION MAKING BODIES**

2

3 **L. Zoning Commission**

4 **1. Establishment**

5 There is hereby established a Zoning Commission (ZC).

6 **2. Powers and Duties**

7 The ZC shall have the following powers and duties under the provisions of this Code:

8 a. to initiate, review, hear, consider, and make recommendations to the BCC to
9 approve, approve with conditions, or deny applications to amend the Official
10 Zoning Map, a Class A Conditional Use, Development Order Amendment (DOA)
11 of a prior DO approved by the BCC, Type 2 Waiver, and Unique Structure; **[Ord.**
12 **2009-040] [Ord. 2019-005]**

13 b. to review, hear, consider, and approve, approve with conditions, or deny
14 applications for Development Permits for Class B Conditional Uses and Type 2
15 Variance applications; **[Ord. 2006-036] [Ord. 2018-002] [Ord. 2019-005]**

16 c. to review, hear, consider, and approve, approve with conditions, or deny
17 applications for Development Orders for DOA for a prior approved DO approved
18 by the ZC; **[Ord. 2018-002] [Ord. 2019-005]**

19 d. to review, hear, consider, and approve, approve with conditions, or deny
20 applications for ABN; **[Ord. 2018-002]**

21 e. to review, hear, consider, and approve, approve with conditions, or deny
22 applications for Status Reports; **[Ord. 2018-002]**

23 f. to review, hear, consider, and approve, approve with conditions, or deny
24 applications for Unique Structures; **[Ord. 2018-002]**

25 g. to review, hear, consider, and approve, or deny applications for Corrective
26 Resolutions; **[Ord. 2018-002]**

27 h. to make its special knowledge and expertise available upon request of the BCC to
28 any official, department, board, commission, or agency of PBC, the State of
29 Florida, or Federal Government;

30 i. to make studies of the resources, possibilities, and needs of PBC and to report its
31 findings and recommendations, with reference thereto, from time to time, to the
32 BCC;

33 j. to recommend to the BCC additional or amended rules of procedure not
34 inconsistent with this Section to govern the ZC's proceedings; **[Ord. 2006-036]**

35 k. to consider and render a final decision on appeals of Green Architecture
36 application; ~~and,~~ **[Ord. 2009-040] [Ord. 2011-016] [Ord. 2018-002]**

37 l. to hear, consider, and decide appeals from decisions of the DRO on applications
38 for Type 1 Waivers, except URAO. **[Ord. 2011-016] [Ord. 2012-027]**

39 ~~*m. to periodically review the provisions to this Code that are not reviewed by another*~~
40 ~~*advisory board established by BCC for that purpose, and to make*~~
41 ~~*recommendations to the BCC for those provisions reviewed;*~~

42 ~~*n. to serve as Land Development Regulation Commission (LDRC) as provided by*~~
43 ~~*Sec., 163.3164 and 163.3194; F.S.; and,*~~

44 ~~*o. to serve as the Airport Zoning Commission pursuant to F.S. § 333.05(2). [Ord.*~~
45 ~~*2019-005]*~~

46 **3. Commission Membership**

47 **a. BCC-Appointed Members**

48 The ZC shall be composed of nine members, ~~to be~~ appointed by the BCC. ~~Each~~
49 ~~member of the BCC shall appoint one member to the ZC. The remaining two~~
50 ~~members shall be appointed by a majority vote of the BCC. [Ord. 2009-040]~~

1 **1) Qualifications**

2 ~~a) Consideration shall be given to applicants who have experience or~~
3 ~~education in planning, law, architecture, landscape architecture, interior~~
4 ~~design, land planning, natural resource management, real estate,~~
5 ~~engineering, and related fields. [Ord. 2009-040]~~

6 ~~b) The two members appointed by a majority vote of the BCC shall be~~
7 ~~Architects registered in the State of Florida and shall be nominated by the~~
8 ~~PBC Chapter of the American Institute of Architects. [Ord. 2009-040]~~

9 **2) Appointment**

10 ~~Each member of the BCC shall appoint one member to the ZC. Two members~~
11 ~~of the ZC shall be appointed at large by a majority vote of the BCC.~~

12 **3) Terms of Office**

13 Members of the ZC shall hold office until the first Tuesday after the first Monday
14 in February of the year their term expires. Beginning on or after March 2, 2013,
15 no person shall be appointed or reappointed to this Board for more than three
16 consecutive terms. [Ord. 2009-040] [Ord. 2014-001]

17 **4. Officers, Quorum, and Voting**

18 **a. Chair and Vice-Chair**

19 No member shall serve as Chair for more than two consecutive terms.

20 **b. Quorum and Voting**

21 **1) General**

22 ~~All actions shall require a simple majority of the quorum present and voting at the~~
23 ~~meeting. A simple majority of a quorum shall be necessary in order to forward a~~
24 ~~formal recommendation of approval, approval with conditions, denial, or other~~
25 ~~recommendation to the BCC. A simple majority shall be necessary for the ZC to~~
26 ~~make a final decision approving an application for a Development Permit. In the~~
27 ~~event the ZC fails to make a final decision due to a tie vote, the petition shall be~~
28 ~~continued to the next meeting. After a second tie, the proposed motion shall be~~
29 ~~considered to have failed.~~

30 **5. Meetings**

31 **a. General**

32 General meetings of the ZC shall be held as needed to dispense of matters
33 properly before the ZC. Special meetings may be called by the Chair or in writing
34 by a majority of the members of the ZC. Staff shall provide 24-hour written notice
35 to each ZC member before a special meeting is convened.

Part 2. **ULDC Art. 2.G Application Processes and Procedures, Decision Making
Bodies, Appointed Bodies, Land Development Regulation Advisory Board**

36 **Chapter G DECISION MAKING BODIES**

37

38 **Section 3 Appointed Bodies**

39 **A. ~~Land Development Regulation Advisory Board~~ RESERVE FOR FUTURE USE**

40 ~~1. Land Development Regulation Advisory Board~~

41 ~~There is hereby established a Land Development Regulation Advisory Board~~
42 ~~(LDRAB).~~

43 ~~2. Powers and Duties~~

44 ~~The LDRAB shall have the following powers and duties under the provisions of this~~
45 ~~Code:~~

46 ~~a. to periodically review the provisions to this Code that are not reviewed by another~~
47 ~~advisory board established by BCC for that purpose, and to make~~
48 ~~recommendations to the BCC for those provisions reviewed;~~

49 ~~b. to make its special knowledge and expertise available upon written request and~~
50 ~~authorization of the BCC to any official, department, board, commission, or agency~~
51 ~~of PBC, the State of Florida, or Federal Governments;~~

52 ~~c. to serve as the Land Development Regulation Commission (LDRC) as provided~~
53 ~~by F.S. § 163.3164(25) and F.S. § 163.3194; and, [Ord. 2019-005]~~

54 ~~d. to serve as the Airport Zoning Commission pursuant to F.S. § 333.05(2). [Ord.~~
55 ~~2019-005]~~

56 ~~3. Board Membership~~

57 ~~a. Appointment~~

58 ~~1) The LDRAB shall be composed of 16 members and two at-large alternate~~
59 ~~members. [Ord. 2015-006]~~

60 ~~2) Nine of the members shall be appointed by a majority of the BCC upon a~~
61 ~~recommendation by the organizations listed in Table 2.G.3.A, LDRAB~~
62 ~~Expertise. [Ord. 2015-006]~~

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- ~~3) Seven members shall be appointed by the BCC. Each PBC Commissioner shall appoint one member with consideration of the expertise in Art. 2.G.3.A.3.b, Qualifications.~~
- ~~4) The BCC shall appoint two at-large alternate members, by a majority vote of the BCC, with consideration of the expertise in Art. 2.G.3.A.3.b, Qualifications.~~

~~**b. Qualifications**~~

- ~~1) The Board shall be composed of members with the expertise recommended for appointment by the corresponding organization as outlined in Table 2.G.3.A, LDRAB Expertise.~~
- ~~2) Each BCC appointment shall be with consideration in the following areas of expertise:

 - ~~a) Landscape architecture.~~
 - ~~b) Redevelopment expertise.~~
 - ~~c) Fiscal impact analysis expertise.~~
 - ~~d) Land use/real estate law.~~
 - ~~e) Natural sciences.~~
 - ~~f) Business development.~~~~
- ~~3) No more than two members of the LDRAB shall represent the same occupation or business. [Ord. 2010-022]~~

Table 2.G.3.A – LDRAB Expertise

Occupations	Organizations
1. Residential Builder	Gold Coast Builders Association
2. Municipal Representative	League of Cities
3. Engineer	Florida Engineering Society
4. Architect	American Institute of Architects
5. Environmentalist	Environmental organization
6. Realtor	Realtors Association of the Palm Beaches
7. Surveyor	Florida Surveying and Mapping Society
8. Commercial Builder	Assoc. General Contractors of America
9. AICP Planner	PBC Planning Congress
[Ord. 2010-022] [Ord. 2015-006]	

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~~**c. Terms of Office**~~

~~Members of the LDRAB shall hold office until the first Tuesday after the first Monday in February of the year their term expires. Beginning on or after March 2, 2013, no person shall be appointed or reappointed to this Board for more than three consecutive terms. [Ord. 2014-001]~~

~~**4. Staff**~~

~~The Zoning Director of PZB shall serve as the Secretary and the professional staff of the LDRAB.~~

~~**5. Meetings**~~

~~**a. General**~~

~~General meetings of the LDRAB shall be held as needed to dispense of matters properly before the LDRAB. Special meetings may be called by the Chair or in writing by a majority of the members of the LDRAB. Staff shall provide 24-hour written notice to each LDRAB member before a special meeting is convened.~~

~~**b. Subcommittees**~~

~~LDRAB shall consider recommendations from the Zoning Director and determine by majority vote to create a Subcommittees with the expertise necessary to make recommendations on specific Code amendments. Subcommittee appointments shall be made at a regular LDRAB meeting. [Ord. 2009-040]~~

~~**c. Alternate Members Vote**~~

~~The alternate members may vote on a matter only when serving in place of an absent regular member. [Ord. 2018-002]~~

Part 3. ULDC Art. 2.D Application Processes and Procedures, ULDC Privately Initiated Amendment

1 CHAPTER D ULDC PRIVATELY ~~PROPOSED REVISION INITIATED AMENDMENT (PIA)~~

2 Section 1 Purpose and Intent

3 The ~~PPR PIA~~ is a discretionary process ~~that allows an applicant to request privately proposed~~
4 ~~revisions to the ULDC for the BCC to consider for initiation (Phase 1), and, if initiated, for the BCC~~
5 ~~to consider for adoption (Phase 2). based on BCC authority to initiate, hear, consider, approve,~~
6 ~~or deny amendments to the ULDC. The BCC or responsible PBC Official, as specified in Art.~~
7 ~~1.B.1.A, Authority, initiate ULDC amendments, which typically includes input or requests from~~
8 ~~other governmental entities, industry, or the public. [Ord. 2018-002]~~

9 ~~The PIA is established to provide for a transparent application process to allow non-government~~
10 ~~entities to make a formal request to the BCC to initiate amendments to the ULDC, in scenarios~~
11 ~~where the responsible PBC Official does not support initiating the amendment, or recommends~~
12 ~~Staff address the request in a future scheduled ULDC Amendment Round. [Ord. 2018-002] [Ord.~~
13 ~~2020-001]~~

14
15 ~~The PIA process is comprised of two phases, the first of which serves to minimize both Applicant~~
16 ~~and Staff resources, by allowing for an abbreviated application for initial Staff and LDRAB review,~~
17 ~~and presentation to the BCC to confirm or deny a request to initiate the amendment process. If~~
18 ~~initiated, the second phase requires additional specificity and supporting information from the~~
19 ~~Applicant, coordination with Staff and any interested parties to refine and calibrate the~~
20 ~~amendment, but otherwise follows the standard procedure for the processing of ULDC~~
21 ~~amendments. The BCC may request a Subcommittee be established by the LDRAB to provide~~
22 ~~expertise and additional time to review and consider the final language before presenting it for a~~
23 ~~final decision to the BCC [Ord. 2018-002] [Ord. 2020-001]~~

24
25 Under no circumstance will a ~~PPR PIA~~ be processed that is in violation of State, Federal, or other
26 applicable local government laws, or where inconsistent with the Comprehensive Plan, except
27 where submitted with a concurrent amendment to the Plan. [Ord. 2018-002]

28 Section 2 Authority

29 Acceptance of a ~~PPR PIA~~ application to amend the ULDC shall be at the discretion of the
30 responsible PBC Official as specified in Art. 1.B.1.A, Authority, in consultation with the Zoning
31 Director. ~~Any private application to amend the Comprehensive Plan that will require a concurrent~~
32 ~~or subsequent amendment to the ULDC, shall comply with the following: [Ord. 2018-002]~~

33 A. ~~The Applicant shall include documentation confirming that the responsible PBC Official~~
34 ~~and the Zoning Director have been consulted prior to Submittal of an amendment to the~~
35 ~~Comprehensive Plan; and [Ord. 2018-002] [Ord. 2020-001]~~

36 B. ~~Submittal of a concurrent PIA application to amend the ULDC, unless the responsible PBC~~
37 ~~Official specifies an alternative submittal deadline. The responsible PBC Official, in~~
38 ~~consultation with the Zoning Director, shall have the discretion to waive the Phase 1 PIA~~
39 ~~requirement, provided that this is specified in the initiation requests to the Planning~~
40 ~~Commission and BCC. [Ord. 2018-002]~~

41 Section 3 ~~Standards RESERVED FOR FUTURE USE~~

42 Evaluation of a PIA shall include consideration of the following standards: [Ord. 2018-002]

43 A. ~~Extent to which any other alternatives to a Code amendment have been evaluated, a~~
44 ~~summary of any recommendations or direction provided by the BCC, County Staff in prior~~
45 ~~meetings, and where applicable, why the amendment is being requested in lieu of such~~
46 ~~alternatives. [Ord. 2018-002]~~

47 B. ~~Does not violate State, Federal, or other local government laws; [Ord. 2018-002]~~

48 C. ~~Will be consistent with the Comprehensive Plan, or will otherwise be submitted pursuant~~
49 ~~to or concurrent with an application to amend the Plan; [Ord. 2018-002]~~

50 D. ~~Will not be in conflict with any other ULDC provisions or amendment will also address the~~
51 ~~other inconsistencies; [Ord. 2018-002]~~

52 E. ~~The request has been demonstrated to be a new industry trend not anticipated by the~~
53 ~~Comprehensive Plan or ULDC; and, [Ord. 2018-002]~~

54 F. ~~Identification of examples of similar land development regulations adopted in other~~
55 ~~jurisdictions under the same circumstances, such as similar FLU designation or zoning~~
56 ~~districts, compatibility, buffering, roadway frontage, and other similar site considerations.~~
57 ~~[Ord. 2018-002]~~

1 **Section 4 Mandatory Pre-Application Appointment (PAA)**

2 **A. Applicability**

3 A Pre-Application Appointment (PAA) with the applicable responsible PBC Official and the
4 Zoning Division is mandatory for any request for a PPR PIA, including a PPR resulting
5 from a privately proposed or for any proposed Plan amendment that will require an
6 amendment to the ULDC. [Ord. 2018-002]

7 **B. Purpose**

8 ~~The purpose of the PAA is to confirm that a potential Applicant has coordinated with Staff~~
9 ~~to evaluate or exhaust all other potential options and has performed sufficient due~~
10 ~~diligence to ascertain the viability of the request. [Ord. 2018-002]~~

11 ~~**C. PAA Requirements**~~

12 The Applicant shall provide a Justification Statement and any necessary supporting
13 documentation outlining the rationale for the proposed amendment, and information
14 regarding any proposed concurrent text amendment to the Plan. The Applicant shall
15 submit this information to the applicable responsible PBC Official and the Zoning Division
16 a minimum of five working days prior to the PAA to include a preliminary evaluation of the
17 Standards cited above. [Ord. 2018-002]

18 **D. Acceptance Finding Decision**

19 Within seven working days after the PAA, the The applicable responsible PBC Official
20 shall provide a written response stating whether the PPR within seven working days
21 affirming if a PIA will be accepted for processing supported, not supported, or if additional
22 follow-up information is required by the Applicant prior to acceptance for processing. Other
23 options may be applicable, including whether the responsible PBC Official would support,
24 as an alternative to the PPR, the proposed ULDC revision being incorporated into a
25 County initiated revision to the ULDC where the Applicant and responsible PBC Official
26 may agree to a Staff-initiated amendment based on currently two Rounds of Amendments
27 each year or a standalone Ordinance based on BCC direction when the amendment is
28 requested to be expedited. [Ord. 2018-002] [Ord. 2020-001]

29 **Section 5 Application Procedures**

30 As the PPR PIA is a discretionary process, acceptance of an application is typically determined
31 through a higher level of collaboration between the Applicant and applicable PBC Official, or
32 designee. Upon completion of the mandatory PAA and affirmation by the responsible PBC Official
33 that the PPR PIA may be accepted for processing processed, the PPR application shall be
34 submitted in accordance with the ~~following~~ Application Procedures established in the Technical
35 Manual, Development Review Procedures Section, and as provided below. [Ord. 2018-002] [Ord.
36 2020-001]

37 **A. Review Phases General Overview**

38 The PPR PIA is comprised of two phases ~~as outlined under Purpose and Intent above.~~
39 [Ord. 2018-002]

40 **1. Phase 1 - Pre-BCC Initiation**

41 Phase 1 PPR describes the period of time between the acceptance of the application
42 for processing and the presentation to the BCC to consider the ULDC revisions for
43 initiation. The responsible PBC Official shall review the PPR and prepare a Staff
44 Report which shall include a preliminary analysis and recommendation on whether the
45 proposed ULDC revisions should be approved for initiation. The Zoning Division shall
46 schedule the PPR for appropriate public hearings as described in this Section upon
47 the completion of the review and analysis of the PPR by the responsible PBC Official.
48 A Phase 1 PPR that is denied for initiation by the BCC does not move forward to Phase
49 2. The Phase 1 PIA allows an Applicant to submit a preliminary request for Staff
50 evaluation and recommendation, presentation to the LDRAB for recommendation, and
51 final presentation to the BCC to deny the request, or direct the responsible PBC Official
52 to accept a request for a Phase 2 PIA, or other direction including scheduling,
53 limitations, or other similar. [Ord. 2018-002]

54 **2. Phase 2 - Post-BCC Initiation**

55 Phase 2 PPR describes the period of time between the BCC approval of the initiation
56 and the presentation to the BCC to consider the ULDC revisions for adoption. The
57 Phase 2 PPR requires the Applicant to coordinate with the responsible PBC Official,
58 the Zoning Division, Staff and any interested parties, and requires a more detailed
59 analysis with supporting documentation to substantiate the request. The responsible
60 PBC Official shall review the PPR and prepare a Staff Report which shall include an
61 analysis and recommendation on whether the proposed ULDC revisions should be
62 adopted, adopted with modifications, or not adopted. The Zoning Division shall
63 schedule the PPR for appropriate public hearings applicable to adoption of ULDC
64 revisions upon the completion of Once the review and analysis of the PPR by the
65 responsible PBC Official proposed amendment is completed, it shall be scheduled for
66 presentation to the LDRAB and LDRC for a final recommendation and determination
67 of consistency with the Comprehensive Plan. The request will be scheduled for a BCC

1 ~~Hearing for a presentation and Request for Permission to Advertise. Pursuant to~~
2 ~~approval of the request to advertise, one or more duly noticed Public Hearings are~~
3 ~~required, in accordance with F.S. § 125.66. [Ord. 2018-002] [Ord. 2020-001]~~

4 **B. Staff Report and Recommendation**

5 ~~The responsible PBC Official reviewing the application shall prepare a staff report with~~
6 ~~analysis and recommendations for Phase 1 and for Phase 2 as provided below. The report~~
7 ~~shall be made available to the public at least five working days prior to the applicable~~
8 ~~hearing date.~~

9 **1. Phase 1 Staff Report.** ~~The Phase 1 PPR Staff Report shall include, but not be limited~~
10 ~~to, the following:~~

- 11 ~~a. A finding that the proposed ULDC revision does not violate State, Federal, or other~~
12 ~~local government laws;~~
- 13 ~~b. A preliminary analysis demonstrating consistency with the Plan;~~
- 14 ~~c. An analysis and finding of internal consistency within the ULDC, with the~~
15 ~~identification of any other ULDC revisions that may be necessary to ensure internal~~
16 ~~consistency;~~
- 17 ~~d. A preliminary identification of properties that may be affected by the proposed~~
18 ~~ULDC revisions;~~
- 19 ~~e. An evaluation of the availability of other alternatives to the proposed ULDC~~
20 ~~revisions, and if other alternatives are available, a demonstration of why those~~
21 ~~alternatives are not being pursued; and~~
- 22 ~~f. Staff recommendation on whether the proposed ULDC revisions should be~~
23 ~~initiated, initiated with modifications, or denied.~~

24 **2. Phase 2 Staff Report.** ~~The Phase 2 PPR Staff Report shall include, but not be limited~~
25 ~~to, the following:~~

- 26 ~~a. A finding that the proposed ULDC revision does not violate State, Federal, or other~~
27 ~~local government laws;~~
- 28 ~~b. An analysis demonstrating consistency with the Plan, with the inclusion of any~~
29 ~~proposed Plan amendments being reviewed concurrently;~~
- 30 ~~c. An analysis and finding of internal consistency within the ULDC, with inclusion of~~
31 ~~any other ULDC revisions that may be necessary to ensure internal consistency;~~
32 ~~and~~
- 33 ~~d. An identification of properties that may be affected by the proposed ULDC~~
34 ~~revisions, and an analysis of the implications of the proposed revisions;~~
- 35 ~~e. An analysis of *identification of examples of similar land development regulations*~~
36 ~~*adopted in other jurisdictions under the same circumstances, such as similar FLU*~~
37 ~~*designation or zoning districts, compatibility, buffering, roadway frontage, and*~~
38 ~~*other similar site considerations.*; and~~
- 39 ~~f. Staff recommendation on whether the proposed ULDC revisions should be~~
40 ~~approved, approved with modifications, or denied.~~

41 **Application Requirements**

42 ~~Applications shall be in a form established by the responsible PBC Official, in consultation~~
43 ~~with the Zoning Director. [Ord. 2018-002] [Ord. 2020-001]~~

44 **C. Sufficiency Review**

45 ~~The Applicant shall be notified whether or not the application is sufficient or insufficient no~~
46 ~~more than 30 calendar days from the date of receipt of a Phase 1 PIA application.~~
47 ~~Sufficiency review is not required for Phase 2. [Ord. 2018-002] [Ord. 2020-001]~~

48 **1. Sufficiency**

49 ~~If the application is determined to be sufficient by the applicable PBC Official, it shall~~
50 ~~be reviewed and evaluated pursuant to the procedures and standards of this Chapter.~~
51 ~~[Ord. 2018-002]~~

52 **2. Insufficiency**

53 ~~If an application is determined to be insufficient, Staff shall provide written notification~~
54 ~~to the Applicant summarizing the deficiencies. [Ord. 2018-002] [Ord. 2020-001]~~

- 55 ~~a. No further action may be taken on the application until the deficiencies are~~
56 ~~remedied. [Ord. 2018-002] [Ord. 2020-001]~~
- 57 ~~b. The Applicant shall address all insufficiencies and resubmit the application to the~~
58 ~~Zoning Division within 30 calendar days after the application was determined to be~~
59 ~~insufficient. [Ord. 2018-002] [Ord. 2020-001]~~
- 60 ~~c. If the application is amended and determined to be sufficient, the application may~~
61 ~~be processed for review. [Ord. 2018-002] [Ord. 2020-001]~~
- 62 ~~d. If the deficiencies are not remedied in the revised Submittal, or fails to submit~~
63 ~~revised documents within 30 calendar days, a second written notification shall be~~
64 ~~sent to the Applicant. The letter shall indicate that the application is considered~~
65 ~~withdrawn unless a written request for a time extension has been submitted and~~
66 ~~approved by the Zoning Director pursuant to Art. 2.D.5.C.3, Time Extension. [Ord.~~
67 ~~2020-001]~~

1 **~~3. Time Extension~~**

2 ~~The Applicant may submit a written request for an extension of time to the Zoning~~
3 ~~Director if an additional 30 calendar days is needed to address unresolved issues.~~
4 ~~Such request shall be submitted to the Zoning Director no later than five days after the~~
5 ~~issuance of the second written notification. [Ord. 2020-001]~~

6 **~~4. Administrative Withdrawal~~**

7 ~~If the Applicant fails to address the insufficiencies or request and receives a time~~
8 ~~extension, it shall result in an Administrative withdrawal of the application. [Ord. 2020-~~
9 ~~001]~~

10 **~~D. Review and Resubmittal, Phase 1 and Phase 2~~**

11 ~~Staff review shall be based on the application deemed sufficient and the subsequent~~
12 ~~resubmittals. Staff shall prepare a list of issues and comments and make it available to~~
13 ~~the Applicant. The Applicant shall provide written responses and revised documents, if~~
14 ~~applicable, addressing the outstanding issues and comments. The Applicant shall~~
15 ~~demonstrate that the application has met the Standards cited in Art. 2.D.3, Standards.~~
16 ~~When all of the issues and comments have been addressed, the PIA may be scheduled~~
17 ~~for the LDRAB or LDRG Hearing, as applicable. [Ord. 2018-002] [Ord. 2020-001]~~

18 **~~1. Staff Report and Recommendation~~**

19 ~~The responsible PBC Official reviewing the application shall prepare a report for both~~
20 ~~Phase 1 and 2 PIA applications, which incorporates an analysis of the Standards cited~~
21 ~~above, confirmation of consistency with the Plan, and evaluation of any other issues~~
22 ~~identified through the amendment process, and make a recommendation of approval,~~
23 ~~denial, or an alternative amendment. In the case of a Phase 1 PIA, the~~
24 ~~recommendation for approval may be limited to indicating that the request merits~~
25 ~~consideration. The report shall be made available to the public at least five days prior~~
26 ~~to the hearing date. [Ord. 2018-002]~~

27 **~~E. Application Modification after Completion of Staff Review~~**

28 ~~Applications shall not be modified after completion of Staff review, unless requested~~
29 ~~or agreed to by the responsible PBC Official, the latter of which may be subject to~~
30 ~~postponement of any scheduled meetings or Hearings. Modifications after~~
31 ~~presentation to the LDRAB/LDRG may not be permitted where substantially different~~
32 ~~from what the LDRAB reviewed, or where such may alter the original LDRG~~
33 ~~consistency determination. [Ord. 2018-002] [Ord. 2020-001]~~

34 **~~F. Scheduling~~**

35 ~~Once Staff has completed the review of the application, it shall be scheduled for the~~
36 ~~appropriate public hearings established on the Annual Zoning Calendar, or such time as~~
37 ~~mutually agreed upon between the Applicant and the PBC Official, in consultation with the~~
38 ~~Zoning Director. [Ord. 2018-002] [Ord. 2020-001]~~

39 **~~1. Phase 1~~**

40 ~~A Phase 1 PIA shall be scheduled for presentation to the LDRAB to obtain a~~
41 ~~preliminary recommendation, and to the BCC at a Public Hearing for direction on~~
42 ~~initiating the amendment. [Ord. 2018-002]~~

43 **~~2. Phase 2~~**

44 ~~A Phase 2 PIA shall be scheduled for presentation to the LDRAB to obtain a~~
45 ~~recommendation, the LDRG for a consistency determination with the Plan, and the~~
46 ~~BCC for Request for Permission to Advertise, and one or more Public Hearings, in~~
47 ~~accordance with F.S. § 125.66. [Ord. 2018-002]~~

48 **~~a. Scheduling Options~~**

49 ~~Applicants are encouraged to process a PIA within the timeframes for Amendment~~
50 ~~Rounds established annually by the Zoning Division. Applicants may opt to request~~
51 ~~that a PIA be scheduled for the first available LDRAB, LDRG, or BCC Zoning~~
52 ~~Hearings, but this may result in additional fees to cover required notifications. [Ord.~~
53 ~~2018-002]~~

54 **Section 6 Notification**

55 **A. Applicability**

56 The minimum requirements for notification shall be in accordance with F.S. § 125.66.
57 Public notification is required for LDRG meetings and BCC Public Hearings, excluding
58 Requests for Permission to Advertise for Public Hearings. [Ord. 2018-002]

59 **~~B. Newspaper Publication~~**

60 ~~Notice shall be posted in a newspaper of general circulation in PBC, as follows: [Ord.~~
61 ~~2018-002]~~

62 **~~1. LDRG Meeting~~**

63 ~~In accordance with PBC PPM #CW-L-038. [Ord. 2018-002]~~

64 **~~2. BCC Public Hearings~~**

65 ~~In accordance with F.S. § 125.66. [Ord. 2018-002]~~

1 **C. Postponements**

2 ~~All applications postponed for three or more consecutive LDRC meetings or Public~~
3 ~~Hearings, shall require that the newspaper notification be republished. [Ord. 2018-002]~~

4 **Section 7 Advisory Board Hearings Action by LDRAB and LDRC**

5 **A. Phase 1 Advisory Board Review and Recommendation**

6 ~~The responsible PBC Official shall present the Phase 1 PPR to the applicable advisory~~
7 ~~board established by BCC to make recommendations for those provisions proposed to be~~
8 ~~revised. If the PPR is being processed concurrently with a text amendment to the Plan, a~~
9 ~~Phase 1 advisory board review and recommendation is not required.~~

10 **1. Meeting**

11 ~~The advisory board shall consider the PPR, Staff Report, relevant support materials,~~
12 ~~and public testimony given at the meeting.~~

13 **2. Recommendation**

14 ~~The advisory board shall recommend to the BCC to initiate, initiate with modifications,~~
15 ~~or deny the PPR. [Ord. 2018-002]~~

16 **B. Phase 2 Advisory Board Review and Recommendation**

17 ~~The responsible PBC Official shall present the Phase 2 PPR to the advisory board~~
18 ~~established by BCC to make recommendations for those provisions proposed to be~~
19 ~~revised.~~

20 ~~The LDRAB is the designated advisory board for the majority of the ULDC; however, there~~
21 ~~may be other entities tasked with reviewing specific ULDC provisions. All ULDC~~
22 ~~amendments are subject to LDRC review. [Ord. 2018-002]~~

23 **1. Meeting**

24 ~~The advisory board shall consider the PPR application, Staff Report, relevant support~~
25 ~~materials, and public testimony given at the meeting. [Ord. 2018-002]~~

26 **2. Recommendation**

27 ~~In concluding that portion of the meeting designated on the agenda for a PPR PIA, the~~
28 ~~The advisory board shall recommend to the BCC that the application PPR be~~
29 ~~approved, approved with modifications, or denied, based on the Standards for a PIA,~~
30 ~~unless the Applicant and responsible PBC Official agree to a continuance or~~
31 ~~postponement. [Ord. 2018-002]~~

32 **C. LDRC**

33 ~~The responsible PBC Official and the Zoning Division shall present the A Phase 2 PPR~~
34 ~~PIA to the LDRC, which shall make a recommendation regarding its determination of~~
35 ~~consistency with the Plan. [Ord. 2018-002]~~

36 **Section 8 Action by the BCC**

37 ~~After review and recommendation by the LDRAB, including LDRC consistency determination for~~
38 ~~a Phase 2 PIA, the application shall be considered at the next available regularly scheduled~~
39 ~~Public Hearing by the BCC, or such time as is mutually agreed upon between the Applicant and~~
40 ~~responsible PBC Official. [Ord. 2018-002]~~

41 **A. Phase 1 BCC Initiation**

42 ~~The responsible PBC Official and the Zoning Division shall present the Phase 1 PPR to~~
43 ~~the BCC following the review and recommendation by the applicable advisory board,~~
44 ~~except if there is a concurrent Plan text amendment as described below.~~

45 **1. Public Hearing**

46 ~~At the public hearing(s), the BCC shall consider the PPR, Staff Report, relevant~~
47 ~~support materials, the recommendation of the applicable advisory board, the testimony~~
48 ~~given, and the evidence introduced into the record at the public hearing(s). If the PPR~~
49 ~~is being processed concurrently with a text amendment to the Plan, the BCC shall~~
50 ~~consider the initiation of both items at the same meeting.~~

51 **2. Decision**

52 ~~At the conclusion of the hearing, The BCC may elect to initiate the PPR amendment,~~
53 ~~initiate with additional modifications or stipulations, or deny the request. [Ord. 2018-~~
54 ~~002]~~

55 **B. Phase 2 BCC Final Action**

56 ~~The responsible PBC Official and the Zoning Division shall present the Phase 2 PPR to~~
57 ~~the BCC in accordance with ULDC revision policies and procedures, statutory~~
58 ~~requirements, and as described below.~~

59 **1. Public Hearing**

60 ~~A Phase 2 PPR PIA shall require a Public Hearing to Request for Permission to Advertise~~
61 ~~required Public Hearings, and one or more Public Hearings in compliance with F.S. §~~
62 ~~125.66. At the public hearing(s), the BCC shall consider the PPR application, Staff Report,~~
63 ~~relevant support materials, the recommendation of the applicable advisory board(s)~~
64 ~~LDRAB, the testimony given, and the evidence introduced into the record at the public~~
65 ~~hearing(s). [Ord. 2018-002]~~

1 **2. Decision**

2 ~~At the conclusion of the final Public Hearing, The BCC may approve, approve with~~
3 ~~modifications or deny the PPR PIA application. Approval of the ULDC revisions shall be~~
4 ~~by Ordinance. [Ord. 2018-002] [Ord. 2020-001]~~

5 **C. Postponements, Continuance, or Remand**

6 The BCC shall have the discretion to postpone or continue any PPR-PIA application at
7 any time, or remand the application back to the applicable advisory board(s). **[Ord. 2018-**
8 **002]**

9 ~~**C. Decision**~~

10 ~~**1. Phase 1**~~

11 ~~At the conclusion of the hearing, The BCC may elect to initiate the amendment, initiate~~
12 ~~with additional modifications or stipulations, or deny the request. [Ord. 2018-002]~~

13 ~~**2. Phase 2**~~

14 ~~A Phase 2 PIA shall require a Public Hearing to Request for Permission to Advertise~~
15 ~~required Public Hearings, and one or more Public Hearings in compliance with F.S. §~~
16 ~~125.66. At the conclusion of the final Public Hearing, the BCC may approve, approve~~
17 ~~with modifications, or deny the PIA application. [Ord. 2018-002] [Ord. 2020-001]~~

18 **D. Conduct at Hearing**

19 Shall be in accordance with Art. 2.B.6.D, Conduct of Hearings. **[Ord. 2018-002]**

20 **Section 9 Appeals**

21 The PPR PIA process is discretionary and not subject to appeals. **[Ord. 2018-002]**



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 1, 2024

Tracey Powell
Deputy Clerk of the Circuit Court and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Dear Tracey Powell:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2024-001, which was filed in this office on January 29, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh