

ORDINANCE NO. 2024 - 008

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: A PRIVATELY PROPOSED REVISION, RELATED TO **COMMERCIAL POD PLANNED UNIT DEVELOPMENT**, AMENDING ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS; 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.

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All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

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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 provision 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 April, 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 26 day of April, 2024.

EXHIBIT 1
COMMERCIAL POD PLANNED UNIT DEVELOPMENT

This exhibit revises the following Article(s):

ARTICLE 3 – OVERLAYS AND ZONING DISTRICTS

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in strike-out, and relocated text italicized. ~~Stricken and italicized~~ means text to be totally or partially relocated. Relocation notes are shown in brackets as **[Relocated to:]** or **[Relocated from:]**. Unaltered text omitted for brevity is indicated by a series of four bolded ellipses....

Part 1. ULDC Art. 3.E.2, Overlays and Zoning Districts, Planned Development Districts (PDDs), Planned Unit Development (PUD), is hereby amended as follows:

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

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

4 **A. General**

5 **1. Purpose and Intent**

6 The purpose of a PUD district is to offer a residential development alternative, which
7 provides a living environment consisting of a range of living opportunities, recreation
8 and civic uses, and a limited amount of commercial uses. Residential PUDs shall
9 correspond to a range of land uses in the Plan.

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11 The intent of a PUD is to promote imaginative design approaches to the residential
12 living environments. These approaches include but are not limited to:

- 13 a. the preservation of the natural environment;
- 14 b. the integration and connection of land uses with perimeter landscape areas which
15 provide vegetation preservation, buffering, and circulation areas;
- 16 c. the creation of a continuous non-vehicular circulation system;
- 17 d. the establishment of private civic and/or public civic and recreation area ~~to serve~~
18 ~~the PUD~~;
- 19 e. provide for a limited amount of commercial uses ~~to serve the residents of the PUD~~;
- 20 f. provide for efficient use of land and public resources by co-locating harmonious
21 uses to share civic uses and public facilities and services for the residents of PBC;
- 22 g. the reduction of land consumption by roads and other impervious surface areas;
23 and,
- 24 h. the provision for flexible PDRs to promote innovative and quality site design.

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26 **C. Thresholds**

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28 **2. Land Use Mix**

29 Table 3.E.2.C, PUD Land Use Mix, indicates the minimum and maximum percentage
30 of each land use allowed in a PUD.

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Table 3.E.2.C – PUD Land Use Mix

	Residential	Civic (1)	Commercial	Recreation (2)	Open Space (3)	Preserve Area	Development Area
Min.	60%	2% (1)	-	0.006 ac. per du	40%	80/20 AGR – 80% 60//40 AGR – 60%	-
Max.	-	65%	24%	-	-	-	80/20 AGR – 25% (4) 60/40 AGR – 40%
[Ord. 2006-004] [Ord. 2008-037] [Ord. 2011-001] [Ord. 2016-042]							
Notes:							
1.	Minimum Civic Pod requirement may be waived, subject to the following: [Ord. 2011-001] • Public civic may not be required where two percent of the gross acreage of a PDD is less than one and one-half acres in size, subject to FDO approval; and [Ord. 2011-001] • If located in a CCRT area, shall be labeled as private civic unless waived by the BCC. [Ord. 2011-001]						
2.	Minimum recreation area required for a CLF may be reduced in accordance with Art. 5.D, Parks and Recreation – Rules and Recreation Standards, Table 5.D.2.B, Property Development Regulations. [Ord. 2016-042] [Ord. 2020-001]						
3.	Calculation of open space may include Recreation Pods, Civic Pods, and open space areas within residential. [Ord. 2006-004]						
4.	See 80/20 option exception.						

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1 E. Pods

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3 2. Commercial Pod

4 A Commercial Pod is intended to provide personal services, retail opportunities, and
5 professional or business offices ~~intended to serve residential development for use~~
6 ~~primarily by the residents of the PUD~~, except as described in Art. 4.B.2.C.17, Hotel or
7 Motel. A Commercial Pod shall be designated on the Master Plan as follows: [Ord.
8 2021-039]

9 a. Location

10 A Commercial Pod shall comply with the following ~~location and design~~ criteria:

11 1) **Access Frontage**

12 A Commercial Pod shall ~~be integrated into the development through a shared~~
13 ~~access into the planned development from~~ ~~not have frontage on~~ a public
14 Arterial or Collector Street ~~that connects the Residential and Commercial Pods~~
15 ~~traversing or bordering the PUD~~. ~~An additional secondary access point to the~~
16 ~~Commercial Pod may also be allowed from an Arterial or Collector Street~~
17 ~~Access shall be limited to an Arterial or Collector Street internal to the PUD~~
18 ~~only.~~

19 a) ~~Exception~~

20 ~~A private Arterial or Collector Street traversing the PUD is exempt from this~~
21 ~~requirement.~~

22 2) **Commercial Pod Created by a DOA Setback**

23 ~~A Commercial Pod created by a DOA to an existing PUD shall be subject to~~
24 ~~the following requirements:~~

- 25 a) A Commercial Pod shall be ~~located set back~~ a minimum of 1,000 feet from
26 the perimeter of the PUD.
- 27 b) A Commercial Pod shall be ~~located set back~~ a minimum of 1,000 feet from
28 a public Arterial or Collector Street traversing the PUD.

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

April 26, 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. 2024-008, which was filed in this office on April 26, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh

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