

ORDINANCE NO. 2024 - 020

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 **PARKING AND PERMANENT GENERATORS**, AMENDING ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES; ARTICLE 5 – SUPPLEMENTARY STANDARDS; ARTICLE 6 – PARKING, LOADING, AND CIRCULATION; ARTICLE 7 – LANDSCAPING; 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 Exhibits 1-A, 1-B, and 1-C, 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.

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

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3 hereby repealed to the extent of such conflict.

4 **Section 4. Severability**

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

9 **Section 5. Savings Clause**

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

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

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

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

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

23 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach
24 County, on the 26 day of September, 2024.

25 ATTEST:

26 JOSEPH ABRUZZO, CLERK
27 & COMPTROLLER

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

28 By *Joseph Abruzzo*
29 Clerk **Deputy Clerk**

 By *Maria Sachs*
 Maria Sachs, Mayor

30 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

31 By *Scott A. Stone*
32 Scott A. Stone, County Attorney

33 Filed with the Department of State on the 7 day of October, 2024.

EXHIBIT 1-A
TYPE 1 WAIVER – PARKING

This exhibit revises the following Article(s):

ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES
ARTICLE 6 – PARKING, LOADING, AND CIRCULATION

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. 6.C.1.A, Parking, Loading, and Circulation, Alternative Design Options, Requirements to Reduce or Increase Parking, Type 1 Waiver, is hereby amended as follows:

CHAPTER C ALTERNATIVE DESIGN OPTIONS

Section 1 Requirements to Reduce or Increase Parking

A. ~~Type 1~~ Waivers

~~A Type 1 or Type 2 Waiver may be requested to reduce or increase required parking subject to the Standards as outlined in Art. 2, Application Processes and Procedures and the following: [Ord. 2020-001] [Relocated from: below]~~

1. ~~Supplemental Application Requirements Applicability~~

~~For all Waiver requests, the Applicant shall submit a Parking Demand Statement and any additional documentation justifying the need for reduced or increased parking. The Parking Demand Statement shall be based on evidence of actual parking demand for similar uses or reliable traffic engineering and planning information prepared by a Professional Engineer registered in the State of Florida. [Relocated from: below]~~

2. ~~Type 1 Waiver~~

a. ~~15 Percent Reduction~~

~~Projects that require 20 or more parking spaces may request a Type 1 Waiver for up to a 15 percent parking reduction. [Ord. 2020-001] [Relocated from: below]~~

b. ~~Fitness Center Reduction~~

~~A Fitness Center that has indoor or outdoor recreation courts may request a Type 1 Waiver from the parking calculations of Table 6.B.1.B, Minimum Parking and Loading Requirements, to reduce the parking calculation to three parking spaces per court for the area of the recreation courts only. The remainder of the Fitness Center facility that does not have recreation courts may be reduced to a parking calculation of one parking space per 250 square feet.~~

c. ~~Required Recreation Areas, Recreation Pods, or Neighborhood Recreation Facilities Reduction~~

~~The redevelopment or expansion of the recreation facilities within an existing residential development, subdivision or PDD, and under the ownership of the Property Owners' Association, may request a Type 1 Waiver for a parking reduction provided that the request is not accompanied by an increase in density.~~

~~Reduce Required Parking~~

~~A Type 1 Waiver may be requested to reduce required parking no more than 15 percent, subject to the Standards as outlined in Art. 2.C.5.G, Type 1 Waiver and the following: [Ord. 2020-001] [Relocated to: above]~~

~~1) limited to uses that require 20 or more spaces; [Ord. 2020-001] [Relocated to: above]~~

~~2) submittal of a Parking Demand Statement that identifies the use or uses; and, [Ord. 2020-001]~~

~~3) the Parking Demand Statement confirms the parking will not be negatively impacted if the Type 1 Waiver is granted. [Ord. 2020-001]~~

d. ~~PDD Parking Increase~~

~~The Development Review Officer (DRO) may authorize an increase in the maximum allowed number of parking spaces in a PDD subject to a Type 1 Waiver. [Ord. 2020-001]~~

1) ~~Supplemental Application Requirements~~

~~The Applicant shall submit a parking study and any additional documentation justifying the need for additional parking. The parking study shall include, the following: [Relocated to: above]~~

~~a) the location of the use(s) on the site requiring the additional parking;~~

~~b) the size and type of use(s) and/or activity(s) requiring the additional~~

- 1 parking; and,
 2 ~~c) the rate of turnover and the anticipated peak parking demands.~~
 3 **2) Maximum Increase**
 4 a) Lots less than ten acres in size may apply for a 20 percent increase.
 5 b) Lots ten acres or greater in size may apply for a ten percent increase.
 6

Part 2. ULDC Art. 2.C.5.G.2, Application Processes and Procedures, Administrative Processes, Types of Applications, Type 1 Waiver, Applicability, is hereby amended as follows:

7 **CHAPTER C ADMINISTRATIVE PROCESSES**

8

9 **Section 5 Types of Applications**

10

11 **G. Type 1 Waiver**

12 **1. Purpose**

13 To establish procedures and evaluation standards for a Type 1 Waiver. A Type 1
 14 Waiver is to allow flexibility and minor adjustments to the property development
 15 regulations; site design; preservation or incorporation of existing native vegetation; or,
 16 for an improved site design where alternative solutions can be permitted subject to the
 17 criteria. Waivers are not intended to relieve specific financial hardship nor circumvent
 18 the intent of this Code. A Waiver may not be granted if it conflicts with other Sections
 19 of this Code, or the Florida Building Code. [Ord. 2011-016] [Ord. 2016-042] [Ord. 2018-
 20 002]

21 **2. Applicability**

22 Requests for Type 1 Waivers shall only be permitted where expressly stated within
 23 this Code or indicated ~~below in the following Table~~: [Ord. 2011-016] [Ord. 2012-027]
 24 [Ord. 2018-002] [Ord. 2020-020] [Ord. 2021-006]

25 **a. Overlays**

- 26 1) ~~Table 3.B.4.F, Type 1 Waivers for Industrial Pods, for GAO Industrial Pod~~
 27 ~~development standards.~~
 28 2) ~~Art. 3.B.7.D, Property Development Regulations (PDRs), for the NEO~~
 29 3) ~~Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines, for NBOZ Design~~
 30 ~~Guidelines.~~
 31 4) ~~Art. 3.B.14.H.1.c.1), for landscaping for WCRAO Density Bonus Pool projects.~~
 32 5) ~~Table 3.B.15.G, Type 1 Waivers, for IRO Waivers.~~
 33 6) ~~Table 3.B.16.G, Type 1 and 2 URAO Waivers, for URAO Waivers.~~

34 **b. Parking, Buffers, and Landscaping**

- 35 1) ~~Art. 3.E.6.F.2, Perimeter Buffer, for RVPD Type 3 Incompatibility Buffer.~~
 36 2) ~~Art. 4.B.2.C.3.13.f.3)a)(2), for parking proximity for a Type 1 Restaurant with~~
 37 ~~Drive-Through~~
 38 3) ~~Art. 4.B.6.C.17.c.4)b), Loading, for commercial greenhouse loading.~~
 39 4) ~~Art. 4.B.7.C.10.d, Buffer, for Solid Waste Transfer Station landscaping.~~
 40 5) ~~Note 10 of Table 6.B.1.B, Minimum Parking and Loading Requirements, for~~
 41 ~~parking for a Community Vegetable Garden.~~
 42 6) ~~Note 12 of Table 6.B.1.B, Minimum Parking and Loading Requirements, for~~
 43 ~~loading space for a CLF, or Skilled Nursing or Residential Treatment Facility~~
 44 ~~with more than 20 beds.~~
 45 7) ~~Art. 6.C.1.A.2, Type 1 Waiver, for parking spaces.~~
 46 8) ~~Art. 6.E.2.B.3, Type 1 Waiver – Reduction of Minimum Number of Required~~
 47 ~~Loading Spaces, for loading spaces.~~
 48 9) ~~Art. 6.E.4.A.1.d, Type 1 Waiver – Reduction of Loading Space Width or Length,~~
 49 ~~for loading space width or length.~~
 50 10) ~~Table 7.B.4.A, Type 1 Waivers for Landscaping, for landscaping.~~

51 **c. Other**

- 52 1) ~~Table 3.D.1.A, Property Development Regulations, for structural setback. This~~
 53 ~~Waiver shall only be utilized for detached housing types on individual lots, and~~
 54 ~~shall not be utilized for multiple lots under one application, i.e. “blanket”~~
 55 ~~application or reductions exceeding five percent less than the minimum~~
 56 ~~requirement.~~
 57 2) ~~Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture, for Green Architecture.~~
 58 3) ~~Art. 8.G.3.B, PUD or Residential Subdivision Informational Signs, for PUD or~~
 59 ~~Residential Subdivision Informational signs.~~
 60 4) ~~Art. 8.H.2.D.4, Replacement, for billboard location.~~

61 [Relocated from: Table 2.C.5.G, Summary of Type 1 Waivers, below]

Table 2.C.5.G – Summary of Type 1 Waivers

Request	Code Reference
Glades Area Overlay (GAO) Industrial Pod Development Standards	Table 3.B.4.F, Type 1 Waivers for Industrial Pods [Relocated to: Art. 2.C.5.G.2.a.1]]
Native Ecosystem Overlay (NEO)	Art. 3.B.7.D, Property Development Regulations (PDRs) [Relocated to: Art. 2.C.5.G.2.a.2]]
Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines	Table 3.B.8.E, Type 1 Waivers for NBOZ Design Guidelines [Relocated to: Art. 2.C.5.G.2.a.3]]
WCRAO Density Bonus Programs	Art. 3.B.14.H.1.c, Incentives for Density Bonus Pool Projects, Landscaping [Relocated to: Art. 2.C.5.G.2.a.4]]
Infill Redevelopment Overlay (IRO)	Table 3.B.15.G, Type 1 Waivers [Relocated to: Art. 2.C.5.G.2.a.5]]
Urban Redevelopment Area Overlay (URAO)	Table 3.B.16.G, Type 1 and 2 URAO Waivers [Relocated to: Art. 2.C.5.G.2.a.6]]
Structural Setback (1)	Table 3.D.1.A, Property Development Regulations [Relocated to: Art. 2.C.5.G.2.c.1]]
RVPD Type 3 Incompatibility Buffer	Art. 3.E.6.F.2, Perimeter Buffer [Relocated to: Art. 2.C.5.G.2.b.1]]
Parking Proximity for a Type 1 Restaurant with Drive-Through	Art. 4.B.2.C.33.f.3)a)(2), Location Criteria, Exceptions, Design Criteria [Relocated to: Art. 2.C.5.G.2.b.2]]
Commercial Greenhouse Loading	Art. 4.B.6.C.17.c.4)b), Loading [Relocated to: Art. 2.C.5.G.2.b.3]]
Solid Waste Transfer Station Landscaping	Art. 4.B.7.C.10.d, Buffer [Relocated to: Art. 2.C.5.G.2.b.4]]
Green Architecture	Art. 5.C.1.E.3, Type 1 Waiver – Green Architecture [Relocated to: Art. 2.C.5.G.2.c.2]]
Parking for a Community Vegetable Garden	Table 6.B.1.B, Minimum Parking and Loading Requirements, Note 10 [Relocated to: Art. 2.C.5.G.2.b.5]]
Loading Space for a CLF, or Skilled Nursing or Residential Treatment Facility with More Than 20 Beds	Table 6.B.1.B, Minimum Parking and Loading Requirements, Note 12 [Relocated to: Art. 2.C.5.G.2.b.6]]
Parking Spaces	Art. 6.C.1.A, Type 1 Waiver [Relocated to: Art. 2.C.5.G.2.b.7]]
Loading Spaces	Art. 6.E.2.B.3, Type 1 Waiver – Reduction of Minimum Number of Required Loading Spaces [Relocated to: Art. 2.C.5.G.2.b.8]]
Loading Space Width or Length	Art. 6.E.4.A.1.d, Type 1 Waiver – Reduction of Loading Space Width or Length [Relocated to: Art. 2.C.5.G.2.b.9]]
Landscaping	Table 7.B.4.A, Type 1 Waivers for Landscaping [Relocated to: Art. 2.C.5.G.2.b.10]]
PUD or Residential Subdivision Informational Signs	Art. 8.G.3.B, PUD or Residential Subdivision Informational Signs [Relocated to: Art. 2.C.5.G.2.c.3]]
Billboard Location	Art. 8.H.2.D.4, Replacement [Relocated to: Art. 2.C.5.G.2.c.4]]
[Ord. 2012-027] [Ord. 2014-025] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2016-042] [Ord. 2018-002] [Ord. 2019-005] [Ord. 2020-001] [Ord. 2021-006] [Ord. 2022-020]	
Notes:	
1.	<i>This Waiver shall only be utilized for detached housing types on individual lots, and shall not be utilized for multiple lots under one application, i.e. “blanket” application or reductions exceeding five percent less than the minimum requirement. [Ord. 2021-006] [Relocated to: Art. 2.C.5.G.2.c.1]]</i>

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EXHIBIT 1-B

COMMON PARKING LOTS FOR RESIDENTIAL AND PARALLEL PARKING

This exhibit revises the following Article(s):

ARTICLE 6 – PARKING, LOADING AND CIRCULATION
ARTICLE 7 – LANDSCAPING

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. 6.B.3.A.1, Parking Loading and Circulation, Parking and Loading, Design and Materials, Dimensions and Layout, Dimensions, is hereby amended as follows:

1 CHAPTER B PARKING AND LOADING

2

3 Section 3 Design and Materials

4 A. Dimensions and Layout

5 1. Dimensions

6 The dimensions and geometrics of parking areas shall conform to the following
7 minimum standards. [Ord. 2020-001]

8 a. Residential

9 1) Individual Parking Space

10 Each parking space for dwelling units that do not share a common parking lot
11 shall be a minimum of eight feet wide and 20 feet long. Parking spaces may
12 be side to side, end to end, or not contiguous to each other.

13 2) Common Parking Lots

14 For dwelling units that share a common parking lot, parking spaces and aisles
15 shall be subject to Table 6.B.3.A, Minimum Parking Dimensions for Non-
16 Residential Uses and Residential Uses with Shared Parking Lots. Parking
17 spaces may be side-by-side or parallel. End-to-end parking spaces are allowed
18 for Multifamily and Congregate Living Facilities when the parking provided
19 exceeds the minimum number of required spaces and provided that the end-
20 to-end spaces are assigned to specific dwelling units.

21

22 c. Parallel Parking

23 Parallel parking spaces shall have a minimum length of 23 feet. Parallel parking
24 spaces shall have and a minimum width of ten feet for on-street parking, and a
25 minimum width of nine feet for on-site parking.

26

Part 2. ULDC Art. 7.C.4.A.2, Landscaping, Landscape Buffer and Interior Landscape Requirements, Landscape Requirements for On-Site Parking, Increased Interval of Landscape Islands, is hereby amended as follows:

27 CHAPTER C LANDSCAPE BUFFER AND INTERIOR LANDSCAPE REQUIREMENTS

28

29 Section 4 Landscape Requirements for On-Site Parking

30 On-site parking and interior vehicular use areas shall be provided with landscape islands, divider
31 medians, or where applicable, landscape diamonds, and subject to the following landscaping
32 requirements. Planting within perimeter landscape buffers required by Art. 7.C.2, Types of
33 Landscape Buffer, shall not be used to satisfy these requirements. [Ord. 2018-002]

34 A. Landscape Islands

35 Landscape islands shall be provided along the terminal of parking spaces, interior of the
36 parking area, and along major internal driveways. Parking spaces shall not be terminated
37 or abutting a drive aisle, driveway, or loading space without a landscape island. In addition,
38 landscape islands shall be provided in accordance to the maximum spacing requirements
39 for each tier, and Table 7.C.4.A, Landscape Island and Divider Median – Planting and
40 Dimensional Requirements. [Ord. 2018-002]

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2. Increased Interval of Landscape Islands

The distance between landscape islands may be increased to a maximum of ~~12~~ twelve side-by-side ~~standard~~ parking spaces or five parallel parking spaces for the U/S Tier, ten side-by-side spaces for the AGR and Glades Tiers, and eight side-by-side spaces for the Exurban and Rural Tiers. The width of abutting landscape islands, where the increased interval occurs, shall be increased by one foot for each additional space.
[Ord. 2018-002]

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EXHIBIT 1-C
PERMANENT GENERATORS

This exhibit revises the following Article(s):

ARTICLE 5 – SUPPLEMENTARY STANDARDS

Part 1. ULDC Art. 5.B.1.A.19.b.2), Supplementary Standards, Accessory Uses and Structures, Supplementary Regulations, Accessory Uses and Structures, Permanent Generators, Standards, Residential, is hereby amended as follows:

1 **CHAPTER B ACCESSORY USES AND STRUCTURES**

2 **Section 1 Supplementary Regulations**

3 **A. Accessory Uses and Structures**

4

5 **19. Permanent Generators**

6

7 **b. Standards**

8

9 **2) Residential**

10 The following shall be applicable to Art. 4.B.1, Residential Uses: SFD, ZLL, TH,
11 and MF units. [Ord. 2006-004]

12 **a) Number**

13 A maximum of one generator shall be allowed on a SFD, ZLL, or TH lot
14 with a single dwelling unit. A maximum of one generator per structure shall
15 be permitted for Multifamily developments, with exception to
16 condominiums, which shall be permitted one generator per unit. [Ord.
17 2006-004]

18 **b) Generator Setback Exceptions**

19 Generators less than five four feet in height measured from the top of the
20 supporting platform finished grade may be allowed within the required side
21 and rear setbacks. The generator rear and side setbacks shall be a
22 minimum of five feet. For SFDs and residential uses within a SFD, the
23 generator side setback shall be a minimum of three feet, and rear setback
24 shall be a minimum of five feet in accordance with Table 5.B.1.A, Setbacks
25 for Generators Less Than Four Feet in Height. [Ord. 2006-004]

Table 5.B.1.A – Setbacks for Generators Less Than Four Feet in Height (1)

	Side	Rear
SFD	3'	5'
ZLL	5'	5'
TH	N/A	5'
[Ord. 2006-004]		
Notes:		
1.	Refer to FBC for additional location criteria.	

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

October 8, 2024

Tracey Powell
Deputy Clerk
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. 2024-020, which was filed in this office on October 7, 2024.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270