ORDINANCE NO. 2023 - 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: **PUBLIC NOTICE AND POSTPONEMENTS**, AMENDING ARTICLE 2 – APPLICATION PROCESSES AND PROCEDURES; 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 Exhibits 1 – A, Public Notice and 1 – B, FLUA Amendments, 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All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

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 25th day of May, 2023.

ATTEST:
JOSEPH ABRUZZO, CLERK
& COMPTROLLER

By _____
Clerk
Deputy Clerk

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

By _____
Gregg K. Weiss, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By _____
Scott A. Stone, County Attorney

Filed with the Department of State on the 30th day of May, 2023.

EXHIBIT 1 – A

PUBLIC NOTICE

This exhibit revises the following Articles:

ARTICLE 2 – GENERAL PROVISIONS
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. 2.B.5, Application Processes and Procedures, Public Hearing Processes, Notification; and**
ULDC Art. 2.B.6, Application Processes and Procedures. Public Hearing Processes, Public Hearing Procedures (pages 28-33, Supplement 30), are amended as follows:

CHAPTER B PUBLIC HEARING PROCESSES

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Section 5 Notification

A. Applicability

Notice of proposed Zoning aApplications ~~subject to Public Hearing or Type 1 Variance processes, Corrective Resolutions, or Administrative Inquiries, or any application that will result in the redevelopment of an existing occupied Mobile Home Park, shall require notification to the public, in accordance with the following Table:~~ shall be provided as pursuant to the terms of this Section. **[Ord. 2011-016] [Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-025] [Ord. 2018-002]**

1. Public Hearings

Zoning applications subject to Zoning Commission and Board of County Commissioners Public Hearings shall require Public Notice, Courtesy Notice, and Sign Posting pursuant to this Section. Type 1 Variance notification consists of Courtesy Notice and Sign Posting with no Public Notice requirement.

2. Administrative Inquiry

Administrative Inquiry related to a specific development or parcel and not for general direction on a topic requires Courtesy Notice only.

3. Mobile Home Park Redevelopment

Proposed redevelopment of occupied Mobile Home Parks requires additional Sign Posting over and above the Notification required by this Section. See Additional Sign Notification Requirements for Redevelopment of Mobile Home Parks within this Section.

4. Golf Course Redevelopment

Proposed redevelopment of golf courses within PDDs requires additional Courtesy Notice and Sign Posting over and above the Notification requirements of this Section. See Courtesy Notice in Art. 3.E, Planned Development Districts (PDDs).

~~Table 2.B.5.A – Notification Applicability~~

~~Requests~~	~~Newspaper Publication~~	~~Courtesy Notice~~	~~Signs~~
~~ABN (1)~~	~~Yes~~	~~N/A~~	~~N/A~~
~~Corrective Resolution~~	~~Yes~~	~~N/A~~	~~N/A~~
~~Type 1 Variance~~	~~N/A (2)~~	~~Yes~~	~~Yes~~
~~Type 2 Variance~~	~~Yes~~	~~Yes~~	~~Yes~~
~~PO Deviations~~	~~Yes~~	~~Yes~~	~~N/A~~
~~Other Public Hearing (Rezoning, Conditional Uses, DOA, Waiver)~~	~~Yes~~	~~Yes~~	~~Yes~~
~~Administrative Inquiry (3)~~	~~N/A~~	~~Yes~~	~~N/A~~
~~Redevelopment of Mobile Home Parks~~	~~N/A~~	~~N/A~~	~~Yes (4)~~

~~[Ord. 2015-031] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2018-002] [Ord. 2019-005]~~	
~~Notes:~~	
~~1.~~	~~Applies to Public Hearing, excluding: DOs advertised and abandoned simultaneously as part of a subsequent DO; and DOs advertised and reviewed for revocation pursuant to Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. [Ord. 2019-034]~~
~~2.~~	~~Notification shall be required in compliance with F.S. § 286.011.~~
~~3~~	~~Only applicable to an inquiry related to a specific development or parcel and not for general direction on a topic. [Ord. 2017-002]~~
~~4.~~	~~In addition to any applicable signs required for the Public Hearing processes applications for the redevelopment of occupied Mobile Home Parks shall be subject to additional posting requirements.~~

B. ~~Newspaper Publication~~ Public Notice

Public hearing public nNotice shall ~~be published in a newspaper of general circulation in PBC in accordance with~~ meet the requirements of F.S. § 125.66 and F.S. ch. 50, as amended from time to time. **[Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002]**

C. Courtesy Notice

A copy of such notice shall be kept available for public inspection during regular business hours at the office of PZB. Courtesy notices shall be mailed a minimum of 15-calendar days prior to the date

of the first public hearing by first class mail with an ability to confirm delivery, properly addressed and with postage paid.

1. Applicability and Mailing Boundary

~~Courtesy notices shall be mailed to all Property Owners, interested parties, or other entities identified in the following Table: **[Ord. 2006-036] [Ord. 2008-003] [Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002]**~~

~~**Table 2.B.5.C – Courtesy Notice Requirements**~~

~~Process~~	~~Recipients and Boundaries~~			
	~~Certified Mail 0-300' (1)(5)~~	~~Regular Mail 301-500' (1)(5)(7)~~	~~Regular Mail 0-500'~~	~~Regular Mail within 1 Mile (1)~~
~~Type 1 Variance~~	~~All owners of real property (2), condominium associations (3), and POAs, HOAs, or equivalent~~	~~N/A~~	~~N/A~~	~~Counties and municipalities (4)~~
~~Type 2 Variance~~		~~N/A~~	~~N/A~~	
~~Other Public Hearing (Rezoning, Conditional Uses, DOA, Waiver, and PO Deviation)~~		~~All owners of real property (2), condominium associations (3), and POAs, HOAs, or equivalent~~	~~N/A~~	
~~Administrative Inquiry (Site Specific) (6)~~	~~N/A~~	~~N/A~~	~~All owners of real property (2)~~	~~N/A~~
~~**[Ord. 2011-016] [Ord. 2012-003] [Ord. 2015-031] [Ord. 2016-016] [Ord. 2017-002] [Ord. 2017-007] [Ord. 2018-002] [Ord. 2019-005]**~~				
~~**Notes:**~~				
~~1.~~	~~Distance shall be measured from the property line of the affected area, unless stated otherwise. If the adjacent property within the mailing boundary is owned by the Applicant or a related entity, the notification boundary shall be extended an additional 500 feet beyond the boundary of the adjacent parcel. Courtesy notices are not required where the outer boundary of the adjacent parcel lies from the subject site more than 1,500 feet on properties located in the Glades, Exurban, and Rural Tiers, or 1,000 feet for properties in other tiers. **[Ord. 2012-003]**~~			
~~2.~~	~~Includes all owners of real property, whose names and addresses are known by reference to the latest published *ad valorem* tax records of the PBC Property Appraiser.~~			
~~3.~~	~~Includes condominium associations and all real property owners when real property consists of a condominium.~~			
~~4.~~	~~Shall also include municipalities that have the subject parcel identified within the PBC Future Annexation Map.~~			
~~5.~~	~~The Applicant shall provide the list of all condominium associations, POAs, HOAs, or equivalent within the boundaries. **[Ord. 2016-016]**~~			
~~6.~~	~~Shall be mailed a minimum of ten days prior to the date of the AI by the Applicant submitting the inquiry.~~			
~~7.~~	~~A larger notification boundary from 301 to 1,000 feet is required for properties located in the Glades, Exurban, or Rural Tiers.~~			

a. Property Owners

A courtesy "notice" of a proposed Zoning application shall be sent to all owners of real property located within 500 feet of the boundary of the subject site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1,000 feet of the boundary of the subject site in the Exurban and Rural Tiers, whose names and addresses are known by reference to the latest published *ad valorem* tax records of PBC Property Appraiser, except that when real property consists of a condominium, the courtesy notice shall be given to the condominium association and all real Property Owners living within 500 feet. If the area within 500 feet is owned by the Applicant or partner in interest, the 500-foot notification boundary shall be extended from these parcels. Notification shall be sent to each owner as the ownership appears on the last approved tax roll. Administrative Inquiry Courtesy Notice is limited to Inquiries related to a specific development or parcel and not for general direction on a topic.

b. POAs and Cooperatives

All POAs and cooperatives located within 500 feet of the boundary of the subject site in the Urban/Suburban, Agricultural Reserve, and Glades Tiers, and within 1,000 feet of the boundary of the subject site in the Exurban and Rural Tiers, shall be notified. The Applicant shall provide the list of all condominium associations, POAs, HOAs, or equivalent within the boundaries.

c. Municipalities and Counties

All municipalities and counties within one mile of the boundary of the subject site shall be notified. If a site is located within a future annexation area as identified in a municipality's comprehensive plan, the associated municipality shall be notified.

2. Postponements

All applications postponed for three or more consecutive hearings shall require the Applicant to provide a *new* courtesy notice *pursuant to* this Section. **[Ord. 2010-022] [Ord. 2011-016] [Ord. 2018-002] [Relocated from: D, Signs]**

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D. Signs

1. ~~The Applicant shall post signs regarding the public hearing or the public meeting on the property subject to the application. The signs shall be prepared by the Applicant using information provided by the Zoning Division, consistent with the requirements of the Zoning Technical Manual. Signs must be posted at least 15 days in advance of any public hearing.~~ The land subject to the application shall be posted with a notice of the public hearing by the Applicant on a sign meeting standards and specifications issued by the County at least 15-calendar days in advance of any public hearing. The Applicant shall submit photographs and a written affidavit confirming the signs have been posted. One sign shall be posted for each 250 feet of frontage, or a fraction thereof, along a street up to a maximum of ten signs. All signs shall be: **[Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-003] [Ord. 2016-016] [Ord. 2018-002]**
   a. Evenly spaced along the street when more than one sign per property is required; **[Ord. 2011-016] [Ord. 2012-003] [Ord. 2018-002]**

b. Set back no more than 25 feet from the property line; and, **[Ord. 2011-016] [Ord. 2018-002]**

c. Erected in full view by the public. **[Ord. 2011-016] [Ord. 2018-002]**

~~Where the property does not have sufficient frontage on a street, signs shall be in a location acceptable to the Zoning Director. The Applicant shall submit to the DRO an Affidavit of Installation of Notification Signs with photographs confirming the signs have been posted. The failure of any such posted notice to remain in place after it has been posted shall not be deemed a failure to comply with this Section or be grounds to challenge the validity of any decision made by the approving authority. The Applicant shall also be required to ensure the signs have been removed no later than five days after the final hearing.~~ Signs shall be posted in a location acceptable to the Zoning Director where the land does not have significant frontage on a street. The failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, or be grounds to challenge the validity of any decision made by the BCC. The Applicant shall ensure the signs have been removed no later than five days after the final hearing. **[Ord. 2010-022] [Ord. 2011-016] [Ord. 2015-031] [Ord. 2018-002]**

~~***2. Exceptions***~~

~~Signs posted by a public agency or the BCC may be posted on the nearest street or at major intersections leading to and within the subject property. **[Ord. 2018-002]**~~

~~***3 2.***~~ **Additional Sign Notification Requirements for Redevelopment of Mobile Home Parks**

~~***4 Postponements***~~

~~*All applications postponed for three or more consecutive hearings shall require the Applicant to provide new* notification *pursuant to* Art. 2.B.5, Notification. ***[Ord. 2010-022] [Ord. 2011-016] [Ord. 2018-002]*** **[Relocated to: C, Courtesy Notice]**~~

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E. Public Notice of County Initiated Applications

The County shall provide written notification to each Property Owner of property subject to a County Initiated Zoning application to revise the zoning district on the Official Zoning Map a minimum of 30-calendar days prior to the first public hearing.

F. Exceptions to Courtesy Notice and Sign Posting

The courtesy mailing notice and sign posting notice requirements shall not apply to a County Initiated Zoning application provided that the Public Notice requirements of this Section and F.S. § 125.66 and F.S. ch. 50 are met, and shall not apply to ABN and Corrective Resolutions. The sign posting notice requirements shall not apply to PO Deviations and Administrative Inquiries.

Section 6 Public Hearing Procedures

~~All Decision Making Persons and Bodies shall act in accordance with the time limits established in this Code, unless stated otherwise. **[Ord. 2018-002]**~~

A. Scheduling

Once an application has been certified by the DRO, the DRO shall schedule a public hearing in accordance with the dates established on the Annual Zoning Calendar and pursuant to F.S. § 125.022. ~~The scheduling of the application for public hearing shall ensure the public notice requirements are satisfied.~~ **[Ord. 2018-002] [Ord. 2020-001]**

1. Number of Hearings

Both the ZC and the BCC shall hold at least one public hearing on applications that are subject to the Public Hearing processes, unless otherwise stated herein. **[Ord. 2018-002]**

2. ~~Exception for~~ County Initiated Official Zoning Map Amendment

The ZC shall hold at least one public hearing and the BCC shall hold two public hearings on a proposed amendment to the boundaries of the Official Zoning Map for PBC-initiated applications consisting of ten or more contiguous acres of land. **[Ord. 2018-002]**

3. ~~Exception for~~ PO Deviations

The application for public hearing shall be placed on the next available BCC Zoning Hearing for which the public notice requirements can be satisfied. **[Ord. 2019-005]**

B. Staff Report and Recommendation

The DRO or the PBC Official responsible for reviewing the application shall prepare a report for each application. The DRO shall incorporate the analysis and Conditions of Approval of the Agencies who are responsible for reviewing the application, and a recommendation of approval, approval with conditions, or denial based on the applicable Standards. The report shall be made available to the public at least ~~five~~ seven-calendar days prior to the hearing date. **[Ord. 2018-002]**

1. PO Deviations

The Applicant is responsible for preparing a Staff Report and recommendation. The report shall include an analysis of the request and Standards, as described in Art. 2.B.7.G, Public Ownership (PO) Deviations, including any proposed Conditions of Approval. The report shall be available to the public at least ~~five~~ seven-calendar days prior to the hearing date. **[Ord. 2019-005]**

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E. Continuance or Postponement of Hearings

The BCC or ZC conducting the public hearing, may on its own motion or at the request of an Applicant, consider an application be continued or postponed when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. ~~The BCC or ZC shall determine if an application shall be postponed when an Applicant fails to submit a written request for postponement five days prior to the hearing. All subsequent request for continuance or postponement shall be granted at the discretion of the Decision Making Body.~~ **[Ord. 2005-041] [Ord. 2006-036] [Ord. 2018-002] [Ord. 2020-001]**

1. Postponement by Right

An Applicant ~~may submit a written request to the Zoning Director, no less than five days prior to the hearing, for an application be postponed~~ shall be allowed a Postponement by Right for an application scheduled for a ZC or BCC public hearing provided that the request for postponement is made in writing at least nine-calendar days prior to the hearing and when a decision can be rendered within the timeframe enumerated in the F.S., or if both parties agree to a reasonable request for an extension of time. If the postponement is requested less than ~~five~~ nine-calendar days prior to the date of the scheduled hearing, the request for postponement shall be presented at the hearing and at the discretion of the ZC or BCC. **[Ord. 2018-002] [Ord. 2020-001]**

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Part 2. ULDC Art. 2.C.8.5, Application Processes and Procedures, Administrative Processes, Applications Not Issuing a Development Order, Administration Inquiry (AI) (page 58, Supplement 30), is amended as follows:

CHAPTER C ADMINISTRATIVE PROCESSES

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Section 8 Applications Not Issuing a Development Order

….

B. Administrative Inquiry (AI)

1. Purpose

To establish procedures for PBC Officials when submitting inquiries to the BCC asking for direction on procedural matters or to resolve an inconsistency in a DO. **[Ord. 2011-016] [Ord. 2018-002] [Ord. 2020-020]**

2. Applicability

An inquiry is not a public hearing, but is subject to the notice requirements of ~~Table 2.B.5.A, Notification Applicability~~ Art. 2.B.5., Notification. The decision of the BCC shall be final. **[Ord. 2011-016] [Ord. 2018-002]**

3. Procedures

An AI may be made by a public agency through the Zoning Director using forms and procedures established by the Zoning Division. The AI shall be placed on the BCC agenda by the Zoning Division for the date the inquiry is intended to be presented. Courtesy notice pursuant to Art. 2.B.5, Notifications, is required for an AI applicable to a parcel for a specific inquiry or to provide development status not monitored by the provisions in Art. 2.E, Monitoring of Development Orders (DOs) and Conditions of Approval. **[Ord. 2011-016] [Ord. 2017-002] [Ord. 2018-002]**

….

Part 3. ULDC Art. 2.D.6, Application Processes and Procedures, ULDC Privately Initiated Amendment (PIA), Notification (page 64, Supplement 30), is amended as follows:

CHAPTER D ULDC PRIVATELY INITIATED AMENDMENT (PIA)

….

Section 6 Notification

A. Applicability

Public notification is required for LDRC meetings and BCC public hearings, excluding Requests for Permission to Advertise for Public Hearings. **[Ord. 2018-002]**

B. ~~Newspaper Publication~~ Public Notice

Public hearing public notice shall meet the requirements of F.S. § 125.66 and F.S. ch. 50, as amended from time to time. ~~Notice shall be posted in a newspaper of general circulation in PBC, as follows:~~

~~**1. LDRC Meeting**~~

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

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

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

~~**C. Postponements**~~

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

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Part 4. ULDC Art. 3.E.1.E.3.a, Overlays and Zoning Districts, Planned Development Districts (PDDs), General, Modifications, Modifications to Reduce or Reconfigure Existing Golf Course, Notice to Homeowners (pages 145, Supplement 30), is hereby amended as follows:

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDs)

Section 1 General

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E. Modifications

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3. Modification to Reduce or Reconfigure Existing Golf Course

Any modifications to reduce the acreage or reconfigure the boundaries of the golf course previously approved on the Master Plan shall meet the following criteria: **[Ord. 2006-004]**

a. Courtesy Notice ~~to Homeowners~~

1) Initial Submittal

At the time of submitting the Zoning application to amend the Master Plan, the Applicant shall provide documentation that the ~~residents~~ Property Owners of the PUD, as outlined in the latest PBC Property Appraisal list, were notified by ~~certified mail~~ first class mail, and shall post notice as may be allowed at appropriate common areas within the PUD. The notice mailed and posted shall describe the Applicant's request to reconfigure the boundaries of the golf course. The ~~Applicant shall provide a copy of this notice to the Zoning Division and shall verify~~ submitted Zoning application shall include the Property Owner list, a copy of the notice, and verification that the notice was provided as required by this Section. **[Ord. 2006-004] [Ord. 2010-022]**

2) Additional Documentation

The Applicant shall ~~further provide~~ submit documentation of all additional efforts to ~~inform association membership~~ coordinate with the HOA/POA and Property Owners within the PUD of the proposed golf course reconfiguration following the initial submittal of the application, including but not limited to meeting dates and minutes/notes. ~~Minutes of any association membership meeting, including the results of any vote concerning the Applicant's request, as may be required by the association, shall also be provided to the Zoning Division for inclusion in ZC and BCC Staff Reports.~~ **[Ord. 2006-004]**

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EXHIBIT 1 – B

FLUA AMENDMENTS

This exhibit revises the following Articles:

ARTICLE 2 – GENERAL PROVISIONS

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.H.1.F.5, Application Processes and Procedures, FLUA Plan Amendments, General, Application Procedures, Notification (pages 98-100, Supplement 30), is amended as follows:

CHAPTER H FLUA PLAN AMENDMENTS

Section 1 General

….

F. Application Procedures

….

5. Notification

Notice of a proposed amendment for any public hearing shall be provided ~~by publication of advertisement, mailed or electronically transmitted notice and posting~~ as pursuant to the terms of this Section. The Planning Director shall notify the Intergovernmental Plan Amendment Review Committee (IPARC) of proposed land use amendments pursuant to the Plan Amendment Coordinated Review Interlocal Agreement. **[Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002]**

a. ~~Newspaper Publication~~ Public Notice

~~The required advertisements~~ Public hearing public notice shall meet the requirements of F.S. § 163.3174(4)(a) for the LPA, F.S. § 163.3184(11)(b) for the BCC, and F.S. § 125.66(4)(b)2 and F.S. ch. 50, as amended from time to time. **[Ord. 2012-027] [Ord. 2018-002]**

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6. Action by the Planning Commission Sitting as the Local Planning Agency (LPA)

The LPA public hearing shall be ~~advertised in a newspaper of general circulation in accordance with requirements set forth in~~ held on a weekday after notice is published pursuant to F.S. § 163.~~3164(39)~~ 3174(4)(a), as amended from time to time. The LPA shall conduct a public hearing on the application pursuant to the procedures in Art. 2.H.1.F.8, Conduct of Hearings, and make recommendations regarding the proposed amendments to the BCC. At the public hearing, the LPA shall review the application, the Staff Report, the relevant support materials, and public testimony given at the hearings. At the close of the public hearing, the LPA shall vote on its recommendations (approval, approval with conditions, or denial). **[Ord. 2009-040] [Ord. 2012-027]**

7. Action by BCC

Action by the BCC shall be governed by F.S. § 163.3184, as amended from time to time. **[Ord. 2012-027]**

a. Transmittal Public Hearing

Large Scale Amendments require a transmittal public hearing. The transmittal public hearing shall be held on a weekday at least seven-calendar days after notice is published pursuant to F.S. § 163.3184(11)(b)1, as amended from time to time, pursuant to the procedures in Art. 2.H.1.F.8, Conduct of Hearings. At the public hearing, the BCC shall consider the application, the Staff Report, the relevant support materials, the recommendations of the LPA, and the public testimony given at the public hearing, and by an affirmative vote of a majority of the members of the BCC present at the hearing, vote to approve, approve with conditions, or deny the transmittal of the application. Failure of the BCC to approve the transmittal of an application for a Site Specific amendment shall be deemed a denial of the proposed Site Specific amendment. **[Ord. 2009-040] [Ord. 2012-027]**

b. Adoption Public Hearing

The adoption public hearing shall be on a weekday at least five-calendar days after the ~~day the~~ notice for the public hearing is published pursuant to F.S. § 163.3184(11)(b)2, as amended pursuant to the procedures in Art. 2.H.1.F.8, Conduct of Hearings. At the public hearing, the BCC shall consider the application, the Staff Report, the relevant support materials, the State Land Planning Agency comments, and the public testimony given at the public hearing, and by affirmative vote of a majority of the members of the BCC present at the meeting, vote to adopt, adopt with conditions, or not to adopt an Ordinance making a Site Specific amendment. Small Scale Development Amendments shall require only one public hearing before the BCC, which shall be an adoption public hearing, pursuant to F.S. § 163.3187(2), and provisions of F.S. § 125.66(4)(a) and F.S. ch. 50, as amended from time to time. Actions approving Site Specific Plan amendments shall be adopted by

Ordinances pursuant to F.S. § 163.3187, as amended from time to time. **[Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002]**

8. Conduct of Hearings

….

c. Postponement of Public Hearing for Small Scale Amendments

1) Administrative Postponements

a) An Applicant shall have the right to request and be granted one administrative postponement, of no more than 60 days, of the LPA public hearing without an additional fee; provided that the request is made in writing at least 20 days prior to the hearing and is submitted along with an additional set of the required ~~500-foot public~~ courtesy notice envelopes. **[Ord. 2012-027] [Ord. 2018-002]**

b) An Applicant shall have the right to request and be granted one entitlement continuance, of no more than 60 days, of the BCC Adoption public hearing; provided that the request is made in writing at least 20 days prior to the hearing and is submitted along with an additional set of the required ~~500-foot public~~ courtesy notice envelopes. **[Ord. 2009-040] [Ord. 2012-027] [Ord. 2018-002]**

….

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

May 30, 2023

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

Attention: Alexandra Smith

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. 2023-020, which was filed in this office on May 30, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

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